

Circuit Court of Maryland

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Court System: **Circuit Court for Baltimore County - Civil System**
Case Number: **03C13011192**
Title: **In the Matter of Willam Lagna**
Case Type: **Administrative Agency Appeal** Filing Date: **10/01/2013**
Case Status: **Closed/Inactive**
Case Disposition: **Decree or Order** Disposition Date: **06/08/2017**

Plaintiff/Petitioner Information

(Each Plaintiff/Petitioner is displayed below)

Party Type: **Petitioner** Party No.: **1**
Name: **Lagna, Willam**
Address: **221 Bowleys Quarters Road**
City: **Middle Rive** State: **MD** Zip Code: **21220**

Aliases Plaintiff/Petitioner

Name: **Lagna, William M**

Attorney(s) for the Plaintiff/Petitioner

Name: **McCann, Esq, Michael R**
Appearance Date: **10/03/2013**
Practice Name: **Michael R McCann P A**
Address: **118 W Pennsylvania Ave**
City: **Towson** State: **MD** Zip Code: **21204**

Court Scheduling Information

Event Type: **Civil Non-Jury Trial** Notice Date:
Event Date: **04/14/2014** Event Time: **09:30 AM**
Result: **Postponed** Result Date: **04/08/2014**

Event Type: **Civil Non-Jury Trial** Notice Date:
Event Date: **06/19/2014** Event Time: **09:30 AM**
Result: **Held/Concluded** Result Date: **06/19/2014**

Related Persons Information

(Each Related person is displayed below)

Party Type: **Administrative Agency** Party No.: **1**
Business or Organization Name: **Board Of Appeals**
Address: **Jefferson Bldg, Suite 203**
City: **Towson** State: **MD** Zip Code: **21204**

Party Type: **Interested Party** Party No.: **1**
Business or Organization Name: **People's Counsel For Baltimore County**

Attorney(s) for the Related Persons

Name: **Zimmerman, Esq, Peter M**
Practice Name: **People's Counsel For Baltimore County**
Address: **105 West Chesapeake Ave.**
Room 204
City: **Towson** State: **MD** Zip Code: **21204**

Party Type: **Interested Party** Party No.: **2**

Business or Organization Name: **Baltimore County Dept Of Permits, Approvals And Inspections**

Attorney(s) for the Related Persons

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Practice Name:

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Room 112**

City: **Towson** State: **MD** Zip Code: **21204**

Document Tracking

(Each Document listed. Documents are listed in Document No./Sequence No. order)

Doc No./Seq No.: **1/0**

File Date: **10/01/2013** Entered Date: **10/03/2013** Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Petition for Judicial Review**

Doc No./Seq No.: **1/1**

File Date: **10/07/2013** Entered Date: **10/24/2013** Decision:

Party Type: **Interested Party** Party No.: **1**

Document Name: **Response to Petition for Judicial Review**

Doc No./Seq No.: **1/2**

File Date: **10/24/2013** Entered Date: **11/13/2013** Decision:

Party Type: **Interested Party** Party No.: **2**

Document Name: **Baltimore County, Maryland's Response to Petition for Judicial Review**

Doc No./Seq No.: **2/0**

File Date: **10/07/2013** Entered Date: **10/24/2013** Decision:

Party Type: **Administrative Agency** Party No.: **1**

Document Name: **Certificate of Compliance**

Doc No./Seq No.: **3/0**

File Date: **11/22/2013** Entered Date: **12/11/2013** Decision:

Party Type: **Administrative Agency** Party No.: **1**

Document Name: **Proceedings Before the Administrative Law Judge and the Board of Appeals of Baltimore County ***

Doc No./Seq No.: **4/0**

File Date: **11/22/2013** Entered Date: **01/13/2014** Decision:

Party Type: **Administrative Agency** Party No.: **1**

Document Name: **Transcript of Record from Adm Agency**

Doc No./Seq No.: **5/0**

File Date: **01/13/2014** Entered Date: **01/13/2014** Decision:

Party Type: **Administrative Agency** Party No.: **1**

Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **6/0**

File Date: **01/13/2014** Entered Date: **01/13/2014** Decision:

Party Type: **Interested Party** Party No.: **1**

Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **7/0**

File Date: **01/13/2014** Entered Date: **01/13/2014** Decision:
Party Type: **Interested Party** Party No.: **2**
Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **8/0**
File Date: **01/13/2014** Entered Date: **01/13/2014** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **9/0**
File Date: **01/16/2014** Entered Date: **01/16/2014** Decision:
Document Name: **Scheduling Order**

Doc No./Seq No.: **10/0**
File Date: **02/18/2014** Entered Date: **03/07/2014** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Memorandum in support of petition for judicial review**

Doc No./Seq No.: **11/0**
File Date: **03/05/2014** Entered Date: **03/19/2014** Decision:
Party Type: **Interested Party** Party No.: **1**
Document Name: **Memorandum of People's Counsel for Baltimore County**

Doc No./Seq No.: **11/1**
File Date: **03/28/2014** Entered Date: **04/10/2014** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Petitioner's Reply to Memorandum of People's Counsel for Baltimore County ***

Doc No./Seq No.: **12/0**
File Date: **04/22/2014** Entered Date: **05/01/2014** Decision:
Document Name: **Correspondence to Judge Ballow Watts**
Filed by Attorney: Peter M Zimmerman Esq

Doc No./Seq No.: **13/0**
File Date: **06/19/2014** Entered Date: **06/19/2014** Decision:
Document Name: **Open Court Proceeding**
June 19, 2014. Hon. Vicki Ballou-Watts. Hearing had in re: Administrative Appeal. Oral argument made. Opinion to be filed.

Doc No./Seq No.: **14/0**
File Date: **02/10/2015** Entered Date: **02/10/2015** Decision: **Affirmed**
Document Name: **Memorandum and Order of Case Number 12-239-SPH of the Board of Appeals dated 09/12/13 and Amended Order dated 09/13/13**

Doc No./Seq No.: **15/0**
File Date: **03/03/2015** Entered Date: **03/03/2015** Decision:
Document Name: **Docket Entries Transferred to Board of Appeals of Baltimore County**

Doc No./Seq No.: **16/0**
File Date: **03/03/2015** Entered Date: **03/03/2015** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Notice of Appeal to COSA or COA***

Doc No./Seq No.: **17/0**
File Date: **03/04/2015** Entered Date: **03/04/2015** Decision:
Document Name: **Pre Trial Hearing Letter Issued**

Doc No./Seq No.: **18/0**

File Date: **03/23/2015** Entered Date: **03/26/2015** Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Amended Certificate of Service***

Doc
No./Seq **19/0**
No.:

File Date: **05/29/2015** Entered Date: **05/29/2015** Decision:

Document
Name: **Original Record sent to COSA**

Sent Certified Mail, Volume 1, 1 Transcript, 2 Brown Accordion Files Containing Exhibits in 1 Box and 1 Env, 7006 0810 0002 4408 1041 and 1034

Doc No./Seq No.: **20/0**

File Date: **05/24/2016** Entered Date: **05/24/2016** Decision:

Document Name: **1 vol, 1 trans, 2 lg expand folders returned from COSA**

Doc
No./Seq **21/0**
No.:

File Date: **05/24/2016** Entered Date: **05/24/2016** Decision:

Document
Name: **Mandate Received from Court of Special Appeals**

JUDGMENT: January 27, 2016: Judgment of the Circuit Court for Baltimore County affirmed. Costs to be paid by appellant. Unreported opinion by Arthur, J. February 1, 2016: Appellee People's Counsel for Baltimore County's Motion to Consider/Request for Reporting the Unreported Opinion filed by counsel. March 7, 2016: Motion to Consider/Request Designation for reporting the Unreported Opinion denied. March 07, 2016: Mandate issued.

Doc No./Seq No.: **22/0**

File Date: **05/24/2016** Entered Date: **05/24/2016** Decision:

Document Name: **lg box w/1 trans and 2 expanding folders to filerom**

Doc No./Seq No.: **23/0**

File Date: **12/22/2016** Entered Date: **12/22/2016** Decision:

Document Name: **Board of appeals case file, transcripts and exhibits returned to Board of appeal**

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland Rules, or because of the practical difficulties inherent in reducing a case record into an electronic format.

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0036

September Term, 2015

WILLIAM LAGNA

v.

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Woodward,
Arthur,
Zarnoch, Robert A.
(Retired, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: January 27, 2016

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In an effort to legitimize out-of-water boat storage on his residentially-zoned property, landowner William Lagna petitioned to establish the right to use his property for a nonconforming use as a “private boat club.” Both the Baltimore County Office of Administrative Hearings and the Baltimore County Board of Appeals denied his request after hearings. The Circuit Court for Baltimore County affirmed the Board’s decision. Concluding that there is no basis for reversal, we affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

A. The Lagna Property

This case concerns a waterfront property, slightly less than one acre in size, along Seneca Creek in the Bowley’s Quarters area of eastern Baltimore County. Lot lines originally platted in the 1920s run north and south, dividing the property into four narrow lots. The original owners of the four lots disregarded those divisions and built four structures, each straddling the interior lot lines.

Two bungalow-style dwellings stand near the southern property line along Chestnut Road. A larger house is located closer to the northern property line along Seneca Creek. Another, smaller structure is located to the east of the main house.¹ Over time, the property’s owners added a gazebo, a shed, a boat ramp, and two large piers extending from the western edge of the property into Seneca Creek.

¹ The two bungalows are known as 3920 and 3922 Chestnut Road, the larger house is known as 4000 Chestnut Road, and the final structure is known as 4002 Chestnut Road.

In the early twentieth century, the property was used both for residential purposes and for recreational purposes. As was common for waterfront properties in the area during that time period, the property served as the site of a small private club. The Lauraville Boat and Swim Club first operated on the property in 1937, followed by the Blue Diamond Boat Club in or around 1952, and then the Seneca Creek Mariners Club in or around 1963. The popularity of water-oriented clubs in Bowley’s Quarters declined significantly in the 1950s, after the opening of the first span of the Chesapeake Bay Bridge allowed direct driving access to the Eastern Shore.

Lagna and his wife purchased the property and its various improvements in January 1994. In the deed, the Lagnas affirmed: “the land conveyed in said Deed is residentially-improved owner-occupied real property and that residence will be occupied by us.” Lagna, however, did not follow through on his plans to use the property as his residence. He continued to reside at an inland property.²

² In reaching the decision under review here, the Board of Appeals took notice of the fact that Lagna’s residence at 221 Bowley’s Quarters Road had been the subject of a prior appeal before this Court. In 1989, Lagna obtained a variance to keep five recreational boats on his Bowley’s Quarters Road property in lieu of the maximum of one such vehicle permitted by zoning regulations. In 2006, a hearing officer fined Lagna for storing as many as 30 vehicles on that property, finding that Lagna had transformed the premises into “a marine storage yard or salvage yard[,] . . . something far different tha[n] the five (5) small boats considered in the [V]ariance.” Lagna failed to take an administrative appeal from a zoning commissioner’s 2007 decision, which found that Lagna had abandoned the variance. This Court then upheld a 2011 decision of the Baltimore County Board of Appeals, which found that the 2007 decision was final with respect to the issue of Lagna’s abandonment of the variance. *William Lagna v. Baltimore Cnty.*, No. 2367, Sept. Term 2011 (filed Apr. 2, 2013) (unreported).

B. Code Enforcement Action Against Lagna

The zoning classification for Lagna’s property is R.C.5, “Resource Conservation – Rural Residential.” Under the Baltimore County Zoning Regulations (“BCZR”), the owner of R.C.5 property is permitted as a matter of right to use the property for a single-family detached dwelling. BCZR § 1A04.2(A). In the past, zoning regulations permitted owners to obtain a special exception to use R.C.5 property for boatyards or marinas, but those uses are no longer permitted in an R.C.5 zone even by special exception. *See* BCZR § 1A04.2(B).³

The BCZR limits the number of boats and other recreational vehicles that may be stored on residential lots. *See* BCZR § 415A.⁴ In 2011, a Baltimore County Code Enforcement Officer issued Lagna a citation for storing recreational boats on his property in excess of the maximum number of such boats permitted in an R.C.5 zone. An

³ BCZR § 101.1 defines a “boatyard” as “[a] commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types.” A “marina” is defined as “[a] modern boat basin, restricted to recreational marine craft of all types, with facilities for one or more of the following: berthing, launching and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, as well as the incidental sale of boats and also land (out-of-water) storage as provided in [BCZR §] 417.7.” BCZR § 101.1.

⁴ BCZR § 415A.1 limits the number of recreational vehicles that may be stored on land or mounted on a trailer to one recreational vehicle per residential lot. Recreational boats, other than boats less than 16 feet in length that are not mounted on a trailer, are subject to the limitation of one recreational vehicle per residential lot. A residential waterfront lot may have no more than one pier, and an owner may store between four to six boats at a pier, depending on the length of the waterside lot line. BCZR § 415A.2. Out-of-water boat storage is permitted on residential waterfront lots from November 1 through March 31, for up to two or three boats, depending on the length of the waterside lot line. BCZR § 415A.3(A).

administrative law judge (“ALJ”) of the Baltimore County Office of Administrative Hearings held a hearing regarding Lagna’s “out-of-water boat storage on residential property” and his alleged “failure to cease operation of a Marina in [an R.C.5] zone – not allowed by Right or Special Exception[.]” In his defense, Lagna argued that the property historically served as the site of a “boat club” since before the initial adoption of zoning regulations in 1945. Lagna presented testimony and exhibits in an effort to show that various social and boat-related activities had continued on the property without interruption since 1937 under different club names.

On February 8, 2012, the ALJ issued written findings of fact and conclusions of law. The ALJ found: “Absent a ruling by an appropriate authority that the subject property is, in fact a permitted non-conforming use as a marina or other boat[-]related entity, the Inspector has established that the number of boats clearly stored on the site exceeded that permitted under its existing RC5 zoning.” The ALJ imposed a penalty of \$1,000 and ordered Lagna to bring his property in compliance with the zoning regulations. The ALJ suspended the penalty, however, and directed Lagna to file a petition for special hearing within 90 days “to determine and resolve the zoning use and status of the so-called ‘Seneca Creek Mariners Club’ property.”

C. Lagna’s Petition for Special Hearing

On March 3, 2012, Lagna petitioned for a special hearing to determine “the legal nonconforming status of an existing private boat club with piers & 3 existing single family detached dwelling[s].” In an attachment to his filing, Lagna asserted “that the entire property was, and continues to be, mixed use residential with boat club and that the

piers and boat ramp may be used by the four (4) residences . . . and a private boat club with . . . additional storage of boats on trailers up to the maximum allowed per lot for each of the four (4) residential lots.”

As additional relief, Lagna asked for an order adjusting the interior lot lines. He attached a site plan with three alternative sketch plans, each of which would subdivide the property so that each of the four structures would be located on its own separate lot.

After review of Lagna’s proposal, the Baltimore County Department of Planning recommended that his requests be denied. Based on aerial photographs from 2002, 2005, and 2008, the Department of Planning found that boat storage on Lagna’s property had “intensified significantly from 2002 to the present.” According to the Department’s report, inspection of the property revealed that the accumulation of boats and trailers on the property gave it “the appearance of a commercial boatyard” which was “not compatible with the rural waterfront character of the surrounding residential community.”

After a hearing, an ALJ issued an opinion and order denying Lagna’s petition. The ALJ concluded that, even though Lagna had offered some evidence that “at one time a men’s club or boat club of some sort was conducted on the premises,” he had not demonstrated that “that since 1993 he ha[d] consistently operated a ‘boat club’ on the premises, without a cessation or abandonment of activities for one year or longer[.]”

The ALJ also rejected Lagna’s request for a lot-line adjustment on the grounds that a re-subdivision of the property was not the proper subject of a zoning hearing. The ALJ further wrote, “it would seem . . . that if anything, the four lots owned by Mr. Lagna have merged under the doctrine of zoning merger, so as to create (for zoning purposes at

least) one lot where there had been four.”⁵ Because the original developers of the property had disregarded the interior lot lines and testimony that Lagna had expressed his intention at the time he acquired the property to build a new home on the premises, the ALJ concluded that “the owners’ intent was to treat the property as a single lot.” Accordingly, the ALJ determined that Lagna was required to comply with the boat storage restrictions for a single waterfront lot as set forth in BCZR § 415A.

D. Hearing Before the Baltimore County Board of Appeals

Lagna appealed from the ALJ’s decision to the Baltimore County Board of Appeals. The Board heard the matter de novo on February 5, 2013, and April 17, 2013.

At the hearing, Lagna withdrew his request for a lot-line adjustment and continued to seek a determination regarding the status of a nonconforming use on the property. He then attempted to establish, through a combination of circumstantial evidence and direct testimony, that the property had been used continuously since 1937 both for residential purposes and as a “boat club” and that he had continued to operate a club on the property after he acquired it in 1994.

Lagna, who was born in 1955, testified that he heard stories about the history of clubs on the property while growing up nearby. As exhibits, he submitted photographs of a plaque with the words “Lauraville 1937 Swim + Boat Club” and a concrete relief with the words “SCMC 1963” on one of the buildings. An unsigned letter from one of the

⁵ See generally *Remes v. Montgomery Cnty.*, 387 Md. 52, 63-68 (2005). “Merger, in the context of land use, is the joining of contiguous parcels under common ownership, so that they are viewed as a single parcel for purposes of zoning regulations.” *Mueller v. People’s Counsel for Baltimore Cnty.*, 177 Md. App. 43, 94 (2007).

former owners stated that the property was “clearly a boat club . . . in 1993 and had a long history prior to that.” Lagna offered the “Seneca Creek Maritime Club 1990 Roster,” which he had acquired from the former owner. The document listed names and addresses for 26 persons, of which it identified five “Executive Committee Members” and one “Treasurer.” Three persons listed on the roster wrote letters stating that they had been active members of the “Seneca Men’s Club” or the “Seneca Creek Maritime Club” until Lagna had acquired the property in 1994. One of the members added: “All records on this club were destroyed when the club disbanded in 1993.”

Lagna testified that, before he acquired the property, members of the “Seneca Creek Mariners Club” had used the property for swimming and parties. He recalled that some of the members stored boats on the property and launched their boats from the pier. According to Lagna, when he purchased the property in 1994, about seven members accepted his offer to continue their membership. He then “continued to let people that [he] knew, friends, family, other folks, co-workers, use the property” and “people continued the use at a relatively low level.”

Although Lagna testified that he did not typically maintain a club membership list, he prepared such a list for the hearing. The roster included: Lagna himself, three of Lagna’s family members, Lagna’s tenant, six other purported members, and four “Kayak Members.” Lagna’s brother testified that he had attended cookouts on the property but he did not consider himself a club member and did not know which of Lagna’s friends were club members. Lagna’s tenant testified that he had paid Lagna \$800 monthly since 1995 to reside on the property and that his rent payments included club membership.

Two of Lagna’s friends testified that they had paid dues for boat storage or access to the waterfront, but had never participated in formal club meetings or events. Another person named on the membership list stated in a letter that Lagna had provided free boat storage and an “informal membership” in exchange for assistance with projects on the property. Lagna also submitted form letters signed by three members of the community, who were not identified as members, but who stated that, to their knowledge, a “Boat Club” had existed at the property for the last 35 to 50 years.

According to Lagna, Hurricane Isabel in 2003 destroyed much of the documentary proof of the club’s existence. He offered an assortment of other documents to support his assertions of the continuous operation of a club, including: copies of a few checks made out to him in the amount of \$200 for “Dockage” or “Boat Club Use”; a series of checks made out to him in the amount of \$800 from his tenant for “Boat and Slip Rental”; and electricity bills listing 4000 Chestnut Road as “General Service” rather than residential. Lagna also produced redacted copies of his Schedule C federal income tax forms, reporting a profit or loss for a business named the “Seneca Creek Mariners Club” or “Seneca Creek Marine Center” or other variations of those names. He listed the type of business as “Boat Club” from 1994 until 2004, and then he characterized it as “Marina” from 2005 through 2010.

Lagna’s final witness was an expert on land use and maritime development. The expert characterized the uses described by Lagna and his other witnesses as “consistent” with the type of “small, private, social, swim, water-oriented clubs” that had emerged in Bowley’s Quarters before 1945. The expert opined that Lagna’s use did not meet the

definition of a “marina,” “boatyard,” or “yacht club”⁶ under the BCZR. Although the term “boat club” is not defined by the BCZR and although the witness offered no definition, he opined that there were no legal restrictions on the number or type of boats that could be stored at such a “boat club.”

People’s Counsel for Baltimore County participated in the hearing to oppose Lagna’s petition. People’s Counsel contended that the Board should reach the same conclusions reached by the ALJ: that Lagna’s use of the property was materially different from its prior uses and that the four lots on the property had merged into one lot for zoning purposes.

People’s Counsel called five of Lagna’s neighbors to describe their observations of the property before and after Lagna’s acquisition of the property in 1994. Each of these neighbors largely corroborated the testimony of the others. The neighbors consistently described Lagna’s use of the property as different in character from the use of the property by his predecessors. They testified that during the 1970s, 1980s, and early 1990s the club was not known in the neighborhood as a “boat club” but as a men’s club or social club. Members of that former club held frequent cookouts, parties, and other social events on the property during summer months, but any boating activity at the club was limited. Former club members stored only a few boats on the northern portion

⁶ Zoning regulations applicable within the Chesapeake Bay Critical Area define a “yacht club” as: “A use of waterfront land by a social club which provides recreational facilities, including boat docking, for members and their guests.” BCZR § 101A.1. Yacht clubs are permitted in some zones, but not in an R.C.5 zone. *See* BCZR § 1A04.2.

of the property but not near the residences on the southern portion of the property, which were typically occupied by tenants.

Each of the neighbors called by People’s Counsel testified that, to the best of their knowledge, the club had closed before Lagna acquired the property in 1994. Although the neighbors sometimes observed Lagna’s family or friends using the property for recreation, none of them knew or believed that Lagna had continued to operate a private club. The neighbors observed a sharp decline in any social activity on the premises after Lagna’s purchase of the property, followed by a gradual increase in out-of-water boat storage. The neighbors explained that Lagna had accumulated dozens of boats over the past decade, densely covering the entire property, including areas near the unoccupied bungalow houses near Chestnut Road.⁷ Many boats appeared to be unused, unlicensed, or in various states of disrepair. The buildings that had formerly supported club activities also appeared dilapidated. Overall, the neighbors described the appearance of the property as that of a “boat junkyard” or an “elephant graveyard” for boats.

People’s Counsel’s final witness, a member of a marina trade association, testified about the establishment of maritime districts in the early 1990s. A 1991 survey to identify all “bootleg marinas” in Bowley’s Quarters area, by finding properties with five or more boats, had not identified the Chestnut Road property as a boat club or marina.

⁷ One witness offered an aerial photograph from 1995 showing only two boats stored near the houses at the northern border of the property. More recent photos taken from the air and from the ground revealed approximately 30 boats across the property. On cross-examination, Lagna admitted that he personally owned 23 of 29 boats stored on the property.

E. The Board’s Denial of Lagna’s Petition

On September 13, 2013, the Board issued an opinion and order denying the relief requested in Lagna’s petition.

The Board determined “that Mr. Lagna’s storage and collection of his boats on his Property does not qualify as a non-conforming existing boat club.” The Board explained that Lagna had provided “only scant information as to the nature or extent” of the clubs that had existed on the property prior to his ownership. The Board reasoned that, even assuming the existence of such a club starting in 1937, letters from former club members showed “that the club was abandoned in 1993 and therefore the use was extinguished even before Mr. Lagna’s purchase in 1994.”

The Board credited testimony from Lagna’s neighbors that the types of club activities that they had observed in earlier decades ceased upon Lagna’s purchase. The Board emphasized that Lagna failed to show supporting facts that might indicate the continued existence of a club, such as: common knowledge among neighbors of the club’s existence, observed outdoor activity during summer months, maintenance of support facilities, an organizational structure, insurance, a separate bank account, advertisements, a website, or a sign to notify people of the club’s existence. The Board also construed Lagna’s failure to continue to list a “boat club” on income tax forms after 2005 as “an admission by Mr. Lagna that any ‘boat club’ use by him terminated in 2005.”

The Board further reasoned that, even if Lagna had intended to continue operating a club, the increase in boat storage over his property demonstrated that “his current use is an intensification and change from the original boat, swim, and/or men’s club.”

In addition, the Board agreed with the ALJ’s finding that Lagna’s four lots had merged into a single lot for zoning purposes. The Board explained that the original owners had built structures across the lot lines. The Board pointed to Lagna’s storage of boats across the interior lot lines as an indication of his intent to continue to use the lots as one single property. The Board added that Lagna had not produced evidence of “any separation of the four lots or residences for other uses” since his purchase of the property. The Board thus declared that Lagna was required to “comply with BCZR § 415 with regard to the number of boats and piers permitted for one single Property.”

Lagna petitioned for review of the Board’s decision in the Circuit Court for Baltimore County. After a hearing, the circuit court issued an opinion and order on February 10, 2015. The court upheld the Board’s determinations that Lagna had failed to meet his burden of proving the existence of a legal nonconforming use and that the lots had merged for zoning purposes. Lagna filed a notice of appeal on March 3, 2015.

QUESTIONS PRESENTED

Lagna raises a number of challenges to the Board’s two main determinations, regarding the nonconforming use status of the property and the merger of the lots for zoning purposes.⁸ To properly address the merits of his arguments in light of the

⁸ The questions in Lagna’s brief are:

- A. Did the Board of Appeals err in concluding that there was “no evidence” supporting that the boat club at the property is a legal nonconforming use?

(continued...)

governing principles of judicial review of administrative decisions, we have reformulated the questions as follows:

1. Did substantial evidence support the Board's decision to deny Lagna's petition to approve the legal nonconforming status of Lagna's property for use as a "private boat club"?
2. Did the Board err in determining that Lagna's four lots had merged into a single property for zoning purposes?

The answer to both questions is: No. The Board's determinations on the issues of nonconforming use and lot merger were supported by substantial evidence in the record and were not premised on an error of law.

-
- B. Was there substantial evidence to support the conclusion that the boat club was operating in 1945 when the zoning regulations were adopted and, thus, constituted a legal nonconforming use?
 - C. Was there substantial evidence to support the conclusion that Mr. Lagna has not changed, discontinued or abandoned the legal nonconforming use under 104.1 of the zoning regulations?
 - D. Was there substantial evidence to support that the boat club was not in existence in 1988 such that it was grandfathered under section 103.5 of the zoning regulations?
 - E. Did the Board of Appeals err in addressing the issue of lot merger when that issue was not presented in Mr. Lagna's Petition for Special Hearing?
 - F. Even if the Board of Appeals had authority to address the issue of lot merger, did the Board err in concluding that the four lots had merged?
 - G. Was the Board's decision that the four lots are merged an unconstitutional confiscation of Mr. Lagna's property?

DISCUSSION

I.

As the primary relief requested in his petition, Lagna asked the local zoning authorities to declare that he had a right to continue to use his property for nonconforming use as a “private boat club.” “A request for special hearing,” such as Lagna’s petition, “is, in legal effect, a request for a declaratory judgment.” *Antwerpen v. Baltimore Cnty.*, 163 Md. App. 194, 209 (2005).

The BCZR defines a “nonconforming use” as “[a] legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use.” BCZR § 101.1. The Court of Appeals recently reiterated the principles of Maryland law regarding nonconforming uses:

A property owner establishes a non-conforming use if the property owner can demonstrate to the relevant authority (often a local board of appeals) that the property was being used in a then-lawful manner before, and at the time of, the adoption of a new zoning ordinance which purports to prohibit the use on the property. Such a property owner has a vested constitutional right to continue the prohibited use, subject to local ordinances that may prohibit “extension” of the use and seek to reduce the use to conformance with the newer zoning through an “amortization” or “abandonment” scheme. Nevertheless, nonconforming uses are not favored by Maryland law, and local ordinances regulating validly non-conforming uses will be construed to effectuate their purpose.

Cnty. Council of Prince George’s Cnty. v. Zimmer Dev. Co., 444 Md. 490, 514 n.16 (2015) (citations omitted).

The ultimate purpose of the BCZR and other zoning regulations is “to reduce nonconformance as speedily as possible with due regard to the legitimate interests of all concerned.” *Trip Assocs., Inc. v. Mayor & City Council of Baltimore*, 392 Md. 563, 574

(2006) (quoting *Grant v. Mayor & City Council of Baltimore*, 212 Md. 301, 307 (1957)).

The Baltimore County ordinance generally adopts the “abandonment” approach for eliminating nonconforming uses: “A nonconforming use (as defined in Section 101) may continue . . . provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.” BCZR § 104.1. As with other similar provisions governing nonconforming use, this provision “must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses.” *Cnty. Council of Prince George’s Cnty. v. E. L. Gardner, Inc.*, 293 Md. 259, 268 (1982) (citations omitted).

Consistent with the notion that nonconforming uses are disfavored, Maryland law allocates the burden of proving a property’s status as a nonconforming use upon the party seeking to establish that use. *See Trip Assocs.*, 392 Md. at 573; *Calhoun v. Cnty. Bd. of Appeals of Baltimore Cnty.*, 262 Md. 265, 267 (1971); *Vogl v. City of Baltimore*, 228 Md. 283, 288 (1962); *Lapidus v. Mayor & City Council of Baltimore*, 222 Md. 260, 262 (1960). This Court has summarized that principle in the following terms:

The party asserting the existence of a nonconforming use has the burden of proving it. Whether that party has met its burden is a matter entrusted to the Board. And, since that decision, as is the decision whether to certify a nonconforming use, can be made only after hearing and determining facts, the Board acts in a quasi-judicial capacity in making it. In that capacity, the Board acts as factfinder, assessing the credibility of the witnesses and determining what inferences to draw from the evidence.

Cnty. Comm’rs of Carroll Cnty. v. Uhler, 78 Md. App. 140, 145 (citations omitted), *cert. denied*, 316 Md. 428 (1989).

Much of Lagna’s appellate brief argues that the Board’s decision should be reversed because the protestants failed to “prove” that prior uses of the property had terminated. To the contrary, it was incumbent upon Lagna, as the petitioner, to persuade the Board, first, that a lawful use existed when the lots were zoned for residential use in 1945 and, second, that whatever uses had been made of the lots at that time continued thereafter without changing to any other use. Lagna provided no definition of “boat club” use. He did not contend that “boat club” use, however defined, was ever authorized on his property at any time after the enactment of the BCZR in 1945. Accordingly, he attempted to establish that the use of the property had remained unchanged over seven decades. Needless to say, his task was exceptionally difficult. The passage of time left him with only vague hearsay descriptions and circumstantial evidence regarding use of the property for most of those years.

As daunting as his task was before the local zoning authorities, Lagna faced perhaps even greater obstacles in his action for judicial review. Consistent with the standard of review for other administrative decisions, court review of a decision of the Baltimore County Board of Appeals is “generally is a ‘narrow and highly deferential inquiry.’” *Seminary Galleria, LLC v. Dulaney Valley Improvement Ass’n, Inc.*, 192 Md. App. 719, 733 (2010) (quoting *Maryland Nat’l Capital Park & Planning Comm’n v. Greater Baden-Aquasco Citizens Ass’n*, 412 Md. 73, 83 (2009)). Such a final decision from a local zoning agency is “prima facie correct and presumed valid” and should be reviewed by the court “in the light most favorable” to the agency. *Marzullo v. Kahl*, 366 Md. 158, 172 (2001) (citations and quotation marks omitted).

“Judicial review of administrative agency action based on factual findings, and the application of law to those factual findings, is ‘limited to determining if there is substantial evidence in the record as a whole to support the agency’s findings and conclusions, and to determine if the administrative decision is based on an erroneous conclusion of law.’” *Zimmer Dev. Co.*, 444 Md. at 573 (quoting *United Parcel Serv., Inc. v. People’s Counsel for Baltimore Cnty.*, 336 Md. 569, 577 (1994)). The reviewing court may not substitute its judgment for that of the agency if “there is sufficient evidence such that ‘a reasoning mind reasonably could have reached the factual conclusion the agency reached.’” *Zimmer Dev. Co.*, 444 Md. at 573 (quoting *Consumer Prot. Div. v. Morgan*, 387 Md. 125, 160 (2005)); see *People’s Counsel for Baltimore Cnty. v. Surina*, 400 Md. 662, 681 (2007) (“we inquire whether the zoning body’s determination was supported by such evidence as a reasonable mind might accept as adequate to support a conclusion”) (citations and quotation marks omitted). Stated differently, where a zoning board’s findings are supported by more than a scintilla of evidence, the decision is at least fairly debatable, which “‘pushes the Board’s decision into the unassailable realm of a judgment call[.]’” *Eastern Outdoor Adver. v. Mayor & City Council of Baltimore*, 128 Md. App. 494, 515 (1999) (citations and quotation marks omitted).

In his brief, Lagna largely ignores the governing standard of review.⁹ His

⁹ Maryland Rule 8-504(a)(5) requires that every appellate brief must include a “concise statement of the applicable standard of review for each issue, which may appear in the discussion of the issue or under a separate heading placed before the argument[.]” A single footnote in Lagna’s brief includes a quotation describing the substantial evidence test.

argument does invoke the concept of “substantial evidence,” but only to misapply that concept to the facts. Lagna asserts in succession that “there was more than sufficient evidence to support that a boat club was operating at the property when the zoning regulations were enacted in 1945,” that “there was substantial evidence supporting that Mr. Lagna operated a boat club after 1994,” and thus that there was “substantial evidence to support the conclusion that Mr. Lagna has not changed, discontinued[,] or abandoned the legal nonconforming use[.]” In sum, Lagna contends that *he* presented evidence upon which the Board could have granted his petition. That contention, even if correct, would not warrant reversing the Board’s denial of the petition. Lagna’s arguments fail to address the relevant question for the purpose of judicial review: whether substantial evidence in the record supported the *Board’s* determinations on the issue of nonconforming use.

As the Board recognized, one of the main tests for determining the existence of a nonconforming use is whether the property is “known in the neighborhood as being employed for that given purpose.” *Trip Assocs.*, 392 Md. at 573 (citing *Chayt v. Bd. of Zoning Appeals of Baltimore City*, 177 Md. 426, 434 (1939)). Evidence on this point was by no means conclusive. Lagna presented testimony and letters from members of the community who stated that they either had been club members or were aware of the club’s existence during much of the relevant time period. People’s Counsel later offered testimony from other neighbors that called Lagna’s assertions into question.

One neighbor testified that he no longer observed “people doing the same type of social activities” as before and that he “did not know the club was still [t]here” after

Lagna acquired the property. Another witness testified that she had observed frequent “club use” before Lagna’s acquisition, but that “over the past nineteen years,” she had “never witnessed any type of club activity” on the property. The next witness testified that, during the prior six years in which he had lived in the neighborhood, he had not “observed any kind of activity as relating to a boat club, men’s club, [or] any kind of club, other than a collection of boats[.]” Another neighbor commented, “the activity you saw back then in the 1970s, and 1980s, and early 1990s, you do not see similar activity nowadays. . . . It’s more like a boat junkyard[.]” In the words of yet another member of the community, “it really kind of defied any, any logic as far as it being an active, boat club. It’s really an active, storage . . . area for boats.”

In its written opinion, the Board summarized: “Credible testimony from neighbors who have lived in the neighborhood for decades was provided – that no club of any kind existed at the Property since Mr. Lagna’s purchase.” Lagna now argues that the Board “clearly gave undue, indeed unfounded, weight to the testimony of the protestants regarding their personal observations of activity on Mr. Lagna’s property.” This Court’s role, however, is not to render its own judgment regarding the weight of conflicting testimony, as long as there is “room for reasonable debate” on the issue. *See Boehm v. Anne Arundel County.*, 54 Md. App. 497, 514, *cert. denied*, 297 Md. 108 (1983).

In *Boehm*, this Court upheld the decision of a local board of appeals to refuse to recognize the legal nonconforming use of a property as a landfill. Several witnesses testified that there had been dumping and landfilling activity on the subject property before the use became prohibited and consistently thereafter, but other witnesses testified

that there had been no dumping or excavation until over a decade after the use became prohibited. *Id.* at 498-99 & n.1. This Court concluded that, “in light of the quantity and quality of the protestants’ testimony and evidence,” it was reasonable for the board to conclude that that landowner had not met his burden of proving that the nonconforming use existed during the relevant time period. *Id.* at 515. As in *Boehm*, the Board’s weighing of the conflicting evidence here passes the test of reasonableness. The testimony of Lagna’s neighbors, even though it was in conflict with evidence produced by Lagna, was sufficient to support the conclusion that Lagna did not continue the prior use of the property after he acquired it in 1994.

Even without this testimony from protestants, however, the Board would not have been required to conclude that Lagna had satisfied his burden. Lagna asserts that much of the testimony and documents he presented regarding the existence of a club on the property was “uncontradicted.” Yet even when a party presents largely uncontested evidence of a nonconforming use, the local zoning agency must evaluate the credibility of testimony and the weight of evidence before making its decision. *See Cnty. Comm’rs of Carroll Cnty. v. Uhler*, 78 Md. App. 140, 146 (1989).

In *Uhler*, a board of zoning appeals refused to certify the nonconforming use of a property as a junk yard or storage yard, even though the landowners presented testimony from witnesses who had consistently observed junk and heavy equipment on the property during the time period in question. *Id.* at 142-44. The board reasoned that the evidence showed only that the property was “a location where pieces of equipment were infrequently parked.” *Id.* at 144 (internal quotation marks omitted). A circuit court

reversed the board’s decision, under the mistaken belief “that if there was any evidence in the record supporting the relief requested, which is not controverted, as opposed to contradicted, then the Board must grant the relief sought.” *Id.* at 146. Reversing that judgment, this Court concluded that the circuit court had improperly substituted its judgment for that of the board. *Id.* The Court explained: “[T]he mere fact of presentation of testimony does not entitle that testimony to be credited and the Board’s determination not to credit it, in and of itself, provides substantial evidence for the Board’s conclusion.” *Id.* at 147. Adding that there was at least one significant “discrepancy” in the Uhlers’ evidence regarding uses of the property, the Court reasoned that “it [wa]s patent . . . that the Board’s decision [wa]s fairly debatable.” *Id.*

Likewise, the testimony and documents presented by Lagna regarding his operation of a “boat club” by no means compelled the Board to grant the petition. The Board explained several reasons for its refusal to credit Lagna’s assertions. As the Board explained, Lagna provided only “scant information as to the nature and extent” of the clubs that existed on the property before 1994, and in particular as to whether those clubs had “existed continuously without interruption[.]” The Board relied on a letter from a former member stating that the former club had been “disbanded” in 1993 as evidence that “the use was extinguished even before Mr. Lagna’s purchase.” The Board contrasted the few supporting documents that Lagna offered (photographs, checks, utility bills, tax forms, and a self-prepared member list) with the notable absence of other evidence that would tend to verify the club’s existence (such as organizational documents, insurance, a bank account, advertisements, a website, or an on-site sign). The Board expressed

skepticism towards Lagna’s list of purported club members when it noted that the list consisted entirely of Lagna himself, his relatives, his tenant, and his friends. The Board also inferred from federal income tax forms identifying Lagna’s business as a “Marina” rather than a “Boat Club” after 2005 that “any ‘boat club’ use by him terminated in 2005.” Finally, the Board explained that it had considered the evidence “in light of the fact” that Lagna first asserted the existence of a nonconforming use in response to a code enforcement action decades after his purchase. In sum, the Board’s reasoned and reasonable decision to discount much of Lagna’s evidence, “in and of itself,” is a sufficient basis for affirming the Board’s decision. *See Uhler*, 78 Md. App. at 147.¹⁰

The primary basis for the Board’s ruling – its determination that Lagna failed to establish that he had operated a boat club on his property continuously since 1994 – was amply supported by the record. As a secondary conclusion, the Board stated that “even if the facts proved Mr. Lagna’s intent to operate a boat club, . . . his current use is an intensification and change from the original boat, swim and/or men’s club.” This alternative finding, although discussed only briefly by the Board, independently supports the Board’s decision.

¹⁰ In his brief, Lagna protests that the Board “ignored” testimony from his witnesses, because the Board failed to discuss some of that evidence in its opinion. Lagna also insists that the Board erred when it stated: “[I]n this Board’s view of the evidence, Mr. Lagna did not provide evidence that a boat or swim club has existed on the Property since 1937.” We agree with Lagna that it would be an overstatement to say that he produced “no evidence” in support of his assertions. Viewing the decision in a light favorable to the agency, however, it is apparent that the Board considered the evidence presented by Lagna and that the Board’s decision relied only on the evidence that the Board found to be credible and persuasive.

In general, the owner of a vested right to continue a nonconforming use also has the right to “intensify” that nonconforming use by, for example, using the property more frequently or with a higher volume of business. *See Feldstein v. LaVale Zoning Bd.*, 246 Md. 204, 211 (1967). The “mere intensification of a nonconforming use is permissible so long as the nature of use is not substantially changed[.]” *Phillips v. Zoning Comm’r of Howard Cnty.*, 225 Md. 102, 102 (1961); *see, e.g., id.* at 108-09 (upholding decision to prohibit property owner from expanding nonconforming use as a used car lot and furniture warehouse where record showed that premises over time “by some sort of ‘creeping’ process, developed into a full-fledged junk yard and shop, where, among other things, large numbers of worn out and wrecked motor vehicles were junked and burned”). The determination of whether an owner’s use is an impermissible enlargement or a mere intensification is a question of fact for the local zoning authorities. *See id.* at 109-10.

Under the Baltimore County ordinance, a property owner’s right to continue a nonconforming use terminates “upon any change from such nonconforming use to any other use whatsoever[.]” BCZR § 104.1. In *McKemy v. Baltimore Cnty.*, 39 Md. App. 257 (1978), this Court reversed part of a zoning decision and remanded the case to the Baltimore County Board of Appeals for consideration of whether certain uses of a property exceeded the permissible scope of an existing nonconforming use and, if so, whether “by virtue of [BCZR § 104.1], the entire non-conforming use ha[d] been lost.” *Id.* at 270. The owner in that case had established a valid nonconforming use of residentially-zoned lots as a general parking facility for nearby businesses (*id.* at 265-67), but the proprietor later extended his use to include truck storage for a freight hauling

business, while expanding his operations in intensity, volume, and area. *Id.* at 269. This Court directed the Board on remand to determine whether those expansions represented an “actual change” from the preexisting uses of the lots, by considering the following factors: “(1) to what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use; (2) is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind; (3) does the current use have a substantially different effect upon the neighborhood; (4) is the current use a ‘drastic enlargement or extension’ of the original non-conforming use.” *Id.* at 269-70.

In the present case, even crediting testimony that Lagna continued to operate a “club” of some sort and even accepting that the clubs of both Lagna and his predecessors to some extent involved boat-related activities, the record still supported the Board’s conclusion that Lagna’s right to continue any such nonconforming use had terminated upon a “change from such nonconforming use to any other use whatsoever[.]” BCZR § 104.1. The right to continue a nonconforming use depends on the continuity of the substantive characteristics of the use, not the mere continuity of a label such as “club,” “boat club” or even “Seneca Creek Mariners Club.” *See McKemy*, 39 Md. App. at 269 (explaining that, in determining whether owner’s use had exceeded scope of preexisting use, “the Board was not required to assume, and should not have assumed, that the lowest common denominator was ‘parking,’ or even ‘parking’ in conjunction with a business across the street”).

Testimony from Lagna’s neighbors, which the Board expressly credited, supported the conclusion that Lagna’s use of the property differed in character, nature, and effect from the use of the property by his predecessors. Prior owners had operated primarily a social club and incidentally stored a few boats near the buildings on the northern portion of the property; over time, Lagna transformed the site into what appeared to be predominantly an out-of-water boat storage facility, both as a business and for a personal collection, extending to the southern portions of the property along Chestnut Road. In light of the factors outlined in *McKemy*, 39 Md. App. at 269-70, the Board’s determination that Lagna had transformed the prior use of the property into “any other use whatsoever” (BCZR § 104.1) was at least fairly debatable.¹¹

II.

After denying Lagna’s request to approve the use of the property as a private boat club, the Board of Appeals also declared that the four lots subject to his petition had “merged into one single [p]roperty for zoning purposes,” and thus that Lagna must “comply with BCZR § 415 with regard to the number of boats and piers permitted for one

¹¹ Before the Board, Lagna relied only on BCZR §§ 101.1 and 104.1, general provisions regarding nonconforming use. Before this Court, Lagna attempts to raise the argument that use of the property as a boat club is “grandfathered” by a separate provision applicable to properties within the Chesapeake Bay Critical Area, which states that “[t]he county shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on June 13, 1988.” BCZR § 103.5(C). The Board did not address the applicability of this provision because Lagna failed to raise the issue to the Board. In any event, his new argument fails on appeal because we uphold the Board’s determinations that Lagna did not continue the preexisting uses of the property after his acquisition in 1994, or alternatively that he had intensified and changed the use during his ownership.

single [p]roperty.” Wishing to treat his property as four separate properties for the purposes of boat storage, Lagna now asks this Court to negate that declaration. He contends: that the Board lacked authority to decide issues of lot merger or boat storage; that the evidence was legally insufficient for the Board to conclude that the lots had merged; and that the zoning merger of the lots amounts to an unconstitutional confiscation of his property. For various reasons, all of these arguments fail.

Lagna first argues that the Board should not have even considered whether his lots should be treated as a single property for the purpose of determining the number of boats permitted on his property, because he says that those issues were not properly before the Board. He relies on BCZR § 500.7, which grants “any interested person” the right to petition for a special hearing “to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.” Lagna argues that his petition “obviously[] sought only the former type of relief” regarding nonconforming use, and therefore that the scope of the hearing did not include his other rights with respect to the property.

The record does not support Lagna’s assertions that the Board unilaterally “took it upon itself to address and affirmatively rule upon” the matters of lot merger and boat storage under BCZR § 415A. Lagna first filed his petition at the direction of an ALJ who had suspended a penalty against Lagna for his violations of BCZR § 415A. In an attachment to his petition, Lagna asserted that his property could “be used by the four (4) residences . . . and a private boat club with, as provided by Section 415c [sic], additional

storage of boats on trailers up to the maximum allowed per lot for each of the four (4) residential lots.” In his supporting memorandum, Lagna explained that his petition sought “essentially four categories of relief”: confirmation of his rights regarding nonconforming use; confirmation of his rights regarding nonconforming structures; a lot-line adjustment re-subdividing his property into four separate lots; and finally “confirmation regarding the maximum number of boats allowed at the property.” His memorandum went on to argue that, “[b]ased on the lot lines of the four lots at the subject property,” BCZR § 415A permitted Lagna to store “a substantial number of boats” on land and on the piers at his property. The ALJ, recognizing that Lagna had requested “a determination of the number of boats [Lagna] may keep on the premises,” concluded that the property should be treated as a single property for zoning purposes, based on the doctrine of lot merger.

Dissatisfied with the ALJ’s decision regarding boat storage, Lagna then attempted to narrow the scope of his petition by withdrawing his request for a lot-line adjustment. At the de novo hearing, People’s Counsel argued that the Board should affirm the ALJ’s finding that the lots had merged into one lot for the purposes of the boat storage limits in BCZR § 415A. At one point, Lagna objected to a question posed by People’s Counsel to Lagna’s expert witness regarding merger of the lots (on the ground that the question fell outside of the scope of the proceeding). The Board did not rule on the objection, but the Chairman informed Lagna that “[t]he reason we’re here is because we have a lot of boats on this property.” In his post-hearing memorandum, Lagna did not ask the Board to exclude the lot-merger issue from its decision. Instead, Lagna affirmatively argued that

the ALJ’s determination that the lots had merged was incorrect on the merits, asserting that “the doctrine of zoning merger” was “not applicable” because Lagna had “never intended to merge these four lots[.]”

In sum, Lagna himself introduced the issue of “the maximum number of boats allowed at the property,” and that issue involved a determination of whether the property should be treated as four separate lots. Lagna’s post-hearing brief reflects that he knew and had reason to know that the Board would make a determination on lot merger. Instead of using that opportunity to bring an argument about the proper scope of the hearing to the Board’s attention, Lagna waived any such objection when he asked the Board to reverse the ALJ’s lot-merger determination on the merits. The issue that Lagna seeks to raise here cannot be resurrected in the subsequent action for judicial review. *See Anne Arundel Cnty. v. Nes*, 163 Md. App. 515, 535 (2005) (holding that landowner waived any claim that board of appeals had erred in failing to grant waiver of certain requirements by expressly abandoning that position before the board); *Capital Commercial Props., Inc. v. Montgomery Cnty. Planning Bd.*, 158 Md. App. 88, 102 (2004) (holding that party failed to preserve issue of whether planning board’s decision would violate provision of zoning ordinance by failing to raise that argument to the board); *id.* at 104-05 (where party’s argument “involve[d] the construction of the ordinances administered by the Board,” holding that the issue “should have been presented for decision by the Board in the first instance” rather than being raised for the first time in an action for judicial review); *Brzowski v. Maryland Home Improvement Comm’n*, 114 Md. App. 615, 637-38 (1997) (holding that party waived argument that

agency’s action exceeded its authority where party brought a number of objections to agency’s attention without presenting that argument to the agency).¹²

Before the Board, however, Lagna did argue that the doctrine of lot merger should not apply to his property when he asserted that he did not intend to merge the four lots. The Board rejected that assertion, finding that, in addition to actions of the prior owners in building structures that straddled the interior lot lines, “Lagna’s storage of boats across the 4 lots is indicative of his intent to integrate and use the lots as one single property.” In addition, the Board emphasized that Lagna had not presented evidence of “any separation of the four lots for residences or other uses.” On appeal, Lagna concedes that evidence that “structures are sited across lot lines” and evidence of “storage of a boat across a property line” could indicate an owner’s intent to merge the lots, but he asserts that this evidence was “insufficient . . . , as a matter of law, to supply the intent necessary to merge the lots.” He identifies no legal authority supporting this assertion.

Historically, the doctrine of zoning merger emerged in many jurisdictions to advance the legislative goal of restricting undersized parcels. *See Friends of the Ridge v. Baltimore Gas & Elec. Co.*, 352 Md. 645, 653 (1999).¹³ The Court of Appeals first recognized the doctrine of zoning merger in *Friends of the Ridge*, a Baltimore County

¹² If we were to reach this issue, we would see no error in issuing a declaration regarding Lagna’s rights to boat storage on the property under the zoning regulations, as that issue was part of the relief that he requested in his initial petition.

¹³ In the present case, it is undisputed that the four lots owned by Lagna, each approximately one-quarter acre in size, are all undersized. *See* BCZR § 1A04.3(B)(1) (prohibiting creation of lots with an area less than one-and-a-half acres in an R.C.5 zone).

zoning case, which held “that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so” by “integrat[ing] or utiliz[ing] the contiguous lots in the service of a single structure or project[.]” *Id.* at 658. Generally, a finding that adjacent lots under common ownership have merged for zoning purposes “require[s] that the intent of the owner to merge the parcels be expressed, though little evidence of that intent is required.” *Id.* at 653. The Court has emphasized that the owner’s “[i]ntent is to be derived from the facts,” (*Remes v. Montgomery Cnty.*, 387 Md. 52, 66 (2005)), and “[e]ach case must be examined on its own.” *Id.* at 68. For example, in *Remes*, the Court of Appeals held that a vacant lot merged into the adjacent, developed lot by operation of law, even without any formal request for a replatting, where the common owner installed a swimming pool on the vacant lot as an accessory to the house on the other lot and built a semi-circular driveway over both lots. *Id.* at 82.

This Court will not set aside a local zoning board’s determination regarding lot merger, as long as the decision is at least fairly debatable and not the product of a clear error. *See Mueller v. People’s Counsel for Baltimore Cnty.*, 177 Md. App. 43, 94 (2007). In the instant case, the record included substantial evidence that Lagna intended to use his four contiguous lots in the service of a single project. Like the former owners who had made improvements across the internal lot lines, Lagna himself disregarded the internal lot lines in his use of the property. His stated intent, in the deed through which he acquired the property, was to use the four lots for a single-family residence. In his memorandum to the Board, Lagna raised the confusing argument that he never intended to merge the lots because “he and his predecessors have always used the four lots *in*

combination for the fulfillment of [a] single use.” (Emphasis added.) This statement alone serves as an admission of his intent to merge the lots. *See Remes*, 387 Md. at 82 (emphasizing that common owner’s “use” of two adjacent lots “*in concert* is consistent with zoning merger”) (second emphasis added). Indeed, the premise underlying Lagna’s petition was never that he had operated four different boat clubs on the four different lots, but that he was using all four lots in service of a single club, without regard to any subdivision. The Board nonetheless found that Lagna’s combined use of the four lots for storage and collection of boats was not the same use as the prior combined use of the lots by the former owners as a “boat, swim, and/or men’s club.”

As a final issue, Lagna contends separately that the Board’s merger of the four lots for zoning purposes constituted an unconstitutional “confiscation” of his property. Despite the opportunity to raise any such constitutional concerns when he argued to the Board that lot merger was inapplicable, Lagna failed to raise these arguments to the Board. His request to raise new constitutional issues on appeal is “contrary to the well-established” rule that “constitutional challenges involving a question of fact must be raised before the agency to prevent waiver.” *Halici v. City of Gaithersburg*, 180 Md. App. 238, 255 (2008).

In any event, Lagna’s unpreserved argument invokes constitutional issues in name only. He contends that “in the absence of sufficient proof” the Board was “not constitutionally authorized to deprive Mr. Lagna of his right to operate the boat club or his right to four lots.” In essence, Lagna seeks to recycle his challenge to the Board’s factual determination as a “constitutional” issue. We reject this “attempt to conjure a

constitutional violation out of a routine” factual determination committed to the agency’s discretion. *McAllister v. McAllister*, 218 Md. App. 386, 406 (2014). As stated above, the record was adequate to support the Board’s conclusion that the four lots had merged into one for zoning purposes.

CONCLUSION

We affirm the circuit court’s judgment affirming the decision of the Board of Appeals.

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**

IN THE
MATTER OF
WILLIAM LAGNA

* IN THE CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO: 03-C-13-011192
* Board of Appeals Case No. 12-239-SPH

* * * * *

MEMORANDUM AND ORDER

I. Introduction

On October 1, 2013, William Lagna (hereinafter "Petitioner" or "Mr. Lagna") filed a Petition for Judicial Review, supplemented by Memorandum filed on February 18, 2014. Baltimore County, Maryland (hereinafter "Respondent") filed a Response on October 7, 2013 and a Memorandum on March 5, 2014, to which Petitioner filed a Reply. On June 19, 2014, the Petitioner, represented by Michael R. McCann, Esquire, and Respondent, represented by People's Counsel Peter M. Zimmerman, appeared for oral argument before the Circuit Court for Baltimore County. For the reasons set forth herein, the Opinion and Order issued by the Board of Appeals of Baltimore County (hereinafter "Board of Appeals") Case Number 12-239-SPH and dated September 12, 2013, along with the Amended Order dated September 13, 2013, is **AFFIRMED.**

II. Standard of Review

When determining whether an agency's factual finding violates this section, the appropriate standard of review is substantial evidence from the record as a whole. *Sadler v. Dimensions Healthcare Corp.*, 378 Md. 509, 529, 836 A.2d 655, 667 (2003). If reasoning minds could reasonably reach the conclusion reached by the agency from the facts in the record, then

the agency's findings are based on substantial evidence and the court has no power to reject that conclusion. *Liberty Nursing Ctr., Inc. v. Dep't Health & Mental Hygiene*, 330 Md. 433, 443, 624 A.2d 941, 946 (1993) (citing *Supervisor v. Asbury Methodist Home*, 313 Md. 614, 626, 547 A.2d 190, 195 (1988)).

Judicial review of an administrative agency's fact-finding is narrow and highly deferential. *Loyola Collge*, 406 Md. At 66, 956 A.2d at 173. An agency's decision is "*prima facie* correct and presumed valid." *Opert v. Crim. Injuries Comm. Bd.*, 403 Md. 587, 609, 943 A.2d 1229, 1242 (2008) (quoting *Md. Aviation Admin. v. Noland*, 386 Md. 556, 571, 873 A.2d 1145, 1154 (2005)). A court's review of an administrative agency's decision is not to "substitute its judgment for the expertise of those persons who constitute the administrative agency." *United Parcel v. People's Counsel*, 336 Md. 569 (1990). Instead, a "degree of deference should often be accorded the position of the administrative agency" and the agency's interpretation and application of the statute which the agency administers should be given "considerable weight by reviewing courts." *Lussier v. Md. Racing Commission*, 343 Md. 681 (1996).

However, when considering whether an agency erred as a matter of law, for example, when there is a challenge to a regulatory interpretation, a court, on judicial review, decides the correctness of the agency's conclusions and may substitute the court's judgment for the judgment of the agency. *Spencer v. Md. State Bd. of Pharm.*, 380 Md. 515, 528, 846 A.2d 341, 348 (2004) (citing *Total AV v. Dep't of Labor*, 360 Md. 387, 394, 758 A.2d 124, 127-28 (2000)). Even with conclusions of law, however, an agency's interpretation of the statute it administers or its own regulations is entitled to some deference from the courts. *Jordan Towing, Inc. v. Hebbville Auto. Repair, Inc.*, 369 Md. 439, 450, 800 A.2d 768, 775 (2002).

The “substantial evidence test” also applies when there is a mixed question of law and fact. In other words, the agency has correctly stated the law and the fact-finding is supported by the record but the question is whether the agency has applied the law to the facts correctly. *Charles County Dep’t. of Social Servs. v. Vann*, 382 Md. 286, 296, 855 A.2d 313, 319 (2004).

Therefore, the order of an administrative agency must be upheld on review if it is not premised upon an error of law and if the agency’s conclusions on questions of fact or on mixed questions of law and fact are supported by substantial evidence. *Kohli v. LOCC, Inc.*, 103 Md.App. 694, 711, 654 A.2d 922, 930 (1995).

III. Factual and Procedural Background

The Board of Appeals findings of fact can be summarized as follows:

In 1994, William Lagna purchased property located at 3920, 3922, 4000 and 4002 Chestnut Road, Bowleys Quarters, Maryland. He rented the property for one year prior to his purchase. Since the 1930’s preceding Mr. Lagna’s purchase, the property was owned by other individuals. The prior owners used the property as a home, and at times as a boat club or “men’s club.” The community accepted that property during certain periods of ownership as a boat club, although prior to Mr. Lagna’s purchase. Some of the ownership time was prior to the 1945 enactment of the Baltimore County Zoning Regulations.

Beginning in 1994, and continuing until today, Mr. Lagna resides at the property. The property consists of four lots with three (3) existing family detached dwellings that straddle the lot lines, a “boat club” and piers. Two of the dwellings are bungalow-style, one is a “big house” and the other is the “clubhouse,” which occupy 3920 and 3922 Chestnut Road. There is another large house that occupies 4000 Chestnut Road and another building that occupies 4002 Chestnut Road. Although these buildings are designated by address, they straddle the designated lot lines created in the Subdivision Plat of 1921. Only one of the bungalows on the property is presently rented and Mr. Lagna occupies the dwelling house. There are two piers at separate ends of the lots. There are nearly thirty (30) boats stored on the property, twenty-three (23) of which are owned by Mr. Lagna. Nineteen (19) of the boats are over sixteen feet in length and ten (10) are under sixteen feet.

In the matter of William Lagna, 12-239-SPH, at 2–7 (Sept. 12, 2013) (opinion).

Inspector Christina Frink issued a citation to Mr. Lagna for a civil penalty of \$9,600.00. (Resp't's Ex. 3) (see Final Order of the ALJ). The citation was for violations of the Baltimore County Code, sections 101, 102.1, 1A04, 1A04.2.A, 1A04.2.B, 415A, 415A.2 and 4.5A.3. *Id.* Specifically, Mr. Lagna was cited for operating a marina on residential property in violation of the zoning regulations. *Id.* Mr. Lagna appealed the citation and a hearing was held before the ALJ on February 1, 2012. The ALJ ordered a civil penalty in the amount of \$1,000.00, the amount being suspended in full if Mr. Lagna files a Petition for Special Hearing to resolve the use status of his property. *Id.*

As a result, Mr. Lagna filed a Petition for Special Hearing. Mr. Lagna's request for a special hearing was reviewed by the Director, Andrea Van Arsdale, who recommended the request be denied. Letter from Andrea Van Arsdale, Director of the Department of Planning, to Arnold Jablon, Deputy Administrative Officer (May 1, 2012).

Despite the Director's recommendation, a Special Hearing was held "to determine whether or not the ALJ should approve the legal non-conforming status of an existing private boat club with piers and 3 existing single-family detached dwellings with order to adjust the lot lines to provide for each of the four pre-existing principal structures being located on one of each of the individual lots [with three alternative outcomes]" Notice of Zoning Hearing (April 24, 2012). The Office of Administrative Hearings (hereinafter "OAH") issued an Opinion and Order on June 22, 2012. OAH considered recommendations from both the Department of Planning and the Department of Environmental Protection and Sustainability. The OAH declined to order an adjustment of the lot lines because that relief is handled by the County's Department of Permits, Approvals and Inspections. *In re: Petition for Special Hearing, 2012-0239-SPH*, at 3 (June 22, 2012) (opinion and order). However, the OAH indicated that it

appears, from the evidence, that Mr. Lagna's intent was to treat the four lots as one and thus those lots merge into one for zoning purposes. *Id.* at 4.

The OAH continued to address the non-conforming use issue. Ultimately, the OAH determined that Mr. Lagna did not meet his burden of proving a non-conforming use as a boat club continuously, without interruption for a period of one year or more from the time he acquired the property in 1993. *Id.* at 4–8. The OAH's opinion outlined the evidence produced, including testimony from Mr. Lagna and Schedule C tax returns for the years 2008, 2009 and 2010. Several longtime community members testified about the property's operation as a "men's club" prior to Mr. Lagna's purchase and its subsequent deterioration since 1993. *Id.* The OAH concluded that because Mr. Lagna failed to establish a non-conforming use and the four lots have merged, pursuant to the Baltimore County Zoning Regulations, Mr. Lagna is entitled to store six boats in the water and three boats out-of-water during the off-season. *Id.* at 8.

Mr. Lagna timely appealed the decision of the OAH to the Board of Appeals of Baltimore County. The Board of Appeals held a hearing on February 5, 2013 and April 17, 2013. After review, the Board of Appeals' issued a decision on September 12, 2013 and held:

After reviewing all of the testimony and evidence presented, the Board has determined that Mr. Lagna's storage and collection of his boats on his Property does not qualify as a non-conforming existing boat club. In this Board's view of the evidence, Mr. Lagna did not provide evidence that a boat or swim club has existed on the Property since 1937. Even if the evidence showed such use continuously since 1937, Mr. Lagna failed to prove that a boat club has existed since 1994.

....

Applying *Remes* to the facts of the present case, we find that based on the evidence, the 4 lots have merged into one single property for zoning purposes. Accordingly, under BCZR §415.A, Mr. Lagna is entitled to store 1 recreational boat on the Property with the exception of boats under 16 feet in length unless such boat is mounted to a trailer. Under BCZR, 415.A.2, the Property shall have no more than one pier.

In the Matter of William M. Lagna, 12-239-SPH, at 12, 16–17 (Sept. 12, 2013) (opinion); BALTIMORE CNTY. ZONING REG. §415.A; *Remes v. Montgomery County*, 387 Md. 52 (2005).

Mr. Lagna seeks judicial review by this Court of the Board of Appeals' decision. On review, Mr. Lagna raises the following issues:

- 1) Did the Board of Appeals err in concluding that the evidence did not support the use of a boat club at the Property as a legal non-conforming use?
- 2) Did the Board of Appeals err in concluding that the four lots comprising the Property merged?

(Pet'r's Mem. 6).

IV. Discussion

- a. Did the Board of Appeals err in concluding that the evidence did not support the use of a boat club at the Property as a legal non-conforming use?**

The relevant Baltimore County Zoning Regulations (hereinafter "Regulations") apply to the Bowleys Quarters, Maryland waterfront region which falls in the R.C. 5 (Rural-Residential) Zone. BALTIMORE CNTY. ZONING REG. §§ 103, 1A04, *et seq.* The Regulations do not define "boat club." However, the Regulations define "Boatyard" as "[a] commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types." BALTIMORE CNTY. ZONING REG. § 101.1. The R.C. 5 zone does not permit the use of a boatyard nor do the Regulations permit a petitioner to request a special exception.

Mr. Lagna seeks to establish a nonconforming use, which would exempt him from complying with the applicable zoning regulations. Mr. Lagna has the burden of proving the existence of a nonconforming use. A "Nonconforming Use" is defined as "[a] legal use that does

not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use.” BALTIMORE CNTY. ZONING REG. § 101.1; *see also* COMAR 27.01.02.08. In order to establish a nonconforming use, the use must not “change from such nonconforming use to any other use whatsoever” and the use can be neither abandoned nor discontinued “for a period of one year or more,” otherwise “the right to continue or resume such nonconforming use shall terminate.” BALTIMORE CNTY. ZONING REG. § 104.1. In other words, the nonconforming use must be continuous, without interruption exceeding one year and substantially the same in nature and extent as when it began. *Kastendike v. Baltimore Assoc. for Retarded Children*, 267 Md. 389 (1974).

If a nonconforming use is not established, then the Regulations apply. Specifically regarding boats, Baltimore County Code Section 415.A.1 outlines the number of boats allowed per lot and Section 415.A.2 outlines the number of piers allowed per lot. Each lot is permitted one boat, unless the boat is under sixteen feet in length not including those mounted on a trailer. BALTIMORE CNTY. ZONING REG. § 415.A.1. However, during the offseason (November 1 through March 31), either two or three boats are permitted to be stored depending on the size of the residential lot. BALTIMORE CNTY. ZONING REG. § 415.A.3. Additionally, each waterfront lot “shall have no more than one pier” and the number of boats permitted to be docked on the pier ranges from four to six again depending on the size of the waterside lot. BALTIMORE CNTY. ZONING REG. § 415.A.2.

A hearing was held before the Office of Administrative Hearings and again before the Board of Appeals, *de novo*, to address the issue of Mr. Lagna’s contention that the use of his property as a boat club is a legal, nonconforming use. Mr. Lagna presented several documents and photographs that were accepted into evidence. These included, among others, aerial

photographs of the land prior to his ownership and at present, photographs showing picnic tables, a gazebo, piers and boats, a 1937 Lauraville plaque indicating a "Swim & Boat Club," a "Seneca Creek Maritime Club 1990 Roster," an undated "Seneca Creek Mariners Club Membership List," a check dated "1/3/13" in the amount of \$200.00 from Mark S. Schaller for "Boat Club use," Baltimore Gas and Electric bills for various months in 2004, 2010 and 2011, Federal tax form Schedule C's for the years 1994 through 2010 claiming a business expense for a "boat club," various checks issued payable to Mr. Lagna from "members" during the years 2008 through 2012 and a list of boats, with the corresponding owner's name, currently stored on Petitioner's property. He also presented ten letters from various community and "boat club members" stating either that he or she had been a member prior to Mr. Lagna's ownership or, to his or her knowledge, how many years the "Boat Club" has been in existence. Some letters indicate that the individual was a member until Mr. Lagna's purchase in 1993, at which time he or she was offered an opportunity "to remain" a member. Additionally, some letters indicate that the property's use is for "mooring and storing" boats. Mr. Lagna testified and offered additional testimony from three fact witnesses as well as an expert witness in planning and engineering.

Respondent presented several documents and pictures that were accepted into evidence. This included, among others, aerial photographs showing a deteriorated condition of the property, testimony of six community members and the relevant Baltimore County Zoning Regulations. The community members who testified either live or have lived in close proximity to the property in question. Those community members testified that the property was used as a "boat club" during certain years prior to Mr. Lagna's purchase of the property in 1994. However, their testimony also established that the property was not used as a "boat club" continuously. Several witnesses testified that during the years prior to Mr. Lagna's purchase, the

subject property was primarily used for “social gatherings” or as a “men’s club.” In addition, the community members testified that, prior to Mr. Lagna’s purchase, significantly fewer boats were kept on the property. Photographs of the property taken prior to Mr. Lagna’s purchase corroborate their testimony.

It is important to note that to establish a nonconforming use, the use must have been in existence prior to the adoption of the Regulations in 1945 and then continued, without interruption for more than one year until the present time. This is an extremely heavy burden for Mr. Lagna to meet. The intent of the nonconforming use regulation is to eventually eliminate those uses and bring uses into compliance with the present regulations. *County Council of Prince George’s County v. E.L. Gardner*, 293 Md. 259, 267–68 (1982).

The Board of Appeals’ opinion extensively discussed the evidence produced and the witnesses’ testimony. Despite the Board acknowledging that much of Mr. Lagna’s documentation, by his admission, was destroyed in Hurricane Isabel, Mr. Lagna had the ability to bring in witnesses to testify. The Board noted that “[w]e were provided only scant information as to the nature or extent of either the Lauraville Swim and Boat Club or the Seneca Creek Maritime Club as either may have originated or existed in the 1930s or 1960s.” *In the Matter of William M. Lagna*, 12-239-SPH, at 12 (Sept. 12, 2013) (opinion). Further, the Board determined that “the evidence produced by Mr. Lagna was that the club was abandoned in 1993 and therefore the use was extinguished even before Mr. Lagna’s purchase in 1994.” *Id.* at 13.

The Board of Appeals had the opportunity to evaluate the credibility of the witnesses and evidence. They noted that the tax returns provided show an abandonment of any “boat club” in 2005 where Mr. Lagna’s Schedule C reflects a business expense for “real estate rentals, internet, marina” and no expense is indicated for any “boat club.” *Id.* at 14. Moreover, no evidence was

produced showing the existence of a business through the State Department of Assessments and Taxation or the existence of any business bank account, insurance or marketing for the “boat club,” any of which would support the existence of a boat club. *Id.*

Not only did the Board of Appeals find that Mr. Lagna did not meet his burden of proving continuous use of a boat club from 1937 to 1994, the Board also found that Mr. Lagna did not meet his burden of proving continuous use during the period of his ownership from 1994 to present. However, the Board continued to address Mr. Lagna’s request and additionally found that the use Mr. Lagna contends is presently a boat club is an “intensification and change from the original boat, swim and/or men’s club” and is not substantially the same as required to prove a nonconforming use. *Id.*

For the aforesaid reasons, and based on substantial evidence in the record, the Board of Appeals found that Mr. Lagna failed to meet his burden of establishing a nonconforming use of the property as a boat club. This Court finds no error.

b. Did the Board of Appeals err in concluding that the four lots comprising the Property merged?

Mr. Lagna instituted an administrative Special Hearing which is akin to a Complaint for Declaratory Judgment. As noted by Mr. Lagna, Baltimore County Code Section 500.7 states: “The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advisement and notice to determine the existence of any purported nonconforming use on any premises *or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.*” (emphasis added). Of note, within the power vested for a special hearing, the reviewing authority is granted the power to determine “any rights whatsoever.” BALTIMORE

CNTY. ZONING REG. § 500.1. The Board of Appeals held a *de novo* hearing on the issue of whether the ALJ erred in finding that Mr. Lagna did not establish a nonconforming use. In its *de novo* hearing, the Board addressed the nonconforming use and, because they found that Mr. Lagna did not establish a nonconforming use, they continued to address the underlying issue of what rights Mr. Lagna has to store boats on his property pursuant to the Regulations. In order to effectively answer that question, the Board addressed the merger issue.

The Board of Appeals applied *Remes v. Montgomery County* in concluding that Mr. Lagna's lots have merged into one for zoning purposes. 387 Md. 52 (2005). In *Remes*, the Court of Appeals "described zoning merger to be the merger for zoning purposes of two or more lots held in common ownership where one lot is used in service to one or more of the other common lots solely to meet zoning requirements." *Id.* at 64. To determine whether merger has occurred, the owner's intent must be ascertained from the facts. *Id.* at 66.

The evidence presented at the hearing supports the Board's conclusion. As the Board of Appeals notes, "Mr. Lagna's storage of boats across the 4 lots is indicative of his intent to integrate and use the lots as one single property." *In the Matter of William M. Lagna*, 12-239-SPH, at 16 (Sept. 12, 2013) (opinion). Mr. Lagna contends that the rental of the houses is separate and apart from his operation of a boat club and thus his intent shows that the lots were not treated as merged. However, the evidence also showed that boats were stored all over the four lots, only one of the dwellings was currently rented to a friend of Mr. Lagna, Mr. Lagna lives in one of the dwellings, he collects and stores boats on the property and a boat club did not exist nor could any "clubhouse" exist because the structure as it exists is not habitable. Given these facts, the Board of Appeals did not err in concluding that the four lots "merged into one single property for zoning purposes."

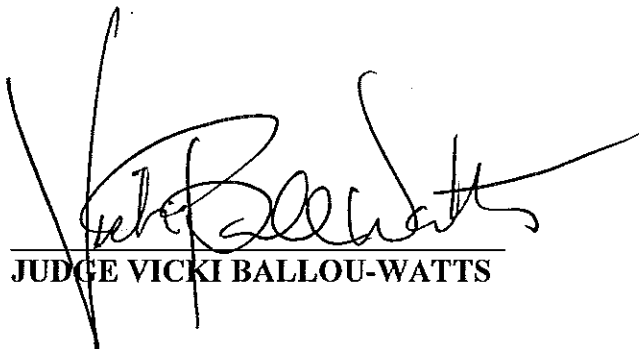
As a result of its finding, the Board of Appeals held that pursuant to Regulation Section 415.A, "Mr. Lagna is entitled to store [one] recreational boat on the Property with the exception of boats under 16 feet in length unless the boat is mounted to a trailer" and pursuant to Regulation Section 415.A.2, "the Property shall have no more than one pier." *In the Matter of William M. Lagna*, 12-239-SPH, at 16-17 (Sept. 12, 2013) (opinion).

There is substantial evidence in the record to support the aforementioned finding by the Board of Appeals and this Court finds no error.

V. Conclusion

After a review of the record as whole, this Court finds that there is substantial evidence to support the decision of the Board of Appeals and there is no error as a matter of law. Accordingly, it is by the Circuit Court for Baltimore County, this 3rd day of February, 2015:

ORDERED, that Case Number 12-239-SPH of the Board of Appeals dated September 12, 2013, along with the Amended Order dated September 13, 2013, be and it is hereby **AFFIRMED**.


JUDGE VICKI BALLOU-WATTS

Clerk, send copies to:

Michael R. McCann, Esq.
Peter M. Zimmerman, Esq.

1/17/14

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

RECEIVED
JAN 17 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Board Of Appeals
Jefferson Bldg, Suite 203
105 W. Chesapeake Avenue
Towson MD 21204

Assignment Date: 01/16/14

Case Title: In the Matter of Willam Lagna
Case No: 03-C-13-011192 AA

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Joy M Keller at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 01/31/14
 2. All Motions (excluding Motions in Limine) are due by..... 03/05/14
 3. TRIAL DATE is..... 04/14/14
- Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned; 1/2 HOUR ADMINISTRATIVE APPEAL

Honorable John Grason Turnbull II
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponement must be submitted in writing with a copy to all counsel/parties involved. All requests for postponement must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients **MUST** attend the settlement conference **in person**. All insurance representatives **MUST** attend this conference **in person** as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Civil Assignment Office at (410)-887-2660 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Voluntary Dismissal: Per Md. Rule 2-506, after an answer or motion for summary judgment is filed, a plaintiff may dismiss an action without leave of court by filing a stipulation of dismissal signed by all parties who have appeared in the action. The stipulation shall be filed with the Clerk's Office. Also, unless otherwise provided by stipulation or order of court, the dismissing party is responsible for all costs of the action.

Court Costs: All court costs **MUST** be paid on the date of the settlement conference or trial.

Camera Phones Prohibited: Pursuant to Md. Rule 16-109 b.3., cameras and recording equipment are strictly prohibited in courtrooms

and adjacent hallways. This means that camera cell phones should not be brought with you on the day of your hearing to the Courthouse

cc: Michael R McCann Esq
cc: Peter M Zimmerman Esq
cc: Jonny Akchin Esq
Issue Date 01/16/14

1/13/14
CIRCUIT COURT FOR BALTIMORE COUNTY

Julie L. Ensor
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754

Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

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JAN 14 2014

BALTIMORE COUNTY
BOARD OF APPEALS

N O T I C E O F R E C O R D

Case Number: 03-C-13-011192 AA
Administrative Agency : 12-239-SPH
C I V I L

In the Matter of Willam Lagna

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 22nd day of November, 2013.

Julie L. Ensor

Julie L. Ensor
Clerk of the Circuit Court, per 100

Date issued: 01/13/14

TO: BOARD OF APPEALS
Jefferson Bldg, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

CIRCUIT COURT FOR BALTIMORE COUNTY
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Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-13-011192

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JAN 14 2014

BALTIMORE COUNTY
BOARD OF APPEALS

TO: BOARD OF APPEALS
Jefferson Bldg, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

11/22/13
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
WILLIAM LAGNA

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. : 03-C-13-011192

IN THE MATTER OF:
WILLIAM LAGNA – LEGAL OWNER/
APPELLANT FOR SPECIAL HEARING
FOR PROPERTY LOCATED AT
3920, 3922, 4000 AND 4002 CHESTNUT ROAD
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 12-239-SPH

* * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
OF BALTIMORE COUNTY**

No. 12-239-SPH

March 30, 2012

Petition for Special Hearing to approve the legal non-conforming status of an existing private boat club with piers and 4 existing single family

RECEIVED AND FILED
2013 NOV 22 A 9:33
CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

	detached dwellings filed by Michael R. McCann, Esquire on behalf of William Lagna.
April 10, 2012	Entry of Appearance filed by People's Counsel for Baltimore County.
May 1, 2012	Certificate of Posting.
May 24, 2012	Certificate of Publication in newspaper
May 23, 2012	Certificate of Posting.
June 5, 2012	ZAC Comments.
June 13, 2012	Letter to Office of Administrative Hearings from John Schmidt, Zoning Chairman of the Bowleys Quarters Improvement Association expressing concerns regarding Mr. Lagna's Petition for Special Hearing.
June 13, 2012	Letter to Office of Administrative Hearings from David Hash expressing concerns regarding Mr. Lagna's Petition for Special Hearing.
June 13, 2012	Hearing held before the Administrative Law Judge.
June 20, 2012	Petitioner's Post-Hearing Memorandum filed by Michael R. McCann, Esquire on behalf of William Lagna.
June 22, 2012	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Special Hearing was DENIED.
July 13, 2012	Notice of Appeal filed by Michael R. McCann, Esquire on behalf of William Lagna.
February 5, 2013	Board convened for hearing, Day 1.
April 17, 2013	Board convened for hearing, Day 2.

Exhibits submitted at hearing before the Board of Appeals:

Petitioner's Exhibit No.

- Located in binder
- 1 – Plat to Accompany Petition for Special Hearing
- 2 – My Neighborhood Map of property
- 3 – Tax Plat
- 4 – Photograph of SCMC emblem
- 5 – Photograph of Lauraville emblem
- 6 – Photograph of Lauraville plaque

- 7 – Roster of members (1990)
- 8 – Current Membership List
- 9 – Check from club member Mark Schaller
- 10 – Photographs of property (a-k)
- 11 – Letters from club members/neighbors
- 12 – Photograph of Seneca Creek Maritime Club
- 13 – Schedule C's from tax returns 1994 through 2010
- 14 – Aerial reproduction of pier and club house (1938)
- 15 – Original subdivision plat (1921)
- 16 – Checks from rental of bungalow
- 17 – Drawing of sewerage system
- 18 – Bills from BGE
- 19 – Aerials of other boatclubs and marinas (not offered as exhibit at the hearing)
- 20 – Provisions of BCZR
- 21 – Copies of check slips from Mr. Althouse
- 22 – Copy of document offered as dues list
- 23 – Curriculum Vitae of James S. Patton, P.E.
- 24 – Letter from Marc Fruchtbaum
- 25 – Aerial map

People's Counsel's Exhibit No.

- 1A – Aerial photograph of area dated 1995
- 1B – Aerial photograph of area dated 2008
- 2 – Sign in sheet
- 3 – Administrative Law Judge Order in the matter of William Lagna, Civil Citation No 103205 dated February 8, 2012
- 4a – Deed for 4000 Chestnut Road
- 4b – Land Instrument Intake Sheet for 4000 Chestnut Road
- 5a – SDAT Real Property Data Search for 3920 Chestnut Road
- 5b – SDAT Real Property Data Search for 4000 Chestnut Road
- 6 – BCZR §415A
- 7 – County Council Bill No 29-74 dated April 1, 1974
- 8 – County Council Bill No 54-93 dated April 19, 1993
- 9 – County Council Bill No 149-92 dated September 8, 1992
- 10 – County Council Bill No 179-95 dated October 2, 1995
- 11 – Photograph of site (FOR IDENTIFICATION ONLY)
- 12 – Bowleys Quarters Improvement Association Resolution
- 13 – Map of the Territory of the Bowleys Quarters Improvement Association
- 14 – Deed dated 9/6/1990
- 15 – Administrative Law Judge Order in the matter of William Lagna, Civil Citation No 103205 dated February 8, 2012
- 16 – Binder including photographic exhibits

- 17 – ADC Map of Bowleys Quarters area
- 18 – Proposed Amendments to the Baltimore County Zoning Regulations regarding Maritime Zones, Final Report of the Baltimore County Planning Board dated April 16, 1992
- 19 – List of Boats with attached email from Sharon Carrick DNR to Bob Palmer at Tradewinds Marina
- 20 – BCZR §1A04 R.C.5 (Rural-Residential) Zone
- 21 – Zoning History
- 22 – Zoning Regulations dated September 1, 1948
- 23 – Proposed Amendments to the Baltimore County Zoning Regulations regarding the number of boats kept at residential piers and lots adopted October 15, 1992

June 6, 2013	Petitioner's Post-Hearing Memorandum filed by Michael R. McCann, Esquire on behalf of William Lagna.
June 6, 2013	Memorandum of People's Counsel for Baltimore County filed by Office of People's Counsel for Baltimore County.
July 16, 2013	Board convened for Public deliberation.
September 13, 2013	Final Opinion and Order issued by the Board in which the Petition for Special Hearing was DENIED; it was further ordered that the 4 lots have merged into one single property for zoning purposes; and the Petitioner shall comply with BCZR §415 with regard to the number of boats and piers permitted for one single property.
September 24, 2013	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael R. McCann, Esquire on behalf of William Lagna.
October 4, 2013	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
October 7, 2013	Certificate of Compliance sent to all parties and interested persons.
November 22, 2013	Transcript of testimony filed.
November 22, 2013	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Sunny Cannington
Krysundra "Sunny" Cannington, Administrator
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Ave.
Towson, Maryland 21204
410-887-3180

c: Michael McCann, Esquire
William Lagna
David Hash
John Schmidt
Rico Gargano
Jerry Wisner
Kim Johnson
Robert Palmer
Charlie and Tricia Baynes
Carl Rossmark and Slu Cheung
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Office of Planning
Arnold Jablon, Director/Permits, Approvals and Inspections
Nancy C. West, Assistant
Michael Field, County Attorney

10/7/13

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
WILLIAM LAGNA

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. : 03-C-13-011192

IN THE MATTER OF:
WILLIAM LAGNA – LEGAL OWNER/
APPELLANT FOR SPECIAL HEARING
FOR PROPERTY LOCATED AT
3920, 3922, 4000 AND 4002 CHESTNUT ROAD

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 12-239-SPH

RECEIVED AND FILED
2013 OCT -7 A 9:07
CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

David Hash
3804 Chestnut Road
Middle River, MD 21220

William Lagna
221 Bowley's Quarters Road
Middle River, MD 21220

John Schmidt
3833 Clarks Point Road
Middle River, MD 21220

Rico Gargano
5103 Canyon Avenue
Rosedale, MD 21237

Jerry Wisner
3910 Chestnut Road
Middle River, MD 21220

Kim Johnson
Keller Williams Realty
1850 York Road, Ste K
Timonium, MD 21093

Robert Palmer
412 Armstrong Road
Middle River, MD 21220

Charlie and Tricia Baynes
4006 Chestnut Road
Middle River, MD 21220

Carl Rossmark and Slu Cheung
3729 Chestnut Road
Middle River, MD 21220

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

Lawrence M. Stahl, Managing Administrative
Law Judge
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, MD 21204

Arnold Jablon, Director
Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

Andrea Van Arsdale, Director
Department of Planning
The Jefferson Building, Ste 100
105 W. Chesapeake Avenue
Towson, MD 21204

Nancy C. West, Assistant County Attorney
Baltimore County Office of Law
The Historic Courthouse
400 Washington Avenue
Towson, MD 21204

Michael Field, County Attorney
Baltimore County Office of Law
The Historic Courthouse
400 Washington Avenue
Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 7th day of October, 2013,
a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed
above.

Sunny Cannington
Sunny Cannington, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204



Board of Appeals of Baltimore County

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

October 7, 2013

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: Petition for Judicial Review
Circuit Court Case No.: 03-C-13-011192
In the Matter of: William Lagna
Board of Appeals Case No.: 12-239-SPH

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules that a Petition for Judicial Review was filed on October 1, 2013 by Michael McCann, Esquire, on behalf of William Lagna, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Michael McCann, Esquire, on behalf of William Lagna, having taken the appeal, are responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rule 16-406d(B) which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request.

Please be advised that the ORIGINAL transcripts must be provided to the Board of Appeals no later than NOVEMBER 25, 2013 so that they may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Sunny Cannington

Sunny Cannington
Legal Secretary

Duplicate Original Letter

Enclosure

cc: William Lagna
David Hash
John Schmidt
Rico Gargano
Jerry Wisner
Kim Johnson
Robert Palmer
Charlie and Tricia Baynes
Carl Rossmark and Slu Cheung
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Office of Planning
Arnold Jablon, Director/Permits, Approvals and Inspections
Nancy C. West, Assistant
Michael Field, County Attorney

9/24/13

RECEIVED
OCT 4 2013

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

WILLAM LAGNA

221 Bowleys Quarters Road
Middle Rive, Maryland 21220

FOR JUDICIAL REVIEW OF THE DECISION OF:

THE BALTIMORE COUNTY BOARD OF APPEALS

105 W. Chesapeake Ave.
Suite 203
Towson, Maryland 21204

Civil Action No. _____

03-C-13-011192

IN THE CASE OF:

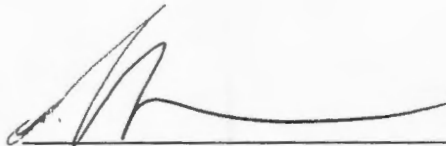
WILLIAM M. LAGNA – Legal Owner/Petitioner
3920, 3922, 4000 and 4002 Chestnut Road
Baltimore, Maryland 21220
Case No. 12-239-SPH

* * * * *

PETITION FOR JUDICIAL REVIEW

William M. Lagna, by his attorneys, Michael R. McCann and Michael R. McCann, P.A., pursuant to Maryland Rule 7-201 *et al.*, files this petition for judicial review of the final Opinion and Order of the Board of Appeals of Baltimore County dated September 12, 2013, and the Amended Order dated September 13, 2013. Petitioner was a party to the proceedings below and is aggrieved by the Board's decision.

RECEIVED AND FILED
2013 OCT -1 A 11:18
CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

A handwritten signature in black ink, appearing to be 'M. McCann', written over a horizontal line.

Michael R. McCann

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150

Attorneys for Petitioners

Dated: September 24, 2013

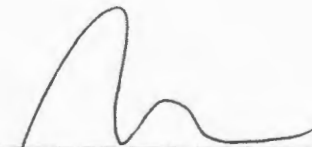
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 24th day of September, 2013, a copy of the foregoing

Petition for Judicial Review was sent via First Class Mail, postage pre-paid, to:

Peter Max Zimmerman, Esq.
People's Counsel for Baltimore County
105 W. Chesapeake Ave.
Towson, Maryland 21204

Baltimore County Board of Appeals
105 W. Chesapeake Ave.
Suite 203
Towson, Maryland 21204



Michael R. McCann

9/24/13

RECEIVED
SEP 25 2013

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

WILLAM LAGNA

221 Bowleys Quarters Road
Middle Rive, Maryland 21220

FOR JUDICIAL REVIEW OF THE DECISION OF:

THE BALTIMORE COUNTY BOARD OF APPEALS

105 W. Chesapeake Ave.
Suite 203
Towson, Maryland 21204

Civil Action No. _____

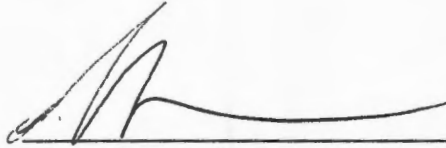
IN THE CASE OF:

WILLIAM M. LAGNA – Legal Owner/Petitioner
3920, 3922, 4000 and 4002 Chestnut Road
Baltimore, Maryland 21220
Case No. 12-239-SPH

* * * * *

PETITION FOR JUDICIAL REVIEW

William M. Lagna, by his attorneys, Michael R. McCann and Michael R. McCann, P.A., pursuant to Maryland Rule 7-201 *et al.*, files this petition for judicial review of the final Opinion and Order of the Board of Appeals of Baltimore County dated September 12, 2013, and the Amended Order dated September 13, 2013. Petitioner was a party to the proceedings below and is aggrieved by the Board's decision.

A handwritten signature in dark ink, appearing to be 'M. McCann', is written over a horizontal line.

Michael R. McCann

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150

Attorneys for Petitioners

Dated: September 24, 2013

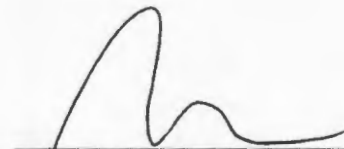
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 24th day of September, 2013, a copy of the foregoing

Petition for Judicial Review was sent via First Class Mail, postage pre-paid, to:

Peter Max Zimmerman, Esq.
People's Counsel for Baltimore County
105 W. Chesapeake Ave.
Towson, Maryland 21204

Baltimore County Board of Appeals
105 W. Chesapeake Ave.
Suite 203
Towson, Maryland 21204



Michael R. McCann

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

RECEIVED
SEP 25 2013

BALTIMORE COUNTY
BOARD OF APPEALS

September 24, 2013

Clerk, Circuit Court for Baltimore County
Civil Division
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204-0754

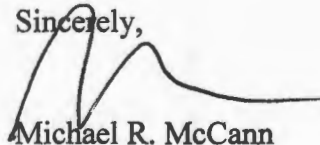
Re: *In the Matter of William Lagna – Owner/Petitioner*

Dear Clerk:

Enclosed please find a Petition for Judicial Review along with a check for One Hundred Fifty-Five Dollars (\$155.00) to cover filing fees.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,



Michael R. McCann

Enclosures

Cc: Baltimore County Board of Appeals
People's Counsel for Baltimore County

IN THE MATTER OF
WILLIAM M. LAGNA - Legal Owner/Petitioner
3920, 3922, 4000 AND 4002 CHESTNUT ROAD
BALTIMORE, MD 21220

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 12-239-SPH

RE: Petition for Special Hearing to approve the
legal non-conforming status of an existing private
boat club with piers and 3 existing single family
dwellings

* * * * *

AMENDED ORDER

THEREFORE, IT IS THIS 13th day of September, 2013 by the Board of
Appeals of Baltimore County,

ORDERED that the Petition for Special Hearing seeking relief pursuant to §500.7 of the
Baltimore County Zoning Regulations to approve a legal non-conforming status of an existing private
boat club with piers and 3 existing single family dwellings, be, and the same is hereby, **DENIED**; and it
is further,

ORDERED that the 4 lots have merged into one single Property for zoning purposes; and it is
further,

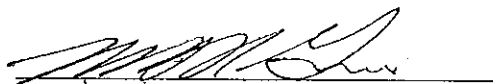
ORDERED that the Petitioner shall comply with BCZR §415A with regard to the number of
boats and piers permitted for one single Property.

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

BOARD OF APPEALS
OF BALTIMORE COUNTY


Andrew M. Belt, Chairman


Maureen E. Murphy


Wendell H. Grier

IN THE MATTER OF
WILLIAM M. LAGNA – Legal Owner/Petitioner
3920, 3922, 4000 AND 4002 CHESTNUT ROAD
BALTIMORE, MD 21220

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 12-239-SPH
*

RE: Petition for Special Hearing to approve the
legal non-conforming status of an existing private
boat club with piers and 3 existing single family
dwellings

* * * * *

OPINION

This case comes to the Board on appeal of the final decision of the Office of Administrative Hearings in which the Administrative Law Judge (“ALJ”) denied the Petitioner, William M. Lagna’s request for Special Hearing pursuant to Baltimore County Zoning Regulations (“B.C.Z.R.”) §500.7 (“Lagna”) to approve the legal non-conforming status of a private boat club with piers and 3 existing single family dwellings.

A hearing was held before this Board on February 5, 2013 and on April 17, 2013. The Petitioner was represented by Michael McCann, Esquire and Peter Max Zimmerman, People’s Counsel for Baltimore County participated. A public deliberation was held on July 16, 2013.

Procedural History

The request for relief here was initiated as a zoning violation case (Civil Citation No. 103205) in which Mr. Lagna was given 90 days to obtain non-conforming use status of his Property as a “boat club.” (PC. Ex. 3).

Facts and Evidence

The property owned by Mr. Lagna is located on the point of peninsula in the Bowleys Quarters area and fronts the water along Seneca Creek (the "Property" or the "Lagna Property"). He purchased it with his wife on January 11, 1994. (People's Counsel Ex. 4A). The zoning for the Property is RC5 which permits one dwelling unit per 2 acres, with a minimum lot size of 1.5 acres.

According to a Subdivision Plat of 1921, the Property was separated into four (4) lots (Lots 124, 125, 126 and 127). (Pet. Ex. 15). Each lot has a separate address. The Property is improved with four (4) buildings/homes which straddle and cross the lot lines. (Pet. Ex. 1 and 2). There are two (2) piers located on the western side of the Property. One is located toward the northern portion and the other is located toward the southern portion.

Mr. Lagna testified that the 2 bungalow style frame houses known as 3920 and 3922 Chestnut Road were constructed in or about 1934 and straddle the lot line separating Lots 124 and 125. There is a larger house known as 4000 Chestnut Road which straddles the lot lines between Lot 125 and 126. The last building is known as 4002 Chestnut Road and straddles the lot line separating Lots 126 and 127. All 4 lots together measure less than one (1) acre.

In support of his case, Mr. Lagna produced a photograph of a sign which says "Lauraville 1937 Swim & Boat Club." (Pet. Ex. 6). Another photograph showed a wall with an emblem for the "Seneca Creek Mariners Club" with the date 1963 ("SCMC"). (Pet. Ex. 4). A copy of the 1990 Roster for the SCMC was also produced. (Pet. Ex. 7). A

photograph of a hat embossed with "Seneca Creek Maritime Club" was viewed. (Pet Ex. 12).

Similarly, Mr. Lagna produced a list of current members of the SCMC which consisted of 11 people - one of whom was Mr. Lagna, 3 of whom are related to Mr. Lagna and 1 is Mr. Lagna's tenant, Ron Robbins. (Pet. Ex. 8). The remaining 6 members were friends of Mr. Lagna. We were provided the front side of a check dated January 3, 2013 for \$200.00 from 1 member which indicates that the check is for "boat club use." (Pet. Ex. 9). Mr. Lagna testified that Hurricane Isabel destroyed any other documents supporting the boat or swim club.

Mr. Lagna does not carry insurance for the club. There is no separate bank account or license for the club. He filed tax returns but claimed the boat club as a business use. No corporation or legal entity was formed. There is no advertising and no website for the club.

Mr. Lagna admitted that in 1993 he stored 5-8 boats on the Property. Today, he said that he stores 23 boats which are all owned by him (19 of which are over 16 feet in length and 10 of which are under 16 feet) and 2 boats stored there are owned by Ron Robbins. Mr. Lagna also rents the houseboat to Ron Robbins which is docked at the pier.

The Board heard testimony from various witnesses as to the historical use of the Property. Jerry Wisner, 3910 Chestnut Road, testified that his family has owned his property since 1921 and that he has lived there all his life. His home is located one lot away from the Lagna Property. (Pet. Ex. 1A). He testified that from the 1950's through 1980's the 2 bungalow houses on the Property were rented. The white bungalow known

as the "Hudson House" was a year round rental. The brown bungalow known as the "Grogan House" was rented during the summer. Boats were not stored on the bungalow section of the Property while those houses were rented between 1950-1980.

Mr. Wisner testified that the bungalows have been vacant for the past 15 to 20 years but the larger/main house is currently being rented. He further testified that in the last ten (10) years, Mr. Lagna has docked a house boat at northernmost pier. He observed that the pier is missing a 12-14 foot section in the middle. (T. 91-94). Mr. Lagna extended the length of the pier located closest to the southern end of the Property. In addition, the Property currently stores at least thirty (30) boats which never move off the Property along with large pontoon-type equipment used to tow boats and trailers.

As to a social club or boat club, he testified that there has not been any social activity evidencing a club in years. Previously, he mentioned that between 1950 through 1980 the Property was used as a social gathering place but never as a boat club. At most, 2 to 4 boats were docked at the northern pier during that time period. While Mr. Lagna added a boat ramp in the late 1990s, no boat ramp existed during the period of a social club.

The Board also heard from Sandy Walter who owned 4004 Chestnut Road for years before selling it last year. Her great-grandfather is the original owner of the Lagna Property and her father, Foster W. Wright, Jr. sold it to Mr. Lagna and his wife on January 11, 1994. (P.C. 4A). During her ownership of 4004, she used her home during the summer months.

During the last 19 years, she has observed the buildings on the Lagna Property deteriorate. Boats and trailers cover the Property in addition to scrap metal, wood and rusted pontoons. She counted 30 boats in all. She has never witnessed any party, gathering, social club activity or meetings during weekends in the summers. In her words, the “only sign of life” on the Property is the tenant Ron Robbins and occasionally Mr. Lagna and his daughter would go out on a boat. But other than that, the Property is “dormant” on weekends. As to the past use as a boat club, she testified that there was never a “boat club.” The Property was used for social gatherings and picnics.

Charles Baynes lives at 4006 Chestnut Road which is next to Sandy Walter’s former home and 2 properties over from the Lagna Property. He is Sandy Walter’s second cousin. When his grandfather owned the Lagna Property, Mr. Baynes would collect rent from the Hudson and Grogan families. The renters were gone before Mr. Lagna purchased the Property. As for club activity, he remembers that a “men’s club” operated out of the main house between Memorial Day through Labor Day. This consisted of cookouts or parties on weekends prior to Mr. Lagna’s ownership. There was at best a couple of small motor boats during that time. He was adamant that there has never been a “boat club” on the Property.

Mr. Baynes corroborated the testimony of Jerry Wisner and Sandy Walter that since Mr. Lagna’s purchase in 1994, there have not been any social or club activities of any kind. He has observed that Mr. Lagna has accumulated and stores boats all over the Property.

The Board also heard from Carl Rossmark who purchased 4004 Chestnut Rd. from Sandy Walter last year. He grew up in the neighborhood and as a boy played on the Property located across from the Lagna Property known as 3916 Chestnut Road. (Pet. Ex 1B). He corroborated the testimony of the other neighbors that there would be an occasional cookout on the Property along with a boat. In the 1980s he saw some boats in the water. There were never any boats stored on the land as there are now.

He said that there has never been a boat club on the Property. If there was a boat club, he would have known about it. He testified that other than Mr. Lagna and Ron Robbins, there is no one else on the Property

Since Mr. Lagna's purchase, Mr. Rossmark has witnessed the degradation of the buildings on the Property. As a licensed home improvement contractor, Mr. Rossmark noticed that concrete blocks are holding up the front of the main house. Sections of the roof have been missing for years and the ceiling is hanging down. He believes that it is not safe to enter the building or to walk on the front porch. The piers are falling down as sections of the horizontal walkway are missing.

Mr. Rossmark also expressed his concerns about potential fire hazards. He sees oil and gas exposed without appropriate safety covers. Additionally, he feels that, in the event of a fire, the fire department would not be able to access the buildings as the houses are surrounded by boats and trailers. He has also observed vehicles routinely blocking the road.

The Board heard from David Hash, 3804 Chestnut Rd. Mr. Hash has lived there for 27 years. He testified both individually and as Member of the Board of Directors of

the Bowleys Quarters Improvement Association ("BQIA"). The BQIA consists of 160 paying members. The BQIA is concerned about the dereliction of the Lagna Property and accumulation of boats that remain on the Property. He recalls in that in the 1980s there would be 2 boats at most at the Property. Today, Mr. Lagna has accumulated 30-35 boats.

Personally, Mr. Hash owns a boat which he uses on Seneca Creek. During his travels, he has personally observed the Lagna Property both before and after Mr. Lagna's purchase in 1994. In the last 10-15 years, he has not observed any boat club type activities.

Mr. Hash produced for the Board a book of photographs of the Lagna Property as it exists today. (PC Ex. 16 A-N). Photograph 16A shows the main house and supports Mr. Rossback's testimony that cinder blocks support some or all of the main house as well as the collapsed roof and overall deterioration of that structure. Photograph 16E shows unused trailers, a large metal wheel as well as a collection of unidentifiable items both outside in the yard and underneath a large structure. A 1995 aerial photo shows 2 boats on the property. (PC. Exh. 16B). In contrast, a 2012 aerial reveals at least 30 boats on the Property. The broken pier is revealed in Photograph 16m.

Robert Palmer of 412 Armstrong Road is the owner of the Trade Winds Marina in Bowleys Quarters. He explained that he worked with former Councilman Vincent Gardina on surveying the Bowleys Quarters area for the purpose of creating the business/maritime zones. The creation of these zones removed marinas from residential areas.

The Law

1. Non-conforming Uses.

BCZR §500.7 provides that a special hearing will be held for any interested person to petition the Zoning Commissioner to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property.

BCZR, §101.1 defines a “nonconforming use” as:

Nonconforming Use

A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

BCZR, §104.1 provides how a nonconforming use can expire:

Continuation of nonconformance; exceptions.

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.

BCZR 104.1 allows nonconforming uses to exist unless changed, abandoned or discontinued. The burden of establishing a nonconforming use is on the Petitioner. Such burden can be satisfied by showing that the use in question was well known throughout

the neighborhood at the pertinent time. *Calhoun v. County Board of Appeals*, 262 Md. 265 (1971). Mere change in ownership does not destroy the nonconforming use. *Green v. Garrett*, 192 Md. 52 (1949). The nature and extent of the use has to have remained unchanged and substantially the same facilities have to be used throughout the years in question. *Kastendike v. Baltimore Association for Retarded Children*, 267 Md. 389 (1974).

In *Arundel Corp. v. Board of Zoning Appeals of Howard County*, 255 Md. 78 (1969), the Court of Appeals held that the use of the subject property as a quarry could not be regarded as a valid nonconforming use, although existing at the time of the adoption of a new comprehensive zoning, where such use prior to the adoption of the comprehensive zoning regulations was neither a permitted use nor a valid nonconforming use.

The policy of the law is to eliminate nonconforming uses over time. *County Council of Prince George's County v. E.L. Gardner, Inc.* 293 Md. 259, 267-68 (1982) states:

This Court has repeatedly recognized that one of the fundamental problems of zoning is the inability to eliminate incompatible nonconforming land uses. In *Grant v. Mayor and City Council of Baltimore*, 212 Md. 301, 307, 129A.2d 363, 365 (1957), this Court said:

"Nonconforming uses have been a problem since the inception of zoning. Originally they were not regarded as serious handicaps to its effective operation; it was felt they would be few and likely to be eliminated by the passage of time and restrictions on their expansion. For these reasons and because it was thought that to require immediate cessation would be harsh and unreasonable, a deprivation of rights in property out of proportion to the public benefits to be obtained and, so, unconstitutional, and finally a red flag to property owners at a time when strong opposition might have jeopardized the chance of any zoning,

most, if not all, zoning ordinances provided that lawful uses existing on the effective date of the law could continue although such uses could not thereafter be begun. Nevertheless, the earnest aim and ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due regard to the legitimate interests of all concerned, and the ordinances forbid or limit expansion of nonconforming uses and forfeit the right to them upon abandonment of the use or the destruction of the improvements housing the use."

Thus, this Court has recognized that the problem inherent in accommodating existing vested rights in incompatible land uses with the future planned development of a community is ordinarily resolved, under local ordinances, by permitting existing uses to continue as nonconforming uses subject to various limitations upon the right to change, expand, alter, repair, restore, or recommence after abandonment. Moreover, this Court has further recognized that the purpose of such restrictions is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. *The Arundel Corp. v. Board of Zoning Appeals of Howard County*, 255 Md. 78, 83-4, 257 A.2d 142, 146 (1969); *Stieff v. Collins*, 237 Md. 601, 604, 207 A.2d 489, 491 (1965); *Colati v. Jirout*, 186 Md. 652, 655, 657, 47 A.2d 613, 614-15 (1946); *Beyer v. Mayor of Baltimore*, 182 Md. 444, 446, 34 A.2d 765, 766 (1943); *See Kastendike, supra*, 267 Md. 397.

Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable local ordinances and regulations. *Feldstein v. La Vale Zoning Board*, 246 Md. 204, 211, 227 A.2d 731, 734 (1967); *Phillips v. Zoning Comm'r of Howard County*, 225 Md. 102, 109, 169 A.2d 410, 413 (1961); *Board of Zoning Appeals of Baltimore County v. Gue*, 217 Md. 16, 21-22, 141 A.2d 510, 513 (1958). These local ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. *Mayor of Baltimore v. Byrd*, 191 Md. 632, 638, 62 A.2d 588, 591 (1948); *Colati*, 186 Md. at 658-59, 47 A.2d at 616; *Knox v. Mayor of Baltimore*, 180 Md. 88, 96, 23 A.2d 15, 18 (1941); *see City of Hagerstown v. Wood*, 257 Md. 558, 563, 263 A.2d 532, 534 (1970); *Hewitt v. County Comm'rs of Baltimore County*, 220 Md. 48, 59, 151 A.2d 144, 150 (1959).

The law does not favor a change in the nonconforming use by a kind of "creeping" process. *Phillips v. Zoning Commissioner of Howard County* 225 Md. 102 (1961). A property owner must prove both continuity and persistence of the same nonconforming use. A change or extension may come quickly or slowly. *Calhoun v. County Board of*

Appeals of Baltimore County 262 Md. 265 (1971). In general, the law does not favor nonconforming uses and contemplates their gradual disappearance. *Gardner, supra*.

2. Zoning Merger.

The merger of lots for zoning purposes occurs when one lot is used in service to another lot and both lots are held under common ownership. *Remes v. Montgomery County*, 387 Md. 52, 64 (2005). Merger is derived from the common owner's intent as evidenced by "integra[ting] or utilize[ing] the contiguous lots in the service of a single structure or project...." *Id.* at 65. Intent is to be derived from the facts. *Id.*

In *Remes*, the Court of Appeals emphasized that each case must be examined on its own facts. The facts which swayed the Court of Appeals in finding merger was that the owners received a building permit to construct a swimming pool on the vacant lot as "an accessory use to their home on Lot 12;" the swimming pool violated the prescribed setbacks from the street and from the adjoining lot (unless the swimming pool was dedicated to the improved lot); the owners received a building permit to construct an addition on the house which encroached upon the vacant lot's setback requirements; there was a circular driveway that traversed both lots; and, for over 30 years, the lots had been assessed for tax purposes as one lot.

The *Remes* Court explained that the setback encroachments were significant in finding merger:

Thus, even if the elder Duffies might have imagined that Lot 11 would "absorb" the setback deficiencies by their Lot 11 pool and Lot 12 home additions, the

setback requirements delineated in Montgomery County's zoning ordinance prohibit such adjacent lot encumbrance and Lot 11 never actually fulfilled this role in service of Lot 12. What respondents fail to acknowledge is that the zoning merger that occurred in this case forestalled the creation of a nonconformity on Lot 12. Without the use of Lot 11 as accessory to Lot 12, the uses of both lots would have violated the zoning ordinance.

Id. at 73.

Decision

1. Non-conforming Use as a Boat Club.

After reviewing all of the testimony and evidence presented, the Board has determined that Mr. Lagna's storage and collection of his boats on his Property does not qualify as a non-conforming existing boat club. In this Board's view of the evidence, Mr. Lagna did not provide evidence that a boat or swim club has existed on the Property since 1937. Even if the evidence showed such use continuously since 1937, Mr. Lagna failed to prove that a boat club has existed since 1994.

We were provided only scant information as to the nature or extent of either the Lauraville Swim and Boat Club or the Seneca Creek Maritime Club as either may have originated or existed in the 1930s or 1960s. There was no testimony by anyone with knowledge for either club of: the activities of either club; the years in existence; whether the use was as a boat club, swim club or men's club or some or all of those; whether the use(s) existed continuously and without interruption for 1 year; the number boats on the Property; the location of boats on the Property; the membership payments; or the

organizational structure of the club(s). More importantly, there was no evidence presented as to whether either of these clubs existed continuously without interruption between the 1937 (Lauraville Swim Club) or later from 1963 (SCMC) until Mr. Lagna's purchase in 1994 as required by BCZR 104.1.

Even if we were convinced that a boat/swim/men's club was conducted at the Property between 1937 or 1963 through 1994 when Mr. Lagna purchased the Property, the evidence produced by Mr. Lagna was that the club was abandoned in 1993 and therefore the use was extinguished even before Mr. Lagna's purchase in 1994. (Pet. Ex. 11).

Even if the club(s) were not abandoned, we do not find, based on the evidence, that Mr. Lagna has been operating a boat club on the Property without any cessation or abandonment of activities for one year or longer since 1994. He did not produce any evidence from the community that a boat club has ever existed at the Property between 1994-2013. Credible testimony from neighbors who have lived in the neighborhood for decades was provided – that no club of any kind has existed at the Property since Mr. Lagna's purchase. The testimony was that, other than Mr. Lagna and his daughter taking an occasional boat out, the Property is dormant on the weekends, with "no signs of life." We would expect that a boat club would be the most active on weekends during summer months. Moreover, the deterioration of the main house and piers supports this testimony as neither the building or piers are safe for conducting any club activities.

We would also expect that if a boat club had existed since 1994, evidence would have been presented of the organizational structure of a corporation which entity would

be filing its own tax returns. Instead, Mr. Lagna has been claiming either a profit or loss for a combination of “boat club, rentals and internet security products.” (Pet. Ex. 13). In further examining his Schedule Cs, we note that in 2005, he fails to list “boat club” but files the Schedule for “real estate rentals, internet, marina”. We find this to be an admission by Mr. Lagna that any “boat club” use by him terminated in 2005.

Further examination of his 2007 Schedule C reveals that Mr. Lagna does not list “boat club” but rather he continues to identify his business as a “marina.” As pointed out by People’s Counsel, while the RC 5 zone initially allowed marinas and boatyards by special exception, that use was repealed shortly after the 1972 enactment of the business maritime zones.

This Board would also expect that a boat club would have insurance, a separate bank account, advertisements or a website, or at least a sign on the Property notifying people of its existence. We would expect that it would be common knowledge in the neighborhood if a boat club really existed. We considered the evidence presented in light of the fact that the request here was to legitimize a non-conforming which arose out of a zoning violation. Had the operation of a boat club on the Property been the goal, we believe that Mr. Lagna would have sought approval of a non-conforming use in 1994.

Finally, even if the facts proved Mr. Lagna’s intent to operate a boat club, we find that his current use is an intensification and change from the original boat, swim and/or men’s club. By the aerial photos, we can see the increase in the number of boats stored all over the Property. (People’s Counsel Ex. 1B, 16B and 16C).

For all the foregoing reasons, we find that Mr. Lagna's use of the Property does not satisfy the non-conforming use standard.

2. Merger of 4 Lots

Under the present RC5 zoning, BCZR §415A permits only one recreational boat for each lot occupied by a single-family detached dwelling, except for boats under 16 feet which may be kept if not mounted on a trailer. It reads as follows:

Contrary provisions of these regulations notwithstanding, one recreational vehicle may be stored on a residential lot as set forth below. Such vehicle, except a truck camper, shall have a current license, may not be lived in, or otherwise occupied, when stored on a lot and shall be mechanically ready to be moved at any time. A recreational boat, whether mounted on a trailer or stored on land with or without the use of supports, is subject to these provisions. A boat less than 16 feet in length is not subject to these provisions, except when such boat is mounted on a trailer. The space occupied by such a recreational vehicle or boat may be counted as a required parking space.

A. On a lot occupied by a single-family detached or semi-detached dwelling, one such vehicle may be stored 2 1/2 feet from any rear or side lot line; however, when in a side yard it must be situated at least eight feet to the rear of a lateral projection of the front foundation line of the dwelling. Such vehicle may be stored in any garage.

Piers are restricted under §415.A.2 which provides:

A residentially used or vacant residentially zoned waterfront lot shall have no more than one pier (whether fixed or floating). As of November 15, 1993, the number of boats, not including those smaller than 16 feet, permitted to be stored at a pier, slip, buoy or any other mooring device in the water at such a lot shall be limited in accordance with the following schedule:

Waterside Lot Line	Number of Boats Permitted
0 to 50 feet	4
51 to 100 feet	5
Over 100 feet	6

Applying the holding in *Remes*, Mr. Lagna owns all 4 lots. Other than Ron Robbins who has been renting one of the bungalows since 1995, the other buildings on the Property have not been occupied since Mr. Lagna's purchase in 1994. Mr. Lagna has continued to live at 221 Bowleys Quarters Road. Even if Mr. Lagna wanted to rent the main house, the photographs reveal that it is not habitable. (People's Counsel Ex. 16A). The 4 buildings are not contained within the 4 lot lines. (Pet. Ex. 2). As set forth herein, buildings straddle the lot lines. *Id.*

Mr. Lagna's storage of boats across the 4 lots is indicative of his intent to integrate and use the lots as one single property. There was no evidence presented that since Mr. Lagna's purchase, there has been any separation of the four lots for residences or other uses.

Consequently, applying *Remes* to the facts of the present case, we find that based on the evidence, the 4 lots have merged into one single property for zoning purposes. Accordingly, under BCZR §415.A, Mr. Lagna is entitled to store 1 recreational boat on the Property with the exception of boats under 16 feet in length unless such boat is

mounted to a trailer. Under BCZR, 415.A.2, the Property shall have no more than one pier.

ORDER

THEREFORE, IT IS THIS 12th day of September, 2013 by the
County Board of Appeals of Baltimore County,

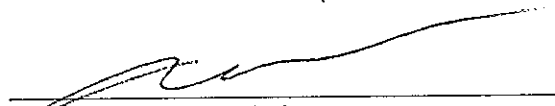
ORDERED that the Petition for Special Hearing seeking relief pursuant to §500.7 of the Baltimore County Zoning Regulations to approve a legal non-conforming status of an existing private boat club with piers and 3 existing single family dwellings, be, and the same is hereby, **DENIED**; and it is further,

ORDERED that the 4 lots have merged into one single Property for zoning purposes; and it is further,

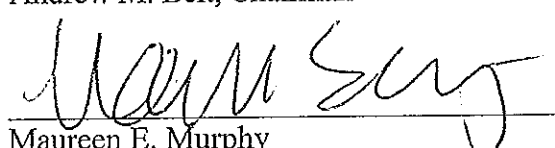
ORDERED that the Petitioner shall comply with BCZR §415 with regard to the number of boats and piers permitted for one single Property.

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

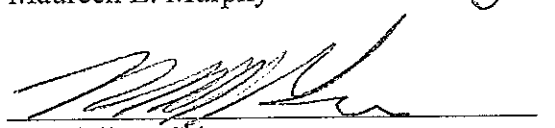
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Chairman



Maureen E. Murphy



Wendell H. Grier



Board of Appeals of Baltimore County

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

September 13, 2013

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

RE: *In the Matter of: William Lagna – Owner/Petitioner*
Case No.: 12-239-SPH

Dear Mr. McCann:

Enclosed please find a copy of the final Opinion and Order issued September 12, 2013 by the Board of Appeals of Baltimore County in the above subject matter.

Additionally enclosed, please find an Amended Order issued this date, which corrects a typographical error.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil **action number**. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Acting Administrator

Enclosure

c:	William Lagna	David Hash
	John Schmidt	Rico Gargano
	Jerry Wisner	Kim Johnson/Keller Williams Realty
	Robert Palmer	Charlie and Tricia Baynes
	Carl Rossmark and Shu Cheung	Office of People's Counsel
	Lawrence M. Stahl, Managing Administrative Law Judge	
	John E. Beverungen, Administrative Law Judge	
	Arnold Jablon, Director/PAI	
	Andrea Van Arsdale, Director/Department of Planning	
	Christina Frink, Code Enforcement Inspector/PAI	
	Nancy West, Assistant County Attorney	
	Michael Field, County Attorney, Office of Law	

6/6/13

RE: PETITION FOR SPECIAL HEARING
3922 Chestnut Road; N/S Chestnut Road,
2,500' NE of c/line Bowleys Quarters Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): William Lagna
Petitioner(s)

* BEFORE THE COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* 2012-239-SPH

RECEIVED
JUN 6 2013

* BALTIMORE COUNTY *
BOARD OF APPEALS

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

People's Counsel for Baltimore County files this memorandum to review the facts and law pertinent to Petitioner William Lagna's boat use on his Chestnut Road property.

I. Precipitation of the Controversy

Upon review of a 2011 zoning complaint, inspection of the property, and issuance of a citation, Managing Administrative Law Judge Lawrence Stahl convened a public hearing on February 1, 2012. ALJ Stahl issued his decision on February 12. He found "... that the number of boats clearly stored on the site exceed that permitted under its existing R.C. 5 zoning." He imposed a \$1000 civil penalty, but suspended it upon condition that Lagna file within 90 days a petition for special hearing to determine the validity of Lagna's assertion of a legal nonconforming use. ALJ Stahl further ordered that the property be brought into compliance.

Lagna did not appeal the order. He did file the present petition for special hearing on March 30, 2012. As Judge Salmon observed in Antwerpen v. Baltimore County 163 Md. App. 194, 207 (2005). "A request for special hearing is, in legal effect, a request for a declaratory judgment.

His petition requested a determination of legal nonconforming "boat club" use and a "lot line adjustment" for mixed boat club/residential use. ALJ John Beverungen conducted a public hearing. For reasons stated in his June 22, 2012 decision, he denied the petition, finding that Lagna had not established a nonconforming use for the alleged boat club. ALJ Beverungen declined to review the request for lot line adjustment, but did

note that the four original lots had merged into one because "... the lot lines (which after all are an artificial construct) were disregarded entirely when these properties were developed" and because Lagna's "indicated his intention at the time (of purchase) to raze the dilapidated structures on site and build a new home on the premises." Page 4. As discussed below, Lagna's January 11, 1994 deed corroborates this finding.

Lagna thereupon filed the present appeal to the County Board of Appeals (CBA). While it is *de novo*, the evidence presented as to historic use as well as the lot situation appears to be very similar to that presented to ALJ Beverungen.

II. Questions Presented

In perspective, there are the following interrelated questions:

1. What was the nature of the boat club use which existed before 1945 and so was nonconforming to the zoning regulations then enacted and in force thereafter?
2. Did that use continue in the same way, without any 1-year interruption, until Lagna acquired the property?
3. Has that use continued under the Lagna regime, based on its nature, purpose, character, extent, and impact; or, to the contrary, has there been a substantial change based on the criteria and standards applicable to nonconforming use law?
4. Has the original boat club use gradually yet dramatically undergone a metamorphosis so that it is now more akin to a boatyard use?

III. The Lagna Property

Lagna's Chestnut Road property is at the point of a peninsula in the Bowleys Quarters waterfront community in eastern Baltimore County. The property comprises four lots, identified as 3920, 3922, 4000, and 4002 Chestnut Road. These began as 4 lots (124-127) identified on the 1921 subdivision plat of Bowleys Quarters Plat No. 2 (Pet. Exh. 15). The site plan lists the gross acreage for the group of four as .98 acres.

These are waterfront lots on Seneca Creek. They have functioned and been used as a single property. Indeed, the four existing, fairly dilapidated old homes and/or buildings on the property straddle and cross the lot lines. The two piers likewise show no lot division as to use.

IV. The Problem

William Lagna acquired the Chestnut Road property in January, 1994. His purpose, according to his deed (P.C. Exh. 4A) and corroborative testimony, was to build a new home for him and his wife. For various reasons, this did not occur. Rather, Lagna continued to reside at his home at 221 Bowleys Quarters Road. Instead, the subject property became a center for storage of a massive collection of boats. Meanwhile, as the CBA may notice, 221 Bowleys Quarters Road is also the subject of litigation involving boat proliferation, with a recent Court of Special Appeals opinion dated April 2, 2013, Lagna v. Baltimore County, No. 2367, September, 2011.

Gradually, as shown by aerial and land photography (1995, 2008, current), Lagna began to store at first a few boats, then more, and more and more, to the point where area citizens became upset at what they perceived as blight. This led to the 2011 zoning complaint. Currently, by Lagna's own admission, he personally has over 30 boats stored on the property, of which he does not wish to count about 7 (as being under 16 feet). In addition, there are or may be several boats belonging to relatives, colleagues, and friends.

V. The Zoning Classification and History

The property is currently zoned R.C. 5. The R.C. 5 (Rural-Residential) Zone is codified and delineated under BCZR Section 1A04. It is also within the definition of Residential Zone. BCZR Section 101.1. It allows residential uses at a density of .2, one dwelling per 2 acres, with a minimum lot size of 1.5 acres.

The zoning history shows the property has been zoned R.C. 5 since 1976. Before that, back to 1945, the property was classified in several of the residential zones in effect prior to the establishment of the R.C. Zones in Bill 98-75. These zones included the "A" Residence Zone (1945), the R-6 residential zone (1955), and the R.D. P Zone (1971).

The earlier zones allowed a boatyard by special exception, but there was never any such special exception applied for or approved on the subject property. The R.C. 5 Zone initially allowed marinas and boatyards by special exception, but that use was repealed shortly after the 1972 enactment of the business maritime zones, as described below.

VI. The Current Law

BCZR Section 415A addresses recreational vehicles and boats. It is derived originally from Bill 29-74 and then amended by Bill 54-93. BCZR Section 415A.1.A allows one recreational boat for each lot occupied by a single-family detached or semi-detached dwelling, except that boats under 16 feet may be kept if not mounted on a trailer. BCZR Section 415.A.1 states, in pertinent part,

“Contrary provisions of these regulations notwithstanding, one recreational vehicle may be stored on a residential lot as set forth below. Such vehicle, except a truck camper, shall have a current license, may not be lived in, or otherwise occupied, when stored on a lot and shall be mechanically ready to be moved at any time. A recreational boat, whether mounted on a trailer or stored on land with or without the use of supports, is subject to these provisions. A boat less than 16 feet in length is not subject to these provisions, except when such boat is mounted on a trailer. The space occupied by such a recreational vehicle or boat may be counted as a required parking space.

A. On a lot occupied by a single-family detached or semi-detached dwelling, one such vehicle may be stored 2 1/2 feet from any rear or side lot line; however, when in a side yard it must be situated at least eight feet to the rear of a lateral projection of the front foundation line of the dwelling. Such vehicle may be stored in any garage”

BCZR Section 415.A.2 addresses the piers and other in-water mooring structures. It allows just one pier on each residential lot, and further limits the number of boats allowed to be stored at such piers, depending on the width of the waterside lot line.

Under current law, with the zoning merger of the 4 Lagna lots into 1 (explained below), Lagna is only be allowed a single boat on his property, plus boats under 16 feet if not mounted on trailers. If the property were re-subdivided properly, then each new lot could have a single boat on the lot and a pier, with boats moored subject to prescribed limits. It should be kept in mind that the 4 original lots are way undersized by today's standards, so it is uncertain whether they could be re-subdivided into 4 new lots. That would require an entirely new zoning review and public hearing.

It should also be kept in mind that marinas, boatyards, and yacht clubs are not permitted uses in the R.C. 5 Zone. Rather, in 1992, the County Council established specific maritime zones for such uses: the B.M.M. (Business-Maritime-Marina), B.M.B.

(Business-Maritime-Boatyard) and B.M.Y.C. (Business-Maritime-Yacht Club) for such uses. Bills 149-92 and 136-97; BCZR Sections 216-20, 221-24, and 225-28.

In 1995, consistent with the new regime for business maritime zones, the County Council repealed the previously allowed marina and boatyard special exception uses in the R.C. 5 Zone. Bill 229-95. Therefore, Lagna is not eligible to petition for a special exception for a boatyard on this property.

It is also noteworthy that there is permitted in the Business-Local (B.L.) Zone via use permit a "recreational vehicle parking lot," if affiliated with a nearby "recreational vehicle sales facility," subject to site plan review. BCZR Section 230.1, 230.2.G.1-6. But such use is not permitted in the R.C. 5 Zone.

Although Lagna has claimed that his current "boat club" use does not fit into any of the business maritime categories, it does appear that his mass storage of boats is akin to a boatyard, defined in BCZR Section 101.1 as follows:

"BOATYARD - A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types. [Bill 64-1963]."

From any point of view, Lagna plainly has way more boats stored on his property than is allowed in the R.C. 5 Zone. This is why he has fallen back on the hope that he can prove a nonconforming boat club use. There is no genuine dispute that Lagna must show a "boat club" use which predates the introduction of zoning in 1945 and has continued without material change to the present. It must be kept in mind that the evaluation of continuity and change occurs within the context and framework of nonconforming use law, to be reviewed later in the analysis section of this memorandum.

VII. Zoning Merger of the Four Lagna Lots

At the CBA hearing on February 5, 2013, Lagna's attorney withdrew the request for "lot line adjustment," effectively for re-subdivision. Nevertheless, because BCZR Section 415A allocates and limits recreational boat use to single residential lots, it is necessary to include an introductory comment.

Although the four lots were delineated separately on the 1921 subdivision plat, they have been used together as virtually a single property, with the four structures crossing various lot lines. This is evident from the aerial photography and from Lagna's site plan. There was never any separation of the four lots individually for residences or other uses. Nor was there even any attempt to place a single house identifiably on two of the lots together. As a result, for zoning purposes, the four lots have merged into a single lot. Remes v. Montgomery County 387 Md. 52 (2005).

Remarkably, Lagna's 1994 deed is consistent with the merger. At the bottom of the first page, Mr. Lagna and his then wife Lisa Lagna signed the following certification:

"William M. Lagna and Lisa A. Lagna, his wife, Grantees in the within Deed from William Foster Wright, Jr., Grantor, do hereby certify under the penalties of perjury, that the land conveyed in said Deed is residentially improved owner-occupied real property and that the residence will be occupied by us." P.C. Exh. 4A.

VIII. The History of the Use of the Property: Pre-1945 to 2013

The undertaking to review history going back about 70 years is necessarily imperfect. Nevertheless, there is a fairly consistent narrative description of the use of the property B.L (Before Lagna pre-1945 to 1994) and A.L. (After Lagna – 1994 to 2013).

There is scant documentary evidence of the use of the club B.L. Lagna produced an old photograph and plaque, of a "Lauraville Swim and Boat Club" use back to 1937. He produced as well a photograph of an SCMC 1963" emblem on the wall of the main building, and a Seneca Creek Maritime Club cap, along with a copy of a "Seneca Creek Maritime Club 1990 Roster." Remarkably, there is no current or new sign on the property which might give a clue to the existence of any boat club. T. 129.

There is no evidence at all as to the precise nature of the use from 1937-45, as none of the current witnesses were born at that time. Furthermore, none of the people listed on the 1990 roster appeared to testify as to club use toward the end of the B.L. era.

However, many longtime area residents testified and provided a consistent body of personal observation and photographic evidence about the use of the property in the 1950s and 1960s to 1993, and then in the Lagna era. The gist of their collective testimony is that Lagna's use, as it evolved, was not a continuation of the previous dual

uses of incidental recreational club use and residential use. Rather, as years went by, Lagna's growing boat collection took on the appearance of a boat graveyard, reaching in recent years the point that it became offensive to area residents. This coincided with the deterioration of the property, buildings, and piers.

Lagna, on the other hand, maintained that the use continued under the "club" label or umbrella. As we shall see, his evidence is not convincing.

a. Area Residents

Reflecting the intense interest in the case, several past and present area residents appeared as witnesses: Jerry Wisner, Sandra Walter, Charlie Baynes, Carl Rossmark, and David Hash. In addition, Robert Palmer, the owner of Tradewinds Marina, contributed historical information related to his past civic work. Hash also appeared as a representative of the Bowleys Quarters Community Association.

Jerry Wisner was the first to testify. He was the oldest, born in 1941. He lives at 3910 Chestnut Road, one property removed from the Lagna property. 3910 has been in his family since 1922, and he has lived there, at least for summers, most of his life. As he described the situation, from the 1950s to the 1980s, then so-called "club" was separate from the two rental bungalows nearest his property. T. 62-66.

As to the bungalows, Wisner observed there were never any boats stored in that section of the property. The brown bungalow, known as the Grogan house, a summer rental, was nearest to the south boundary. It never even had a pier or a ramp. Lagna put the ramp in within the last decade. The white bungalow, the Hudson house, a year-round rental, had a short pier, perhaps 50 feet long. Lagna extended this pier later on, also within the last decade. T. 67-68.

As to the "club," it "... was always looked upon as just the club ... a social club." If it were ever called a "boat club," Wisner said he and the neighbors were not aware of that. Rather, it was a social gathering place centered on "the bigger house" or "main house" and a "clubhouse," closer to the northerly point. For example, there was never any houseboat at the pier nearest to the point in the old days, but Lagna has placed a houseboat there within the last decade. T. 68-69.

During the "club" days, the 1950s to 1980s, Wisner said there may have been two or three boats at the pier during the summer, and two, three, four boats on the north property area during the off-season, 16 to 20 feet in length. T. 71-77. They typically located between the Hudson house and the main house. Indeed, some of the 1990s aerial photography, utilized for Lagna's site plan, is consistent with Wisner's observations, as is even the 1995 GIS aerial photography introduced by People's Counsel. T. 76-78.

In contrast, there are now more than 30 boats around the entire property, north and south, along with boat-type equipment. They are far larger than 16 or 20 feet. Yet, as Wisner said, there is hardly anyone ever visiting the site. Indeed, he has not observed "... anything social-wise going on on the property in years." T. 79. See T. He reiterated,

"In any of the properties, I haven't been witness to any socializing at all in the last umpteen years." T. 79.

Wisner summarized the history, at T. 81-82,

"MR. WISNER: Prior to Mr. Lagna buying the property, there were no boats or any equipment, whatsoever, on those two - - what I call, the smaller properties. On the bigger property, there, there may have been three or four. Today, there, there are upwards of thirty. There's thirty or more boats and it encompasses all three of the properties as I've been describing them.

MR. ZIMMERMAN: You meant the entire Lagna property?

MR. WISNER: The entire Lagna property now has boats front, back, sideways, everywhere else, as well as - - you know, ah, it's either six or eight, large pontoon-type equipment that I understand is for using - - for towing boats that would be - - if they were out in the water and had to be towed back type thing. And, and there - - there's one is the water and there's at least six or seven of these things on the property as well as the thirty-plus boats."

Wisner observed furthermore that most of the boats now on the site lack a current registration. T. 83-87. Despite objections from Lagna's attorney, Wisner observed that boat registration is a fundamental feature of boating, comparable to car registration and licensing, and involves easily discernible stickers placed on boats which are registered. Meanwhile, the two bungalows, previously known as the Grogan and Hudson houses, have been unoccupied for the last 15 or 20 years. T. 89-90. The only recent residential involved the main house, rented to Lagna's friend Ron (Robbins). T. 90.

He also recapitulated his observations on club use both prior to and after Lagna's 1994 acquisition of the property, T. 91-94,

"MR. WISNER: I, I see it quite often (Laughs) - - - Yes.

MR. ZIMMERMAN: Okay, And is - -

MR. WISNER: And my, my, my house that I'm in now, was a summer home for most of the years it was in the family. It - - I - - I've since put a permanent home down there.

MR. ZIMMERMAN: So, you live there - -

MR. WISNER: Yes.

MR. ZIMMERMAN: - - all year-round?

MR. WISNER: Well, I, I go there. Yeah.

MR. ZIMMERMAN: So, in the past year, just for example, how many people did you observe using the boat ramp on the Lagna properties?

MR. WISNER: I, I personally saw two people use it. One in mid-summer. One in September (PAUSE) - - -

MR. ZIMMERMAN: And with reference to the pier where - - the separate pier where the houseboat is tied, the, the northerly pier, um, what use have you seen of, of, of that pier in the last ten years?

MR. WISNER: Ah, other, other than mooring the houseboat, virtually nothing. Because as, as, as Mr. Lagna stipulated, I - - am I'm not sure how it occurred, but there's probably a twelve to fourteen-foot section of the pier just missing in the middle of the pier. So, from the land to the end of the pier, you can't even get to.

MR. ZIMMERMAN: Okay. And in terms of whether - - after Mr. Lagna acquired the property, there's been a, a further - - or use of - - or, or any use, I should say, of a, a club, what is your personal observation?

MR. WISNER: My, my personal observation is, it there's any semblance of a club going on there, I don't see it.

MR. ZIMMERMAN: And let me ask you this. You mentioned that ah, period where the Grogans and Hudsons occupied the bungalows from the 1950s to 1980s. And you gave some description of some use of the north property in those years. From that period in the 1980s to when Mr. Lagna acquired the property in approximately 1994, was there ever any time when the property was entirely vacant to the - - to your observation? Or can you tell us anything about the late 1980s and early 1990s, prior to - -?

MR WISNER: It, it - -

MR ZIMMERMAN: - - Mr. Lagna - -

MR. WISNER: - - it seems - it's - -

MR ZIMMERMAN: - - acquiring the property?

MR WISNER: - - it seems the, the big house portion of the property was, was utilized up until probably, Bill bought it for social activities with, with minimal amount of people, you know, on, on a Saturday or Sunday in the, in the summer, periodically. But nothing resembling any boat activities during the last, you know, ten years prior to him buying it.

MR ZIMMERMAN: Yeah, and what about after the Grogans and Hudsons left, according to your previous testimony, some time in the 1980s? Was - were the bungalows vacant for awhile? Or did someone else come in?

MR WISNER: As, as far as I could determine, they were vacant. (PAUSE) --

MR ZIMMERMAN: And you were around there enough that you, you would generally see if there were people coming in and out --

MR WISNER: I - - I'd as least see them all summer when people would be there.

MR ZIMMERMAN: And vehicles ah, - -

MR WISNER: Yeah. And, and, and I'm, I'm just estimating the time that I'm talking about the Hudsons and the Grogans being there that I'm, I'm saying 1950s to the 1980s and it might have been 1990 ah, you know?

MR ZIMMERMAN: But, but it - - are you - -

MR WISNER: For, for, for some time, for the last twenty years, there's been nobody in those properties."

Sandy Walter, retired from the NSA, is a member of the family which owned the property. Ms. Walters grew up in the area. Her great-grandfather was the original owner of the Lagna property. Her father, Foster Wright, sold the property to Lagna. Her parents used the property next door, 4004 Chestnut Road, as a summer retreat. She and her brother owned the property next door to the Lagna property for many years, until selling it last summer. Ms. Walter and her husband used it as a weekend and holiday retreat during the spring, summer, and fall.

Ms. Walter described the early (B.L.) club use as social, for multi-family gatherings, mostly to local firemen and their families. There were picnic tables, crab feasts, swimming, party-type atmosphere, and sometimes a live band.

When Mr. Lagna acquired the property, he communicated initially to Foster Wright that he would tear down the existing (main) house and build a home for himself and his wife. This never materialized, and the buildings on the property just deteriorated. Meanwhile, there were no longer any social gatherings. Rather, Lagna rented the main house to Ron, and sometimes Lagna and Ron would work on a boat.

Ms. Walter testified to the junking of the property, with over 30 boats at last count, some on trailers, some not, many with no tags or expired tags. Boats that are on trailers never see the water. There is other scrap material scattered around the property, mostly away from the water and in areas closest to neighboring properties.

To sum up, Ms. Walter found Lagna's assertion of a continuing boat club use to be incredible. Rather, the modest social club recreational use underwent a metamorphosis, culminating most recently in what appears to be an accumulation, collection, and hoard of boats and scrap material, much of it in disrepair.

Charles Baynes, 4006 Chestnut Road, lives two properties over from the Lagna property. Born in 1946, now a church deacon, he grew up in the area and has lived there his entire life. He noted that his grandfather owned this and much other property in the area. He used to be a delivery boy to various properties in the area. To make a long story short, he corroborated the descriptions by Jerry Wisner and Ms. Walter.

Carl Rossmark resides at 3729 Chestnut Avenue and now also owns 4004 Chestnut Road, having acquired it in 2012 from Ms. Walter. He also grew up in the area. He now works as a home-improvement contractor. Echoing other testimony that there was modest social use prior to Lagna, Rossmark added that there was never any advertising for a "boat club." Rather, a few neighbors would have cookouts and keep their boats in the water. Even then, the buildings were already old and beginning to need repairs. Rossmark does not recall any boats on land during the off-season.

Rossmark also reinforced descriptions by other witnesses of Lagna's property use. There has evolved a gradual accumulation and overcrowding of boat storage. The boats block access to the property. Rossmark also described in detail, with a contractor's eye, how the buildings and piers have deteriorated so it is unsafe or impractical to use them. The main house and facilities are falling down. The previously rented bungalows meanwhile are unoccupied and unfit. There is no real parking area. The ramp access is padlocked or chained. Vehicles routinely block the street. The property has reached the point that there is no room for any realistic club use. Nor is there access for fire trucks and equipment. Indeed, Rossmark pointed out various safety concerns relating to the property's condition. The only open area is immediately adjacent to the creek. In Rossmark's view, the appearance, in sum, is of junkyard blight.

Meanwhile, Lagna built the new extension to the south pier and ramp at the south border, brought in large pontoons, and added new utilities and electrical components. Nevertheless, according to Rossmark, these additions did not and do not rescue the property from the decrepitude which envelops it.

David Hash, of 3804 Chestnut Road, appeared individually and on behalf of Bowleys Quarters Improvement Association (BQIA). He produced a loose leaf notebook with photographs to show graphically Lagna's recent use of the property, including the cluttered, derelict boat storage and dilapidated buildings. Without being repetitious, Hash's testimony put a photographic cap on the body of testimony. He also provided a deed showing BQIA's property interest in the road end at the south border of the Lagna property, adding to the concern about vehicles blocking access in the area.

Hash explained that Lagna's overall use evolved and worsened so that it became so offensive to the neighborhood as to draw a response. This led finally to the citizen complaint and the concern of various residents and the BQIA. It was Hash who compared Lagna's use to an elephant graveyard for boats.

Robert Palmer, owner of Tradewinds Marina on Armstrong Road, added another dimension with some very interesting history. He worked on an advisory group in 1991 to help work on legislation for the establishment of the maritime zone classifications. His

group did a survey, which included a ride around the peninsula by boat. They saw no boating use or activity in the area of the Lagna property, other than perhaps a recreational boat or two. In contrast, with so many boats now on the property, Mr. Palmer took the time to inquire of the Department of Natural Resources how many boats were registered in Mr. Lagna's name in Maryland, either current or expired. DNR responded with a list of over 60 boats, some with current registration and others expired. Some of these may be stored at Lagna's residence at 221 Bowleys Quarters Road, which is the subject of separate litigation. Nevertheless, this huge number of boats correlates to witnesses' descriptions of the site as currently a kind of boat graveyard or junkyard.

b. William Lagna

Lagna was the main witness in his own behalf. He also assembled a loose-leaf notebook of exhibits, to support his claim of a continuing boat club use.

Lagna was born in 1955 and grew up in the area and owned several other area properties prior to purchasing the subject property. T. 14-19. He gave his own general description of club activities both prior to and after his acquisition. T. 20-30. The description of the club use prior to his acquisition (B.L.) does not actually contradict the consistent testimony by other witnesses of incidental recreational use. He does claim there were seventeen boats there when he purchased the property, although there is no documentary or photographic evidence to support this claim. The main thing is that he claims a continuation of the recreational club use which had existed. Ibid.

In the course of his testimony, Lagna reviewed exhibits assembled in his notebook. T. 14-49. As noted, Lagna produced the 1937 Lauraville club sign photo, the 1963 SCMC club emblem photo, and the SCMC hat photo. Remarkably, he also included a 1938 aerial photo. Yet it shows hardly any boating activity or presence. There is a modest pier on the west side of the property, no bigger than a typical residential pier.

As also noted, Lagna produced a 1990 SCMC roster, which he claimed came into his possession when he acquired the property. However, not a single person listed on that roster appeared as a witness. T. 217. Lagna also produced a "current" but undated membership list and a 2013 check from one of the members, Mark Schaller.

Lagna followed this up with a group of letters. Several were signed by people who say they were members of the boat club B.L, prior to 1994. These letters are mostly cursory, sparse in description, and in a few cases on typed forms. None of these people appeared as witnesses. To the extent they mention any activities, they are along the same lines of incidental recreational uses described by area residents.

Several other letters are from people who write that they are current or recent club members. These letters are also short on detail. They do not contradict the specific testimony provided by area residents, but purport to support Lagna by calling his use a boat club use. Of the signatories, only Harlan Zinn showed up to testify.

To this, Lagna added an array of redacted income tax forms, excerpts of his Schedule Cs from 1995 to 2009, with his business described as a boat club, but omitting any items or numbers. He also included a series of rental checks from his tenant in the bungalow, Ronald Robbins, a sewer system drawing, and some 2005 BGE statements.

Concluding his direct testimony, Lagna described various improvements and additions to the property. He rebuilt the north deck and pier, extended the southern pier, improved the ramp, and did electrical work. T. 49-54.

Upon cross-examination, Lagna's 1994 deed had language that the land is residentially improved, owner-occupied, and the residence would continue to be occupied by him and his wife. There was no mention of boat club use. T. 211-15.

Other than the documents in his notebook, Lagna could provide only a single additional document, a handwritten 1991 note showing payments from SCMC, the Bullens, and Butch Strouse. T. 215-31.

Lagna excused the paucity of documentation by saying that records were destroyed in Hurricane Isabel. T. 230-32. Even if this is true, it does not explain the absence of records from 2003-13, after the hurricane. In sum, Lagna did not produce customary records to show the existence of a real organization, such as organizational documents, by-laws, minutes, membership rosters, bank statements, correspondence, advertisements, and newsletters, or even e-mails.

Meanwhile, the SDAT tax identification printouts showed the use of the property as residential. T. 233-36. Further, as to his income tax Schedule C documents, Lagna had to admit he viewed his "club" as a business use. In contrast, he could not identify any similar Schedule C or business documents pertaining to the Lauraville Club use or any other previous club use. T. 236-40. Remarkably, Lagna has no specific business license or bank account for his boat club use and carries no insurance. T. 240-45.

As to his current membership list, Lagna admitted he made it up for this case, as he does not usually keep such a list. T. 248. Of the eleven listed members, four (including Lagna) are members of his family. The others are all friends. T. 248-50.

Lagna then described in more detail the work done on extension of the southern pier and the replacement of the ramp near the southern boundary, the addition of pontoons or boat lifts, and a new electrical system for grinder pumps. T. 251-60.

The inquiry proceeded to a description of the boats currently on the property. T. 261-65. Lagna estimated that he has nineteen boats over sixteen feet in length and another ten under sixteen feet in length, five of which are dinghies. In other words, he has twenty-nine boats. Of this number, Lagna owns twenty-three. His tenant Ron Robbins has two, and the others are owned by friends.

It turned out, anyway, that another seven or eight boats had been removed from the property within the last three months because of vandalism. So, there had been up to thirty-seven boats on the property. T. 265-67.

The boats are stored all over the various lots. T. 267. Lagna has also added some kayaks, and he considers some of his members to be kayak members. T. 267-68. It is unknown whether the original Lauraville club had any kayaks. Lagna claims that all of the boats are seaworthy, with the exception of four that he is working on. T. 272.

Lagna has no knowledge of the location of boats on the property during the Lauraville years or the 1940s. T. 272-73. Nor does he have any knowledge of the extent of boat club use in the 1940s prior to the enactment of the zoning law. T. 272-75.

c. William Lagna: Friends, Co-workers, Brother

Lagna produced three witnesses who said they are or had been members: Mark Althouse, a co-worker and friend, T. 120; Harlan Zinn, another friend, T. 163; and Ronnie Robbins, a co-worker, friend, and tenant. T. 172. He also called his brother David Lagna, T. 145.

The most interesting part of Althouse's testimony came in response to Panel Chair Andrew Belt's inquiries. T. 133-35. Althouse did not recall whether he filled out a membership application in 1997 upon his first visit to the property to store his boat there. He recalled about ten people using the facility at that time. He never attended any gathering of the club members. He was not aware of any officers of the club. He recalled fraternizing with Lagna's daughter, brother, and one co-worker. He did not know several other persons listed on Lagna's current membership list. Upon follow-up cross-examination, he said he never received any newsletter and could not recall any written rules and regulations. He had nothing in writing. T. 136-37.

Harlan Zinn lives about a mile and a half away. He said he is a member of the boat club and that he has had cookouts, gatherings, and boat launches there. T. 163-67. Upon cross-examination, he said that he stores his own two boats at his own property. He estimated there were at least twenty boats currently stored on Lagna's property, and that Lagna owns a number of them. T. 168-69. He described the club relationship as informal, and he paid cash for his membership. T. 169-70

Ronnie Robbins is not only another co-worker and friend, but also has been a tenant on the property since 1995, primarily in the main house, which at one time apparently housed the Lauraville club. T. 172-74. He added his observations as to the boat use and activities on the property, some involving members. T. 175- 79. Upon cross-examination, he provided further details on the new facilities: the ramp, the extension of the southern pier, the electrical service, and the pontoons/boat lifts. 180-94.

David Lagna, born in 1963, grew up in the area with his brother. He moved to Georgia in 1991 and lived there until 2010. He would come back to visit three times a year, so his observations for that time were limited. After returning to Maryland in 2010,

he helped take care of Lagna's property and said that people were enjoying boat use on the weekends. T. 145-55. Yet he did not consider himself a member of the club. T. 155. Remarkably, in answer to Chairman Belt's inquiry, David also said he did not know which of the people using their boats on the property were club members or family members, or just friends of Bill. T. 161-63.

d. William Lagna's consultant: James Patton

Lagna retained James Patton as a consultant to prepare the site plan and offer testimony. While Patton's engineering and planning background is worthy, he could not make a significant contribution to the key issues in this case.

The most he could say is that based on William Lagna's testimony, along with that of his family and friends, there appeared to be a continuing nonconforming use for a boat club. Patton had no personal knowledge of the history. He had made perhaps one visit to the property, and his perusal was fairly casual. He was in no position to make an objective evaluation of the character of the original use prior to 1945 and whether or not it continued in substantially the same way.

IX. Nonconforming Use Law

Baltimore County Zoning Regulation (BCZR) 104.1 states,

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate."

This essentially allows nonconforming uses to exist unless changed, or abandoned or discontinued for a year or more. It reflects the policy of the law to eliminate nonconforming uses gradually, and not to foster their evolution or growth. In Gardner, *supra*, 293 Md. at 267-68, Judge Rita Davidson wrote:

"This Court has repeatedly recognized that one of the fundamental problems of zoning is the inability to eliminate incompatible nonconforming land uses. In *Grant v. Mayor and City Council of Baltimore*, 212 Md. 301, 307, 129 A.2d 363, 365 (1957), this Court said:

'Nonconforming uses have been a problem since the inception of zoning. Originally they were not regarded as serious handicaps to its effective operation; it was felt they would be few and likely to be eliminated by the passage of time and restrictions on their expansion. For these reasons and because it was thought that to require immediate cessation would be harsh and unreasonable, a deprivation of rights in property out of proportion to the public benefits to be obtained and, so, unconstitutional, and finally a red flag to property owners at a time when strong opposition might have jeopardized the chance of any zoning, most, if not all, zoning ordinances provided that lawful uses existing on the effective date of the law could continue although such uses could not thereafter be begun. Nevertheless, the earnest aim and ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due regard to the legitimate interests of all concerned, and the ordinances forbid or limit expansion of nonconforming uses and forfeit the right to them upon abandonment of the use or the destruction of the improvements housing the use.'

"Thus, this Court has recognized that the problem inherent in accommodating existing vested rights in incompatible land uses with the future planned development of a community is ordinarily resolved, under local ordinances, by permitting existing uses to continue as nonconforming uses subject to various limitations upon the right to change, expand, alter, repair, restore, or recommence after abandonment. Moreover, this Court has further recognized that the purpose of such restrictions is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. *The Arundel Corp. v. Board of Zoning Appeals of Howard County*, 255 Md. 78, 83-4, 257 A.2d 142, 146 (1969); *Stieff v. Collins*, 237 Md. 601, 604, 207 A.2d 489, 491 (1965); *Colati v. Jirout*, 186 Md. 652, 655, 657, 47 A.2d 613, 614-15 (1946); *Beyer v. Mayor of Baltimore*, 182 Md. 444, 446, 34 A.2d 765, 766 (1943); *See Kastendike v. Baltimore Ass'n for Retarded Children, Inc.*, 267 Md. 389, 397, 297 A.2d 745, 749-50 (1972).

Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable local ordinances and regulations. *Feldstein v. La Vale Zoning Board*, 246 Md. 204, 211, 227 A.2d 731, 734 (1967); *Phillips v. Zoning Comm'r of Howard County*, 225 Md. 102, 109, 169 A.2d 410, 413 (1961); *Board of Zoning Appeals of Baltimore County v. Gue*, 217 Md. 16, 21-22, 141 A.2d 510, 513 (1958). These local ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. *Mayor of Baltimore v. Byrd*, 191 Md. 632, 638, 62 A.2d 588, 591 (1948); *Colati*, 186 Md. at 658-59, 47 A.2d at 616; *Knox v. Mayor of Baltimore*, 180 Md. 88, 96, 23 A.2d 15, 18 (1941); *see City of Hagerstown v. Wood*, 257 Md. 558, 563, 263 A.2d 532, 534 (1970); *Hewitt v. County Comm'rs of Baltimore County*, 220 Md. 48, 59, 151 A.2d 144, 150 (1959)."

The law does not allow a change in the nonconforming use by a kind of "creeping" process. *Phillips v. Zoning Commissioner of Howard County* 225 Md. 102 (1961). A property owner must prove both continuity and persistence of the same nonconforming

use. A change or extension may come quickly or slowly. Calhoun v. County Board of Appeals of Baltimore County 262 Md. 265 (1971).

The Court discussed the line between intensification and extension in Jahnigen v. Staley 245 Md. 130 (1967). There was a nonconforming marina. The new owners expanded the use by extension of the original pier and by construction of a new pier and other facilities. They also sought to increase the number of rowboats available for rental and amount of rental space for dockage or wet storage of boats. The opinion explained:

"The basic premise underlying zoning regulations is to restrict rather than expand nonconforming uses. ... However, an intensification of a non-conforming use is permissible so long as the nature and character of the use is unchanged and substantially the same facilities are used." Citations omitted.

Turning to the issue at hand, Judge Marbury wrote:

"We agree that the construction of a new pier and other facilities, and the rental of space for the dockage or wet storage at any facilities other than the ninety foot wharf and T, which were in existence prior to the effective date of the zoning ordinance, were invalid extensions of the non-conforming use. However, we hold that the rental of rowboats cannot be so limited. Any increase in the number of rowboats rented would be an intensification of non-conforming use and would not be an extension."

"The right of a landowner to continue the same kind of use to which the property was devoted on the critical date does not confer on him the right to subsequently change or add to that use a new and different one amounting to a drastic enlargement or extension of the prior existing use. ... Appellants argued that the launching of boats by means of a travel lift and ramp was an intensification of the launching that was done by the Kirchenbauers. The evidence showed that only a dozen or more boats launched in the years prior to the enactment of the ordinance. There was no permanent launching site nor structures to aid in the launchings. Boat launching was performed at no specific place during the years the Kirchenbauers owned the property, and it was so infrequent as not to have been part of their business. The testimony as to the launching of boats was too vague and inconclusive to establish that such use was regularly made before 1949, or that it was carried on thereafter. ... The launching ramp was constructed on the twenty-five foot strip which the Kirchenbauers purchased in 1962. The appellants cannot now set aside that particular portion of their property and construct a launching ramp." Citations omitted.

"As to the storage of boats on the property, there was nothing in the record to show that the former owners allowed individuals other than themselves to store or repair boats on their property, other than at the shoreline, prior to the adoption of the zoning ordinance. After the ordinance was passed a few boats belonging to others were stored on the property, but again the number was insignificant. Also there was little repair work

done on boats other than on the ones that were owned by the Kirchenbauers. Again the testimony as to the storage, repair and maintenance of boats other than those owned by the Kirchenbauers was too vague and inconclusive to establish that such use was regularly made before 1949.”

This illustrates the type of comparative analysis involved in the assessment of the continued vitality of nonconforming uses.

A decade later, McKemy v. Baltimore County 39 Md. App. 257 (1977) addressed changes in nonconforming commercial parking associated with permitted business uses across the street, which also changed over time. The Court held that the expansion of the nonconforming parking to adjacent lots was unlawful. 39 Md. App. at 265. It also held that the nonconforming use did not extend to dismantling of vehicles, storage of disabled vehicles, junk, or debris, or any operations accessory to a garage. Ibid. Then, with respect to the CBA’s approval of parking for fuel trucks on the original lots in conjunction with a fuel oil business as consistent with the original nonconforming parking in conjunction with restaurant use, the Court engaged in a more detailed analysis, which resulted in a remand. Judge Alan Wilner wrote, 39 Md. App. at 269-70:

“Upon those findings, it was incumbent upon the Board to determine, factually, whether those expanded uses represented a permissible intensification of the original use or an actual change from what the 1969 Board found existed in 1945 “to any other use whatsoever.” In making that determination, the Board was not required to assume, and should not have assumed, that the lowest common denominator was “parking”, or even “parking” in conjunction with a business across the street. In deciding whether that current activity is within the scope of the non-conforming use, the Board should have considered the following factors:

- “(1) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (2) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind:
- (3) Does the current use have a substantially different effect upon the neighborhood;
- (4) Is the current use a “drastic enlargement or extension” of the original nonconforming use.”

Judge Wilner then added this observation,

“The Board undoubtedly had some of these factors in mind, but its consideration of them was obviously flawed when it viewed the issue simply as “nonconforming parking in direct relationship to the business function” across the street. Because of its inappropriate reliance on that test, the Board failed to come clearly and completely to grips with these more relevant criteria. For that reason, and not because of any inherent unsoundness in the findings themselves, the conclusions of the Board as to whether the 1974 activities of Mr. McKemy with respect to Lot 442 and Lots 378-384, violate the county zoning regulations cannot stand. Instead, we shall remand that part of the case embodied in paragraphs numbers 1 and 2 of the 1974 order of the Zoning Commissioner to the Circuit Court with instructions that it, in turn, remand the case to the Board for reconsideration. The Board should consider not only whether, and to what extent, any such current uses exceed the permissible limits of the original non-conforming use, but, if it finds such excess, whether, by virtue of § 104.1 of the county zoning regulations, the entire nonconforming use has been lost.”

The uses in McKemy, old and new, involved the parking of motor vehicles for a business use across the street. The law requires, however,, a detailed analysis of the nature and extent of change in use in order to differentiate a permissible intensification from an impermissible extension.

It is worth repeating the cautionary advice in Phillips v. Zoning Commissioner 225 Md. 102, 108-12 (1961) about the danger that a virtual “creeping process” leads to a use different in character from the original use. There, the original use was a used car lot and a warehouse for the storage of second hand furniture. It gradually evolved into a junkyard, which the Court found to be an impermissible extension and substantially different use.

Furthermore, the Court of Appeals held long ago that a nonconforming use may not be extended to any area not in use at the time of the pertinent zoning law to which it does not conform. Chayt v. Board of Zoning Appeals of Baltimore City 177 Md. 426 (1939). This is one of the earliest Maryland nonconforming use law cases and is still good law. The Court held that the Pimlico Race track could not extend its stables on to residentially zoned law even though the track owner had it in mind at the time of enactment at the zoning law.

In an analogous case, the Court of Appeals reversed the grant of an exception to allow a parking lot as an extension of a nonconforming medical office building. Cleland v. Mayor & City Council 198 Md. 440, 444-45 (1951). Chief Judge Marbury wrote,

"It is evident that the spirit of the Baltimore City Zoning Ordinance is against the extension of non-conforming uses. It is generally accepted that a few non-conforming buildings and uses, allowed to continue as exceptions to the regulations in order to avoid injustice, will not be a substantial injury to the community if they are not allowed to multiply where they are harmful or improper; but non-conforming uses should not be perpetuated and longer than necessary, and the Zoning Board should make constant efforts to move them into the use districts where they properly belong."

X. Analysis

As noted, it is impossible to describe with precision or in detail the boat club activities prior to 1945. The nature of the original nonconforming boat club use is sketchy at best. There is no evidence at all as to its operation during the 1940s. The evidence for the 1950s to the 1980s and early 1990s is general in nature. There is no documentation of club use during this period, other than a 1990 SCMC roster, and a 1963 SCMC emblem. Whether the club use was continuous or periodic is open to question.

Nevertheless, for the time prior to Lagna's acquisition, we shall assume for the sake of argument that there was a boat club in the 1930s called the Lauraville Swim and Boat Club, that it continued in operation under that name or another, and that the activities were as described by various witnesses later on. That is to say, from the 1950s to the early 1990s, there was modest recreational club use of the north section of the property near the point, with a clubhouse and second building, and a pier. The south section of the property had the bungalows rented as dwellings, along with a small pier. It amounted to an inoffensive shore use, mostly in the summer and on weekends. There were no complaints from area residents.

As the use has evolved during the Lagna regime, the use is dramatically different and occupies the entire property. Contrary to Lagna's "boat club" label, the use is not realistically a club. Rather, through a "creeping process," the historic social club use has changed significantly. The property now mainly houses Lagna's dense and unsightly boat collection and extends south from the point to the area once devoted to the residential

rental of the two bungalows. The current so-called club use turns out to involve a few friends and family, some of whom pay a modest sum for the use. There is no genuine documentation of an organizational use.

Lagna's boat collection has now acquired the graphic appearance of a boat graveyard, with some boats in disrepair and many without current tags. The boats are stored all year round and have spread out so that they amount to a virtual wall, obstructing access and vision. The south bungalows once rented as shore homes are no longer in residential use and are in bad condition.

Ironically, despite the general disrepair, Lagna has extended the south pier, replaced the south border ramp, added pontoons/boat lifts and installed new grinder pumps. These changes by themselves amount to extensions rather than intensifications.

We are very fortunate to have Judge Alan Wilner's McKemy four criteria. Taking each of them in turn, we find that the original nonconforming boat club use is no longer there and that there have been dramatic qualitative changes. Lagna's use does not reflect the nature and purpose of the original modest nonconforming recreational boat club use; it is a use different in character, nature and kind; it occupies a much larger area; it has a substantially different effect on the neighborhood; it is, in sum, a drastic enlargement or extension; and it has

Typically, a use has to become quite offensive before area citizens are sufficiently bothered and motivated to either file complaints or participate at zoning hearings. Here, the concerns of area citizens are not delusive. They have seen the change in use from social club to boat hoard where they now perceive it as a virtual junkyard and nuisance.. There is ample justification for this perception.

Lagna sees and labels his use as a continuation of an earlier "boat club" use. But the facts belie his point of view. From any legal perspective within nonconforming use law, the Lagna use does not qualify.

Indeed, taking a cue from the Phillips opinion, we see the Lagna era or regime as involving an approximately 20-year creeping process in which such club use as likely

existed has become an illegal boatyard use. Despite Lagna's disavowal of boatyard use, the activities do substantially fit the definition:

“BOATYARD - A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types. [Bill 64-1963].”

According to Dictionary.com, a “basin” is defined, in part, as:

“5. a partially enclosed, sheltered area along a shore, often partly man-made or dredged to a greater depth, where boats may be moored.”

While not a large basin, the piers provide for some partial enclosure or shelter. It does not matter whether the use is for profit or not, although Lagna apparently views it as a business by virtue of his Schedule C. The definition prefaces the itemization of the various activities with the use of the word “or,” so that the storage, launching, and berthing of boats is enough to meet the criteria.

In any event, whether or not the current use may be considered a full-blown boatyard, the original club use is gone. There has been a major metamorphosis.

The law disfavors nonconforming uses and anticipates their disappearance over time. The property owner bears a strict and heavy burden is to prove the existence of a nonconforming use and its continuation. On this record, from any point of view, the objective evidence negates Lagna's position.

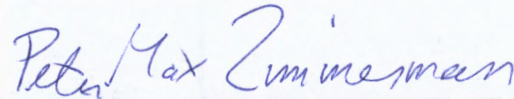
X. Truth and Consequences: Termination of the Nonconforming Use

Pursuant to BCZR Section 104.1, when a nonconforming use changes, the law terminates the use. The law does not allow a return to the original nonconforming boat club use. Lagna is now subject to the current law. This limits him to one boat per lot, not counting boats under 16 feet which are on trailers. Furthermore, his four lots have merged into one for zoning purposes. This reduces the permitted boat use to a single boat over 16 feet in length, along with the permitted small boats on trailers.

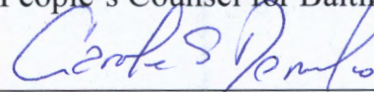
XI. Conclusion

In the form of a declaratory judgment, the County Board of Appeals should, as a matter of law, deny William Lagna's petition for special hearing to declare his boat use to be a legitimate continuation of a nonconforming use. The CBA should declare that under

current law, Lagna is permitted to have just one boat over 16 feet in length on his merged lot, along with smaller boats on trailers.



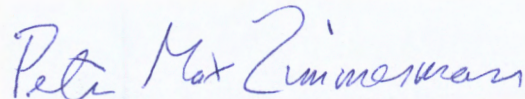
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 6th day of June, 2013, a copy of the foregoing Memorandum of People's Counsel for Baltimore County was mailed to David Hash, Bowleys Quarters Improvement Association, 3804 Chestnut Road, Baltimore, MD 21220 and Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

¹ In his Petition for Special Hearing, Mr. Lagna requested a ruling that a lot line adjustment was appropriate in order to place the structures on their own lots. Mr. Lagna has withdrawn that request of the Board.

II. The Development of Bowley's Quarters

Mr. Lagna's expert witness, James Patton, gave a brief history of Bowley's Quarters and its development. Mr. Patton explained that, in the early 1900's, George Brown acquired the entire Bowley's Quarters area and subdivided it into small lots. (See Transcript attached hereto as T2., p. 11).² If someone wanted a larger piece of property, they would simply acquire two, three or four lots. (T2, p. 14). This was prior to the adoption of the Zoning Regulations in 1945 and it was common place back then to have houses constructed across property lines. (T2, pp. 15, 16). Mr. Patton explained that the four lots comprising Mr. Lagna's property are the same lots that existed and are depicted in the plat from 1921. (T., p. 18; Petitioner's Ex. 15).

In early 1900's, it was also common for lots to be used for private boat clubs and swim clubs. For example, Miami Beach was a private club before it was acquired by Baltimore County. (T2., p. 12). After the construction of the Bay Bridge in 1952, these clubs slowly began to die off as people were able to drive to Ocean City. (T2., p. 13). In the years after their adoption in 1945, the Zoning Regulations eventually came to define various maritime uses. The County conducted a survey of shoreline properties to determine which properties were being used for marinas and boatyards. (T2, pp. 20-21). The County did not seek to regulate, and the Zoning Regulations do not address, the many boat clubs in the Bowley's Quarters area.

III. The Property Has Been Used Continuously As A Boat Club Since 1937 And, Therefore, Is A Legal Nonconforming Use

Mr. Lagna introduced substantial evidence that the subject property has been used continuously as a boat club since 1937, operating under various names (the Lauraville Boat and Swim Club from 1937 to 1952; the Blue Diamond Boat Club from 1952 to 1963; the Seneca Creek

² References to "T2" are to the second day of the hearing at Tab 2 of the transcript attached hereto. References to "T1" are to the first day of the hearing at Tab 1 of the transcript attached hereto.

Mariners Club from 1963 to 1991; and the Seneca Creek Boat Club since 1993). This evidence included:

- (i) Mr. Lagna's testimony regarding his use of the property since acquiring it in 1993 and his familiarity with the property since childhood in the 1950's;
- (ii) letters from ten (10) neighbors verifying the boat club use, including former members of the club (**Petitioner's Ex. 11**);
- (iii) photographs of murals and a plaque depicting the emblems of the club (**Petitioner's Exs. 4, 5, 6**);
- (iv) a list of club members from 1990 that Mr. Lagna received when he purchased the property (**Petitioner's Ex. 7**);
- (v) a list of current boats/club members (**Petitioner's Ex. 8**);
- (vi) current photographs of the property depicting picnic tables and chairs, gazebo, and other indicia of a boat club (**Petitioner's Ex. 10**); and
- (vii) the Schedule C's submitted by Mr. Lagna (**Petitioner's Ex. 13**).

This evidence was supported by the testimony of independent witnesses who clearly had no reason to testify falsely to the Board. Mr. Mark Althouse testified that he was a member of the club from 1997 to 2012. He kept his boat at the Property, year-round, and regularly used the club for picnicking, water skiing, and other activities with his family. (T1, p. 120-21). He used the pier, the clubhouse, and stored his boating supplies in the clubhouse as well. (T1, p. 123). He explained that, as a club member, there were other boats available for this use. (T1, p. 136). He paid an annual membership fee that varied from \$200 to \$300, and brought with him to the hearing his checkbooks, which contained copies of the checks that he drafted each year to Mr. Lagna. (Petitioner's Ex. 21; T1, pp. 123-24). Between 1997 and 2012, Mr. Althouse and his family used the club, on average, 10 times per year. (T1, p. 127). He also witnessed other people using the club for the same types of activities, using the pier, having a picnic and launching boats. (T1, pp. 125-

27). Importantly, Mr. Althouse confirmed that there was never a 12 month period between 1997 and 2012 when he did not use the boat club. (T1, p. 122). The testimony of Mr. Althouse, a frank and candid witness, was not contradicted.

Mr. Lagna's brother, David Lagna, grew up in the neighborhood and confirmed Mr. Lagna's description of the use of the Property when they were younger and over the years since. (T1, pp. 146-47). David Lagna has used the Property for cookouts, birthday celebrations, and visiting with friends. He confirmed, like Mr. Althouse, that there was never a 12 month period when he did not see anyone using the property. (T1, p. 152). Notably, for all of the times he has visited the Property, he did not recognize any of the Protestants in the hearing room. (T1, pp. 150-51).

Dr. Harlan Zinn lives approximately 2 miles from the property. He has visited the Property on numerous occasions as a member of the club over the past several years, at least once a week. He has had cookouts there, attended social gatherings, watched the sunset, and launched boats there. He pays an annual membership fee to Mr. Lagna. (T1, pp. 164-65, 169).

Ronnie Robbins has lived at the Property, in the bungalow farthest from the road, since 1995. Over that time, he has observed club members using the property for picnicking, swimming, and launching boats. Like Mr. Althouse, David Lagna, and Mr. Lagna, Mr. Robbins confirmed that there has not been a 12 month period when these types of activities have not taken place at the Property. (T1, pp. 172-75). In his words, he "see[s] people down there all the time." (T1, p. 178). He is also a member of the club and has access to all of the facilities at the Property, not just the bungalow he lives in. (T1, p. 176).

IV. The Expert Testimony of James Patton

In Mr. Patton's opinion, Mr. Lagna has been using his property as a boat club or private social club, as has been common place in Bowley's Quarters for many decades. (T2, pp. 23, 27).

Mr. Lagna's use of the property is a legal nonconforming use because it was used as such beginning in the 1930's and became nonconforming with the adoption of the Zoning Regulations in 1945. (T2., p. 30). The use prior to and after 1945 remained the same and is the same today. (T2, p. 36).

Mr. Patton further explained that Mr. Lagna's use of the property is not a "boatyard," "marina" or "yacht club" as defined in the Zoning Regulations. (*See* Pet's Ex. 20). It does not meet these definitions because it does not have a boat basin associated with it, which he described as an area for berthing or docking facilities that is protected from the elements by means of a revetment, bulkhead or similar construction. It is not a marina or boatyard because there is no selling, fueling, or general servicing of watercraft. (T2., pp. 22-27). A "modern boat basin" is a reference to compliance with state regulations and the requirements of the Army Corps of Engineers. (T.2, pp. 24-25). It is also not a yacht club because a yacht is any boat large than 30 feet, according to the common and accepted definition of that term in Lloyd's Registry. (T2., p. 29-30).

Importantly, Mr. Patton explained that it does not actually matter whether the use is characterized as a boat club, marina or a yacht club because the use – regardless of its nomenclature today or whether the Zoning Regulations specifically identify it as a permitted use – has been in continuous existence since before the Zoning Regulations. (T2, pp. 30, 36). The structures, likewise, are nonconforming because they violate the current one dwelling per lot restriction and minimum lot size restriction in the current Zoning Regulations. It was common place for lots to have multiple dwellings without regard to any setbacks, side yards, or where the dwelling was located on the lot. (T2, pp. 31-32). Those types of regulations were not in place until the Zoning Regulations were adopted. (T2., p. 33).

V. The Protestants' Complaints

The testimony provided by the various protestant witnesses is notable for a couple reasons. First, the protestants do not dispute – indeed more than one of them conceded - that a club did in fact operate at the property from the 1930's until 1993 when Mr. Lagna purchased the property. Second, while the protestants attempted to convey the theme that Mr. Lagna has *never* operated a boat club at the property, their actual testimony amounted to far less and their ability to make this bald assertion was certainly suspect.

Sandy Walter, for example, in addition to conceding there was a club whose members used the property for crab feasts, picnics, and firework celebrations on the Fourth of July, testified that she did witness, on multiple occasions, Mr. Lagna and his daughter having quests to the property for boating and jet-skiing and acknowledged that these persons could have been boat club members. In any event, she admitted that she only stayed at 4004 Chestnut Road on the weekends, and not every weekend. (T2, pp. 117-18). When she was staying there, she typically only observed Mr. Lagna's property in the mornings, at 7:30 or 8:00 a.m., when she was walking her dog. (T2, pp. 120-21).

Charles Baynes, Jr. has lived at 4006 Chestnut Road for six years and previously lived at 1121 Seneca from approximately 1983 to 2007. He recalls the boat club and that it was primarily used from Memorial Day to Labor Day. He described seeing parties, cook-outs, and music at the club. He testified that he has not observed any activities on Mr. Lagna's property related to a boat club, but acknowledged that he spends two weeks each month in the summer, and weekends throughout the year, at his condominium in Ocean City. (T2, p. 152). He admitted that he has never been over to the property while Mr. Lagna has owned it. (T2, p. 146).

Carl Rossmark lives at 3729 Chestnut Road, a little more than a quarter mile from Mr. Lagna's property. Like the other witnesses, he observed boat club activities at the property in the 1980's and early 1990's and recalls seeing at least nine boats at a time in the water and "a handful" on land. Since Mr. Lagna's purchase of the property, he has seen "very little" boat use, but acknowledged seeing Mr. Lagna, Mr. Robbins, and Dr. Zinn there on occasion. Mr. Rossmark made clear that his only issues are with the appearance of the property and what he perceived to be a fire hazard at the property. (T2, p. 195).

David Hash lives at 3804 Chestnut Road, almost a quarter mile away from the Lagna property. On behalf of himself and the Bowley's Quarters Improvement Association, Mr. Hash testified that the residents do not approve of the appearance of the property and believe the amount of boats kept there is excessive. He stated that he has not personally observed any boat club activity for the last ten or fifteen years while boating on the river, but admitted that he does not observe the property on a regular basis. (T2, p. 235). He also could not comment on any specific amount of time that some boat club was not in use at the property. (T2, p. 231).

Even if we assume the testimony of Ms. Walters, Mr. Baynes, Mr. Rossmark, and Mr. Hash was entirely truthful, their testimony does not, alone, demonstrate that a boat club has not existed and operated at the property since Mr. Lagna purchased the property. At most, it demonstrates that these particular individuals (all of whom had other complaints about the property) happened to be present only when minimal boat club activities were taking place. The testimony of these witnesses does not refute or overcome the abundant evidence introduced by Mr. Lagna described above. Mr. Lagna more than sufficiently met his burden of proof at the hearing that the boat club was continuous and that he had not abandoned or discontinued that use. *See* BCZR, § 104.1. Importantly, **not a single witness testified that the property was not used as a boat club for**

any specific period of time, or otherwise refuted the testimony of Mr. Althouse, Mr. Robbins, and Mr. Lagna's brother that there was *never* a 12-month period when boat club activities were not taking place there.³

It was readily apparent at the hearing that the protestants' real dispute with Mr. Lagna is with the way he has maintained the property over the years and the number of boats that are kept there. Although the photographs introduced by both Mr. Lagna and protestants do not wholly support these complaints, the complaints have nothing whatsoever to do with the issues in this case. The issue before the Board is simply whether there exists a nonconforming use, not whether Mr. Lagna keeps the property in good condition or the number of boats kept there. With respect to the complaints about the condition of the property, that is a code enforcement issue that is not before the Board. Likewise, the protestants' complaint about the number of boats is irrelevant. As Mr. Patton explained, there is no limitation on the number of boats that may be kept at a boat club or, for that matter, at a marina, boatyard, or a yacht club. (T2., p. 35).

Mr. Zimmerman made much of the fact that Mr. Lagna owns many of the boats at the property. As Mr. Patton also explained, even if Mr. Lagna owned all of the boats, which he does not, that does not mean he is not using the property as a boat club. (T2, p. 97). If fact, it is entirely consistent with a boat club use, as Mr. Patton described it, for members of the club to have access to and use boats that Mr. Lagna may provide. Mr. Althouse confirmed that Mr. Lagna granted him access to use the smaller boats on the property.

Mr. Zimmerman also made much of the fact that Mr. Lagna has made improvements to the property over the years. For example, Mr. Lagna had to reconstruct and refurbish the boat ramp

³ The irony of protestants' complaining about too little activity at Mr. Lagna's property should not be lost on the Board. It is fair to say that a more active boat club use of this property would raise the ire of these protestants.

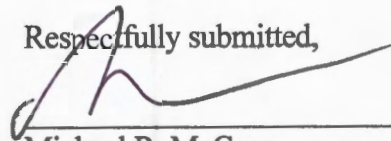
because the concrete was torn up. He also has installed portable boat lifts on pontoons. Mr. Lagna's minor improvements to the property hardly constitute a "change" in use of the property as contemplated by § 104.1 of the Zoning Regulations and are entirely consistent with the continued use of the Property as a boat club.

VI. The Merger Doctrine Is Not Applicable

Administrative Law Judge Beverungen held that the four lots merged under the doctrine of zoning merger. That doctrine is not applicable for the simple reason that these lots existed, and the four houses were constructed across the lot lines, before the Zoning Regulations were established and have continued in service of a *single use* ever since. See *Stansbury v. Jones*, 372 Md. 172, 181 (2002) ("primary function" of merger doctrine is "to prohibit the re-subdivision of 'combined lots' into smaller substandard lots") (citing *Friends of the Ridge v. Baltimore Gas & Elec. Co.*, 352 Md. 645, 653 (1999)). Judge Beverungen was correct that merger is dependent upon the owner's intent. However, Mr. Lagna has never intended to merge these four lots or attempted use the lots for a different use. He is merely seeking confirmation of a fact, essentially a declaratory ruling, confirming that he and his predecessors have always used the four lots in combination for the fulfillment of single use. The distinction is a subtle, but critical, one. If the Board agrees that the property was used for a boat club and continues to be used for a boat club, then merger does not come into play.

WHEREFORE, for the reasons stated, Petitioner respectfully requests that the Board of Appeals grant his petition and enter an order that (i) the boat club use of the subject property is a legal nonconforming use; and (ii) the four lots and the four structures on those lots are nonconforming.

Respectfully submitted,

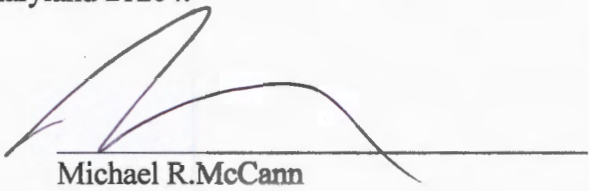
A handwritten signature in dark ink, appearing to be 'Michael R. McCann', written over a horizontal line.

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June 2013, a copy of the foregoing Post-Hearing Memorandum was hand-delivered to Peter Zimmerman, Esq., People's Council for Baltimore County, 111 W. Chesapeake Avenue, Towson, Maryland 21204.



Michael R. McCann

APPEAL

**Petition for Special Hearing
3920, 3922 and 4000 Chestnut Road
N side of Chestnut Road; 2,500' NE of the c/line of Bowleys Quarters Road
15th Election District – 6th Councilmanic District
Legal Owner: William M. Lagna
Case No.: 2012-0239-SPH**

- ✓ February 8, 2012 Letter and Order - Code Enforcement Case No: 103205,
3920/4000 Chestnut Road
- ✓ March 10 Zoning Description of Property
- ✓ March 30 Petition for Special Hearing filed by William Lagna, Petitioner
- ✓ March 30 Miscellaneous Cash Receipt – Zoning Fee
- ✓ Undated Advertising Requirements and Procedures for Zoning Hearings
- ✓ April 10 Entry of Appearance filed by People's Counsel for Baltimore County
- ✓ April 24 Notice of Zoning Hearing for Petitioners and Patuxent Publishing Co.
- ✓ April 25 Email from Michael McCann, Esq. to Kristen Lewis re: scheduling
conflict
- ✓ May 1 Certificate of Posting
- ✓ May 10 New Notice of Zoning Hearing for Petitioners and Patuxent Publishing
Co.
- ✓ May 23 Certificate of Posting
- ✓ May 24 Certificate of Publication
- ✓ May 30 Email to Carl Richards re: web inquiry
- ✓ June 5 Correspondence from W. Carl Richards, Jr. and ZAC Comments
- ✓ June 13 Correspondence from John Schmidt including photos (not exhibits)
- ✓ June 13 Correspondence from David O. Hash including photos (not exhibits)
- ✓ June 13 Petitioner's and Citizen's Sign-In Sheets

✓ June 13

Petitioner's Exhibits:

- ✓ 1 – Site Plan
- ✓ 2 – Aerial Photo (current)
- ✓ 3 – Photo – SCMC plaque
- ✓ 4 – Lauraville plaque
- ✓ 5 – Sign – Lauraville 1937
- ✓ 6 – 1990 Club Roster
- ✓ 7 – Series Color Photos – Lagna Property
- ✓ 8 – Aerial Photo (1938)
- ✓ 9 – Property Sketch – grinder pumps
- ✓ 10 – BGE Bills
- ✓ 11 – Color Photos – marinas in vicinity
- ✓ 12 – Packet of Letters – Boat club members
- ✓ 13 – Bowley's Quarters Plat
- ✓ 14 – Aerial Photo (1995)
- ✓ 15 – Federal Tax Form – Schedule C
- ✓ 16 – List of Boats on Lagna Property

Protestants' Exhibits:

- ✓ 1 – SDAT Printout
- ✓ 2 – Color Photos – Homes in Vicinity
- ✓ 3 – Color Photos – Lagna Property
- ✓ 4 – Lagna Deed, January 1994
- ✓ 5 – Extract from Civil Complaint – Circuit Court

✓ June 20

✓ Petitioner's Post-Hearing Memorandum – McCann

✓ June 22

Cover Letter and Opinion and Order from Judge John E. Beverungen

✓ July 13

Notice of Appeal and Miscellaneous Cash Receipt filed by Michael R. McCann, Esq. on behalf of William Lagna

✓ Undated

6th District Boat Facilities – Zone/Acres – Not Exhibit

✓ Undated

Sections 101, 103, 104, 415A

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director, Department of Permits, Approvals and Inspections

Date Sent: July 17, 2012



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

July 17, 2012

Michael R. McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

RECEIVED
JUL 17 2012

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2012-0239-SPH
Location: 3920, 3922 and 4000 Chestnut Road

BALTIMORE COUNTY
BOARD OF APPEALS

Dear Mr. McCann:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 13, 2012. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

- c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
✓ Arnold Jablon, Director, Department of Permits, Approvals, and Inspections
David Hash, 3804 Chestnut Road, Middle River, MD 21220
John Schmidt, 3833 Clarks Point Road, Middle River, MD 21220
Rico Gargano, 5103 Canyon Avenue, Baltimore, MD 21206
Jerry Wisner, 3910 Chestnut Road, Middle River, MD 21220
Robert Palmer, 412 Armstrong Road, Middle River, MD 21220
Sandra Walter, Ron Miskell, and Janet Wright, 3735 Zakira Court, Hampstead, MD 21074
Charlie and Trisha Baynes, 4006 Chestnut Road, Middle River, MD 21220
Carl Rossmark and Siu Cheng, 3729 Chestnut Road, Middle River, MD 21220
Christina Frink, Code Enforcement Officer, Bureau of Code Enforcement, PAI

Address List

Petitioner:

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

William Lagna
221 Bowley's Quarters Road
Middle River, MD 21220

Interested persons:

David Hash
3804 Chestnut Road
Middle River, MD 21220

John Schmidt
3833 Clarks Point Road
Middle River, MD 21220

Rico Gargano
5103 Canyon Avenue
Rosedale, MD 21237

Jerry Wisner
3910 Chestnut Road
Middle River, MD 21220

Kim Johnson
Keller Williams Realty
1850 York Road, Ste K
Timonium, MD 21093

Rubert Palmer
412 Armstrong Road
Middle River, MD 21220

Sandra Walter
And Ron Miskell
4009 Chestnut Road
Middle River, MD 21220

Charlie and Tricia Baynes
4006 Chestnut Road
Middle River, MD 21220

Janet Wright
4004 Chestnut Road
Middle River, MD 21220

Carl Rossmark
And Slu Cheung
3729 Chestnut Road
Middle River, MD 21220

Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

IN RE: 3920, 3922, 4000, 4002 Chestnut Road
Legal Owner/Petitioner – William Lagna

Case No. 2012-0239-A
15th Election District
ADMINISTRATIVE
3rd Election District

* BEFORE THE
* BALTIMORE COUNTY
* OFFICE OF
* HEARINGS

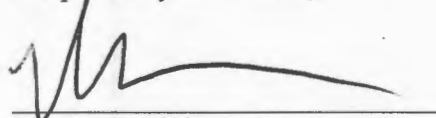
* * * * *
* * * * *

NOTICE OF APPEAL

Petitioner, William Lagna, hereby files an appeal to the Board of Appeals of Baltimore County from the June 22 2012 decision of the Office of Administrative Hearings. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the address of the appellant is:

William Lagna
221 Bowley's Quarters Road
Middle River, Maryland 21220

Respectfully submitted,



Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

Attorneys for Petitioner

RECEIVED

JUL 13 2012

OFFICE OF ADMINISTRATIVE HEARINGS

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

No. **74419**

Date: **7-13-12**

PAID RECEIPT

BUSINESS ACTUAL TIME DI
 7/17/2012 7/13/2012 12:13:47 3

REC M003 HALKIN R008 LRD
 >>RECEIPT # 598478 7/13/2012 (FLH)

Dept 5 528 ZONING VERIFICATION

PA NO. 074419

Recpt Tot \$265.00
 \$265.00 CR \$4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				265.00

Total: **265.00**

Rec From:

Abu Ezzah, Michael McConis, P.A.

For:

0851 2012 0239 A
3920, 3922, 4000 4100Z Christmast Rd.

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

JB 6-13-12

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N side of Chestnut Road; 2,500' NE		
of the c/l of Bowleys Quarters Road	*	OFFICE OF ADMINISTRATIVE
15 th Election District		
6 th Council District	*	HEARINGS FOR
(3920, 3922 and 4000 Chestnut Road)		
	*	BALTIMORE COUNTY
William M. Lagna		
Petitioner	*	CASE NO. 2012-0239-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Special Hearing filed by the legal owner of the property, William M. Lagna. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to establish the legal non-conforming status of an existing private boat club with piers and 3 existing single family detached dwellings. The Petitioner also seeks an adjustment of lot lines such that each of the single family dwellings would be situated on a separate lot. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case were Petitioner William M. Lagna, James S. Patton with Patton Consultants, Ltd., the consultant who prepared the site plan, and Michael R. McCann, Esquire attorney for the Petitioner. Appearing as either interested citizens and/or in opposition to the Petitioner's request were many residents of the surrounding communities. These individuals are too numerous to specifically identify herein. However, all have signed in on the Citizen and Protestant Sign-In Sheets. A review of the file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Planning dated May 1, 2012, which state:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special hearing to approve the legal non-conforming status of an existing private boat club with piers and 3 existing single family detached dwellings as well as various scenarios of lot line adjustments and/or subdivision.

The Department of Planning recommends the petitioner's special hearing request be denied. After visiting the subject site, it was observed that many boats and trailers are being stored on the property along with several structures that are in a state of disrepair. The storage of said boats has the appearance of a commercial boatyard and is not compatible with the rural waterfront character of the surrounding residential community. The petitioner should comply with BCZR 415A.3 with regard to the residential use.

The petition should address the issue of the non-conforming use only. The proposal to change lot status through lot line adjustments and/or subdivision is not appropriate and is counter to establishing a non-conforming use which by its nature cannot be changed in use, location or intensity. Adjusting lot lines as shown could facilitate off-conveyances that may then lead to a reduction of the area in support of the non-conforming use if so established.

The petition and plan are unclear as to the location, intensity and extent of the non-conforming boat club. None of the buildings are labeled and the descriptions are conflicting as to whether there are 3 or 4 existing residences. Where is the community building that houses the private boat club? Parking and other ancillary uses are not shown.

It appears from the aerial photos taken in 2002, 2005 and 2008 as well as the site visit that boat storage has intensified significantly from 2002 to present. While the Department of Planning does not support the request, should the ALJ find the use of the subject property is as a legal non-conforming community building (private boat club) said building and ancillary parking and other structures including docks, piers, pilings and launch ramps must be identified on the plan. The total number of onshore boats associated with the boat club at any given time should be fixed at nine boats as shown on the petitioner's plan.

Comments were also received from the Department of Environmental Protection and Sustainability (DEPS) dated May 4, 2012, which state that the Petitioner must comply with certain critical areas regulations, as set forth at B.C.Z.R. § 500.14.

Testimony and evidence revealed that the subject property is under an acre in size, and is comprised of four separate lots. The homes on the property (which are in disrepair) were built in the 1930's, and are constructed such that the dwellings "straddle" the lot lines. Petitioner was found to be in violation of the B.C.Z.R. at a code enforcement hearing on February 1, 2012 (*See*, Civil Citation No. 103205), and the Petition was filed to legitimize the current conditions on the property.

Lot Line Adjustments

As noted at the outset, the property owned by the Petitioner, which in total is less than one acre in size, is actually comprised of four individual lots, known as Lots 124, 125, 126, and 127. Mr. Lagna testified that the bungalow-style frame houses known as 3920 and 3922 Chestnut Road were constructed in or about 1934, and straddle the lot line separating Lots 124 and 125. In addition, Mr. Lagna testified that the "big house" known as 4000 Chestnut Road, also straddles the lot lines separating Lot 125 from Lot 126. Finally, a structure the witness referred to as a "clubhouse" identified as 4002 Chestnut Road, was constructed in such a fashion that it straddles the lot line separating Lot 126 and 127.

In these circumstances, the Petitioner has requested special hearing relief under B.C.Z.R. § 500.7, to adjust the lot lines in such a fashion that each of the principal dwellings in this case would then be situated on its own lot of record. As I explained to Petitioner's counsel at the outset of the hearing, I do not believe that lot line adjustments are the proper subject of a zoning hearing in the OAH. Rather, such relief is handled by the County's Department of Permits, Approvals, and Inspections (PAI) as a development matter, and it is the Development Review Committee (DRC) which is entitled to grant such relief under the Baltimore County Code (B.C.C.) § 32-4-106. As such, I will deny this aspect of the special hearing relief sought in the Petition.

While on the topic, it would seem to me that if anything, the four lots owned by Mr. Lagna have merged under the doctrine of zoning merger, so as to create (for zoning purposes at least) one lot where there had been four. Under Maryland law, a zoning merger occurs where two or more lots held in common ownership are used in service of the other common lots. *Friends of the Ridge v. Baltimore Gas & Electric Company*, 352 Md. 645 (1999). While under Maryland law zoning merger is dependent upon the common owner's intent, such evidence can be inferred by an owner's conduct, and the Court of Appeals has noted that "little evidence of that intent is required." *Remes v. Montgomery County*, 387 Md. 52, 66 (2005). In this case, Petitioner's engineer, James Patton, testified that the dwellings on the site were oriented towards the waterfront, and that the builder simply "ignored the lot lines."

Given that the lot lines (which after all are an artificial construct) were disregarded entirely when these properties were developed, it would appear as if a single parcel exists for zoning purposes. Mr. Lagna acquired all four of the separate lots when he purchased the property in 1993, and both he and David Wright (a neighbor who testified at the hearing), who was at the real estate settlement with the Petitioner, indicated that his intention at that time was to raze the dilapidated structures on site and build a new home on the premises. This fact also tends to indicate that the owner's intent was to treat the property as a single lot.

Nonconforming Use

The primary relief sought in the Petition for Special Hearing is a determination that Mr. Lagna's property enjoys nonconforming use status as a "boat club," a term which Petitioner's counsel conceded was not contained within the B.C.Z.R. The evidence in the case overwhelmingly established, and the Protestants' even conceded, that at one time a men's club or boat club of some sort was conducted on these premises. While the historical testimony in this

regard was interesting, it is largely irrelevant to the case at hand.

What I mean is this: one can assume, for sake of argument only, that a men's club or social boat club of some sort was conducted on the premises from the 1930's until 1993, when Petitioner purchased the property. In fact, evidence exists in the record establishing that such a boat club was "disbanded" in or about 1993, when Mr. Lagna took ownership. *See*, Petitioner's Exhibit 12. Thus, the salient question becomes whether the Petitioner has established that since 1993 he has consistently operated a "boat club" on the premises, without any cessation or abandonment of activities for one year or longer, which under the B.C.Z.R. would extinguish the nonconforming use. B.C.Z.R. § 104. In his post-hearing memorandum, Petitioner contends he provided "abundant evidence" on this point. I disagree, and in reviewing the witness testimony and exhibits, I do not believe that the Petitioner has satisfied his burden of proof in establishing a nonconforming use.

The burden of establishing a nonconforming use is on the claimant of such use, and one effective way of meeting this burden is to show that the existence of the use in question was well known throughout the neighborhood at the critical time. *Calhoun v. County Board of Appeals*, 262 Md. 265 (1971). While the mere change in ownership would not destroy a nonconforming use, a Petitioner must establish that the nature and character of the use in question – a boat club – remained unchanged and that substantially the same facilities were used throughout the years in question. *Kastendike v. Baltimore Association for Retarded Children*, 267 Md. 389 (1974). As recognized by the Court of Appeals, nonconforming uses are disfavored in the law, and "pose a formidable threat to the success of zoning". *Prince George's County v. E.L. Gardner*, 293 Md. 259, 267 (1982).

While Mr. Lagna testified that he grew up in the area and recalls the property being used as

a boat club with parties and events during his childhood, there was an absolute paucity of evidence concerning whether the property has been used as a boat club since the Petitioner's purchase of the property in 1993. The Petitioner testified that there were 17 boats on the property when he purchased it in 1993, and that today his club has 25 or 30 families as members. But not one of those members testified in support of Petitioner, nor did Petitioner adduce any evidence from the community to the effect that a boat club operation was known to exist on these premises between the years of 1993-2012.

The Petitioner testified that he files a Schedule C for the club, and submitted federal tax schedules for tax years 2008, 2009, and 2010 to this effect. But no such tax forms were submitted for tax years 1993-2007. Mr. Lagna testified that he charges between \$200 and \$300 a year for membership, and that since 1993 he has used the property as a seasonal boat club. He also testified that the property at 4000 Chestnut Road is listed on the BG&E bill as "non-residential", and the Petitioner also submitted letters from former boat club members, some of which are 70 or 80 years old at present. While several of these letters (Petitioner's Exhibit 12) refer to the fact that the boat club existed for 30, 40, or 50 years, none affirmatively state that such a club has existed continuously since 1993.

Simply put, this is insufficient evidence to establish that the Petitioner has, for the last 19 years, conducted a commercial, private boat club operation on the premises in question. This conclusion is buttressed by the convincing and credible testimony of the numerous neighbors and interested citizens who attended the hearing. Ms. Sandy Walter testified that her father owned all of the property in question, and sold the land to Mr. Lagna in 1993. Ms. Walter stated that she grew up in the area, and recalls this not being a boat club, but a men's club of some sort. Ms. Walter testified that through the years Mr. Lagna has built up a collection of derelict boats, and

she stated that although she has been at or near the premises every weekend since childhood, she cannot remember anyone in recent years coming to the so-called club and/or putting a boat in the water from its docks.

The next witness to testify was David Hash, and he also submitted a written statement which is contained within the case file. Mr. Hash has lived in the vicinity for many years, and stated unequivocally that he has "never ever" seen people on the property using the premises in such a manner which would indicate that an active boat club or some similar use was being conducted.

The next witness to testify was Kimberly Johnson, a licensed real estate agent. Ms. Johnson indicated that she has listed many homes through the years near the Petitioner's property, and in each instance had trouble selling the home due to the numerous calls she has received concerning the "shacks" and junk littered about the subject premises.

The next witness to testify was Charles Baynes, who has lived next door to the subject property for 63 years. Mr. Baynes testified that his grandfather originally owned all of this land, and he recalls his father referring to the premises containing a "men's club", and he also recalls collecting rent from the tenants in the small bungalows on the property. Mr. Baynes stated that his impression is that boats appear, but never leave, and he added that he has never seen anyone on the property using the land in such a manner that would indicate that it was an operational boat club.

Several other community witnesses testified to like effect, and after observing these witnesses' demeanor and testimony, I find them to be credible and compelling. This is certainly the case when one considers that the Petitioner has submitted absolutely no documentation of any sort that would verify the bona fides of a boat club operation on the premise. While a membership roster was submitted from 1990 (Exhibit 6), such a roster was not submitted for any period post

1993 after he acquired the property and the Petitioner explained that he did not supply such materials because this was a private club and the identity of his members was confidential. But Petitioner must remember that it is his burden to establish the alleged nonconforming use, and on this record he has simply failed to do so. As such, the requested special hearing relief will be denied.

The final aspect of special hearing relief concerned a determination of the number of boats Petitioner may keep on the premises. As noted earlier, I believe the four lots have merged (for zoning purposes only) into one. As such, the Petitioner would be entitled to store in the water six boats, per B.C.Z.R. § 415A.2. From November 1 through March 31, the Petitioner would be entitled to store three boats out-of-water, per B.C.Z.R. § 415A.3. Petitioner's post-hearing memorandum referenced §415A.1, but I do not believe that regulation is applicable in this case. The lot here is waterfront, and as such is governed by 415A.2 and .3 rather than 415A.1, in keeping with the maxim of statutory construction that the specific controls over the general. *Massey v. Department of Public Safety*, 389 Md. 496 (2005).

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

THEREFORE, IT IS ORDERED, this 22nd day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief under Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to establish the legal non-conforming status of an existing private boat club with piers and 3 existing single family detached dwellings, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 22, 2012

Michael R. McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No.: 2012-0239-SPH
Property: 3920, 3922 and 4000 Chestnut Road

Dear Mr. McCann:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: David Hash, 3804 Chestnut Road, Middle River, MD 21220
John Schmidt, 3833 Clarks Point Road, Middle River, MD 21220
Rico Gargano, 5103 Canyon Avenue, Baltimore, MD 21206
Jerry Wisner, 3910 Chestnut Road, Middle River, MD 21220
Robert Palmer, 412 Armstrong Road, Middle River, MD 21220
Sandra Walter, Ron Miskell, and Janet Wright, 4004 Chestnut Road,
Middle River, MD 21220
Charlie and Trisha Baynes, 4006 Chestnut Road, Middle River, MD 21220
Carl Rossmark and Siu Cheng, 3729 Chestnut Road, Middle River, MD 21220

6/20/12

IN RE: 3920, 3922, 4000, 4002 Chestnut Road
Legal Owner/Petitioner – William Lagna

Case No. 2012-0239-A
15th Election District
3rd Election District

* BEFORE THE
* BALTIMORE COUNTY
* OFFICE OF ADMINISTRATIVE
* HEARINGS

* * * * *

PETITIONER'S POST-HEARING MEMORANDUM

Petitioner, William Lagna, submit this post-hearing memorandum in support of his Petition for Special Hearing.

1. Mr. Lagna's petition seeks essentially four categories of relief: (i) confirmation that the boat club use of the subject property is a legal nonconforming use; (ii) confirmation that the four lots and the four structures on those lots are nonconforming; (iii) given the nonconforming nature of the lots and structures, confirmation that a lot line adjustment is appropriate in order to allow each of the four structures to be on its own lot; and (iv) confirmation regarding the maximum number of boats allowed at the property.

**The Property Has Been Used Continuously As A Boat Club Since 1937
And, Therefore, Is A Legal Nonconforming Use**

2. Mr. Lagna introduced substantial evidence that the subject property has been used continuously as a boat club since 1937, operating under various names (the Lauraville Boat and Swim Club from 1937 to 1952; the Blue Diamond Boat Club from 1952 to 1963; and the Seneca Creek Mariners Club from 1963 to 1991; and the Seneca Creek Boat Club since 1993). This evidence included:

(i) Mr. Lagna's testimony regarding his use of the property since acquiring it in 1993 and his familiarity with the property since childhood in the 1950's;

(ii) letters from ten (10) neighbors verifying the boat club use, including former members of the club (**Petitioner's Ex. 12**);

(iii) photographs of murals and a plaque depicting the emblems of the club (**Petitioner's Exs. 3, 4, 5**);

(iv) a list of club members from 1990 that Mr. Lagna received when he purchased the property (**Petitioner's Ex. 6**);

(v) a list of current boats/club members (**Petitioner's Ex. 16**);

(vi) current photographs of the property depicting picnic tables and chairs, gazebo, and other indicia of a boat club (**Petitioner's Ex. 7**);

(vii) the Schedule C's submitted by Mr. Lagna (**Petitioner's Ex. 15**); and

(viii) the testimony of Harlan Zinn confirming his visits to the club over the last seven years.

3. As Mr. Patton testified, based on his considerable experience with marine-related uses and the BCZR, the subject property has been used as a "boat club" since 1937. He explained that the BCZR does not contain "boat club" use, but "yacht club" is the use that is the closest. A "yacht club" is defined as "a use of waterfront land by a social club which provides recreational facilities, including boat docking, for members and their guests." BCZR, § 101A.1. Because neither boat clubs nor yacht clubs are allowed in the RC5 zone, Mr. Lagna's club is a nonconforming use. Because this use has existed at the property since 1937, before the enactment of the zoning regulations, it may continue as a legal conforming use.¹

4. Notably, the protestants at the hearing did not dispute that a club had operated at the property, at least from 1937 until 1993 when Mr. Lagna purchased the property. Several protestants, however, boldly stated that they had *never* observed *any* persons or activities at the property since 1993. Assuming such statements to be true, they do not, alone, demonstrate that a club has not existed and operated at the property. This testimony simply means that these particular

¹ Mr. Patton explained why this use does not meet the definitions of "marina" and "boatyard."

individuals did not happen to observe any club activities,² but it does not refute or overcome the abundant evidence introduced by Mr. Lagna, including his own testimony, the current boat/member list he provided, and the numerous letters from members and other individuals attesting to the past and present use of the property as a boat club. Mr. Lagna more than sufficiently met his burden of proof at the hearing that the boat club was continuous and that he had not abandoned or discontinued that use. *See* BCZR, § 104.1.

5. It was readily apparent at the hearing that the protestants' real dispute with Mr. Lagna is with the way he has maintained the property and the number of boats that are kept there. In Mr. Baines' words, "quite frankly, we just want it cleaned up." Although the photographs introduced by both Mr. Lagna and protestants do not support these complaints, the complaints have nothing whatsoever to do with the issues in this case. The issue before this Office is simply whether there exists a nonconforming use, not whether Mr. Lagna keeps the property in good condition.³ With respect to the protestants' complaints about the number of boats, as discussed below, there is no limitation on the number of boats that may be kept at a boat club.⁴

A Lot Line Adjustment Is Appropriate Because The Four Structures And The Four Lots Are Nonconforming

6. There is no dispute that the four structures on the subject property were constructed in the 1930's, were built on substandard lots, and across lot lines. (Petitioner's Exs. 8, 13). It is

² It should be noted that at least a few of the protestants (including Mr. Schmidt and Mr. Baines) acknowledged that they had observed some "gatherings" and "activities" at the club since Mr. Lagna's purchase.

³ Mr. Schmidt's testimony suggesting that there were multiple violations issued against this property is not true. The only violations with respect to this property are those that were before Judge Stahl in February 2012.

⁴ Protestants' complaint that the number of boats has increased since Mr. Lagna purchased the property is likewise irrelevant. It is also not true. As Mr. Lagna testified, the number of boats has fluctuated over the years, but presently is approximately the same as in 1993. This is borne out by the aerial photograph from 1995. (Protestants' Exs. 2 and 14).

also undisputed that the two cottages at 3920 and 3922 have been used as residences, and that three of the four structures (3920, 3922, and 4000) have their own electric service and grinder pump systems. (Petitioner's Exs. 9, 10). As Mr. Patton testified, adjusting the lot lines at the property would allow the four structures to be on their own lots and would bring the property into conformance with current law as close as possible. Any one of the alternative lot line adjustments depicting in the plat prepared by Mr. Patton would achieve this result and be consistent with the evidence presented.⁵

There Is No Limit On The Number Of Boats At A Boat Club

7. If it is determined that the property may continue to be used as a legal nonconforming boat club, Petitioner submits that there is no limit on the number of boats that may be kept at the property because the BCZR provides no such limit. Petitioner requests, respectfully, that the Judge make such a finding.

8. Even if we assume limitations for residential properties are applicable, then a substantial number of boats may still be kept at this property.

(i). Under § 415A.1, one recreational vehicle may be stored on a residential lot. Because the property comprises four lots, this section entitles Mr. Lagna to store 4 boats. Importantly, § 415A.1 also exempts any boat less than 16 feet in length, so Mr. Lagna is entitled to store an unlimited number of boats under 16 feet.

(ii). Under § 415A.2, the number of boats permitted at a pier or a mooring depends upon the length of the waterside lot line. Based on the lot lines of the four lots at the subject property, Mr.

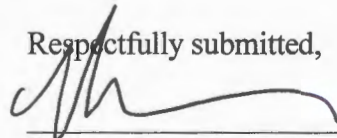
⁵ As indicated at the hearing, Petitioner recognizes that the Office of Administrative Hearings may not have the authority, itself, to effectuate a lot line adjustment. Petitioner requests that this Office issue the findings necessary to obtain a lot line adjustment from the Department of Permits, Approvals and Inspections.

Lagna is entitled to 6 boats for Lot 124, 5 boats for Lot 125, 4 boats for Lot 126, and 4 boats for Lot 127, for a total of 19 boats.

(iii). Under § 415A.3, the number of boats permitted to be stored out of water during the months of November through March also depends on the length of the waterside lot line. Based on the lots of the four lots, Mr. Lagna is entitled to 3 boats for Lot 124, 2 boats for Lot 125, 2 boats for Lot 126, and 2 boats for Lot 127, for a total of 9 boats.

WHEREFORE, for the reasons stated, Petitioner respectfully requests that the Office of Administrative Hearings grant his petition and enter an order that (i) the boat club use of the subject property is a legal nonconforming use; (ii) the four lots and the four structures on those lots are nonconforming; (iii) given the nonconforming nature of the lots and structures, a lot line adjustment is appropriate in order to allow each of the four structures to be on its own lot; and (iv) there is no limit on the number of boats that may be kept at the subject property.

Respectfully submitted,



Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150

Attorneys for Petitioner

6/20/12

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

June 20, 2012

Via Hand Delivery

The Honorable John Beverungen
Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED
JUN 20 2012
OFFICE OF ADMINISTRATIVE HEARINGS

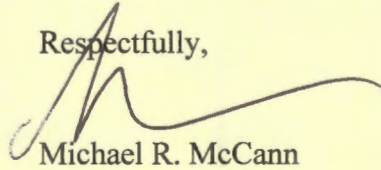
Re: 3920, 3922, 4000, 4002 Chestnut Road
Case No.: 2012-0239-A

Dear Judge Beverungen:

Enclosed please find Petitioner's Post-Hearing Memorandum in this matter.

Thank you for your consideration.

Respectfully,



Michael R. McCann

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

July 13, 2011

Via Hand Delivery

Baltimore County Permits, Approvals and Inspections
Attn: Zoning Appeals
County Office Building
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

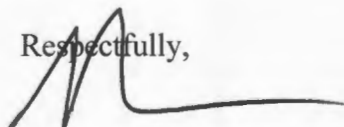
Re: 3920, 3922, 4000, 4002 Chestnut Road
Case No.: 2012-0239-A

To Whom It May Concern:

Enclosed, please find Petitioner William Lagna's Notice of Appeal in the above-referenced matter, as well as a check in the amount of \$265.00 to cover the filing fee.

Thank you for your consideration.

Respectfully,


Michael R. McCann

cc: Board of Appeals

Enclosures

RECEIVED

JUL 13 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Debra Wiley - ZAC Comments - Distribution Mtg. of 4/2/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/9/2012 2:55 PM
Subject: ZAC Comments - Distribution Mtg. of 4/2/12

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0237-A - 2814 Ohio Avenue
 (Administrative Variance - Closing Date: None in data base as of 4/9)

2012-0238-A - 327 Hillen Road
 No hearing date in data base as of 4/9

2012-0239-A - 3922 Chestnut Road - **CBCA & Floodplain**
 No hearing date in data base as of 4/9

2012-0240-A - 397 Butler Road
 No hearing date in data base as of 4/9

Thanks.

Debbie Wiley
 Legal Administrative Secretary
 Office of Administrative Hearings
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

CBCA FLOODPLAIN

VIOLATION #103205



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address #3920, #3922, and #4000 Chestnut Road, Bowleys Q which is presently zoned RC - 5

Deed References: Book 16275, Folio 732

10 Digit Tax Account # 1523000122

Property Owner(s) Printed Name(s) William M. LAGNA

1523000123

4002 JP
(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve THE LEGAL NONCONFORMING STATUS OF AN EXISTING PRIVATE BOAT CLUB WITH PIER AND 3 EXISTING SINGLE-FAMILY DETACHED DWG. PLEASE SEE ATTACHED

2. _____ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. _____ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

N/A

Name - Type or Print

Signature

Mailing Address

City

State

Date

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

MICHAEL R. MCCANN, ESQ

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

LAW.FIRM

Legal Owners (Petitioners):

William M. LAGNA

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

221 BOWLEYS QUARTERS RD BALTIMORE, MD

Mailing Address

City

State

21220

Zip Code

410-245-3606

Telephone #

Wmlagna@comcast.com

Email Address

Representative to be contacted:

MICHAEL R. MCCANN, ESQ

Name - Type or Print

Signature

Mailing Address

City

State

21204

Zip Code

410-825-2150

Telephone #

MICHAEL R. MCCANN@LAW.NET

Email Address

CASE NUMBER 2012-0239-SPH Filing Date 3, 30, 12

Do Not Schedule Dates:

Reviewer

SCM

CBCA FLOOD PLAIN

VIOLATION-103205



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address #3920, #3922, and #4000 Chestnut Road, Bowleys Q which is presently zoned RC-5

Deed References: Book 16275, Folio 732

10 Digit Tax Account # 1 5 2 3 0 0 0 1 2 2

Property Owner(s) Printed Name(s) William M. LAGNA

1 5 2 3 0 0 0 1 2 3

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve ~~The legal nonconforming status of an existing Private Boat Club with~~
 ~~Press & 3 existing single family detached dwelling~~ PLEASE SEE ATTACHED

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

N/A

Name - Type or Print

Signature

Mailing Address

Zip Code

By

Telephone #

Email Address

Attorney for Petitioner:

MICHAEL R. MCCANN, ESQ

Name - Type or Print

Signature

118 W. PENNSYLVANIA AVE. TOWSON, MD

Mailing Address

21204, 410-825-2150, MICHAEL.C.MCCANN@LAW.NET

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0239

Filing Date 3/31/12

Do Not Schedule Dates:

Reviewer JCM

REV. 10/4/11

Legal Owners (Petitioners):

William M. LAGNA

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

221 BOWLEYS QUARTERS RD BALTIMORE, MD

Mailing Address

City

State

21220

Zip Code

410-245-3606

Telephone #

William.C.McCann@Law.net

Email Address

Representative to be contacted:

MICHAEL R. MCCANN, ESQ

Name - Type or Print

Signature

118 W. PENNSYLVANIA TOWSON, MD

Mailing Address

City

State

21204

Zip Code

410-825-2150

Telephone #

MICHAEL.C.MCCANN@LAW.NET

Email Address

ATTACHMENT
TO
PETITION FOR SPECIAL HEARING
FILED ON BEHALF OF WILLIAM M. LAGNA

A SPECIAL HEARING under Section 500.7 of the Baltimore County Zoning Regulations (BCZR) relative to Lot # 124, 125, 126, and 127 as shown on Plat No. 2 of the Bowleys Quarters Company as recorded in the land records of Baltimore County in Plat Book W.P.C. #7, folio 13 for the purpose of determining the following:

That in accordance with Section 104.1 of the BCZR the referenced property is a *"nonconforming use (as defined in Section 101)"* and *"may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate"*.

And further that the entire property was, and continues to be, mixed use residential with boat club and that the piers and boat ramp may be used by the four (4) residences (detached single family dwellings) and a private boat club with, as provided by Section 415c, additional storage of boats on trailers up to the maximum allowed per lot for each of the four (4) residential lots. Also, that an order be issued to adjust the lots lines to provide for each of the four (4) pre-existing principal structures being located on one of each of the individual lots now of record. **(Referred to as Alternative #1)** Please refer to Sketch Plan #1.

or in the alternative:

And further that an adjustment of the lot lines of the four (4) lots be ordered which would place each of the three (3) dwellings now on lots #124, 125, and 126 on individual lots based on adjusted lot lines with the structure presently on Lot # 127 (a.k.a. #4002 Chestnut Road) with adjusted lot line between Lot #126 and Lot #127, being designated the private boat club. Relief is further requested under Section 415c for additional storage of boats on trailers up to the maximum allowed per lot for each of the three (3) residential lots with the existing 2 piers and boat launch ramp being available for common use by the three (3) residences and the boat club members. **(Referred to as Alternative #2)** Please refer to Sketch Plan #2.

or in the Alternative:

And further an adjustment of the lot lines of the four (4) lots be ordered which would place each of the two (2) dwellings now on lots #124, 125, on individual lots based on adjusted lot lines and with the two (2) structures presently on Lot #126 and Lot #127, being designated the private boat club being on one lot (combining #126 and #127) with adjusted lot line between Lots #125 and #126. Relief is further requested under Section 415c for additional storage of boats on trailers up to the maximum allowed per lot for each of the two (2) residential lots with the existing 2 piers and boat launch ramp being available for common use by the two (2) residences and the private boat club members. **(Referred to as Alternative #3)** Please refer to Sketch Plan #3.

AND SUCH ADDITIONAL INFORMATION AS MAY BE PRESENTED AT THE HEARING.

PATTON

Patton
Consultants
Ltd.
Engineering
& Site
Planning

ZONING DESCRIPTION FOR 3920, 3922, 4000, 4002 CHESTNUT ROAD

Beginning at a point on the north side of Chestnut Road which is thirty (30) feet wide at the distance of 143 feet +/- northwest of the centerline of the nearest improved intersecting street, Chestnut Road (another leg thereof), which is thirty (30) feet wide. **Being** Lots #124, #125, #126, and #127 in the subdivision (Record Plat) of "BOWLEYS QUARTERS PLAT No.2." as recorded in Baltimore County Plat Book #7, Folio #13, containing 0.91 net acres plus/minus. Also known as 3920, 3922, 4000, 4002 Chestnut Road and located in the 15th Election District, 6th Councilmanic District.

Prepared by Patton Consultants, Ltd. March 10, 2012



[Signature]
MY LICENSE EXPIRES 7/25/13

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0239-A

Petitioner: WILLIAM LAGNA

Address or Location: 3920, 3922, 4000, 4002 CHESTNUT RD., BALTO, MD. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM LAGNA

Address: 221 BOWLEYS QUARTERS Rd.

BALTO, MD. 21220

Telephone Number: 410-245-3606

Revised 2/17/11 DT

LAGNA
FEE
300.00

Michael McCANN'S ADVERTISING WORDING

~~LORENZ~~ LORENZ

A SPECIAL HEARING TO APPROVE THE LEGAL-
NON CONFORMING STATUS OF AN EXISTING
PRIVATE BOAT CLUB WITH PIERS AND 3
EXISTING SINGLE-FAMILY DETACHED DWELLINGS
WITH ORDER TO ADJUST THE ~~LOT~~ LINES TO PROVIDE
FOR EACH OF THE FOUR (4) PRE-EXISTING PRINCIPAL
STRUCTURES BEING LOCATED ON ONE OF EACH OF THE
INDIVIDUAL LOTS ^{BASED ON THREE ALTERNATIVES} AND SUCH ADDITIONAL INFORMATION
AS MAY BE PRESENTED AT THE HEARING.

POSSIBLE

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

No. **82110**

Date: **3/30/12**

PAID RECEIPT

BUSINESS ADDRESS CITY STATE ZIP

1/30/2012 12:50:38Z 1010015

NO. 82110 DATE 3/30/2012

RECEIPT # 70000 3/30/2012 0701

Dept. 5 520 JUDICIAL ADMINISTRATION

CF NO. 82110

Receipt Tot \$385.00

\$385.00 CF \$385.00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						385.00

Total: **385.00**

Rec From: **W. LAGNA**

For: **2012-0239-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0239-SPH

3920, 3922, 4000 & 4002 Chestnut Road

N/s of Chestnut Road, 2500 ft. +/- N/e of centerline

of Bowleys Quarters Road

15th Election District - 6th Councilmanic District

Legal Owner(s): William Lagna

Special Hearing: to determine whether or not the ALJ should approve the legal non-conforming status of an existing private boat club with piers and 3 existing single-family detached dwellings with order to adjust the lot lines to provide for each of the four pre-existing principal structures being located on one of each of the individual lots based on three possible alternatives and such additional information as may be presented at the hearing.

Hearing: Wednesday, June 13, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

05/310 May 24

303484

CERTIFICATE OF PUBLICATION

5/24/ 2012

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 5/24/ 2012.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0239-SPH

PETITIONER/DEVELOPER _____

WILLIAM LAGNA

DATE OF HEARING/CLOSING: _____

5/16/12

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 _____

3920, 3922, 4000, 4002
CHESNUT RD

THIS SIGN(S) WERE POSTED ON _____

May 1, 2012

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/1/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2012-0239-SPH

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

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: WEDNESDAY, MAY 16, 2012
AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO DETERMINE WHETHER OR
NOT THE ALJ SHOULD APPROVE THE LEGAL
NON-CONFORMING STATUS OF AN EXISTING PRIVATE BOAT
CLUB WITH PIERS AND 3 EXISTING SINGLE-FAMILY DETACHED
DWELLINGS WITH ORDER TO ADJUST THE LOT LINES TO PROVIDE
FOR EACH OF THE FOUR PRE-EXISTING PRINCIPAL STRUCTURES
BEING LOCATED ON ONE OF EACH OF THE INDIVIDUAL LOTS
BASED ON THREE ALTERNATIVES AND SUCH ADDITIONAL
INFORMATION AS MAY BE PRESENTED AT THE HEARING.

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

05/01/2012

myalms 5/1/12

CERTIFICATE OF POSTING

RE: Case No 2012-0239-SPH

Petitioner/Developer WILLIAM
LAGNA

Date Of Hearing/Closing: 4/13/12

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at

3920, 3922, 4000, 4002

CHESTNUT ROAD

This sign(s) were posted on May 23, 2012

Month, Day, Year

Sincerely,

Martin Ogle 5/23/12

Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411

ZONING NOTICE

CASE # 2012-0239-SPH

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

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

WEDNESDAY, JUNE 13, 2012

DATE AND TIME: AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO DETERMINE WHETHER OR
NOT THE ALJ SHOULD APPROVE THE LEGAL
NON-CONFORMING STATUS OF AN EXISTING PRIVATE BOAT
CLUB WITH PIERS AND 3 EXISTING SINGLE-FAMILY DETACHED
Dwellings WITH ORDER TO ADJUST THE LOT LINES TO PROVIDE
FOR EACH OF THE FOUR PRE-EXISTING PRINCIPAL STRUCTURES
BEING LOCATED ON ONE OF EACH OF THE INDIVIDUAL LOTS
BASED ON THREE ALTERNATIVES AND SUCH ADDITIONAL
INFORMATION AS MAY BE PRESENTED AT THE HEARING.

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

05/23/2012

Madhul 5/23/12

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 1, 2012 Issue - Jeffersonian

Please forward billing to:

William Lagna
221 Bowleys Quarters Road
Baltimore, MD 21220

410-245-3606

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0239-SPH

3920, 3922, 4000 & 4002 Chestnut Road

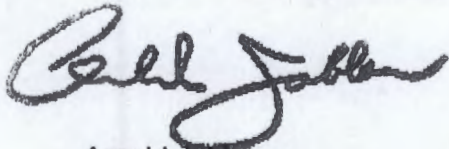
N/s of Chestnut Road, 2500 ft. +/- N/e of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: William Lagna

Special Hearing to determine whether or not the ALJ should approve the legal non-conforming status of an existing private boat club with piers and 3 existing single-family detached dwellings with order to adjust the lot lines to provide for each of the four pre-existing principal structures being located on one of each of the individual lots based on three possible alternatives and such additional information as may be presented at the hearing.

Hearing: Wednesday, May 16, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



410-780-3188

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 24, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0239-SPH

3920, 3922, 4000 & 4002 Chestnut Road

N/s of Chestnut Road, 2500 ft. +/- N/e of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: William Lagna

Special Hearing to determine whether or not the ALJ should approve the legal non-conforming status of an existing private boat club with piers and 3 existing single-family detached dwellings with order to adjust the lot lines to provide for each of the four pre-existing principal structures being located on one of each of the individual lots based on three possible alternatives and such additional information as may be presented at the hearing.

Hearing: Wednesday, May 16, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Michael McCann, 118 W. Pennsylvania Avenue, Towson 21204
William Lagna, 221 Bowleys Quarters Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 1, 2012.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 24, 2012 Issue - Jeffersonian

Please forward billing to:

William Lagna
221 Bowleys Quarters Road
Baltimore, MD 21220

410-245-3606

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0239-SPH

3920, 3922, 4000 & 4002 Chestnut Road

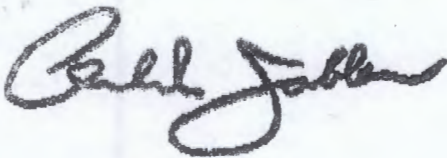
N/s of Chestnut Road, 2500 ft. +/- N/e of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: William Lagna

Special Hearing to determine whether or not the ALJ should approve the legal non-conforming status of an existing private boat club with piers and 3 existing single-family detached dwellings with order to adjust the lot lines to provide for each of the four pre-existing principal structures being located on one of each of the individual lots based on three possible alternatives and such additional information as may be presented at the hearing.

Hearing: Wednesday, June 13, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 10, 2012

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0239-SPH

3920, 3922, 4000 & 4002 Chestnut Road

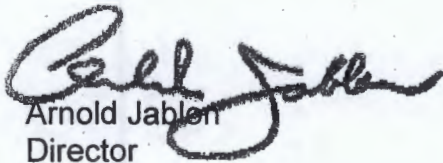
N/s of Chestnut Road, 2500 ft. +/- N/e of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: William Lagna

Special Hearing to determine whether or not the ALJ should approve the legal non-conforming status of an existing private boat club with piers and 3 existing single-family detached dwellings with order to adjust the lot lines to provide for each of the four pre-existing principal structures being located on one of each of the individual lots based on three possible alternatives and such additional information as may be presented at the hearing.

Hearing: Wednesday, June 13, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Michael McCann, 118 W. Pennsylvania Avenue, Towson 21204
William Lagna, 221 Bowleys Quarters Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 24, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Board of Appeals of Baltimore County

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

August 13, 2012

NOTICE OF ASSIGNMENT

CASE #: 12-239-SPH

IN THE MATTER OF: William M. Lagna/Legal Owner/Petitioner
3920, 3922 and 4000 Chestnut Rd/ 15th Election Dist; 6th Councilmanic District

Re: Petition for Special Hearing to approve the legal non-conforming status of an existing private boat club with piers and 3 existing single family dwellings.

6/22/12 Opinion and Order of Administrative Law Judge DENYING requested Petition for Special Hearing.

ASSIGNED FOR:

TUESDAY, NOVEMBER 20, 2012, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

Theresa R. Shelton, Administrator

c: Counsel for Appellant/Petitioner
Appellant/Petitioner

: Michael McCann, Esquire
: William Lagna

David Hash John Schmidt Rico Gargano
Rubert Palmer Sandra Walter and Ron Miskell
Carl Rossmark and Slu Cheung

Jerry Wisner Kim Johnson, Keller Williams Realty
Charlie and Tricia Baynes Janet Wright

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

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

December 13, 2012

NOTICE OF RE-ASSIGNMENT/AGREED DATE

CASE #: 12-239-SPH

IN THE MATTER OF: William M. Lagna/Legal Owner/Petitioner
3920, 3922 and 4000 Chestnut Rd/ 15th Election Dist; 6th Councilmanic District

Re: Petition for Special Hearing to approve the legal non-conforming status of an existing private boat club with piers and 3 existing single family dwellings.

6/22/12 Opinion and Order of Administrative Law Judge DENYING requested Petition for Special Hearing.

This matter was scheduled for November 20, 2012 and was postponed. It has been re-assigned to an agreed date by the parties as follows:

RE-ASSIGNED FOR: TUESDAY, FEBRUARY 5, 2013, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

Theresa R. Shelton, Administrator

c:	Counsel for Appellant/Petitioner	: Michael McCann, Esquire
	Appellant/Petitioner	: William Lagna

David Hash	John Schmidt	Rico Gargano	Jerry Wisner	Kim Johnson, Keller Williams Realty
Rubert Palmer	Charlie and Tricia Baynes		Carl Rossmark and Slu Cheung	

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

John E. Beverungen, Administrative Law Judge

Arnold Jablon, Director/PAI

Nancy West, Assistant County Attorney

Andrea Van Arsdale, Director/Department of Planning

Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

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

February 14, 2013

NOTICE OF ASSIGNMENT – DAY #2/AGREED DATE

CASE #: 12-239-SPH

IN THE MATTER OF: William M. Lagna/Legal Owner/Petitioner
3920, 3922 and 4000 Chestnut Rd/ 15th Election Dist; 6th Councilmanic District

Re: Petition for Special Hearing to approve the legal non-conforming status of an existing private boat club with piers and 3 existing single family dwellings.

6/22/12 Opinion and Order of Administrative Law Judge DENYING requested Petition for Special Hearing.

This matter was heard on February 5, 2013 (day #1) and was continued. Day #2 has been assigned to the agreed date below:

ASSIGNED FOR: WEDNESDAY, APRIL 17, 2013, AT 10:00 A.M./DAY #2

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

Theresa R. Shelton, Administrator

c: Counsel for Appellant/Petitioner
Appellant/Petitioner

: Michael McCann, Esquire
: William Lagna

David Hash John Schmidt Rico Gargano
Rubert Palmer Charlie and Tricia Baynes

Jerry Wisner Kim Johnson, Keller Williams Realty
Carl Rossmark and Slu Cheung

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

John E. Beverungen, Administrative Law Judge

Arnold Jablon, Director/PAI

Nancy West, Assistant County Attorney

Andrea Van Arsdale, Director/Department of Planning

Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

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

April 18, 2013

NOTICE OF DELIBERATION

CASE #: 12-239-SPH

IN THE MATTER OF: William M. Lagna/Legal Owner/Petitioner
3920, 3922 and 4000 Chestnut Rd/ 15th Election Dist; 6th Councilmanic District

Re: Petition for Special Hearing to approve the legal non-conforming status of an existing private boat club with piers and 3 existing single family dwellings.

6/22/12 Opinion and Order of Administrative Law Judge DENYING requested Petition for Special Hearing.

This matter having been heard on 2/5/13 (day #1); continued and concluded this matter on 4/17/13 (Day #2); a public deliberation has been scheduled for the following:

DATE AND TIME : TUESDAY, JULY 16, 2013 at 9:15 a.m.

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on Thursday, June 6, 2013 by 3:30 p.m.

(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Counsel for Appellant/Petitioner : Michael McCann, Esquire
Appellant/Petitioner : William Lagna

David Hash John Schmidt Rico Gargano Jerry Wisner Kim Johnson, Keller Williams Realty
Rubert Palmer Sandra Walter and Ron Miskell Charlie and Tricia Baynes Janet Wright
Carl Rossmark and Slu Cheung

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 5, 2012

William M. Lagna
221 Bowleys Quarters Road
Baltimore MD 21220

RE: Case Number: 2012-0239 SPH, Address: 3920, 3922 and 4000 Chestnut Road

Dear Mr. Lagna:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 30, 2012. 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
Michael McCann, Esquire, 118 W. Pennsylvania Avenue, Towson, MD 21204

JB
5-1612

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 04 2012
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: May 4, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-239-SPHA
Address 3922 Chestnut Road
(Lagna Property)

Zoning Advisory Committee Meeting of April 2, 2012.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to reconfigure lot lines for the existing four lots. Any lot reconfiguration must address the provisions of COMAR 27.01.02.08 (attached), Lot Consolidation and Reconfiguration. To minimize impacts on water quality, lot coverage requirements as specified in COMAR 27.01.02.08 must be met. By meeting the lot reconfiguration requirements, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is waterfront. It is unclear from the applicant's plan accompanying this zoning petition what the existing lot coverage limit on site is. If the proposal does not increase lot coverage limits, it will help conserve fish habitat in Bird River.
3. This office is unable to determine whether the applicant's proposal is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: Regina Esslinger; Environmental Impact Review

COMAR 27.01.02.08

.08 Lot Consolidation and Reconfiguration.

A. Definition.

(1) In this regulation, the following term has the meaning indicated.

(2) Defined Term—Conforming.

(a) "Conforming" means a parcel or lot that meets all Critical Area requirements.

(b) "Conforming" does not include a parcel or lot:

(i) For which a Critical Area variance is sought or has been issued; or

(ii) That is in the Resource Conservation Area and is less than 20 acres.

B. Applicability.

(1) Except as provided under §C of this regulation, and notwithstanding the location of the affected parcels or lots in a buffer exemption area, the provisions of this regulation shall apply to a consolidation or reconfiguration of:

(a) In the Chesapeake Bay Critical Area:

(i) Any legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985;

(ii) Land that was subdivided into recorded, legally buildable lots, if the subdivision received the local jurisdiction's final approval before June 1, 1984; and

(iii) Land that was subdivided into recorded, legally buildable lots, if the subdivision received the local jurisdiction's final approval after December 1, 1985, but not later than the date of the jurisdiction's program approval; and

(b) In the Atlantic Coastal Bays Critical Area:

(i) Any legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of June 1, 2002; and

(ii) Land that was subdivided into recorded legally buildable lots, if the subdivision received the local jurisdiction's final approval before June 1, 2002.

(2) The provisions of this regulation do not apply to a conforming parcel or lot.

C. A local jurisdiction may adopt alternative procedures and requirements for the consolidation or reconfiguration of legal parcels of land or recorded, legally buildable lots listed under §B of this regulation if:

(1) The alternative procedures and requirements are at least as effective as the Critical Area program under Natural Resources Article, Title 8, Subtitle 18, Annotated Code of Maryland, regulations adopted under the authority of that subtitle, and any additional requirements of the local program; and

(2) The Commission has approved those alternative procedures and requirements.

D. A local jurisdiction shall include in its local Critical Area program specific, written procedures and requirements for the consolidation and reconfiguration of any legal parcels of land and recorded, legally buildable lots that demonstrate how the proposed consolidation or reconfiguration:

(1) Will, to the extent possible:

(a) Minimize adverse impacts to water quality;

(b) Conserve or create additional or enhanced fish, wildlife, and plant habitat; and

(c) Establish land use policies for development activities in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area which accommodate growth and address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts; and

(2) Will not increase or intensify development activities or human activities in the buffer or any other habitat protection area when compared with those activities that would result from the parcel or lot configuration in existence at the time of application for consolidation or reconfiguration.

E. An application to a local jurisdiction for the consolidation or reconfiguration of any legal parcels of land or recorded, legally buildable lots shall contain at least the following information:

(1) The date of recordation of each legal parcel of land or recorded, legally buildable lot to be consolidated or reconfigured;

(2) A plan drawn to scale in accordance with local procedures;

(3) A plan that shows all existing and proposed parcel or lot boundaries;

(4) A table that lists the number of all legal parcels of land or recorded, legally buildable lots and the number of proposed parcels or lots to be derived; and

(5) Information sufficient for the local jurisdiction to make the findings set forth in §F of this regulation.

F. A local jurisdiction may not approve a proposed parcel or lot consolidation or reconfiguration unless the local jurisdiction makes written findings that:

(1) The proposed consolidation or reconfiguration will not result in a greater number of parcels, lots, or dwelling units in the Critical Area than the configuration in existence at the time of application would allow;

(2) In the limited development area or resource conservation area, the proposed consolidation or reconfiguration:

(a) Will not result in greater lot coverage than development activities within the configuration in existence at the time of application would allow; and

(b) Will not result in greater impact to a steep slope than development activities within the lot configuration in existence at the time of application would allow, if that steep slope is located outside the buffer or expanded buffer;

(3) The proposed consolidation or reconfiguration will not:

(a) Create an additional riparian parcel or lot, waterfront lot, or any other parcel or lot deeded with water access; or

(b) Intensify or increase impacts associated with riparian access;

(4) The proposed consolidation or reconfiguration will not create:

(a) A parcel, lot, or portion of a parcel or lot that will serve development activities outside the Critical Area; or

(b) A resource conservation area parcel or lot that will serve development activities in the intensely developed area or limited development area;

(5) The proposed consolidation or reconfiguration identifies each habitat protection area on site, and, if the proposal impacts a habitat protection area, the proposed protective and restoration measures provide for the least possible adverse impact;

(6) The proposed consolidation or reconfiguration:

(a) Will not result in a greater impact to a habitat protection area than the impact that would result from development activities within the configuration in existence at the time of application; and

(b) Will minimize adverse impacts to the habitat protection area;

(7) The proposed consolidation or reconfiguration provides:

(a) Stormwater management for all proposed development activities; and

(b) Benefits to fish, wildlife, and plant habitat that are clearly identified; and

(8) The proposed consolidation or reconfiguration fully complies with the afforestation and reforestation requirements in COMAR 27.01.05 and 27.01.09, unless clearing is necessary to avoid a habitat protection area.

G. Final Written Decision or Order.

(1) A local jurisdiction shall issue a final written decision or order granting or denying an application for a consolidation, reconfiguration, or a modification or reconsideration of a consolidation or reconfiguration.

(2) After a final written decision or order is issued, the local jurisdiction shall send a copy of the decision or order and, if applicable, the approved development plan within 10 business days by U.S. mail to the Commission's business address.

H. Appeal.

(1) The time period during which the Commission may file an appeal or a petition for judicial review begins on the date of the Commission's receipt of the final written decision or order.

(2) Unless a local ordinance or other local legal authority specifies a time period greater than 30 days, the Commission may file an appeal or a petition for judicial review within 30 days of the date of the Commission's receipt of the final decision or order.

I. A local jurisdiction may not issue a permit or approval of any type on a property affected by the final written decision or order until after the expiration of the time within which the Commission may file an appeal or a petition for judicial review.

6/13
10am
205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: May 1, 2012

FROM: Andrea Van Arsdale *hst*
Director, Department of Planning

SUBJECT: 3922 Chestnut Road

INFORMATION:

Item Number: 12-239

Petitioner: William M. Lagna

Zoning: RC 5

Requested Action: Special Hearing

RECEIVED

MAY 08 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special hearing to approve the legal non-conforming status of an existing private boat club with piers and 3 existing single family detached dwellings as well as various scenarios of lot line adjustments and/or subdivision.

The Department of Planning recommends the petitioner's special hearing request be denied. After visiting the subject site, it was observed that many boats and trailers are being stored on the property along with several structures that are in a state of disrepair. The storage of said boats has the appearance of a commercial boatyard and is not compatible with the rural waterfront character of the surrounding residential community. The petitioner should comply with BCZR 415A.3 with regard to the residential use.

The petition should address the issue of the non-conforming use only. The proposal to change lot status through lot line adjustments and/or subdivision is not appropriate and is counter to establishing a non-conforming use which by its nature cannot be changed in use, location or intensity. Adjusting lot lines as shown could facilitate off-conveyances that may then lead to a reduction of the area in support of the non-conforming use if so established.

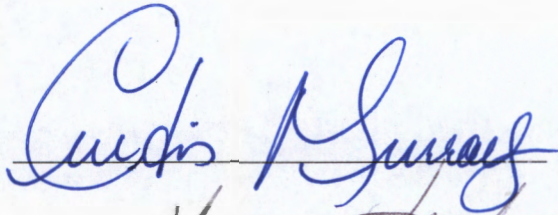
The petition and plan are unclear as to the location, intensity and extent of the non-conforming boat club. None of the buildings are labeled and the descriptions are conflicting as to whether there are 3 or 4 existing residences. Where is the community building that houses the private boat club? Parking and other ancillary uses are not shown.

It appears from the aerial photos taken in 2002, 2005 and 2008 as well as the site visit that boat storage has intensified significantly from 2002 to present. While the Department of Planning does not support the request, should the ALJ find the use of the subject property is as a legal non-conforming community building (private boat club) said building and ancillary parking and other structures including docks,

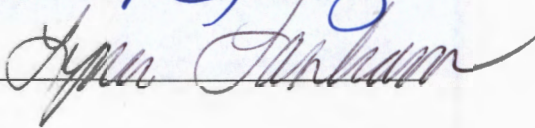
piers, pilings and launch ramps must be identified on the plan. The total number of onshore boats associated with the boat club at any given time should be fixed at nine boats as shown on the petitioner's plan.

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

Prepared by:

A handwritten signature in blue ink, appearing to read "Curtis M. Suray", written over a horizontal line.

Division Chief:
AVA/LL: CM

A handwritten signature in blue ink, appearing to read "Anna Suray", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2012
Item No. 2012-0239

DATE: April 12, 2012

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 feet.

If this petitioner's requests are granted, please include in the order that the site is still subject to the development regulations.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0239-04162012.doc

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-9-12

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

RE: Baltimore County
Item No 2012-0239-A
Special Hearing
William M. Lagna
3922 Chestnut Road.

Dear Ms. Lewis:

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. 2012-0239-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

RE: PETITION FOR VARIANCE
3922 Chestnut Road; N/S Chestnut Road,
2,500' NE of c/line Bowleys Quarters Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): William Lagna
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-239-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

APR 10 2012

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 10th day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 8, 2012

William M. Lagna
221 Bowleys Quarters Road
Baltimore, MD 21220

Re: Code Enforcement Case No: 103205, 3920/4000 Chestnut Road

Dear Mr. Lagna:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (15) days of the date of this Order. For further information on filing an appeal, please contact the Permits, Approvals and Inspections Office at 887-3353.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:sma
Enclosure

c:

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

In the Matter of

Civil Citation No. 103205

William M. Lagna
221 Bowleys Quarters Road
Baltimore, MD 21220

3920/4000 Chestnut Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on February 1, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCZR) section 101, 102.1, 1A04, 1A04.2.A, 1A04.2.B, 415A, 415A.2; 4.5A.3, failure to cease operation of a Marina in a BC5 zone – not allowed by Right or Special Exception, out of water boat storage on residential property.

On December 15, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$9,600.00 (nine thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Michael McCann, Esquire, representing William Lagna Respondent and owner of the property, David Hash, neighbor and, Christina Frink, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint, an inspection of the subject properties was carried out on 11/31/11. The inspector noted and presented photographs showing the presence of a number of boats on the subject properties, exceeding that number permitted on property in the RC 5 zone in which the subject lots are located. The inspector related that 3920 Chestnut Road has approximately 250 foot of waterfront and 4000 Chestnut Road is comprised of three lots and has a 100foot waterfront. A Correction Notice was issued. A re-inspection of the subject properties on 12/8/11

revealed no change and a Citation was issued, mailed and posted. The original hearing date of 1/11/12 was postponed upon the entry of Appearance of Counsel on behalf of the Respondent. A pre-hearing inspection of the properties prior to this most recent hearing date was carried out on 1/31/12, showing no change at the subject site. The testimony of the Respondent was proffered by his Counsel as he had suffered a stroke in 2010. Respondent would relate that he purchased the subject site of the "Seneca Creek Mariners Club" as well as the Club itself in 1993. He related the various social and boat related activities which he states have continued uninterruptedly at the subject site under several "club names" since at least 1937. A number of photographs, letters as well as testimony was presented to support the "non conforming" status of the use at the site. Testimony was also offered by the Zoning Chairman and several members of the neighboring Bowleys Quarters Community Association in support of the alleged "non-conforming use."

Absent a ruling by an appropriate authority that the subject property is, in fact a permitted non-conforming use as a marina or other boat related entity, the Inspector has established that the number of boats clearly stored on the site exceed that permitted under its existing RC5 zoning. It remains for the Respondent to resolve the issue once and for all.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the \$1000.00 civil penalty be suspended in full.

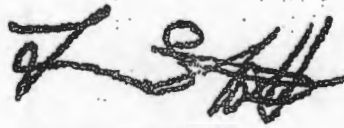
IT IS FURTHER ORDERED that the Respondent shall file within ninety days of the date of the hearing in this matter, a Petition For Special Hearing, to determine and resolve the zoning and use status of the so-called "Seneca Creek Mariners Club" property. Further, that Respondent shall pursue the matter until an Opinion and Order shall have been issued by the Office of Administrative Hearings in and for Baltimore County. Upon the failure of the Respondent to file or complete the aforesaid Special Hearing, the \$1000.00 suspended civil penalty shall be imposed.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$1000.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of February 2012

Signed: 

Lawrence M. Stahi
Managing Administrative Law Judge

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: William Lagna

12-239-SPH

DATE: July 16, 2013

BOARD/PANEL: Andrew M. Belt, Chairman
Wendell H. Grier
Maureen E. Murphy

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to approve the legal non-conforming status of an existing private boat club with piers and 3 existing single family dwellings.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. There is no dispute that the subject properties were used as a private boat club prior to 1993.
- The Board reviewed the evidence and testimony of this matter. The Board determined that there were gaps in the documentation presented. Therefore, the evidence and testimony does not support the claim that the property has been continuously used as a private boat club.
- The Board discussed that there appears to be a merger of the properties. The RC 5 zone where the subject properties are located allows for one house on one lot, which would therefore allow for one boat.

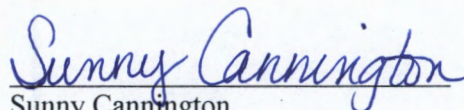
DECISION BY BOARD MEMBERS:

The Board determined that the evidence and testimony does not support the argument that a legal non-conforming use has been continued without interruption.

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

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

Respectfully Submitted,


Sunny Cannington

Theresa Shelton - Re: Day #2 Lagna (4/17?)

From: andy belt <andybelt7@gmail.com>
To: Theresa Shelton <tshelton@baltimorecountymd.gov>
Date: 2/11/2013 2:56 PM
Subject: Re: Day #2 Lagna (4/17?)

I'm good for April 17th

On Fri, Feb 8, 2013 at 10:24 AM, Theresa Shelton <tshelton@baltimorecountymd.gov> wrote:
Good Morning.

I have just received dates from Mr. McCann. Of the dates he gave for his availability, it looks like the Board is open on the following date: Wednesday, April 17th. Could you please check your calendars and let me know if this is a date we can schedule for Day #2?

I await your response. Thank you.

T

4/17
Pete

OK

LAGNA

From: Theresa Shelton
To: Crizer, Ed; andybelt7@gmail.com;
wendell.grier@comcast.net
Date: 2/8/2013 10:24 AM
Subject: Day #2 Lagna (4/17?)

Good Morning.

I have just received dates from Mr. McCann. Of the dates he gave for his availability, it looks like the Board is open on the following date:
Wednesday, April 17th. Could you please check your calendars and let me know if this is a date we can schedule for Day #2?

I await your response. Thank you.

T

Wendell
OK

Theresa Shelton - RE: Lagna

From: Michael McCann <michael@mmccannlaw.net>
To: Michael McCann <michael@mmccannlaw.net>, Theresa Shelton <tshelton@balti...>
Date: 2/8/2013 9:56 AM
Subject: RE: Lagna
CC: People's Counsel <peoplescounsel@baltimorecountymd.gov>

Theresa: Don't shoot me! My wife just reminded me that April 9-16 is not good. So, the right dates are April 1, 3, 8, 17, 29 and 30. ~~March 21~~ is also possible. Thanks!

Regards,

Michael

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(ph) 410.825.2150
(fax) 410.825.2149

5-4-7

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

From: Michael McCann
Sent: Friday, February 08, 2013 9:40 AM
To: Theresa Shelton
Cc: 'People's Counsel'
Subject: Lagna

Theresa: The following dates look good: April 1, 3, 8-12, 15-17, 29 and 30. March is not good because of my kids spring break, etc.

Thanks!

Regards,

Michael

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(ph) 410.825.2150
(fax) 410.825.2149

Theresa Shelton - Re: Day #2 Lagna (4/17?)

From: <wendell.grier@comcast.net>
To: Theresa Shelton <tshelton@baltimorecountymd.gov>
Date: 2/8/2013 1:42 PM
Subject: Re: Day #2 Lagna (4/17?)

I don't have anything on that date.

From: "Theresa Shelton" <tshelton@baltimorecountymd.gov>
To: "wendell grier" <wendell.grier@comcast.net>, andybelt7@gmail.com, "Ed Crizer" <edcrizer@gmail.com>
Sent: Friday, February 8, 2013 1:24:44 PM
Subject: Day #2 Lagna (4/17?)

Good Morning.

I have just received dates from Mr. McCann. Of the dates he gave for his availability, it looks like the Board is open on the following date: Wednesday, April 17th. Could you please check your calendars and let me know if this is a date we can schedule for Day #2?

I await your response. Thank you.

T

Theresa Shelton - Lagna

From: Rebecca Wheatley
To: Shelton, Theresa
Date: 12/12/2012 9:37 AM
Subject: Lagna

Theresa,

I finally spoke with Pete and the 5th is ok with our office.

Rebecca

LAGNA

2/11/13 1:00 w/ Release

December 3, 2012

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of:* William Lagna
Case No. 12-239-SPH

Dear Counsel:

In order to schedule a hearing of the above-captioned matter without conflict; I am providing dates available on the Board's docket. The docket is currently scheduled through the end of January 2013, with the following dates open for assignment:

→ Tuesday, February 5, 2013 @ 10:00 a.m.,
Wednesday, February 6, 2013 @ 10:00 a.m., and
Thursday, February 7, 2013 @ 10:00 a.m.

Mc Cann
OK

Please contact this office upon receipt of this letter to confirm availability. The Notice of Re-Assignment will be issued to all parties at the time an agreeable date is established.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Original

c: William Lagna
David Hash
John Schmidt
Rico Gargano
Jerry Wisner
Kim Johnson, Keller Williams Realty
Robert Palmer
Sandra Walter and Ron Miskell
Charlie and Tricia Baynes
Janet Wright
Carl Rossmark and Slu Cheung

→ [Handwritten signature/initials]



Board of Appeals of Baltimore County

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

December 3, 2012

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of:* *William Lagna*
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Theresa R. Shelton
Administrator

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Jerry Wisner
Kim Johnson, Keller Williams Realty
Robert Palmer
Sandra Walter and Ron Miskell
Charlie and Tricia Baynes
Janet Wright
Carl Rossmark and Slu Cheung



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 19, 2012

Hand-delivered

Wendell H. Grier, Chairman
Theresa Shelton, Administrator
County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING
William Lagna - Petitioner
Case No.: 2012-239-SPH

RECEIVED
NOV 19 2012

BALTIMORE COUNTY
BOARD OF APPEALS

Dear Chairman Grier:

Upon being informed by Michael McCann's e-mail of Petitioner's request for postponement of the November 20 hearing --- and the reasons relating to expert witness James Patton's mother's health -- as further described in Mr. McCann's letter today, November 19, to Chairman Grier --- I communicated promptly to Mr. McCann that our office does not oppose the postponement.

Concurrently, I communicated as best as I could with some interested citizens that the case would be postponed and trust we can reschedule a new date with all deliberate speed. The following citizens are already on the Board's list of parties: David Hash, John Schmidt, Rico Gargano, Kim Johnson, Robert Palmer, Sandra Walter and Ron Miskell, Charlie and Tricia Baynes, Janet Wright, Carl Rossmark and Siu Cheng. I ask that we find a date which is best for all parties.

It is my understanding that if the Board approves the postponement, it will likely not be necessary for the parties to attend in person tomorrow morning and that Ms. Shelton will coordinate the rescheduling of the case. I will e-mail and send a copy of this letter to David Hash, and ask him to circulate it among the citizens with whom he is in contact.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Michael McCann, Esquire, Attorney for William Lagna
David Hash, 3804 Chestnut Road, Middle River, Maryland 21220

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

November 19, 2012

Via Facsimile & Email

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

Re: 3920, 3922, 4000, 4002 Chestnut Road
Case No.: 2012-0239-A
Hearing Date: November 20, 2012

Dear Ms. Shelton:

I write to request a short continuance of the hearing in the above matter, which is scheduled for tomorrow, November 20, 2012.

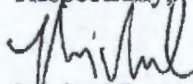
Over the weekend, I received a telephone message from James Patton, my client's expert witness in this matter, informing me that he had to leave town unexpectedly to attend to his elderly mother. Mr. Patton anticipates his mother will pass at any moment and cannot leave her to attend the hearing.

Mr. Patton prepared the petition and plat that is the subject of this appeal, testified before the Office of Administrative Hearings, and is my client's only expert witness. He will provide important testimony in support of the petition and is critical to our case.

For these reasons, I respectfully request a short continuance of this hearing. I have contacted People's Counsel, Peter Zimmerman, to determine his position on this request and he informs me that he is not opposed to a continuance.

Please contact me if you have any questions. Thank you for your consideration.

Respectfully,



Michael R. McCann

cc: Peter Zimmerman (via facsimile & email)

RECEIVED

NOV 19 2012

**SALTIMORE COUNTY
BOARD OF APPEALS**

RE: PETITION FOR VARIANCE

3922 Chestnut Road; N/S Chestnut Road,
2,500' NE of c/line Bowleys Quarters Road
15th Election & 6th Councilmanic Districts

Legal Owner(s): William Lagna
Petitioner(s)

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* 2012-239-SPH

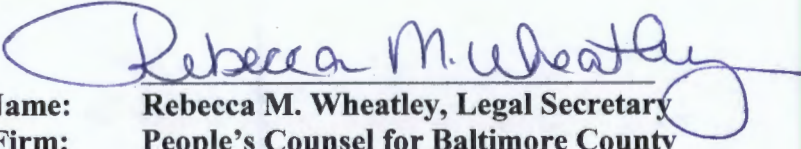
* * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on October 23, 2012, I effected service of process by personally serving a Subpoena upon Michael McCann, attorney for William Lagna, 118 West Pennsylvania Avenue, Towson, Baltimore County, Maryland 21204, for William Lagna to appear and produce requested documents before the County Board of Appeals for Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.


Name: Rebecca M. Wheatley, Legal Secretary
Firm: People's Counsel for Baltimore County
Address: The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204

RECEIVED

OCT 24 2012

**BALTIMORE COUNTY
BOARD OF APPEALS**

RE: PETITION FOR VARIANCE	*	BEFORE THE
3922 Chestnut Road; N/S Chestnut Road,		
2,500' NE of c/line Bowleys Quarters Road	*	BOARD OF APPEALS
15 th Election & 6 th Councilmanic Districts		
Legal Owner(s): William Lagna	*	FOR
Petitioner(s)		
	*	BALTIMORE COUNTY
	*	2012-239-SPH

* * * * *

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: William Lagna, Petitioner
c/o Michael McCann, Esquire, his attorney
118 West Pennsylvania Avenue
Towson, Baltimore County, Maryland 21204,

Pursuant to Rule 5 of the County Board of Appeals, **YOU ARE HEREBY COMMANDED TO:** () Personally appear; () Produce documents and/or objects only; (**X**) Personally appear and produce documents or objects; in Hearing Room 2, Second Floor, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on **November 20, 2012 at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects (for general purpose as stated):

Preface: For the purpose of this subpoena, the "subject property" comprises all 4 lots at 3920, 3922, and 4000 Chestnut Road, Bowleys Quarters, Baltimore County.

Preface: "Documents" include all documents listed under Maryland Rule2-422(a), including but not limited to business records, tax records, photographs, government permits (licenses, boat stickers, registrations), photographs, letters, e-mails, contracts, leases, papers, computer files, whether produced or relating to any of the years 1945-2012, past and/or present.. They include documents in your possession or available to you from persons related to you whether as family, professional, or otherwise (i.e. your accountant, bookkeeper, relatives, or other persons with records available to you) or electronically.

Preface: "Boats" and "Boating" include and relate to all boats of whatever size, length, type, description.

1. All documents relating to any boating activity at the subject property, including but not limited to use, storage, repair, rental, recreation, fishing, or other activities.

2. Any documents appertaining to and identifying any specific boats kept or used at the subject property, past or present, including private as well as government documents.

3. Any documents relating to transactions with persons keeping or using their boats at the subject property.

4. Any documents relating to boat club use as "Seneca Creek Maritime Club," or a club by any other name, including but not limited to charter, bylaws, minutes, meeting records, licenses, permits, tax records, membership, and records of transactions.

5. Any tax, accounting, bookkeeping, and other business records relating to or purporting to show boating activities, commerce, recreation, leasing, servicing, repairs and/or other transactions at or relating to the subject property.

6. Any bank or financial records relating to boating activities at the subject property.

7. Any government documents relating to the use and improvement of the subject property generally, including but not limited to waterfront construction, such as piers, ramps, moorings, bulkheads, utilities, or other waterfront-related activities.

8. Any private contracts or other business records relating to improvements made on the property.

9. As to all of the types of records listed in paragraphs 1-8 above, all such records also relating to the use or occupancy of the structures or dwellings on the subject property.

10. All deeds, contracts, subdivision records, plats, surveys, site plans and/or other real property records relating to the subject property.

SUBPOENA REQUESTED BY:

Peter Max Zimmerman, People's Counsel
Office of People's Counsel for Baltimore County
105 W. Chesapeake Avenue, Room 204
Towson, Maryland 21204
(410) 887-2188

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests (☐) the Sheriff, (☐) Private Process Server, (☐) First Class Mail, to issue the summons set forth herein.

RECEIVED

OCT 23 2012

BALTIMORE COUNTY
BOARD OF APPEALS

Sunny Cannington
County Board of Appeals for Baltimore County



Board of Appeals of Baltimore County

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

April 19, 2013

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Re: In the matter of: William Lagna
Board of Appeals Case No: 12-239-SPH
Transcript of Day 2

Dear Mr. McCann:

I am in receipt of your request for transcript in the above referenced matter. Please be advised that we have sent the recording to the typist listed below.

The typist has been instructed to contact you by phone upon receipt of the recording. She will be able to provide you with the estimated cost, required deposit, and projected completion date.

I have advised her of the due date for closing memoranda.

Please direct all payments and questions regarding the transcript to the typist listed below.

Very truly yours,

Sunny Cannington
Sunny Cannington

Typist: Debbie Eichner
Telephone #: 410-404-2110 -Home: 410-477-1242
Mailing Address: 8101 Bletzer Road, Baltimore, MD 21222

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County

Phone: 410-887-3180

Fax: 410-887-3182

To: Debbie
From: Sunny Cannington, Legal Secretary
Date: April 19, 2013
Re: Transcripts
In the Matter of: William Lagna
Board of Appeals Case No: 12-239-SPH
DAY 2

Michael McCann, Esquire as counsel for Mr. Lagna has requested the transcript of Day 2.

Peter M. Zimmerman, People's Counsel for Baltimore County was one of the Protestants in this matter. It is my understanding that other Protestants may not be represented by counsel. I have attached a copy of the address list in the event any of the interested persons, appeared as a protestant.

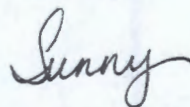
The panel for this hearing was Andrew M. Belt, Chairman; Maureen E. Murphy, operated Courtsmart; Wendell H. Grier, took exhibits.

(NOTE: MAUREEN MURPHY TOOK OVER FOR EDWARD CRIZER, JR. – MR. CRIZER HAS LEFT THE BOARD)

Please be advised that closing memoranda are due on June 6, 2013. It is my understanding that Mr. McCann would like to have the transcripts to use in the memoranda.

Should you have any questions or problems, please do not hesitate to contact me.

Thank you.



Sunny Cannington

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204
410-825-2150



Board of Appeals of Baltimore County

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

March 29, 2013

William Lagna
221 Bowley's Quarters Road
Middle River, MD 21220

Re: In the matter of: William Lagna
Board of Appeals Case No: 12-239-SPH

Dear Mr. Lagna:

I am in receipt of your request for transcript in the above referenced matter. Please be advised that we have sent the recording to the typist listed below.

The typist has been instructed to contact you by phone upon receipt of the recording. She will be able to provide you with the estimated cost, required deposit, and projected completion date.

Please direct all payments and questions regarding the transcript to the typist listed below.

Very truly yours,

Sunny Cannington
Sunny Cannington

Typist: Debbie Eichner
Telephone #: 410-404-2110 -Home: 410-477-1242
Mailing Address: 8101 Bletzer Road, Baltimore, MD 21222

c: Michael McCann, Esquire

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County

Phone: 410-887-3180

Fax: 410-887-3182

To: Debbie

From: Sunny Cannington, Legal Secretary

Date: March 29, 2013

Re: Transcripts
In the Matter of: William Lagna
Board of Appeals Case No: 12-239-SPH

William Lagna, the Petitioner, has requested the transcript. His contact information is below. Mr. Lagna is represented by Michael McCann, Esquire.

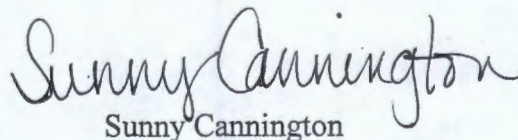
Peter M. Zimmerman, People's Counsel for Baltimore County was one of the Protestants in this matter. It is my understanding that other Protestants may not be represented by counsel. I have attached a copy of the address list in the event any of the interested persons, appeared as a protestant.

The panel for this hearing was Andrew M. Belt, Chairman; Edward W. Crizer, Jr., operated Courtsmart; Wendell H. Grier, took exhibits.

As indicated in the email, this case is not yet completed. The Board held a hearing on February 5, 2013, which is what has been requested. The second hearing on this matter is scheduled on April 17, 2013. Mr. Lagna has requested that the transcript be completed in time for review prior to the second hearing.

Should you have any questions or problems, please do not hesitate to contact me.

Thank you.


Sunny Cannington

William Lagna
221 Bowley's Quarters Road
Middle River, MD 21220
410-245-3606



Board of Appeals of Baltimore County

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

March 22, 2013

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

RE: *In the Matter of: William M. Lagna*
Case No. 12-239-SPH

Dear Counsel:

Please be advised that the Panel Member, Edward W. Crizer, Jr., has accepted another position within Baltimore County Government.

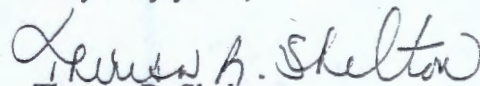
Mr. Crizer will be replaced in this matter by Maureen E. Murphy, current Board of Appeals Member. Ms. Murphy has had the opportunity to listen to the proceedings via Courtsmart and review all documentation and evidence presented before this Board.

Ms. Murphy will participate in the hearing assigned for Wednesday, April 17, 2013, which is Day #2, continued from February 5, 2013 (Day #1), as the panel member replacing Mr. Crizer; and Ms. Murphy will participate in all future hearings and/or decisions in Case No.: 12-239-SPH.

Ms. Murphy will be signing the Opinion in case number 12-239-SPH in lieu of Mr. Crizer, when the final order of this panel is issued.

Please do not hesitate to contact me if you wish to discuss this matter further. I remain,

Very truly yours,


Theresa R. Shelton
Administrator

Duplicate Original

c: Andrew M. Belt, Chairman/Board of Appeals
William Lagna

Kristen Lewis - Lagna

From: "Michael R. McCann" <michael@mmccannlaw.net>
To: "Kristen Lewis" <klewis@baltimorecountymd.gov>
Date: 4/25/2012 3:46 PM
Subject: Lagna
CC: "Bill Lagna" <wmlagna@msn.com>, <jsp@pattonconsultants.net>

Kristen: In follow up to our conversation in which I told you that I have a conflict for 5/16, can we do June 13, 14, 25, 25, or 27?

Thanks!

Michael

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
phone: 410.825.2150
facsimile: 410.825.2149
michael@mmccannlaw.net

2012-0239-SPHA

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

From: Carl Richards
To: r.miskel@radium.ncsc.mil
CC: Jablon, Arnold; Osborne, James
Date: 5/30/2012 11:10 AM
Subject: Fwd: Web Inquiry
Attachments: Carl Richards.vcf

Ronald,

There is a zoning special hearing scheduled at 10AM in room 205, Jefferson Building, 105 W. Chesapeake Ave. Towson, Maryland 21204, on June 13 th. The special hearing is for a non-conforming use of three dwellings and a private boat club. Also, to determine the lot boundaries of the four existing structures. Additional information can be obtained in the zoning office, room 111, County Office Building, 111 W. Chesapeake Ave. Towson, Maryland. 21204. **Case # 2012-0239 SPH.**

W. Carl Richards, Jr.
Permits, Approvals and Inspections
Zoning Review, Baltimore County Room 111, County Office Building
111 West Chesapeake Avenue
Towson, MD 21204
410-887-3391; 410-887-3048 (fax)
http://www.baltimorecountymd.gov/agencies/permits/pdm_zoning/index.html

>>> Arnold Jablon 5/29/2012 4:05 PM >>>
?

>>> James Osborne 5/29/2012 3:30 PM >>>
Arnold:

Do you have any information on this hearing?

Thanks,

JB
—

James R. Osborne III, Esq.
Senior Legislative Advisor
Baltimore County Council, Sixth District
Old Court House, 2nd Floor
400 Washington Avenue
Towson, Maryland 21204
Telephone: 410-887-3388
Facsimile: 410-887-5791
E-mail: josborne@baltimorecountymd.gov

>>> County Council District 6 5/29/2012 9:45 AM >>>

>>> "Miskell, Ronald D." <r.miskel@radium.ncsc.mil> 5/29/2012 9:42 AM >>>

I am looking for information regarding a hearing (requesting redrawing of property lines) scheduled for June 13th 2012 involving the property(ies) of William Lagna at 4000 Chestnut road in Bowley's quarters. I have looked all over the website for pending hearings and have not found anything regarding this. Please advise where I can find out what this hearing is about.

Thank-you
Ron Miskell

Office of Administrative Hearings
Suite 103
105 W. Chesapeake Ave.
Towson, Md. 21204

June 13, 2012

Re: Case # 2012-0239-SPH : A Special Hearing to Resolve the Zoning and Use Status of the so-called "Seneca Creek Mariners Club" property at 3920-4000 Chestnut Rd.

The Honorable John E Beverungen, Administrative Law Judge, Baltimore County

Thank you for the opportunity to express my comments concerning this property, which is currently being used for storage of boats, and has been cited by Baltimore County Code Enforcement for numerous code violations.

I live directly across Seneca Creek, approximately 1/8th mile from the property owned by Mr. Lagna.

I purchased my property in 1980, 31 years ago. I observed weekend activities on the property until 1985.

I became a full time resident in 1985 until the present time, and have seen only a few gatherings for the past 26 years.

Mr. Lagna claims in previous testimony he purchased the property yr 1993, however Baltimore County (Real Property Data Search) records indicate it was purchased yr 2002. I have not seen any activity which would be representative of an operating Boat Club since his purchase regardless of the date confusion.

The property has been deteriorating, for many years, as you can see by the pictures which were presented today. The property contains at least 20 boats (satellite pictures attached) which are not being used, they are being stored. **If this property is an operating Boat Club why are all of the boats not in use?**

The Planning Office has taken a position to DENY the request of Mr. Lagna.

SEVERAL QUESTIONS ARISE CONCERNING THIS ISSUE

- A If there was a Boat Club on this property, has it continued in existence from its inception to today, without interruption?
- B RC-5 Zoning began YEAR 1976, has the property's use as a Boat Club, ever been legal under the zoning?
- C Is the proposed use of the property compatible with the neighborhood?
- D Is the property and (Houses / Buildings) appropriate for a lot line adjustment?
- E How are the boats (Titled)?
- F If all boats are (Titled) in Mr. Lagna's name how can this be a Boat Club?
- G If they are (Titled in various names), how many have current registration stickers?

- H Attached are two (2) Baltimore County Aerial pictures, one (1) was taken in year 1995, the other year 2012. The pictures indicate **many more** boats on the property in 2012 compared to 1995.
- I Additional photographs are attached which indicates the deteriorating condition of the property and the boats. Where did the additional Boats come from?
- Are they the same Boats that were stored @ 221 Bowleys Quarters Rd. until the CODE VIOLATION # (Case No. 06-8506) of November 30, 2006?
- Are they boats of new members of the so-called Boat Club?
- J The (L) shaped pier closest to Chestnut Rd., appears to be illegally built, and it violates Baltimore County Zoning Reg. 415A, which does not allow more than (1) one pier on lot #124.
- K The Road End currently has a sign saying (Private Property) which is not true. The Road end does not belong to Mr. Lagna.
- L The Road End is owned by the **(Bowley's Quarters Improvement Association)**, which allows access to the water, for the residents living on the interior of Bowley's Quarters.
- M Aerial image attached with Lot Line's included, depicting Mr. Lagna's property and the Road End, which terminates into Seneca Creek, along with a Copy of the deed proving ownership by **Bowley's Quarters Improvement Association**.

There appears to be similarities with this property, and property owned by Mr. Lagna located 221 Bowleys Quarters Rd., Middle River, Md. 21220.

(Case No. 06-8506) CODE INSPECTION AND ENFORCEMENT

Mr. Lagna has over 30 boats and trailers parked on the subject property.

(Case No.89-302A) PETITION FOR ZONING VARIANCE

Mr. Lagna requested a variance to permit **five (5)** recreational vehicles in lieu of the maximum of One (1) on this property, 221 Bowleys Quarters Rd.

The request was granted February 16, 1989 by J. Roberts Hains, Zoning Commissioner, for Baltimore County.

(Case No. 06-8506) CODE VIOLATION HEARING NOVEMBER 30, 2006

Mr. Lagna was charged with having 30 Boats and Trailers parked on the property

(Case No. 07-444-SPH.). ZONING VIOLATIONS

Mr. Lagna was storing over ¹⁸~~five~~ (30) boats & trailers on this property, and was sited by Baltimore County, for being in violation of Zoning requirements.

Mr. Lagna was required to provide fencing and or plantings for the area where the boats are stored.

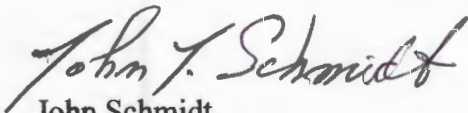
He was restricted to a maximum of 5 Boats, in a court order dated 6-25-2007.

Request for Reconsideration filed by Mr. Lagna July 20, 2007.

Peoples Council (Peter Max Zimmerman filed an appeal July 20, 2007

Mr. Lagna filed Appeal to Baltimore County Board of Appeals 1-04-2008 scheduled this appeal for March 19, 2008

I Believe this (Case No. 07-444-SPH) is still under appeal by Mr. Lagna.



John Schmidt

Zoning Chairman

Bowleys Quarters Improvement Association

June 13, 2012

Office of Administrative Hearings
Suite 103
105 W. Chesapeake Ave.
Towson, MD 21204

Re: Case # 2012-0239-SPH : A Special Hearing to Resolve the Zoning and Use Status of the so-called "Seneca Creek Mariners Club" property at 3920/4000 Chestnut Rd.

The Honorable John E. Beverungen, Administrative Law Judge, Baltimore County

My name is David Hash, and I am a long time resident of Bowleys Quarters, having moved there in 1985. I live at 3804 Chestnut Rd. near the boat storage site, have been a boater all my adult life, and spend most weekends during the boating season on Seneca Creek and the Chesapeake Bay.

Thank you for the opportunity to present comments concerning this property, which is currently being used for boat storage and has been cited by Baltimore County Code Enforcement for numerous code violations and for operating a Marina in a residential zone not allowed by right or special exception.

Please allow me to make a few observations based on information presented at the previous hearing on February 1st, 2012, when this property was the subject of the code violations cited above:

- 1) The Owner has contended that the property has been in continuous use as a boat club since 1937. Therefore he should be exempt from any zoning or code violations. This contention is not supported by a closer look at the facts. While there is no question that the property was originally used by boaters and there were various clubs over the years, I can say unequivocally that since the Owner's purchase in 1993, I have never observed any social activities on site (for example, swimming, cook-outs, or gatherings of any sort). In fact, the only activities I observed on site were more and more boats being stored there, and more and more deterioration of the buildings, piers, and abandoned boats.
- 2) The Owner has presented several exhibits depicting the "boat club" nature of the property, including a 1937 plaque, murals made by previous club members, and even a brand new-looking baseball cap with the words "Seneca Creek Maritime Club" embroidered above the bill. As I just said, there is no dispute that there were club activities during the early years, and except for the hat, these murals and plaque are more like historical artifacts, representing a bygone era well before the Owner came on the scene. And as for the hat, I really cannot imagine how that could be treated as serious evidence of an ongoing boat club, as such a hat can be fabricated at will.
- 3) The Owner has presented a roster of members of the Seneca Creek Maritime Club, dated 1990, as further evidence of a continuous operating club. The obvious question is, where is a roster of the 2012 membership? What relevance is a 1990 membership roster, which represented a situation 3 years before the Owner acquired the property? This roster lists 26 members at that time. I started making calls, and most numbers are disconnected. I finally got through to one individual, Mr. Benny DeFelice, who told me that **when the property was sold in 1993, the Seneca Creek Maritime Club was dissolved.**
- 4) The Owner has presented letters from several individuals claiming that indeed the property has been a boat club. This is already known. Here are some excerpts: "Old members drop by and tell stories"; "the property has been used for multiple boats for decades"; "we hope this

site would be significantly improved"; "the property has been in continuous use for more than 20 years as a private boat club for boat storage and mooring and I have personally moored and stored my boat there". Finally, a letter from former member Joe Jankowski states: **"I was a member from 1964 to 1993, and all records on this club were destroyed when the club disbanded in 1993"**

In addition to these observations in response to the Owner's submissions, I would like to present two aerial photographs, the first dated 1995 from the county's Department of Environmental Protection and Sustainability, and the second, dated 2012 from Google Earth. The 1995 photo shows very few boats stored on the property, in sharp contrast to the 2012 photo. The first photo, taken 2 years after the Owner acquired the property, would indicate that the high-density boat storage operation was something that was introduced after the boat club was disbanded, providing clear evidence that the current use was not a continuation of the former, low density boat club operation.

Considering the two contrasting aerial photos and taking a closer look at the evidence submitted by the Owner, it is clear there was indeed a Seneca Creek Maritime Club that was active prior to the 1993 purchase. However, no record of any kind has been submitted by the Owner that would indicate the existence of the club after 1993. In fact, since that time, the property has fallen into disuse as a social meeting place and instead has become a convenient storage depot for all manner of boats, in and out of the water, with no apparent upgrades or even basic maintenance visible from the water or the Chestnut Rd. frontage. For the record, I would like to present several additional photographs showing the existing conditions. They speak for themselves.

In closing, I would make two final observations: first, the Owner appears to have made a very weak case for harboring a "continuously operating boat club" in an attempt to avoid the penalties of running an illegal marina and boat storage facility; and second, it is curious that all of a sudden, since the property was cited by the county, several individuals have recently stepped forward to claim they are members of the old club. But the facts clearly bear out this property has not been a boat club for nearly 20 years, and its current use and operation should be regulated and penalized accordingly.

Respectfully,



David O. Hash
3804 Chestnut Rd.
Middle River, MD 21220

Photograph enclosures (6):

- 1995 Aerial
- 2012 Aerial
- Abandoned Boat
- "Yacht Club"
- Skewed Pilings
- Existing Pier

CASE NAME Lagna
CASE NUMBER 2012-239-SPH
DATE 6-13-2012

[illegible]

CASE NAME Lagna
CASE NUMBER 2012-239-SPH
DATE 6-13-2012

CASE NAME Lagna
CASE NUMBER 2012-239-SPH
DATE 6-13-2012

[illegible]

Copy #1

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
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[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier:

District - 15 Account Number - 1523000122

Owner Information

Owner Name: LAGNA WILLIAM M **Use:** RESIDENTIAL
Mailing Address: 221 BOWLEYS QUARTERS RD **Principal Residence:** NO
BALTIMORE MD 21220-2925 **Deed Reference:** 1) /16275/ 00732
2)

Location & Structure Information

Premises Address
3920 CHESTNUT RD
0-0000

Legal Description

3920 CHESTNUT RD
Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
0091	0022	0150		0000			124	3	Plat Ref:	0007/ 0013

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built **Enclosed Area** **Property Land Area** **County Use**
13,224 SF 34

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	34,300	28,300		
Improvements:	600	400		
Total:	34,900	28,700	34,900	28,700
Preferential Land:	0			0

Transfer Information

Seller: LAGNA WILLIAM M	Date: 04/03/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16275/ 00732	Deed2:
Seller: WRIGHT FOSTER WILLIAM, JR	Date: 02/03/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10324/ 00401	Deed2:
Seller: WRIGHT GRACE ELEANOR	Date: 09/01/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08265/ 00430	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 15 Account Number - 1523000123

Owner Information

Owner Name: LAGNA WILLIAM M Use: RESIDENTIAL
Mailing Address: 221 BOWLEYS QUARTERS RD Principal Residence: NO
BALTIMORE MD 21220-2925 Deed Reference: 1) /16275/ 00732
2)

Location & Structure Information

Premises Address Legal Description
4000 CHESTNUT RD LT 125,126,127
0-0000 4000 CHESTNUT RD
Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
0091	0022	0150		0000			125	3	Plat Ref:	0007/ 0013

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	2,704 SF	29,280 SF	34

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT WOOD SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	326,300	266,300		
Improvements:	83,700	65,600		
Total:	410,000	331,900	410,000	331,900
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
LAGNA WILLIAM M	04/03/2002	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16275/ 00732	Deed2:
Seller: WRIGHT FOSTER WILLIAM, JR	Date: 02/03/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10924/ 00401	Deed2:
Seller: WRIGHT GRACE ELEANOR	Date: 09/01/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08265/ 00430	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: Special Tax Recapture:
Exempt Class:

6TH DISTRICT BOAT FACILITIES REV. A
ZONE - ACRES

Growth Areas	BMB	BMM	BYC	BL	BM	BR	DR	RC	TOTAL
Bowleys Quarters									
Chesapeake YC	8.84								
Edwards Boat Yard	3.93								
Tradewinds	2.64								
Parkside		2.13							
Brigadoon	3.60								
Maryland Marine	18.00								
Beacon Light						2.21			
Seneca River							.67		
Long Beach					1.06		2.82		
Galloway Creek	4.7							11.xx	
Goose Harbor								7.52	
Bowleys Condo					6.20			3.81	
Porter's	2.53								
Sub Total	44.24	2.13			7.26	2.21	3.49	22.33	81.66
Back River									
Balto. Boating Ctr							3.89		
Red Eye yc				.58				.23	
Bahels								.63	
Eastern yc				2.93			13.32		
Hollyneck	.12		1.69					2.3	
All-Star	4.74								
Sun Marine	2.62			1.12					
Balto. Yc			10.19						
West Shore	2.67							2.4	
Southworth								↓	
Sub Total	10.15		11.88	6.63			17.21	5.56	51.43
Total growth area	54.39	2.13	11.88	6.63	7.26	2.21	20.7	27.89	133.09

RIVER SIDE
 1540 VIEW

V

SECTION 101. Definitions

§ 101.1. Word usage; definitions.

BOATYARD

A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types. [Bill No. 64-1963]

MARINA

A modern boat basin, restricted to recreational marine craft of all types, with facilities for one or more of the following: berthing, launching and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, as well as the incidental sale of boats and also land (out-of-water) storage as provided in Section 417.7. [Bill Nos. 64-1963; 149-1992]

SECTION 103. Application of Zoning Regulations

§ 103.5. Chesapeake Bay Critical Area; grandfathering. [Bill Nos. 32-1988; 9-1996; 137-2004; 100-2005]

- A.** This subsection applies to grandfathering requirements of the Chesapeake Bay Critical Area Local Protection Program and to the residential densities at which certain land within the Critical Area may be developed after June 13, 1988.

* * *

- C.** *The county shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on June 13, 1988.* If the existing use does not conform with the provisions of the local protection program, its intensification or expansion may be permitted only in accordance with Section 104.5 of these regulations and with the variance provisions and procedures outlined in § 32-4-231, § 33-2-205, or § 33-2-603 of the Baltimore County Code, whichever is or are applicable.

* * *

- G.** For nonresidential developments, a lot or parcel of land may be developed with a use permitted on the property under the zoning or use regulations in effect on December 1, 1985, notwithstanding that such development may be inconsistent with the provisions of Article 33, Title 2 of the Baltimore County Code and provided that this right to develop is subject to the Zoning Regulations in effect at the time the right is to be exercised; unless the lot or parcel is within the recorded or approved plat or a plan of a land subdivision approved by the county before December 1, 1985, in which case the limitations and rights pertaining to the approved plan or plat shall govern.

SECTION 104. Nonconforming Uses

§ 104.1. Continuation of nonconformance; exceptions. [Bill Nos. 18-1976; 124-1991]

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.

B. Where the requirements set forth herein for the storage of recreational vehicles would create an undue hardship, the Zoning Commissioner may approve a modified storage plan upon petition and public hearing thereon according to the procedure defined in § 32-3-303 of the Baltimore County Code, except that if no hearing is requested the modified plan may be approved by the Director of Permits, Approvals and Inspections, subject to appeal to the Baltimore County Board of Appeals. [Bill No. 122-2010]

3920/4000 Chestnut Rd.



"Yacht Club" (w/collapsing roof)



Existing "Pier"



Skewed pilings



Abandoned boat (no wheels on trailer)





3920/4200 Chestnut Rd.



"Yacht Club" (w/collapsing roof)



Existing "Mar"



Skewed pilings



Abandoned boat (no wheels on trailer)



1995 P&E DEPS B&W CO





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 6/6/2012

1995 DEFS



LIBER 8587 PAGE 841

THIS DEED, made this 4th day of September in the year One Thousand Nine Hundred and Ninety, by and between Bowleys Quarters Improvement Association, Inc., Grantor, a body corporate State of Maryland, party of the first part, and Bowleys Quarters Improvement Association, Inc., Grantee, party of the second part.

WITNESSETH, that for no actual monetary consideration, the Grantor does hereby grant and convey to the Grantee their assigned in fee simple all of its rights, title and interest in that lot of ground situate in the fifteenth election district, Baltimore County, Maryland and described as follows:

BEGINNING for the same on the north side of Chestnut Road at the distance of 42 feet more or less measured westerly along the north side of Chestnut Road from the division line between lots 124 and 125, Plat No. 2, Bowleys Quarter, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 13; thence running and binding on the north side of Chestnut Road North 62 degrees 59 minutes West 58 feet more or less to the waters of Seneca Creek, thence binding on Seneca Creek in a southwesterly direction 35 feet more or less to the south side of Chestnut Road, thence binding on the south side thereof South 62 degrees 59 minutes East 66 feet more or less, thence crossing Chestnut Road North 27 degrees 01 minutes East 30 feet to the place of beginning.

BEING a part of the land conveyed unto Bowleys Quarters Improvement Association, Inc., by deed of Robert M. Thomas, Trustee, dated September 4, 1962 and recorded among the land records of Baltimore County, in Liber RRG 4249, folio 367.

THE undersigned corporate officer certified that this conveyance is not part of the transfer in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the said Grantor.

TOGETHER with the buildings and improvements thereupon erected made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

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

By AS 9-6-90 Date

STATE TAX

NOT AFFRANCHISE

SIGNATURE AS DATE 9-6-90

TAX NOT RECORDED
Baltimore County Maryland
For John B. Gannon
9-6-90 Sec. 11-08 E

B RC/F 18.00
DEED 0 #
SH CLERK 18.00
#19687 C004 R01 712106
09/06/90

DEBBIE EICHNER, TRANSCRIPTIONIST

8101 Bletzer Road
Baltimore, Maryland 21222-2824
(410) 477-1242

TRANSCRIPTION ACCOUNT

William Lagna
221 Bowley's Quarters Road
Middle River, MD 21220

DATE April 12, 2013



(Please make check payable to Debbie Eichner)

IN THE MATTER OF

No. 1805

Case # 12-239-SPH

P & H \$ picked-up - No charge for delivering to
Board of Appeals

WILLIAM LAGNA

(1) original delivered to Board of Appeals on Monday, April 15, 2013 by transcriptionist
(1) copy enclosed

284 pages at \$4.50 per page - Total \$ 1,278.00

SUBTOTAL \$ 1,278.00

LESS DEPOSIT RECEIVED \$ -600.00

BALANCE DUE \$ 678.00

THIS INVOICE IS DUE AND PAYABLE WHEN RENDERED

Please make check payable to Debbie Eichner

IN THE MATTER OF:

WILLIAM LAGNA

CASE NUMBER: 12-239-SPH

Hearing date: February 5, 2013

Pursuant to Notice, the above-entitled hearing was held before Chair Belt, at Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, Maryland 21204, commencing at 10:09 AM, there being present on behalf of the respective parties:

ON BEHALF OF THE APPELLEES/PETITIONERS:

MICHAEL McCANN, ESQUIRE

ON BEHALF OF THE APPELLANT/PROTESTANT:

PETER M. ZIMMERMAN, ESQUIRE

Debbie H. Eichner
8101 Bletzer Road
Baltimore, Maryland 21222

 **ORIGINAL**

MR. McCANN: Well, -- good morning Mr. Grier.

BOARD GRIER: Good morning sir.

MR. McCANN: How are you?

BOARD GRIER: I'm well. How you doing?

MR. McCANN: Good.

CHAIR BELT: Are we on the record?

BOARD CRIZER: You are on.

CHAIR BELT: We are on the record for a regularly, scheduled meeting in the Baltimore County Board of Appeals, case number 12-239, a Special Hearing in the matter of William Lagna, a legal ah, Petitioner of 3920, 3922 and 4000 Chestnut Road, 15th Election District, Sixth Councilmatic. This is an Appeal from the Petition for Special Hearing to approve legal, non-conforming status of an existing private boat club with piers and three, existing single-family dwellings ah, appealed from an Order of 6/22/12 from, I think ah, Hearing Officer Beverungen. Council, for the record?

MR. McCANN: Good morning everyone. Michael McCann on behalf of the Petitioner.

MR. ZIMMERMAN: Peter Max Zimmerman, People's Counsel for Baltimore County.

CHAIR BELT: Good morning gentlemen. Before we proceed, any preliminary matters?

MR. McCANN: No.

MR. ZIMMERMAN: No.

participation today.

1 MR. ZIMMERMAN: Okay. I thank the Chair for
2 his ah, wonderful management --

3 CHAIR BELT: Yeah.

4 MR. ZIMMERMAN: -- of the case. (OFF THE
5 RECORD 3:46 P.M.)---
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CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of William Lagna, Case Number 12-239-SPH heard by the Board of Appeals of Baltimore County, February 5, 2013 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 284 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 11th day of April, 2013.

Debbie H. Eichner
Debbie H. Eichner
Transcriber

DEBBIE EICHNER, TRANSCRIPTIONIST

8101 Bletzer Road
Baltimore, Maryland 21222-2824
(410) 477-1242

TRANSCRIPTION ACCOUNT

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

DATE May 13, 2013

RECEIVED
MAY 14 2013

BALTIMORE COUNTY
BOARD OF APPEALS

(Please make check payable to Debbie Eichner)

IN THE MATTER OF

No. 1823

Case # 12-239-SPH

P & H \$ 7.00 - delivered & e-mailed

WILLIAM LAGNA

Day Two - April 17, 2013 hearing

278 pages at \$3.50 per page - Total \$ 973.00

SUBTOTAL \$ 980.00

LESS DEPOSIT RECEIVED \$ 0

BALANCE DUE \$ 980.00

THIS INVOICE IS DUE AND PAYABLE WHEN RENDERED

Please make check payable to Debbie Eichner

IN THE MATTER OF:

WILLIAM LAGNA
CASE NUMBER: 12-239-SPH

Hearing date: April 17, 2013

Pursuant to Notice, the above-entitled hearing was held before before the Board of Appeals for Baltimore County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, Maryland 21204, commencing at 10:09 AM.

PANEL PRECIDING:

ANDREW M. BELT, CHAIRMAN

MAUREEN E. MURPHY, BOARD

WENDELL H. GRIER, BOARD

PRESENT ON BEHALF OF THE PARTIES:

ON BEHALF OF THE APPELLEES/PETITIONERS:

MICHAEL McCANN, ESQUIRE

ON BEHALF OF THE APPELLANT/PROTESTANT:

PETER M. ZIMMERMAN, ESQUIRE

Debbie H. Eichner
8101 Bletzer Road
Baltimore, Maryland 21222

 **ORIGINAL**

1 PLEASE NOTE: Sentences are split and continued
2 to a next line throughout transcript due to counsel/witnesses
3 all speaking at the same time.
4

5
6 CHAIR BELT: Okay. Can we on the record?

7 BOARD MURPHY: (Inaudible).

8 CHAIR BELT: All right. Welcome to this
9 regularly-scheduled meeting of the Baltimore County Board of
10 Appeals. We're in case number 12-239-SPH, in the matter of
11 William Lagna, 3920, and 3922 and 4000 Chestnut Road. We
12 are here in day two. Um, I think when we left off, I believe
13 we were still in -- well, we had done some accommodations.
14 We had skipped back and forth between Protestants and
15 Petitioner's cases. But I think the Petitioner's case is still
16 going, correct?

17 MR. McCANN: Correct.

18 CHAIR BELT: All right. Is there anything that
19 needs to be brought to the ah, Board's attention before we
20 proceed?

21 MR. ZIMMERMAN: Oh. It does need to be stated
22 for the record that we welcome Ms. Maureen Murphy --

23 CHAIR BELT: Well, let's --

24 MR. ZIMMERMAN: -- to the --

25 CHAIR BELT: -- put that on the record.

1 CHAIR BELT: His birthday. His birthday. June
2 6th. D-Day. It's a popular date and no one can forget it.
3 Fantastic. Everybody is in tune to June 6th. Fantastic. All
4 right.

5 MR. McCANN: All exhibits are in, right? Mr.
6 Grier, is that right?

7 BOARD GRIER: Well, --

8 MR. McCANN: All of ours?

9 CHAIR BELT: All there.

10 MR. McCANN: I mean, not physically, but um, --

11 BOARD GRIER: Oh, yeah. We have all the
12 exhibits that are --

13 MR. McCANN: Okay.

14 BOARD GRIER: -- accepted into evidence.

15 MR. McCANN: Yeah.

16 CHAIR BELT: All right folks, thank you all.

17 MR. McCANN: Thank you. (OFF THE RECORD
18 AT 3:22 P.M.)---
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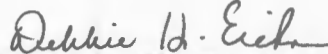
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6 CERTIFICATE OF TRANSCRIBER

7 I hereby certify that the hearing in the matter of William
8 Lagna, Case Number 12-239-SPH heard by the Board of Appeals of
9 Baltimore County, April 17, 2013 were recorded by means of
10 audiotape.

11 I further certify that, to the best of my knowledge and belief,
12 page numbers 1 through 278 constitute a complete and accurate
13 transcript of the proceedings as transcribed by me.

14 I further certify that I am neither a relative to nor an
15 employee of any attorney or party herein, and that I have no
16 interest in the outcome of this case.

17 In witness thereof, I have affixed my signature this 12th day
18 of May, 2013.
19
20

21 
22 Debbie H. Eichner
23 Transcriber
24
25

PETITION OF: WILLIAM LAGNA
FOR JUDICIAL REVIEW OF THE DECISION OF:
THE BALTIMORE COUNTY BOARD OF APPEALS

IN THE CASE OF:

Case No. 03-C-13-011192

June 19, 2014

TRANSCRIBER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE VICKI BALLOU-WATTS, JUDGE

APPEARANCES:

ON BEHALF OF THE PETITIONER:

MICHAEL R. MCCANN, Esquire

ON BEHALF OF THE RESPONDENT:

PETER M. ZIMMERMAN, Esquire

TRANSCRIBED BY:

BARBARA ELY

PROCEEDINGS

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4 THE COURT: I see Mr. Zimmerman is stretching. He wants
5 his case called first.

6 Actually, ladies and gentleman, we have some previously
7 assigned civil matters. I am going to address them first. However, as
8 I indicated through my law clerk, if there are any elections in the
9 criminal matters, I will interrupt the proceedings. I will take them first.

10 Do we have any?

11 LAW CLERK: Not that I know of, but I will check.

12 THE COURT: All right. Okay.

13 All right. Should that change during the course of these oral
14 arguments, please let me know. Because I know we have to get
15 those through the system as quickly as possible.

16 In the Matter of William Lagna, 03-C-13-011192.

17 MR. ZIMMERMAN: Good morning.

18 THE COURT: Good morning.

19 MR. MCCANN: Good morning, Your Honor.

20 THE COURT: Good morning.

21 Counsel, for the record.

22 MR. MCCANN: Michael McCann on behalf of the Petitioner.

23 THE COURT: Yes.

24 MR. ZIMMERMAN: Peter Max Zimmerman, People's Counsel
25 for Baltimore County.

1 Thank you, Your Honor. I appreciate it.

2 THE COURT: All right. Thank you. You will receive a written
3 decision.

4 MR. ZIMMERMAN: Thank you, Judge.

5 (Proceedings Concluded)

6

TRANSCRIBER'S CERTIFICATE

I, Barbara Ely, do hereby certify that the proceedings in the matter of Petition of William Lagna for Judicial Review of the Decision of the Baltimore County Board of Appeals, Case Number 03-C-13-011192, heard in the Circuit Court for Baltimore County on June 19, 2014 were recorded by means of audiotape.

I further certify that the foregoing pages, to the best of my knowledge and belief, constitute a complete and accurate transcript of the proceedings as transcribed by me.

In witness whereof, I have hereunto subscribed my name this 29th day of May 2015.

Barbara Ely
Barbara Ely
Official Transcriber

Case No: 12-239-SPH Case Name: Lagna

Exhibit List

Party: People's Council Date: 1-5-2017

Exhibit No:	Description:
✓ 1 A	Aerial photo.
✓ 1 B	2008 Aerial photo
✓ 2	P.C. Sign in Sheet (7 signatures)
✓ 3	2/8/12 Ltr. and Order Judge Stahl
✓ 4 A	Deed 4000 Chestnut Road
✓ 4 B	Intake sheet " "
✓ 5 A	SPAT Lot 124
✓ 5 B	SPAT lots 125, 126, 127
✓ 6	Copy of LAW - Sec. 415A
✓ 7	Copy of Bill No. 29-74
✓ 8	Copy of Bill No. 54-93
✓ 9	" " Bill No. 149-92
✓ 10	" " " " 179-95
✓ 11	Photo <u>IDENTIFICATION</u>
VERIFIED BY <u>tr</u> DATE: <u>2/6/13</u>	

tr

4/17/13

Case No: 12-239 SPH Case Name: Lagna

Exhibit List

Party: People's Counsel Date: 4/17/2013

Exhibit No:	Description:
✓ 12	Bowley's Quarters ^{Resolution} Imp Assoc.
✓ 13	map Bowley's Quarters
✓ 14	Decd Ch-stud Rd
✓ 15	A.H.J. Decision Judge Stahl 2/8/12
✓ 16	Book of Photos 16A-N
✓ 17	Map ANC of Bowley's Quarters
✓ 18	Proposed Amendments / ^{4/16/1992} Maritime Zones
✓ 19	Bob Palmer list of boats ^{registered} own
✓ 20	R.C. 5 Regulations
✓ 21	Zoning History
✓ 22	Zoning Regulations
✓ 23	10/16/92 Letter
	VERIFIED BY <u>tr</u> DATE: <u>4/17/13</u>

People's Counsel Sign-In Sheet

Case Name: William Lagna
Case No.: 2012-239-SPH
Date: Feb 5, 2013

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

PC Gph #2



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 8, 2012

William M. Lagna
221 Bowleys Quarters Road
Baltimore, MD 21220

Re: Code Enforcement Case No: 103205, 3920/4000 Chestnut Road

Dear Mr. Lagna:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (15) days of the date of this Order. For further information on filing an appeal, please contact the Permits, Approvals and Inspections Office at 887-3353.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:sma
Enclosure

c:

124121

P. C. H. A

LIBER 0004 PAGE 01

(Individual Form)
File No. 19004

4000 Chestnut Road

Street address or tax
account identification number

This Deed, Made this ----11th----- day of ---January-----, in the year one thousand nine hundred and ninety-four-----, by and between FOSTER WILLIAM WRIGHT, JR. of Baltimore County, State of Maryland, party of the first part, Grantor, and WILLIAM M. LAGNA AND LISA A. LAGNA, his wife, parties of the second part, Grantees.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration this day paid in connection with this conveyance being \$ 250,000.00-----, said ~~Grantor~~ ^{Grantor} does hereby grant, convey and assign unto the said parties of the second part, as tenants by the entireties, their assigns, and to the survivor of them, and the personal representatives, heirs and assigns of the survivor in fee simple.

-----all that lot(s) of ground situate in Baltimore County----- in the State of Maryland, and described as follows, that is to say: BEGINNING FOR THE SAME and being known as Lots Nos. 124, 125, 126 and 127, as shown on Plat No. 2 of the property of Bowleys Quarters Company of Baltimore County, which Plat is duly filed among the Land Records of Baltimore County, in Plat Book W.P.C. No. 7, folio 13.

THE IMPROVEMENTS thereon being known as No. 4000 Chestnut Road.

BEING part of the property which by Deed dated July 27, 1989 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8265, folio 430, was granted and conveyed by Foster William Wright, Jr. to Foster William Wright, Jr. and Joan M. Wright, his wife, the said Joan M. Wright having since departed this life on or about the 22nd day of July, 1993.

William M. Lagna and Lisa A. Lagna, his wife, Grantees in the within Deed from William Foster Wright, Jr., Grantor, do hereby certify under the penalties of perjury, that the land conveyed in said Deed is residentially improved owner-occupied real property and that the residence will be occupied by us.

William M. Lagna Lisa A. Lagna
William M. Lagna-Grantee Lisa A. Lagna-Grantee

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

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE [Signature] DATE 1-11-94

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

[Signature]
Attorney-at-Law

P.C. 4 B

LIBR 10024 PAGE 03

015402 FEB-23
Baltimore County, Maryland
Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §§13-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §§12-101 through 12-113, as amended, and Tax-Property Article, §§13-101 through 13-108, as amended, it is certified that an instrument of writing dated January 11, 1994, conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

1 Description of Property (Check boxes for items to be indexed in land records)
X Property Tax ID No. 15-23 Lot/Block Map/Grd/Parcel No.
15-23-000/122/4000/23124, 125, 126, 127
X Subdivision/Tract Lot Acreage Prior Deed Ref. VAR. L.O.G.
Bowleys Quarters Co. 8265/430
X Street Address (or description if partial conveyance)
4000 Chestnut Road

2 Transferred From (Grantor(s) (check box if additional sheets are attached)
Foster William Wright, Jr.
(Owner of record (if different from grantor))

3 Transferred To (Grantee(s) (check box if additional sheets are attached)
William M. Lagna and
Lisa A. Lagna

4 Type of Instrument
X Deed Assignment of Mtd/DOT Financing Statement
X Deed of Trust Contract Other (Specify)
Mortgage Land Installment Cont.
Lease Power of Attorney

5 Exemptions (Cite authority or explain briefly)
Baltimore County Exempt Status Claimed:
Recordation Tax Exempt Status Claimed:
State Exempt Status Claimed:

6 Consideration and Tax Calculations (Make check payable to Baltimore County, MD (410) 887-2416)
Consideration Amount
Purchase Price/Consideration (including any new mortgage) \$ 250,000.00
Real Property
Personal Property
Balance of Assumed Mortgage
Other
Total Consideration \$ 250,000.00
or Assessed Factor
County Taxes to be Paid
Transfer Tax Consideration
\$ 250,000.00 x 1.6% = \$4,000.00
Office of Finance Use Only
Agent: Tax Bill:
C.B. Credit: Ag. Tax/Other:

7 Fees and Recording Instructions (Make check payable to Clerk of the Circuit Court (410) 887-2650)
Recording Fees
Recording Charges \$ 35.00
State Transfer Tax 1,100.00
County Recordation Tax 1,250.00
Surcharge 10.00
Other
Total \$ 2,395.00
Special Recording Instructions (if any)

8 Contact/Mail Information
Instrument Prepared By Return Instrument To
Name: Elizabeth P. Skrivan Name: William M. Lagna and
Firm: Royston, Mueller, McLean & Reid Lisa A. Lagna
Address: 102 W. Pennsylvania Avenue Address: 4000 Chestnut Road
Towson, Maryland 21204 Baltimore, Maryland 21220
Phone: 823-5400

9 Certification
I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.
Signature: Elizabeth P. Skrivan Date: January 11, 1994

10 Assessment Information (410) 321-2299
IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
X Yes No Will grantee be living at property conveyed?
Yes X No Is grantor currently receiving a homeowners' tax credit?
Yes X No Is property conveyed subject to agricultural transfer tax? If yes, enter amount:
Yes X No If agricultural assessment on conveyance is to continue, have you attached a letter of intent?
Yes X No Partial conveyance? If yes, amount of acreage transferred:
List improvements conveyed:
If subdivision occurred after July 1, indicate former property tax ID number:
Optional Expediting Information
A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.
X Yes No Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:
Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage):
Lots 124, 125, 126, 127, Plat No. 2, Bowleys Quarters Company 7/13
Location and improvement address:
4000 Chestnut Road

Assessment Use Only - Do Not Write Below This Line
Terminal Verification Deed Plotter
Agricultural Verification Deed Reference
Trans. Process Verification Assigned Property No
Whole Desc. Part

Distribution: White - Clerk's Office \ Canary - Office of Finance \ Pink - SDAT \ Goldenrod - Preparer

AOC-CC-100

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

[Go Back](#)
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[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1523000122

Owner Information

Owner Name: LAGNA WILLIAM M **Use:** RESIDENTIAL
Mailing Address: 221 BOWLEYS QUARTERS RD **Principal Residence:** NO
BALTIMORE MD 21220-2925 **Deed Reference:** 1)/16275/ 00732
2)

Location & Structure Information

Premises Address
3920 CHESTNUT RD
0-0000

Legal Description

3920 CHESTNUT RD
Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0091	0022	0150		0000			124	3	Plat Ref:	0007/0013

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		13,224 SF	34

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	34,300	28,300		
Improvements:	600	400		
Total:	34,900	28,700	34,900	28,700
Preferential Land:	0			0

Transfer Information

Seller: LAGNA WILLIAM M	Date: 04/03/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16275/ 00732	Deed2:
Seller: WRIGHT FOSTER WILLIAM, JR	Date: 02/03/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10324/ 00401	Deed2:
Seller: WRIGHT GRACE ELEANOR	Date: 09/01/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08265/ 00430	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1523000123

Owner Information

Owner Name: LAGNA WILLIAM M **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 221 BOWLEYS QUARTERS RD **Deed Reference:** 1) /16275/ 00732
BALTIMORE MD 21220-2925 2)

Location & Structure Information

Premises Address **Legal Description**
4000 CHESTNUT RD LT 125,126,127
0-0000 4000 CHESTNUT RD
Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
0091	0022	0150		0000			125	3	Plat Ref:	0007/ 0013

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	2,704 SF	29,280 SF	34

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT WOOD SHINGLE	

Value Information

	Base Value	Value		Phase-in Assessments	
		As Of 01/01/2012	As Of 07/01/2012	As Of 07/01/2012	As Of 07/01/2013
Land	326,300	266,300			
Improvements:	83,700	65,600			
Total:	410,000	331,900	331,900	331,900	
Preferential Land:	0			0	

Transfer Information

Seller:	Date:	Price:
LAGNA WILLIAM M	04/03/2002	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16275/ 00732	Deed2:
WRIGHT FOSTER WILLIAM, JR	02/03/1994	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10324/ 00401	Deed2:
WRIGHT GRACE ELEANOR	09/01/1989	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08265/ 00430	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Baltimore County, MD
Wednesday, October 24, 2012

SECTION 415A. Recreational Vehicles and Boats

[Bill Nos. 29-1974; 54-1993]

§ 415A.1. Recreational vehicles on residential lots.

Contrary provisions of these regulations notwithstanding, one recreational vehicle may be stored on a residential lot as set forth below. Such vehicle, except a truck camper, shall have a current license, may not be lived in, or otherwise occupied, when stored on a lot and shall be mechanically ready to be moved at any time. A recreational boat, whether mounted on a trailer or stored on land with or without the use of supports, is subject to these provisions. A boat less than 16 feet in length is not subject to these provisions, except when such boat is mounted on a trailer. The space occupied by such a recreational vehicle or boat may be counted as a required parking space.

- A. On a lot occupied by a single-family detached or semi-detached dwelling, one such vehicle may be stored 2 1/2 feet from any rear or side lot line; however, when in a side yard it must be situated at least eight feet to the rear of a lateral projection of the front foundation line of the dwelling. Such vehicle may be stored in any garage.
- B. On the lot of any individually owned row or group house, one such vehicle may be stored, provided that it is situated entirely in the rear yard, 2 1/2 feet from the side or rear lot lines.
- C. Such vehicles may be stored on a specially designed parking area of any multifamily rental or condominium unit. Such areas must be screened from adjacent off-site residential uses, as required by the Director of Permits, Approvals and Inspections.

[Bill No. 122-2010]

- D. Except during a twenty-four-hour period for the purpose of loading or unloading, a person may not park or store a recreational vehicle on any street in a residential zone.

[Bill No. 84-2006]

§ 415A.2. Piers and boats on waterfront lots.

A residentially used or vacant residentially zoned waterfront lot shall have no more than one pier (whether fixed or floating). As of November 15, 1993, the number of boats, not including those smaller than 16 feet, permitted to be stored at a pier, slip, buoy or any other mooring device in the water at such a lot shall be limited in accordance with the following schedule:

Waterside Lot Line	Number of Boats Permitted
0 to 50 feet	4
51 to 100 feet	5
Over 100 feet	6

§ 415A.3. Exceptions.

- A. From November 1 through March 31, out-of-water boat storage on residential waterfront lots is permitted, subject to the setback provisions in Section 415A.1.A or B and in accordance with the following schedule:

Waterside Lot Line	Number of Boats Permitted
0 to 75 feet	2 boats, or 1 boat and 1 other recreational vehicle
Over 75 feet	3 boats, or 2 boats and 1 other recreational vehicle

- B. Where the requirements set forth herein for the storage of recreational vehicles would create an undue hardship, the Zoning Commissioner may approve a modified storage plan upon petition and public hearing thereon according to the procedure defined in § 32-3-303 of the Baltimore County Code, except that if no hearing is

P.C. E # 7

County Council of Baltimore County Maryland

Legislative Session 1974, Legislative Day No. 5

BILL NO. 29-74

Mr. Wallace A. Williams, Councilman

By the County Council, April 1, 1974.

A BILL ENTITLED

AN ACT to amend the Baltimore County Zoning Regulations to exempt recreational vehicles from the definition "trailer (or mobile home)", to add the definition of "recreational vehicle" to said regulations and to restrict the storage of same, by adding certain new definitions to said regulations under Section 101 thereof, by adding a sentence to the definition of "trailer (or mobile home)" under said section and by adding new Section 415A to said regulations.

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland,* that Section 101 of the Baltimore County Zoning Regulations, be and it is hereby amended by adding the following definition, immediately after the definition of "principal use", to read as follows:

Recreational vehicle: A vehicular type unit which is primarily designed for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, which is not more than 35 feet in length, and which, in general, is of such size and weight as not to require special highway movement permits when driven, or drawn by a passenger automobile or pick-up truck. The following shall be considered recreational vehicles:

Motorhome: A vehicular unit built on a self-propelled motor vehicle chassis.

RC E # 8

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

BILL NO. 54-93

MR. VINCENT J. GARDINA, COUNCILMAN

BY THE COUNTY COUNCIL, APRIL 19, 1993

A BILL

ENTITLED

AN ACT concerning

Residential Piers

FOR the purpose of limiting the number of boats that can be kept at residential piers and lots; defining terms; including boats in the provisions for recreational vehicles; providing for certain exceptions; and generally relating to residential piers.

BY adding

Section 101, the definition of "Jet-Propelled Skis"

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments

Section 101, the definition of "Recreational Vehicle" and

Section 415A

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report dated October 15, 1992, from the Planning Board, concerning the subject legislation and held a public hearing thereon on December 1, 1992, now, therefore

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

P.C. 5x 14/10

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1995, LEGISLATIVE DAY NO. 19

BILL NO. 179-95

COUNCILMEMBERS GARDINA & DEPAZZO

BY THE COUNTY COUNCIL, OCTOBER 2, 1995

A BILL
ENTITLED

AN ACT concerning

Marinas and Boat Yards

FOR the purpose of repealing provisions of the Baltimore County Zoning Regulations which

permit marinas and boat yards in residential zones ~~and requiring a special hearing in~~

~~certain cases.~~

BY repealing

Sections 1A02.2.B.4. and 15., 1A04.2.B.2. and 9., 1B01.1.C.2. and 1A05.2.D.4.
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 502.9
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board, dated July 20, 1995, concerning the subject legislation, and held a public hearing thereon on September 18, 1995, now, therefore,

- 1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
- 2 MARYLAND, that Sections 1A02.2.B.4. and 15., 1A04.2.B.2. and 9., 1B01.1.C.2. and 1A05.2.D.4.
- 3 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed, to

P.C. # 11 For Identification Only



P.C. E. #12

The Bowleys Quarters Improvement Association, Inc.

P.O. Box 18051

Baltimore, Maryland 21220

(410) 335-9802

BOWLEYS QUARTERS IMPROVEMENT ASSOCIATION

RESOLVED: That the position of the Bowleys Quarters Improvement Association as adopted by the Board of Directors on the zoning matter known as Case 12-239-SPH, aka the "Lagna Boatyard" at 3920, 3922, and 4000 Chestnut Road, is that the Association supports the opinion and order of the Administrative Law Judge, said order dated June 22, 2012, denying the property owner's request to establish legal non-conforming status as an existing private boat club, and that the current appeal of this decision should be likewise denied by the Baltimore County Board of Appeals

AS WITNESS OUR HANDS AND SEAL THIS Sixth day of November, 2012.

ATTEST:

May Elise Benbow Secretary
Michael Krivite President

Bowleys Quarters Improvement Association

The Bowleys Quarters Improvement Association, Inc.
P.O. Box 18051 Baltimore, Maryland 21220 (410) 335-9802

BOWLEYS QUARTERS IMPROVEMENT ASSOCIATION

RESOLVED: That at the general meeting of the Bowleys Quarters Improvement Association held on November 8, 2012, it was decided by the Association that responsibility for review and action on all zoning matters be placed in the Board of Directors, consisting of the following members, each of whom is hereby authorized, during their terms, to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

2012-2013 Officers: Mike Vivirito, Jim Hock, Dave Steedman, and Mimi Rehbein

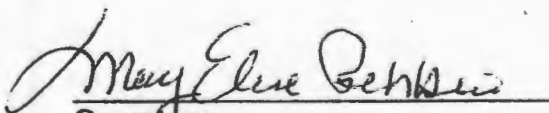
2011-2013 Directors at Large: Richard Pitz, Andy Jones, Fred Conrad, John Schmidt, Dave Hash, Charles Marek, and Tim Domanowski

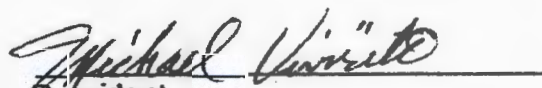
2012-2014 Directors at Large: John Michel, Robbie Duncan, Barb Sullivan, Marsha Ayres, Ray Schaferbein, Cecilia Myrick, and Fred Hylla.

AS WITNESS OUR HANDS AND SEAL THIS Eighth day of November, 2012

ATTEST:

Bowleys Quarters Improvement Association


Secretary


President

AFFIDAVIT

**STATE OF MARYLAND
BALTIMORE COUNTY, SS:**

TO WIT:

David O. Hash

I hereby swear upon penalty of perjury that I am currently a duly elected member of the Board of Directors of the Bowleys Quarters Improvement Association.

ATTEST:

Mary Elise A. Perber

Secretary

Michael Vinito

President

Bowleys Quarters Improvement Association

DATE: 4-2-13

AC-13

Territory of The Bowleys Quarters Improvement Association



P 4 14
LIBER 8587 PAGE 841

THIS DEED, made this 4th day of September in the year One Thousand Nine Hundred and Ninety, by and between Bouleys Quarters Improvement Association, Inc., Grantor, a body corporate State of Maryland, party of the first part, and Bouleys Quarters Improvement Association, Inc., Grantee, party of the second part.

WITNESSETH, that for no actual monetary consideration, the Grantor does hereby grant and convey to the Grantee their assigned in fee simple all of its rights, title and interest in that lot of ground situate in the fifteenth election district, Baltimore County, Maryland and described as follows:

BEGINNING for the same on the north side of Chestnut Road at the distance of 42 feet more or less measured westerly along the north side of Chestnut Road from the division line between lots 124 and 125, Plat No. 2, Bouleys Quarter, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 13; thence running and binding on the north side of Chestnut Road North 63 degrees 39 minutes West 58 feet more or less to the waters of Seneca Creek, thence binding on Seneca Creek in a southwesterly direction 35 feet more or less to the south side of Chestnut Road, thence binding on the south side thereof South 62 degrees 39 minutes East 66 feet more or less, thence crossing Chestnut Road North 27 degrees 01 minutes East 30 feet to the place of beginning.

BEING a part of the land conveyed unto Bouleys Quarters Improvement Association, Inc., by deed of Robert M. Thomas, Trustee, dated September 4, 1982 and recorded among the land records of Baltimore County, in Liber ENG 4249, folio 367.

THE undersigned corporate officer certified that this conveyance is not part of the transfer in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the said Grantor.

TOGETHER with the buildings and improvements thereupon erected made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

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

29 9-6-90

LAND TAX
NOT RECORDED

SIGNATURE

DATE 9-6-90

TAX NOT RECORDED
Baltimore County Maryland
19-6-90

RC/F 19.00
DEED 0 #
SH CLERK 19.00
#19687 C004 R01 71206
09/06/90

P.C. # 15



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 8, 2012

William M. Lagna
221 Bowleys Quarters Road
Baltimore, MD 21220

Re: Code Enforcement Case No: 103205, 3920/4000 Chestnut Road

Dear Mr. Lagna:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (15) days of the date of this Order. For further information on filing an appeal, please contact the Permits, Approvals and Inspections Office at 887-3353.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:sma
Enclosure

c:

RC 416

Baltimore County Board of Appeals Hearing

Wednesday, April 17, 2013

Regarding the Matter of Illegal Boat Storage

At 3920, 3922, and 4000 Chestnut Road

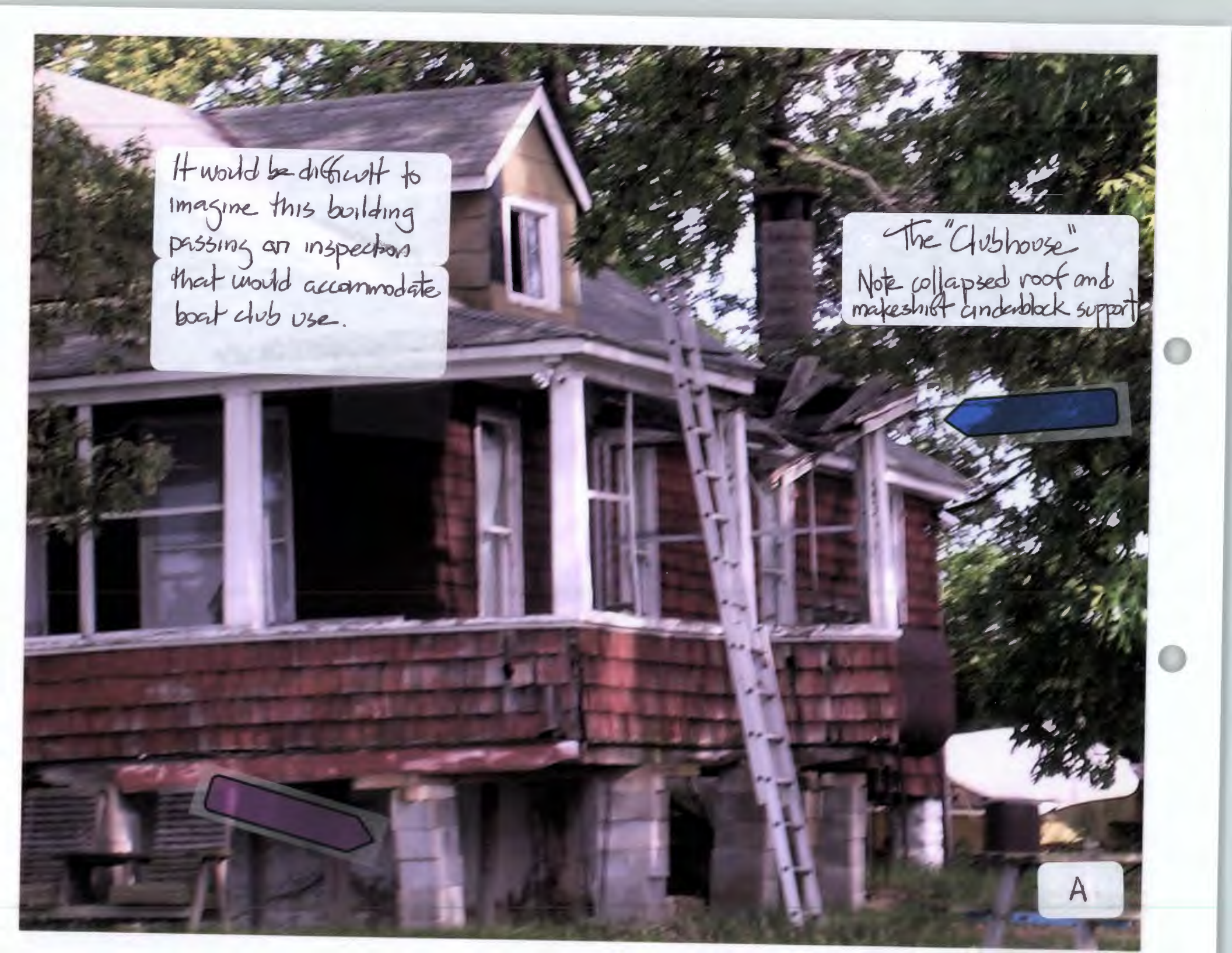
PHOTOGRAPHIC EXHIBITS DEPICTING:

THE EXISTING RUNDOWN CONDITION OF THE PROPERTY

EXCESSIVE BOAT STORAGE

DETERIORATING PIERS

BLOCKAGE OF COMMUNITY ACCESS TO SENECA CREEK



It would be difficult to imagine this building passing an inspection that would accommodate boat club use.

The "Clubhouse"
Note collapsed roof and makeshift underblock support

A

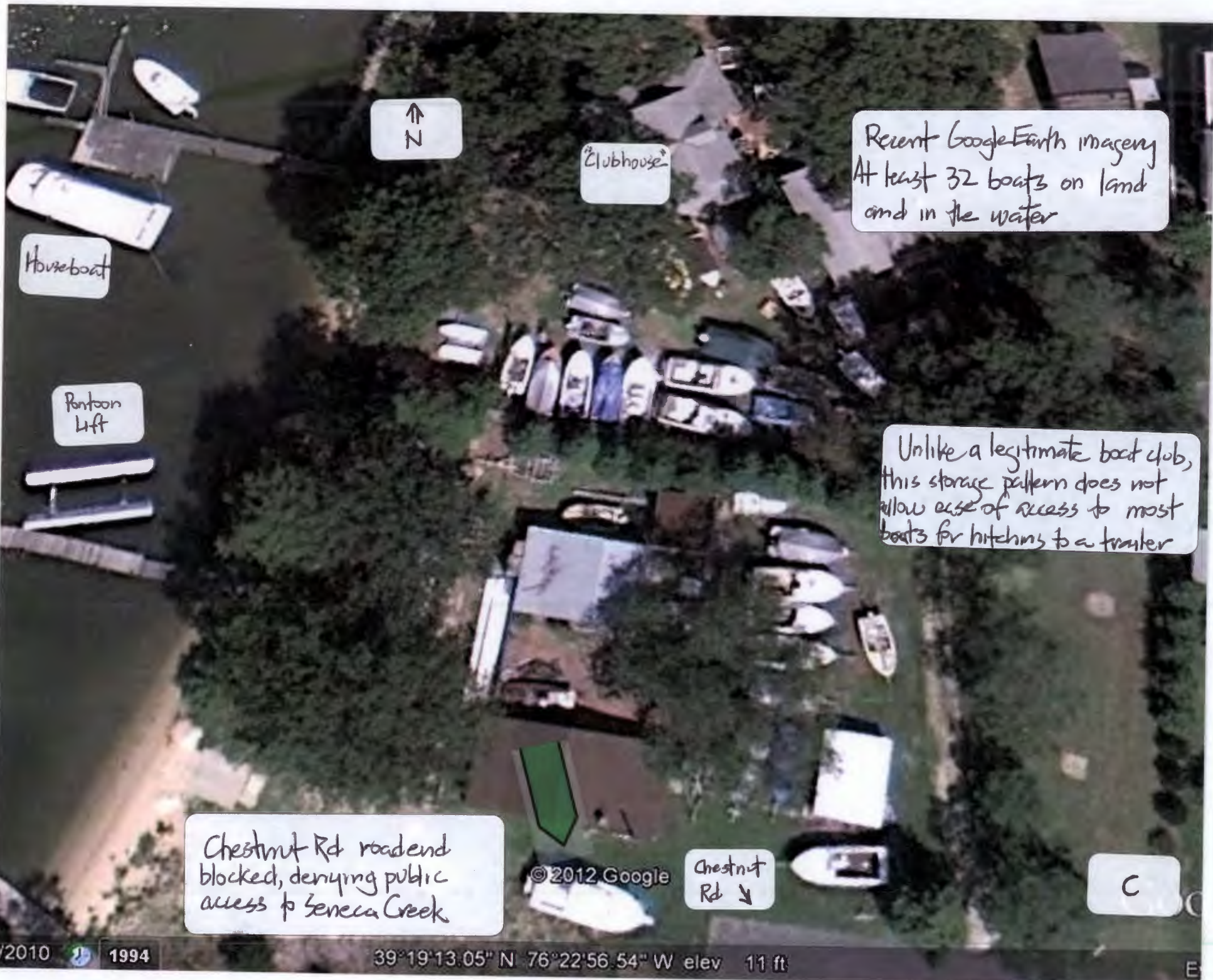
1995 Aerial Photo
from Balto. Co. DEPS

←N

"Clubhouse"

Only 2 boats on land are
visible, 2 years after Mr.
Layna's purchase

B



↑
N

Clubhouse

Recent Google Earth imagery
At least 32 boats on land
and in the water

Houseboat

Pontoon
Lift

Unlike a legitimate boat club,
this storage pattern does not
allow ease of access to most
boats for hitching to a trailer

Chestnut Rd roadend
blocked, denying public
access to Seneca Creek

© 2012 Google

Chestnut
Rd ↓

C



Roadend blocked by
SUV, was blocked
several days last week

D

02/03/2013 12:22

Chestnut
Rd

Typical "yardscape"
depicting neglect and
abandonment, plus junk

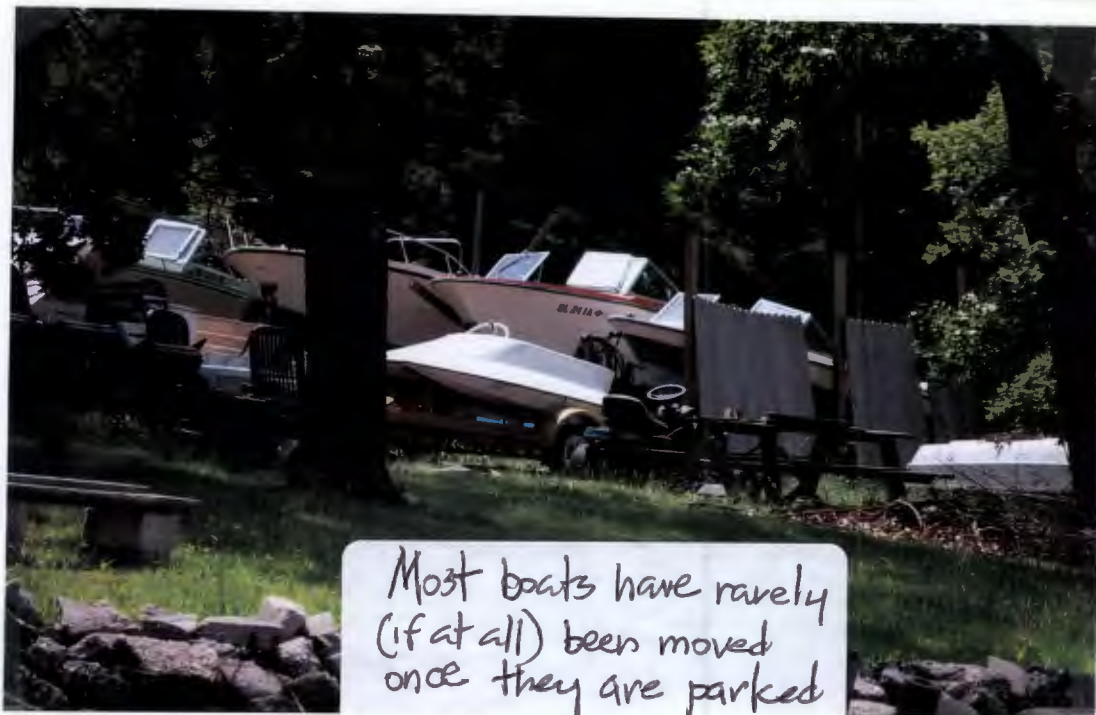
Rotting
Roof

Trailer
"Carcaass"

02/03/2013 12:19

E





Most boats have rarely
(if at all) been moved
once they are parked



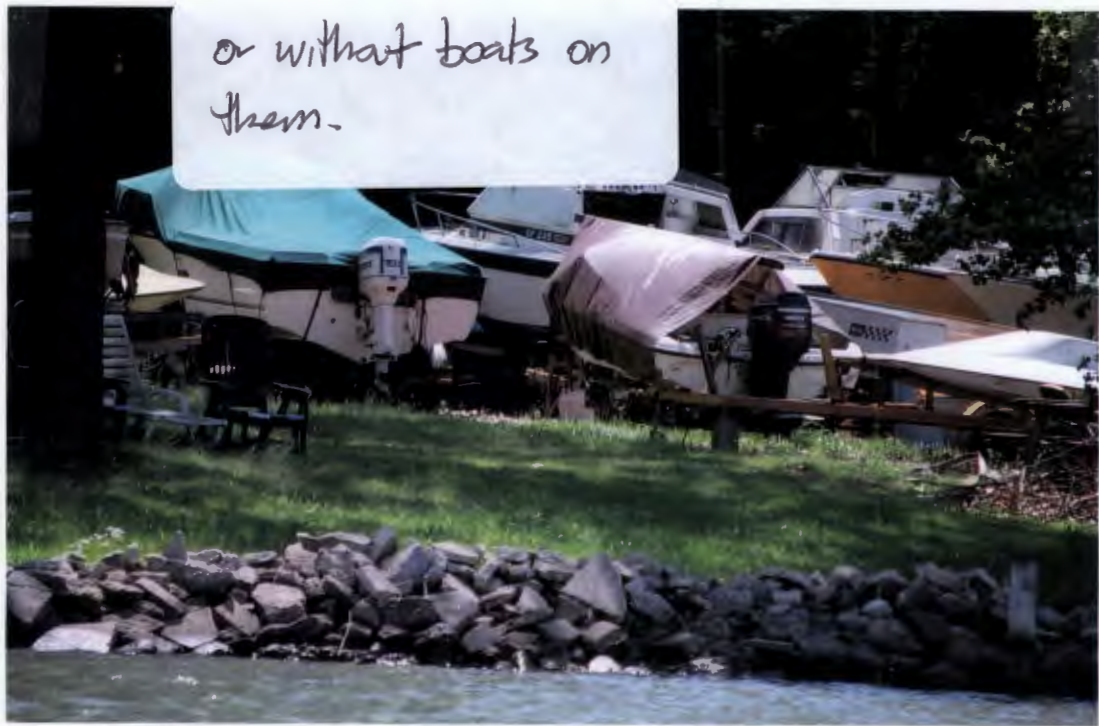
on site. The property
looks like a marine
boneyard

J



Most trailers have
no tags, with

or without boats on
them.





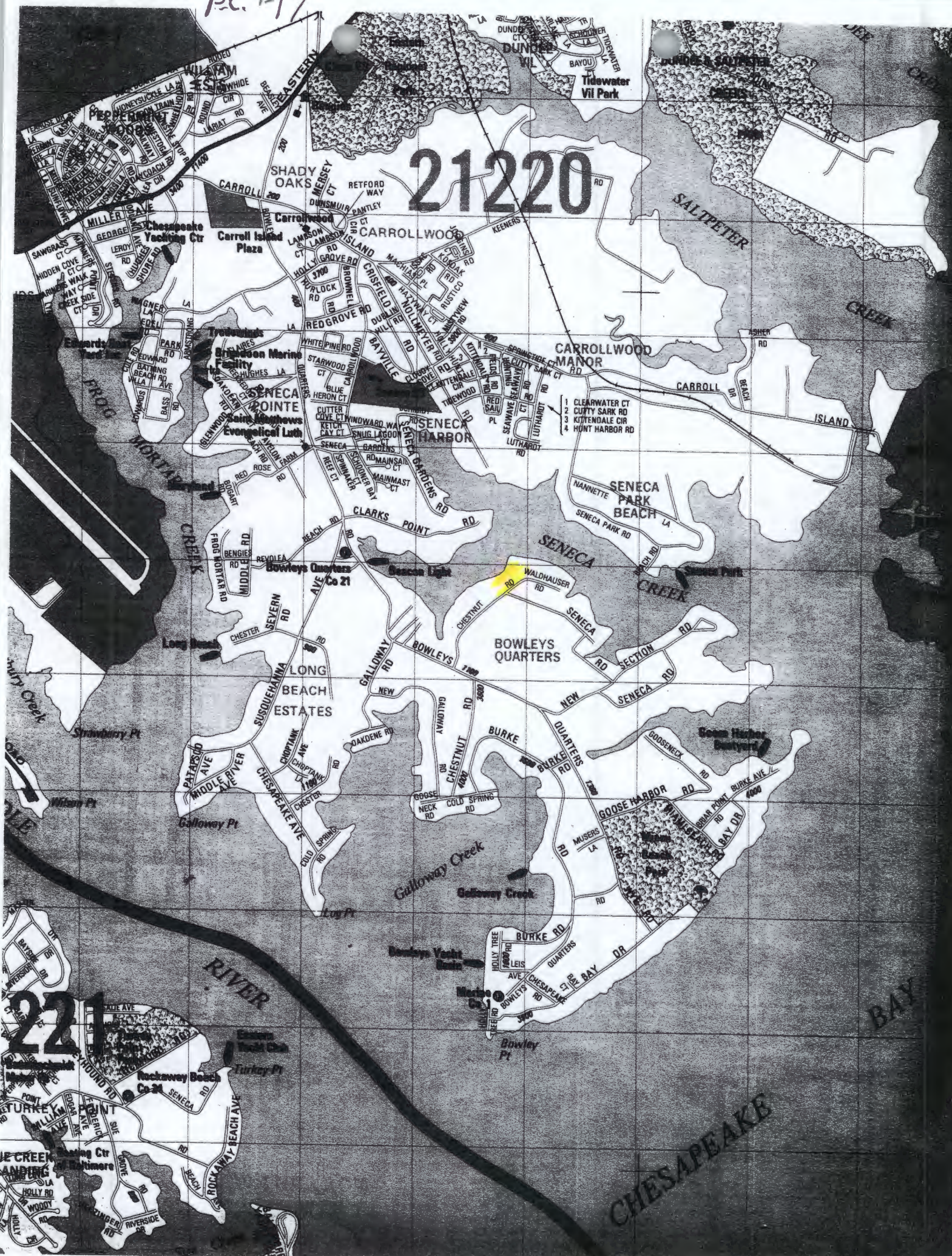
Parts of "pontoon lifts"
(this one inoperable) are
strewn about the property



Sadly, deterioration
and blight are the
hallmarks of this property

P.C. 14/7

21220



221

CHESAPEAKE

P.C. 10/8

Proposed Amendments To
The Baltimore County
Zoning Regulations
Regarding



MARITIME ZONES

A Final Report Of
The Baltimore County
Planning Board

April 16, 1992

PROPOSED AMENDMENTS TO THE
BALTIMORE COUNTY ZONING REGULATIONS
REGARDING BUSINESS MAJOR - MARITIME ZONES

A Final Report of the Baltimore County Planning Board
(Staff Report February 20, 1992, Public Hearing March 26, 1992)
Adopted April 16, 1992

PROJECT DESCRIPTION

Council Resolution 78-91 (Attachment 1) requests the Planning Board to consider amendments to the Zoning Regulations that would create an overlay district for waterfront areas. This report responds to the request by proposing two new kinds of Business Major-Maritime Zones.

BACKGROUND

Marinas and boatyards are defined in Section 101 of the Zoning Regulations as follows:

Boat Yard: A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling, and general servicing of marine craft of all types. [Bill No. 64, 1963.]

Marina: A modern boat basin, restricted to recreational marine craft of all types, with facilities for one or more of the following: berthing, launching, and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, and also land (out-of-water) storage as provided in subsection 417.7 [Bill No. 64, 1963.]

Council Resolution 78-91 responds to issues raised by maritime and community representatives concerning the need for Zoning Regulations that provide for marina and boatyard owners while protecting surrounding residential neighborhoods. The Baltimore County Zoning Regulations define boatyards and marinas and permit them by special exception in RC 3, RC 5 and DR Zones and by right in BM and ML Zones. The standards and regulations for RC 3, RC 5 and DR Zones are highly restrictive, leading many boatyard and marina owners to seek BM zoning for their operations. BM regulations, however, allow uses at a range and intensity which are incompatible with the primarily

P.C. 409.

bob palmer**From:** Carrick, Sharon M [SCarrick@dnr.state.md.us]**Sent:** Monday, March 18, 2013 1:02 PM**To:** 'bobpalmer@tradewindsmarina.com'**Subject:** William M Lagna**Attachments:** Lagna, William M.xls

Well that took longer than I ever anticipated. Attached spreadsheet has those currently registered at the top (page 1) and the remainder grouped by decal expiration year. The items marked with "??" would have been migrated from the old system into COIN without that data element or the information was not known when the vessel was registered with the Department.

Sharon Maenner Carrick

Director, Licensing & Registration Service

MD Department of Natural Resources

1804 West St Ste 300

Annapolis MD 21401

(410) 260-3233

(410) 533-0703 Mobile

(410) 260-3281 Fax

3/18/2013

COIN account #	MD boat #	Yr	Mfr	Ft	In	Expiration of last decal 31 Dec
1979771	MD 9023 D	1993	Bayliner	20	1	2014
586655	MD 2190 Y	1975	B Whaler	11	4	2013
1979771	MD 4075 BD	1996	Carolina Skiff	15	8	2013
1979771	MD 7681 CA	1973	Century	17	5	2014
1979771	MD 6909 Y	1973	Century	16	0	2014
1979771	MD 7710 P	1972	Crestliner	17	0	2013
1979771	MD 9913 AZ	1990	Grady White	25	0	2014
1979771	MD 8868 CE	1974	Melen Marine	13	1	2014
1979771	MD 3188L	1968	MFG	17	0	2013
1979771	MD 4727 L	1968	MFG	15	0	2013
1979771	MD 6029 S	1973	MFG	14	0	2013
1979771	MD 3479 CB	1974	MFG	19	0	2014
1979771	MD 4609 Z	1974	MFG	12	1	2013
1979771	MD 5709 V	1974	Penn Yan	21	0	2014
586660	MD 7556 AB	1977	Penn Yan	23	10	2014
1979771	MD 3954 CH	1990	Penn Yan	18	0	2014
1979771	MD 0552 AK	1982	Sea Nymph	15	0	2013
1979771	MD 1915 BV	1993	SeaRay	13	1	2013
1979771	MD 9712 CE	1993	SeaRay	15	0	2013
1979771	MD 8395 S	1970	Sears	12	0	2013
1979771	MD 7733 CE	??	Sears	12	0	2013
1979771	MD 1701 AU	1975	Skimmar	11	0	2013
1014523	MD 6962 AD	1973	Slickcraft	22	10	2014
1979771	MD 3556 BW	1974	Slickcraft	28	0	2014
1979771	MD 7679 CA	1976	Slickcraft	23	0	2014
1979771	MD 8581 AF	1980	Sportcraft	17	1	2013
1979771	MD 2025 AV	1989	Sunbird	15	2	2014
1979771	MD 4860 BF	1997	Sunbird	20	6	2013
1979771	MD 8701 CE	1974	Switzer	17	0	2014
1979771	MD 8702 CE	2002	Walker Bay	10	0	2013
1979771	MD 4717 AV	1988	Watkins	22	2	2013

COIN account #	MD boat #	Yr	Mfr	Ft	In	Expiration of last decal 31 Dec
586659	MD 3025 BA	1970	Glasspar	15	0	??
586659	MD 5071 AG	1969	Glastron	15	0	??
586659	MD 1755 AG	1978	GMC	16	0	??
586659	MD 9672 AP	1986	Lowe	16	0	??
586659	MD 0684 P	1971	Slickcraft	19	0	??
586661	MD 0533 AL	1969	T Bird	19	5	??
1979771	MD 5869 Z	1976	Wellcraft	21	3	??
586660	MD 9832 AP	1987	Custom	18	1	2012
586660	MD 3471 AG	??	Unknown	12	0	2012
586661	MD 7891 AG	1981	Vagabond	13	8	2012
586660	MD 2615 AN	1981	Vagabond	13	0	2012
1979771	MD 7553 CE	2008	Molinari	12	3	2011
1979771	MD 7732 CE	2004	Quicksilver	6	0	2011
1979771	MD 7975 CE	1975	Starcraft	16	0	2011
586661	MD 4364 E	1994	Baja	17	0	2010
1979771	MD 5212 BU	1976	Carri-Craft	46	6	2010
1979771	MD 1380 W	1974	Hydrostrm	14	10	2010
1979771	MD 1227 CB	2006	Seabo	9	1	2010
1979771	MD 1228 CB	??	Starcraft	14	0	2010
586664	MD 3867 C	1992	Talon Mar	17	6	2010
1979771	MD 1225 CB	1976	Wellcraft	21	0	2010
1979771	MD 2874 AJ	1981	Sea Jay	17	0	2009
586660	MD 0333 BA	1995	Sea Ray	13	6	2009
1979771	MD 1611 CA	1991	Sunbird	24	0	2009
1979771	MD 7436 AM	1985	Cougar	10	4	2007
1979771	MD 9497 AM	1985	Funcat	13	0	2007
586663	MD 1926 BG	1984	Mercub	10	0	2007
586660	MD 7918 AX	1992	Bombardier	8	0	2006
586663	MD 2894 BD	1995	Larson	18	9	2006
1979771	MD 3257 BX	1989	Leisure	10	0	2006
586661	MD 6812 AX	1989	Tiberias	19	0	2006
1979771	MD 6512 BV	1987	Leisure Tech	12	0	2004

COIN search 18 Mar 2013

COIN account #	MD boat #	Yr	Mfr	Ft	In	Expiration of last decal 31 Dec
586659	MD 3237 W	1974	Hydrostrm	17	0	2002
586661	MD 3205 M	1968	Magnum	16	0	1997
586660	MD 6671 AX	1987	Wetco	7	5	1997
586660	MD 1944 AW	1979	Slickcraft	19	0	1990

RC. #20-

Baltimore County, MD
Wednesday, November 7, 2012

SECTION 1A04. R.C.5 (Rural-Residential) Zone

§ 1A04.1. General provisions.

A. Legislative statement of findings.

1. Declaration of findings. It is found that:

- a. The rural-residential development that has occurred in Baltimore County heretofore has been of a scattered and generally disorderly nature;
- b. This form of development constitutes a wasteful use of land and is fiscally expensive to serve with respect to the provision of basic services;
- c. In some cases lot sizes are inadequate to assure long-term adequacy of on-lot sewer and water systems;
- d. That unless measures are implemented to assure more rational growth patterns, including adequate lot size, undue financial hardships will be placed on Baltimore County and the life, safety and general welfare of the citizens of the county will be adversely affected;
- e. That specific areas which are highly suitable for rural-residential development do exist; and
- f. That these areas are adequate to accommodate anticipated future growth in the rural area and that future growth should be directed to these areas.

B. Purpose. The R.C.5 zoning classification is established, pursuant to the legislative findings above, in order to:

1. Provide for rural-residential development in suitable areas in which basic services are not anticipated.
2. Eliminate scattered and generally disorderly patterns of future rural-residential development.
3. Assure that encroachments onto productive or critical natural resource areas will be minimized.
4. Provide a minimum lot size which is sufficient to provide adequate area for the proper functioning of on-lot sewer and water systems.

§ 1A04.2. Use regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.5 Zones:

1. Churches or other buildings for religious worship including church schools.
2. Dwellings, one-family detached.
3. Farms and limited-acreage wholesale flower farms.

[Bill No. 51-1993] Editor's Note: Former Item 4, "Farmettes," which followed this item, was repealed by Bill No. 110-1993, and former Item 5, "Hospitals" was repealed by Bill No. 37-1988.

4. (Reserved) Editor's Note: Former Item 4, "Assisted-living facilities, Class A," added by Bill No. 188-1993, was repealed by Bill No. 32-2006, retroactive to 5-29-2004.
5. Open space, common.
6. Schools, including but not limited to private preparatory schools, colleges, conservatories or other fine arts schools.

[Bill Nos. 63-1980; 47-1982; 47-1985]

From: People's Counsel
To: Richards, Carl
Date: 10/18/12 10:05 AM
Subject: Zoning History
CC: Duvall, David

Mr. Richards,

Our office is involved in a zoning hearing at the Board of Appeals in the matter of William Lagna, Case No.: 2012-239-SPH. The hearing is scheduled for November 20, 2012.

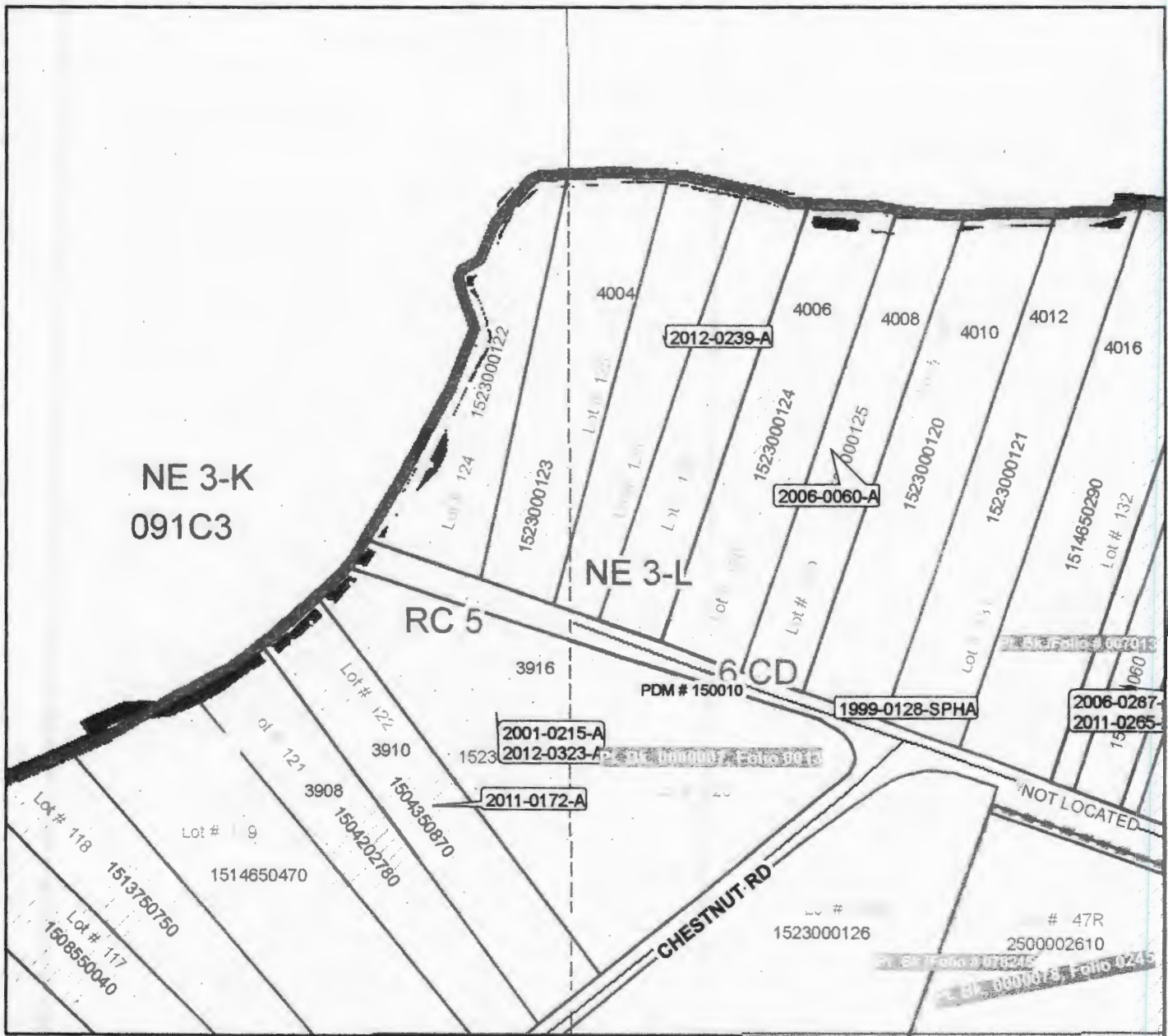
Pete would like documentation on the zoning history, including when the property was reclassified to the current RC-5 and the previous zoning, so we can establish a baseline for the review of the alleged nonconforming "boat club" use.

The property address is 3922 Chestnut Road, 21220.

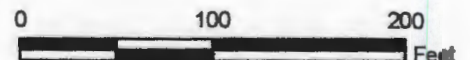
Thank you for your assistance.

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

Chestnut Road, Case #2012-0239-SPH

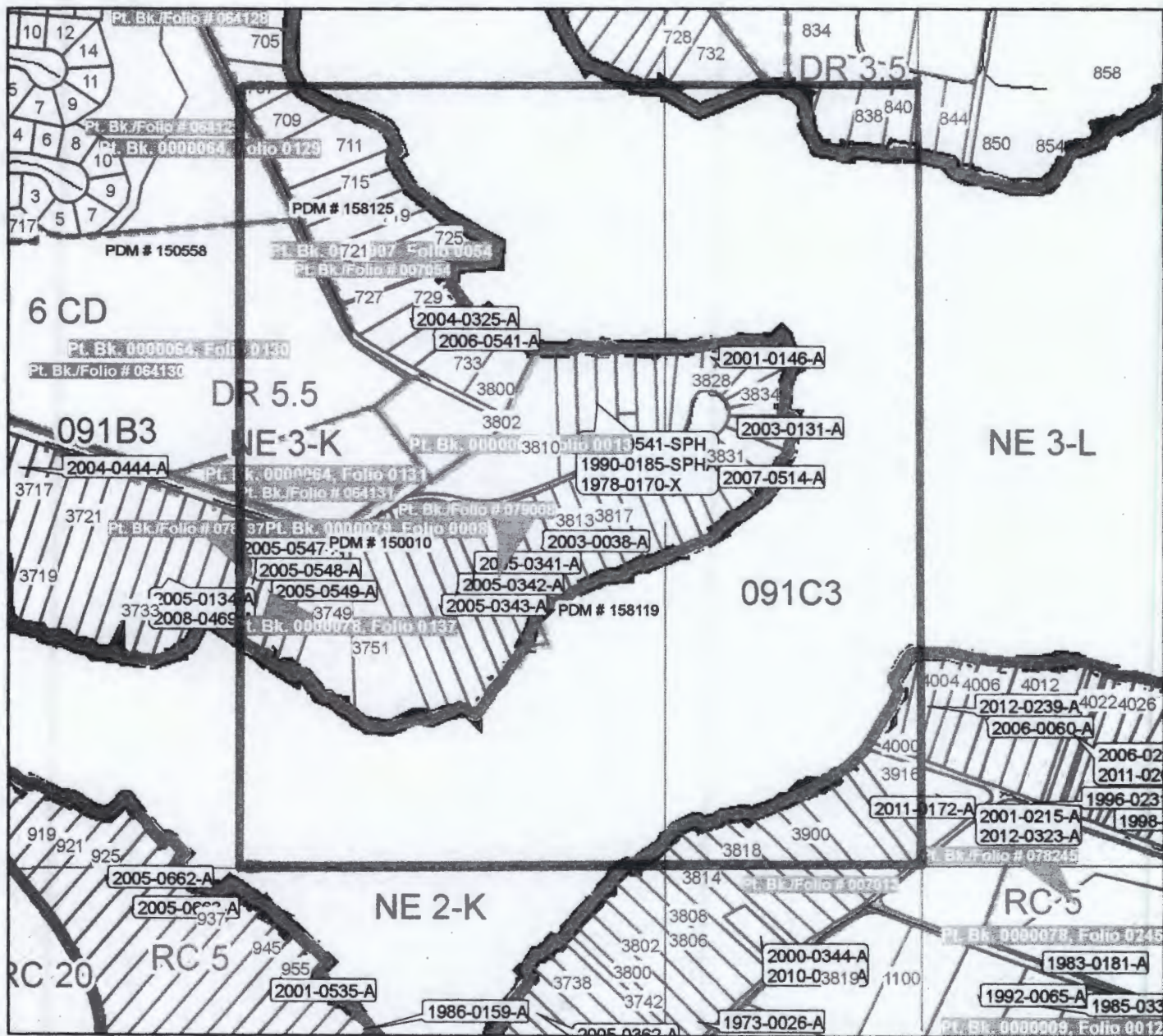


Publication Date: October 18, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 100 feet

NE 3-K 200' Scale Map



Publication Date: October 19, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



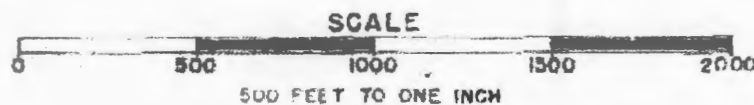
1 inch = 400 feet

PART OF ZONING DISTRICT NO. 15

ZONING DEPARTMENT + BALTIMORE COUNTY

USE DISTRICT MAP

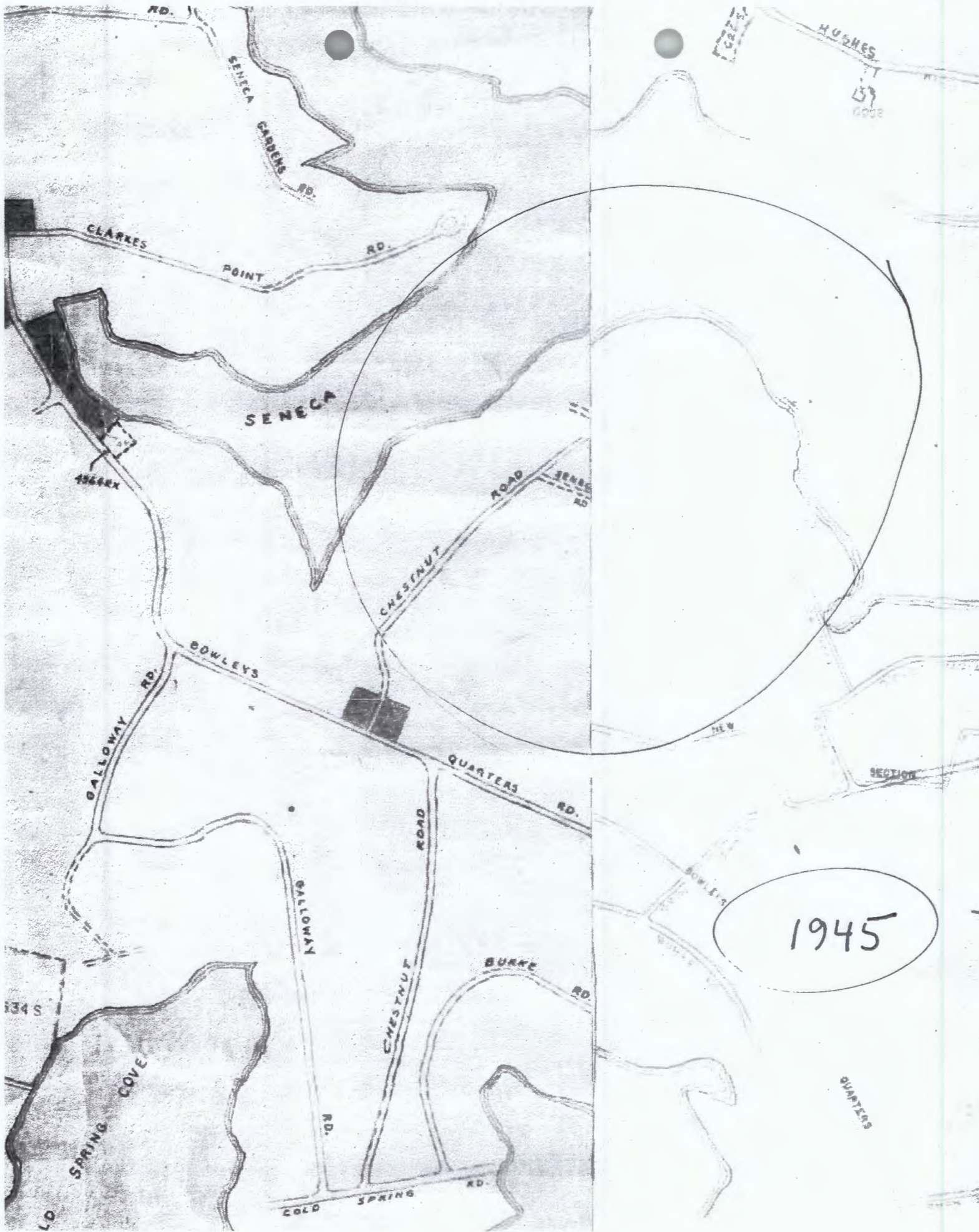
FIFTEENTH ELECTION DISTRICT OF BALTIMORE COUNTY
SECTION "C"



LEGEND

-  - "A" RESIDENCE ZONE - R-G
-  - "B" RESIDENCE ZONE - R-G
-  - "C" RESIDENCE ZONE - R-A
-  - "D" RESIDENCE ZONE - R-G
-  - "E" COMMERCIAL ZONE - B-L
-  - "F" INDUSTRIAL ZONE - M-L
-  - G INDUSTRIAL ZONE
-  - X - SPECIAL

1945



1945



VISIONS		SCALE 1" = 200'	LOCATION BOWLEYS QUARTERS 1955	SHEET NE 3-K
BY	DATE			
		DATE OF PHOTOGRAPHY DEC 1954		
Compiled By Photogrammetric Methods L SURVEY CORP LANSING MICH.				

EASTERN AREA

Received this copy from Planning Office P.C. # 22

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

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Auto Parking	13	C
Accessory Bldg.(Over)	14	D
Gas Station & Poultry	14	E
Any Use not Allowed	14	F
Graveyard	14	G
Cabin Camp	14	H
Utility Structure	15	I
Public Stable	15	J
Junk Yard	15	K
Advertising Strucure	16	L
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Baltimore County Government
Planning Board



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

October 16, 1992

The Honorable William A. Howard, IV
Chairman, Baltimore County Council
Court House
Towson, MD 21204

Dear Councilman Howard:

Enclosed is a Final Report of the Baltimore County Planning Board, adopted October 15, 1992, which I am submitting to you in accordance with Section 26-123(c) of the Baltimore County Code, 1988.

The report is in response to County Council Resolution 80-91. The Planning Board recommends that the Zoning Regulations be amended by limiting the number of boats at private piers to four. Residentially used lots with more than four boats would be considered marinas, requiring a special exception in D.R. zones.

Sincerely,

P. D. Fields

P. David Fields, Secretary
Baltimore County Planning Board

PDF/HSR/mjm
PIERS.RPT/TXTMJM

Enclosures

cc: The Honorable Roger B. Hayden, County Executive
Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Lawrence Schmidt, Zoning Commissioner
H. Emslie Parks, County Attorney
Harold G. Reid, Chairman of the Planning Board
Louis Waidner, Executive Assistant
Patrick Roddy, Director, Legislative Relations
Arnold Jablon, Director, ZADM
Phyllis Cole Friedman, People's Counsel



Staff Report Introduced July 6, 1992
Public Hearing September 10, 1992
Addenda September 30 and October 14, 1992

PROPOSED AMENDMENTS TO THE
BALTIMORE COUNTY ZONING REGULATION
REGARDING THE NUMBER OF BOATS KEPT AT RESIDENTIAL
PIERS AND LOTS

A Final Report of the
Baltimore County Planning Board
Adopted October 15, 1992

PROJECT DESCRIPTION

Resolution 80-91 (Attachment 1) requests the Planning Board to consider amendments to the Zoning Regulations that would limit the number of boats that could be kept on residential piers and lots.

BACKGROUND

With a 173 mile long waterfront providing ready access to the Chesapeake Bay, boating has long been a popular activity in Baltimore County. Over the past three decades, however, recreational boating has undergone significant change. Boats, once the prerequisite of a privileged few, were made available to the mass market. In 1965, 77,368 boats were registered in Maryland ("Recreational Boating on the Tidal Waters of Maryland", page 3). By 1991 that figure had risen to 180,508 boats (Department of Natural Resources).

The proliferation of privately owned vessels has left its mark on the land use patterns of water front communities. To accommodate consumer demand for boat storage facilities, some commercial boatyards and marinas have expanded their operations. Nevertheless, a significant number of boat owners keep their vessels at privately owned piers and lots (informally known as "bootleg" marinas). The rationale for that choice appears to be primarily pecuniary. The renting of slips at licensed marinas and boatyards is more expensive than renting a slip at a "bootleg" marina (depending on the size of the boat, a slip at a boatyard or a marina costs between \$900-\$2,500 a year, while slips at private piers rent for \$600-\$700).

"Bootleg" marinas are not regulated and frequently have a negative impact on the surrounding community. Recreational boating is a group activity, that is, boaters tend to arrive in separate cars. Since unlicensed marinas rarely provide adequate off-street parking, neighboring property owners often complain about the loss of parking

Case No: 12-239-SPH Case Name: Wm. M. Lagna

Exhibit List

Party: Petitioner - Lagna Date: 2/5/13

[illegible]

Case No: 12-239 SPH Case Name: Lagna

Exhibit List

Party: Petitioner

Date: 11/5/13

Exhibit No:	Description:
✓	Exhibit 3 Plat
✓	Exhibit 4 Photo of Rest Room
✓	Exhibit 5 Wall painting - ^{LAORAVILLE}
✓	Exhibit 6 Pic. of wall mounting
✓	Exhibit 7 Membership list of ^{SENCCA Boat Club}
✓	Exhibit 8 Membership list
✓	" 9 Check from member
✓	" 10 Photos 11 of ^{property} subject
✓	a View from subject subject
✓	b View from subject
✓	c North - pier
✓	d S. side of man hours
✓	e Bussaloes
✓	f N.W. Side of subject
✓	g North side view of subject ^{property w. gazebo}

verified
by
TJS 2/6/13

- ✓ h View fr. W. to E.
- ✓ i View to road fr. gazebo
- ✓ j Pier - main deck
- ✓ k Pier view of bulkhead

Case No: 13-239. SPH Case Name: Lagna

Exhibit List

Party: Petitioners Date: 10/5/13

Exhibit No:	Description:
✓ 11	Copy of Letters ^{multiple} re boat club
✓ 12	Photo of Seneen Moore Club Hall
✓ 13	Tax returns ^{94, 95, 96, 97, 98, 99, 2000 - 2010}
✓ 14	Aerial reproduction ^{From 1938 from Bx to Ctl.} pier + club house
✓ 15	Original sub division plat (1921)
✓ 16	Rental checks ^(multiple pages)
✓ 17	Plat ^{"This plan was mod. f.c.d"} w. grinder pump installations
✓ 18	Copies of receipts for elec. services
✓ 19	NOT OFFERED Overhead view of subject (#19) ^{And other and MARINAS}
✓ 20	Legal Definition
✓ 21	Copies of check slips of M. Althouse ^{side of Binder}
✓ 22	Copy of document ^{side of Binder 5/91} offered Asdiks of
✓ 23	C.V. for James Patton, P.E.
✓ 24	Letter fr. Marc Fruchtbaum 2/5/13
VERIFIED BY <u>trs</u> DATE: <u>2/6/13</u>	

trs + 4/17/13

Case No: 12-239-5P

Case Name: Wm. Legna

Exhibit List

Party: Petitioner

Date: 4/17/13

[illegible]

Petitioner's Exhibits

1. Plat to Accompany Petition for Special Hearing
2. My Neighborhood Map of Property
3. Tax Plat
4. Photo of SCMC emblem
5. Photo of Lauraville emblem
6. Photo of Lauraville plaque
7. Roster of members (1990)
8. Membership List (current)
9. Check from club member Mark Schaller
10. Photos of Property
11. Letters from club members/neighbors
12. Photo of hat (Seneca Creek Maritime Club)
13. Schedule C's
14. Aerial (1938)
15. Plat 2 of Bowley's Quarters (1921)
16. Checks from rental of bungalow
17. Drawing of Sewerage system
18. Bills from BGE
19. Aerials of other boatclubs and marinas
20. Provisions of BCZR

Pet Ex 2



Land Development Map

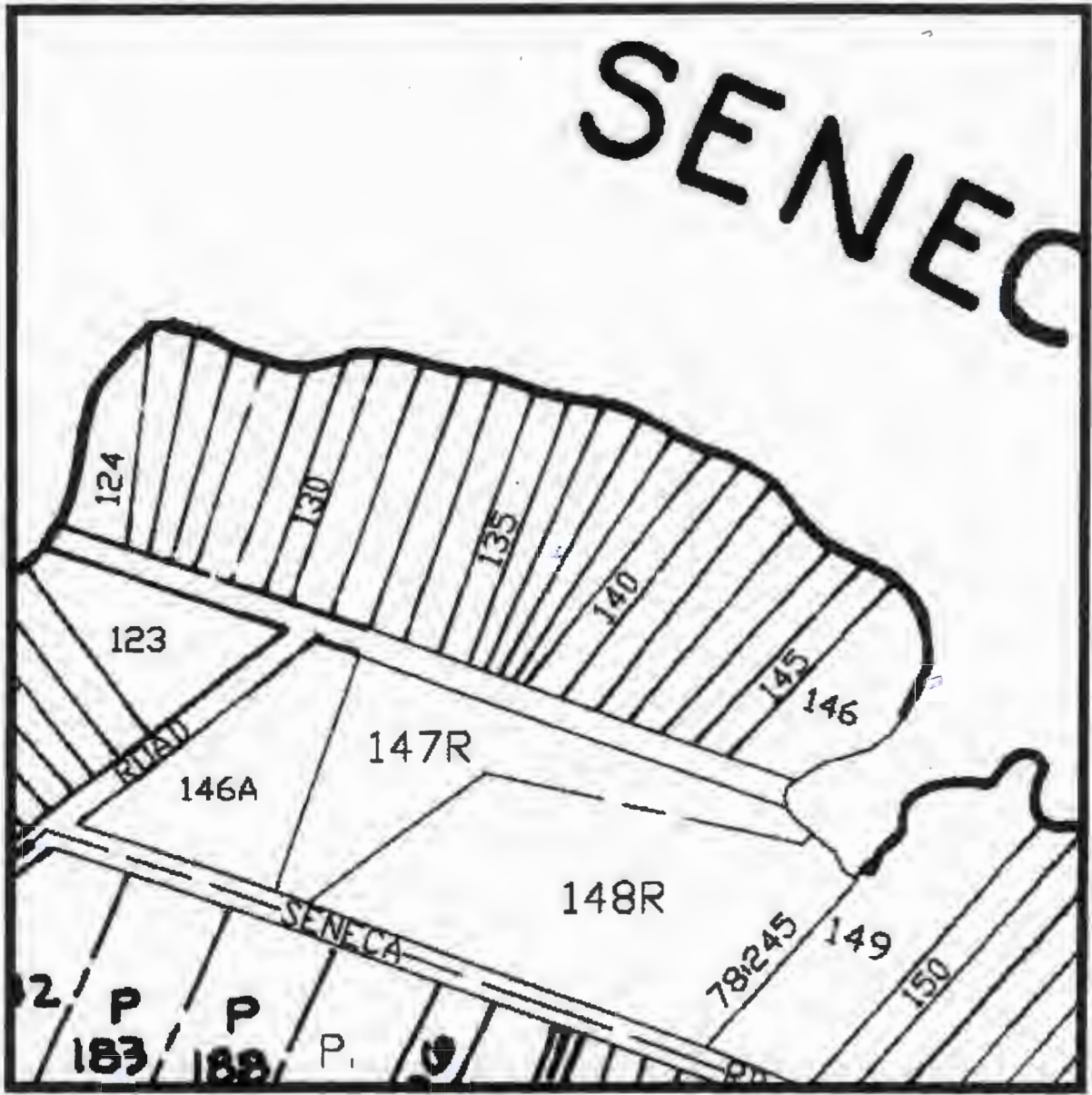
Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 2/4/2013

Just up the street Lot 137 is assessed separately
District - 15 Account Number - 1512000030







LAURAVILLE

1937

SWIM & BOAT CLUB

Pet Ex 6



PetEx 7

Billy Boone
3611 Rexmere Road
Baltimore, MD 21218
592-6570

Joe Jankowski
3723 Red Grove Road
Baltimore, MD 21220
335-7557

Dennis Schrack
417 Mollmeyer Rd.
Baltimore, MD 21220
335-3876

Richard Brown
7315 Jamesford Rd.
Baltimore, MD 21222
282-1034

Paul K. Lamond
6006 Mannington Ave.
Baltimore, MD 21206
866-8445

Jeff Sigl
3122-C West Spring Dr.
Ellicott City, MD 21043
750-7012 (home)
656-2400 (work)

Bede Clark
4116 Baker Ave.
Abingdon, MD 21009

Dave Leizer
7515 Seven Mile Lane
Baltimore, MD 21208
484-7683

Paul L. Sovitsky
62 Oakway Road
Timonium, MD 21093
252-3795

Louis Comi
2003 Willow Lane
Fallston, MD 21047
379-4897

① * John Lewis
1130 Seneca Road
Baltimore, MD 21220
355-5133

③ * John I. Strebe
6540 Belle Vista Ave.
Baltimore, MD 21206
426-3024

Richard O. Daniels
1745 Amuskai Rd.
Baltimore, MD 21234
661-9464

Fred Morgia
140 Villa Capri Circle
Baltimore, MD 21221
687-4171

② * Vincent Valenti, Jr.
2400 York Road
Suite 200
Timonium, MD 21093
683-0303 (work)
529-0057 (home)

Benny DeFelice
415 St. Cornwall St.
Baltimore, MD 21224
633-7144

Treasurer Kevin J. Nevel
1007 Red Pump Road
Belair, MD 21014
655-7400 *893-9053*

Vince Valenti, III
33 Gilland Court
Baltimore, MD 21236
256-7606

④ * Roger Edwards
206 Riverthorne Rd.
Baltimore, MD 21220
662-6852

John Oberender
1936 Jasmine Road
Baltimore, MD 21222
383-0451

George Weber
425 Mollmeyer Road
Baltimore, MD 21220
335-5477

Moe Feehley
P. O. Box 5001
Baltimore, MD 21228

Jim O'Connor
9346 Pan Ridge Road
Baltimore, MD 21234
882-5009

⑤ * Richard Wheeler
72 S. Hawthorne Road
Baltimore, MD 21220
687-3674

George Fisher
5915 Daybreak Terrace
Baltimore, MD 21206
866-6574

Ron Petrecca
4237 Silver Spring Rd.
Perry Hall, MD 21128
529-0095

* Executive Committee Members

Joan,
Please call these people, if you have
any problems with the club.
August, 1990

Seneca Creek Mariners Club

Membership List

William M. Lagna
221 Bowleys Quarters Road
Middle River MD 21220
410-225-3606

Ronny C. Robbins
3922 Chestnut Road
Middle River MD 21220
410-335-3188

Kate Lagna
17 Halbright Court
Timonium MD 210933
410-252-6060

Rich Bowerman
12 Windward Way
Middle River MD 21220
410-335-0470

Dave Lagna
6 Martel Court
BelAir MD 21014

Mark Althouse
607 Southwarke Road
Bel Air MD 21014
410 835 3056

Larry Lewis
100 Crestwood Court
Kitty Hawk NC 27949

Mark Schaller
429 Timonium Ct
Havre de Grace, MD21078
410-939-8588

Mark Fruchtbaum
809 ColdSpring Road
Middle River MD 21220
443 655-0326

Brendon Lagna
11207 Sandyvale Road
Kingsville Md 21087

Harlan Zinn
10628 Park heights Avenue
Owings Mills MD 21117
410-486-2899

Kayak Members:

Michele Pence
Martha Weeks
Andrew Robbins
Dorothy Berg

Pet Ex 9

MARK S SCHALLER
ALLIE V SCHALLER
429 TIMONIUM CT
HAVRE DE GRACE, MD 21078

65-7557 2
2550

3917

DATE 1/3/13

PAY TO
THE ORDER OF

Bill Lagna

\$ 200.00

Two Hundred and 00/100

DOLLARS



Security Features
include:
Details on Back.

APGFCU

Aberdeen Proving Ground Federal Credit Union

Aberdeen, Maryland 21001
www.apgfcu.com

MEMO ~~Bank~~ CLUB USE

h. hall

⑆ 255075576⑆ 06139200024⑈ 3917

SPECIALTY BLUE













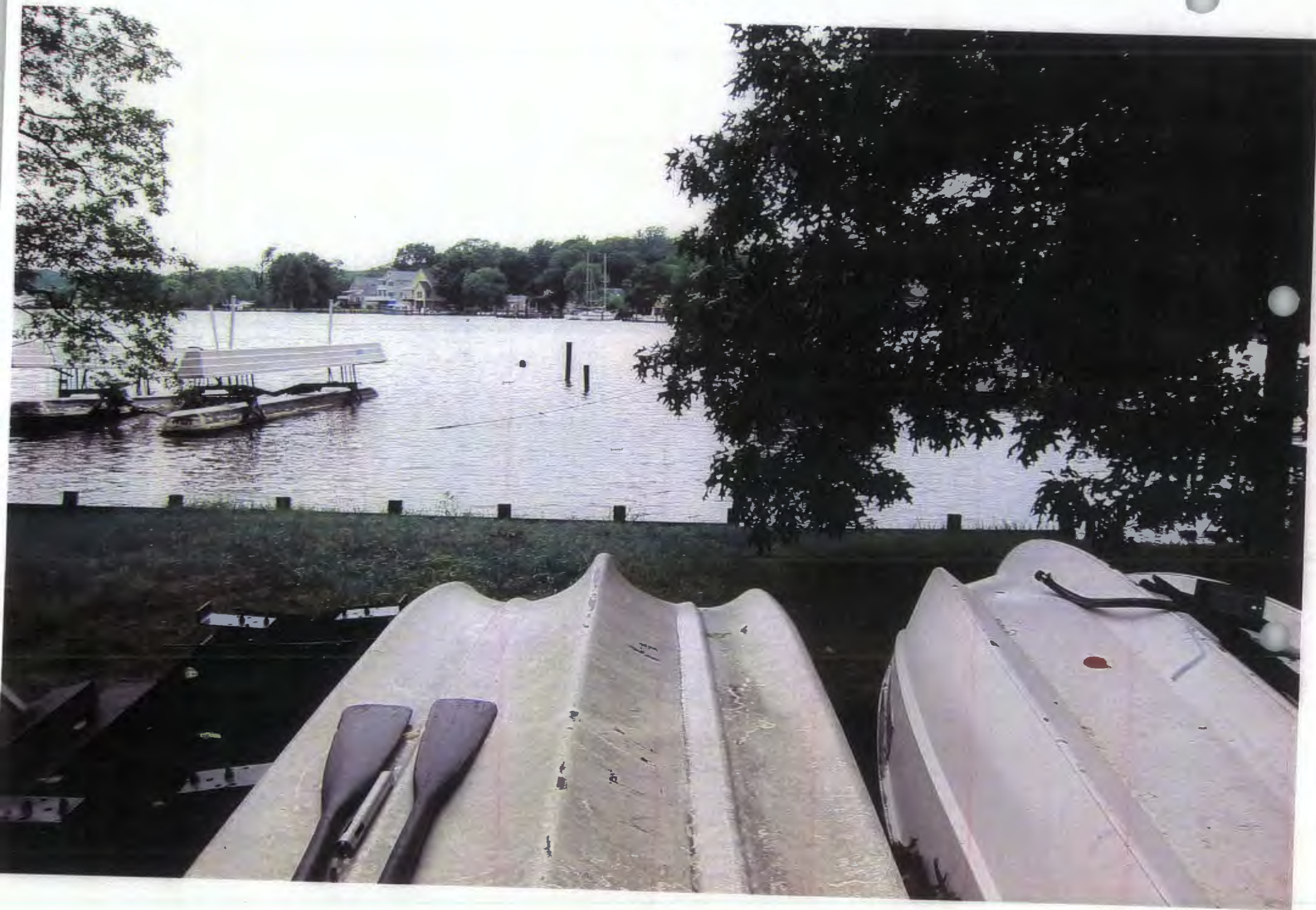
F











Pe+Ex 11

January 8, 2012

To whom it may concern,

I was a club member in the Seneca Men's Club from 1964 to 1993. The club was located at 4000 Chestnut Road, in Bowley's Quarters in Balto. County. All records on this club were destroyed when the club disbanded in 1993.

Sincerely,
J. Janowski

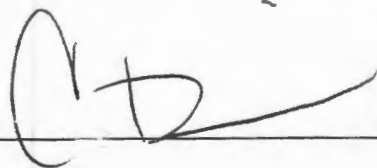
DATE:

SUBJECT: Boat Club at 4000 Chestnut Road

To Whom It May Concern,

My name is CHRIS PINE and I live at 4016
Chestnut Road. I have lived there for 35 years. To the
best of my knowledge, the Boat Club has been at 4000
Chestnut Road for 35 years.
You may contact me if you would like any more information.

Respectfully,


CHRIS PINE

Phone 443-465-8500

26 January 2011

SUBJECT: 4000 Chestnut Road

Seneca Creek Mariner's Club

To Whom It May Concern,

I would like to add to my other letter that the Seneca Creek Mariner's Club held annual fundraisers at the local Fire Hall each year. I did check but the fire hall did not have records that went back that far. However, many people attended these events over the years and some may recall the bull roasts.

Respectfully,

A handwritten signature in cursive script that reads "Dennis Schrack". The signature is written in dark ink and is positioned below the word "Respectfully,".

Dennis Schrack



Pt Ex 12

Pet Ex 13

**SCHEDULE C
(Form 1040)**

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

1995

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

► Partnerships, joint ventures, etc., must file Form 1065.
► Attach to Form 1040 or Form 1041. ► See instructions for Schedule C (Form 1040).

Name of proprietor

WILLIAM M. LAGNA

Social security number (SSN)

A Principal business or profession, including product or service (see page C-1)

BOAT CLUB AND RENTALS

B Enter principal business code
(see page C-6) ►

C Business name. If no separate business name, leave blank.

SENECA CREEK MARINERS CLUB SCMC

D Employer ID number (EIN), if any

E Business address (including suite or room no.) ►
City, town or post office, state, and ZIP code

4002 CHESTNUT ROAD
BALTO MD 21220

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►

G Method(s) used to value closing inventory: (1) ☒ Cost (2) ☐ Lower of cost or market (3) ☐ Other (attach explanation) (4) ☐ Does not apply (if checked, skip line H)

H Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation

Yes	No
	☒

I Did you "materially participate" in the operation of this business during 1995? If "No," see page C-2 for limit on losses.

J If you started or acquired this business during 1995, check here

**SCHEDULE C
(Form 1040)**

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

1994

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

► Partnerships, joint ventures, etc., must file Form 1065.
► Attach to Form 1040 or Form 1041. ► See instructions for Schedule C (Form 1040).

Name of proprietor

WILLIAM M. LAGNA

Social security number (SSN)

A Principal business or profession, including product or service (see page C-1)

BOAT CLUB, RENTALS

B Enter principal business code
(see page C-6) ►

C Business name. If no separate business name, leave blank.

SENECA CREEK MARINERS CLUB, SCMC

D Employer ID number (EIN), if any

E Business address (including suite or room no.) ►
City, town or post office, state, and ZIP code

4002 CHESTNUT ROAD
MIDDLE RIVER MD 21220

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►

G Method(s) used to value closing inventory: (1) ☒ Cost (2) ☐ Lower of cost or market (3) ☐ Other (attach explanation) (4) ☐ Does not apply (if checked, skip line H)

H Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation

Yes	No
☒	☐

I Did you "materially participate" in the operation of this business during 1994? If "No," see page C-2 for limit on losses.

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

1998

Department of the Treasury
Internal Revenue Service (98)

► Partnerships, joint ventures, etc., must file Form 1065 or Form 1065-B.
► Attach to Form 1040 or Form 1041. ► See instructions for Schedule C (Form 1040).

Attachment
Sequence No. 09

Name of proprietor WILLIAM M. LAGUA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-1) SECURITY PRODUCTS, BOAT CLUB, RENTALS		B Enter NEW code from pages C-8 & 9 1-1-1-1-1-1
C Business name. If no separate business name, leave blank. SEVERA CREEK MARINERS CLUB, MEDALLION SECURITY		D Employer ID number (EIN), if any [REDACTED]
E Business address (including suite or room no.) City, town or post office, state, and ZIP code 3920, 3922, 4000, 4002 CHESTNUT RD BALTIMORE MD 21220		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►		
G Did you "materially participate" in the operation of this business during 1998? If "No," see page C-2 for limit on losses ☒ Yes ☐ No		
H If you started or acquired this business during 1998, check here ☐		

Part I Income

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

1997

Department of the Treasury
Internal Revenue Service (99)

► Partnerships, joint ventures, etc., must file Form 1065.
► Attach to Form 1040 or Form 1041. ► See instructions for Schedule C (Form 1040).

Attachment
Sequence No. 09

Name of proprietor WILLIAM M. LAGUA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-1) BOAT CLUB, INTERNET SECURITY PRODUCTS		B Enter principal business code (see page C-6) ► 1-1-1-1-1-1
C Business name. If no separate business name, leave blank. SCMC BOAT CLUB, MEDALLION SECURITY		D Employer ID number (EIN), if any [REDACTED]
E Business address (including suite or room no.) City, town or post office, state, and ZIP code 3920, 3922, 4000, 4002 CHESTNUT RD MIDDLE RIVER MD 21220		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►		
G Did you "materially participate" in the operation of this business during 1997? If "No," see page C-2 for limit on losses ☐ Yes ☐ No		

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

1996

Department of the Treasury
Internal Revenue Service (98)

► Partnerships, joint ventures, etc., must file Form 1065.
► Attach to Form 1040 or Form 1041. ► See instructions for Schedule C (Form 1040).

Attachment
Sequence No. 09

Name of proprietor WILLIAM M. LAGUA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-1) BOAT CLUB, SECURITY PRODUCTS, INTERNET		B Enter principal business code (see page C-6) ► 1-1-1-1-1-1
C Business name. If no separate business name, leave blank. SCMC BOAT CLUB, MEDALLION SECURITY		D Employer ID number (EIN), if any [REDACTED]
E Business address (including suite or room no.) City, town or post office, state, and ZIP code 4000 CHESTNUT RD BALTIMORE MD 21220		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►		
G Did you "materially participate" in the operation of this business during 1996? If "No," see page C-2 for limit on losses ☒ Yes ☐ No		

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

1999

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service (99)

Partnerships, joint ventures, etc., must file Form 1065 or Form 1065-B.
Attach to Form 1040 or Form 1041. See Instructions for Schedule C (Form 1040).

Name of proprietor

WILLIAM M. LAGNA

Social security number (SSN)

A Principal business or profession, including product or service (see page C-1)

SECURITY PRODUCTS, BOAT CLUB

B Enter code from pages C-8 & 9

C Business name. If no separate business name, leave blank.

MENTALION SECURITY, SEVIRA CREEK MARINERS CLUB

D Employer ID number (EIN), if any

E Business address (including suite or room no.)

4400 CHESTNUT ROAD

City, town or post office, state, and ZIP code

MIDvale RIVER MD 21220

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify)

G Did you "materially participate" in the operation of this business during 1999? If "No," see page C-2 for limit on losses.

☒ Yes ☐ No

H If you started or acquired this business during 1999, check here

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2000

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service (99)

Partnerships, joint ventures, etc., must file Form 1065 or Form 1065-B.
Attach to Form 1040 or Form 1041. See Instructions for Schedule C (Form 1040).

Name of proprietor

WILLIAM M. LAGNA

Social security number (SSN)

A Principal business or profession, including product or service (see page C-1 of the instructions)

SECURITY PRODUCTS, BOAT CLUB, RENTALS

B Enter code from pages C-7 & 8

C Business name. If no separate business name, leave blank.

MENTALION SECURITY, SCMC BOAT CLUB

D Employer ID number (EIN), if any

E Business address (including suite or room no.)

4400 CHESTNUT ROAD

City, town or post office, state, and ZIP code

BALTIMORE MD 21220

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify)

G Did you "materially participate" in the operation of this business during 2000? If "No," see page C-2 for limit on losses.

☒ Yes ☐ No

H If you started or acquired this business during 2000, check here

Part I Income

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2001

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service (99)

Partnerships, joint ventures, etc., must file Form 1065 or Form 1065-B.
Attach to Form 1040 or Form 1041. See Instructions for Schedule C (Form 1040).

Name of proprietor

WILLIAM M. LAGNA

Social security number (SSN)

A Principal business or profession, including product or service (see page C-1 of the instructions)

BOAT CLUB, SECURITY PRODUCTS

B Enter code from pages C-7 & 8

C Business name. If no separate business name, leave blank.

MENTALION SECURITY, SEVIRA CREEK MARINERS CLUB

D Employer ID number (EIN), if any

E Business address (including suite or room no.)

4400 CHESTNUT ROAD

City, town or post office, state, and ZIP code

BALTIMORE MD 21220

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify)

G Did you "materially participate" in the operation of this business during 2001? If "No," see page C-2 for limit on losses.

☒ Yes ☐ No

H If you started or acquired this business during 2001, check here

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2004

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service

Partnerships, joint ventures, etc., must file Form 1065 or 1065-B.
Attach to Form 1040 or 1041. See Instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-2 of the instructions) SECURITY CAMERA SALES, BOAT CLUB	B Enter code from pages C-7, 8, & 9 9999999	
C Business name. If no separate business name, leave blank. LAGNA MEDALLION SECURITY, SENECA CREEK MARINERS CLUB	D Employer ID number (EIN), if any [REDACTED]	
E Business address (including suite or room no.) City, town or post office, state, and ZIP code 4000 CHESTNUT ROAD BALTIMORE MD 21220		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) [REDACTED]		
G Did you "materially participate" in the operation of this business during 2004? If "No," see page C-3 for limit on losses ☒ Yes ☐ No		
H If you started or acquired this business during 2004, check here ☐		

Part I Income

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2003

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service (99)

Partnerships, joint ventures, etc., must file Form 1065 or 1065-B.
Attach to Form 1040 or 1041. See Instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-2 of the instructions) SECURITY PRODUCTS, BOAT CLUB	B Enter code from pages C-7, 8, & 9 [REDACTED]	
C Business name. If no separate business name, leave blank. MEDALLION SECURITY, SENECA CREEK MARINERS	D Employer ID number (EIN), if any [REDACTED]	
E Business address (including suite or room no.) City, town or post office, state, and ZIP code [REDACTED]		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) [REDACTED]		
G Did you "materially participate" in the operation of this business during 2003? If "No," see page C-3 for limit on losses ☒ Yes ☐ No		
H If you started or acquired this business during 2003, check here ☐		

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2002

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service (99)

Partnerships, joint ventures, etc., must file Form 1065 or 1065-B.
Attach to Form 1040 or 1041. See Instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-1 of the instructions) SECURITY PRODUCTS, BOAT CLUB, RENTALS	B Enter code from pages C-7, 8, & 9 9999999	
C Business name. If no separate business name, leave blank. SENECA CREEK MARINERS CLUB, MEDALLION SECURITY	D Employer ID number (EIN), if any [REDACTED]	
E Business address (including suite or room no.) City, town or post office, state, and ZIP code 4000 CHESTNUT RD BALTO MD 21220		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) [REDACTED]		
G Did you "materially participate" in the operation of this business during 2002? If "No," see page C-3 for limit on losses ☒ Yes ☐ No		
H If you started or acquired this business during 2002, check here ☐		

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2007

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service (10)

Partnerships, joint ventures, etc., must file Form 1065 or 1065-B.
Attach to Form 1040, 1040NR, or 1041. See instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-2 of the instructions) MARINA	B Enter code from pages C-8, 9, & 10 [REDACTED]	
C Business name. If no separate business name, leave blank. SENECA CREEK MARINE CENTER	D Employer ID number (EIN), if any [REDACTED]	
E Business address (including suite or room no.) City, town or post office, state, and ZIP code 3920- 4000 CHESTNUT ROAD MIDDLE RIVER MD 21220		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) [REDACTED]		
G Did you "materially participate" in the operation of this business during 2007? If "No," see page C-3 for limit on losses ☒ Yes ☐ No		
H If you started or acquired this business during 2007, check here ☐		

Part I Income

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2006

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service (99)

Partnerships, joint ventures, etc., must file Form 1065 or 1065-B.
Attach to Form 1040, 1040NR, or 1041. See instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-2 of the instructions) MARINA, SECURITY PROPS., INTERNET	B Enter code from pages C-8, 9, & 10 [REDACTED]	
C Business name. If no separate business name, leave blank. LAGNA MEDALLION, SENECA CREEK BOATCLUB	D Employer ID number (EIN), if any [REDACTED]	
E Business address (including suite or room no.) City, town or post office, state, and ZIP code [REDACTED]		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) [REDACTED]		
G Did you "materially participate" in the operation of this business during 2006? If "No," see page C-3 for limit on losses ☒ Yes ☐ No		
H If you started or acquired this business during 2006, check here ☐		

Part I Income

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2005

Attachment
Sequence No. 09

Department of the Treasury
Internal Revenue Service (10)

Partnerships, joint ventures, etc., must file Form 1065 or 1065-B.
Attach to Form 1040 or 1041. See instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see page C-2 of the instructions) REAL ESTATE RENTALS, INTERNET, MARINA	B Enter code from pages C-8, 9, & 10 151311010	
C Business name. If no separate business name, leave blank. LAGNA MEDALLION, SEAC	D Employer ID number (EIN), if any [REDACTED]	
E Business address (including suite or room no.) City, town or post office, state, and ZIP code 4000 CHESTNUT RD BALTIMORE MARYLAND 21220		
F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) [REDACTED]		
G Did you "materially participate" in the operation of this business during 2005? If "No," see page C-3 for limit on losses ☒ Yes ☐ No		
H If you started or acquired this business during 2005, check here ☐		

Part I Income

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2010

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

► Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
► Attach to Form 1040, 1040NR, or 1041. ► See instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A	Principal business or profession, including product or service (see instructions) MARINA	B Enter code from pages C-9, 10, & 11 9999999
C	Business name. If no separate business name, leave blank. SENECA CREEK MARINE CLUB	D Employer ID number (EIN), if any [REDACTED]
E	Business address (including suite or room no.) ► 4000 CHESTNUT RD City, town or post office, state, and ZIP code MIDDLE RIVER MD 21220	
F	Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►	
G	Did you "materially participate" in the operation of this business during 2010? If "No," see instructions for limit on losses ☒ Yes ☐ No	
H	If you started or acquired this business during 2010, check here ☐	

Part I

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2009

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (5)

► Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
► Attach to Form 1040, 1040NR, or 1041. ► See instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A	Principal business or profession, including product or service (see page C-2 of the instructions) MARINA	B Enter code from pages C-9, 10, & 11 [REDACTED]
C	Business name. If no separate business name, leave blank. SENECA CREEK MARINERS CLUB	D Employer ID number (EIN), if any [REDACTED]
E	Business address (including suite or room no.) ► 4000 CHESTNUT ROAD City, town or post office, state, and ZIP code MIDDLE RIVER MARYLAND 21220	
F	Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►	
G	Did you "materially participate" in the operation of this business during 2009? If "No," see page C-3 for limit on losses ☒ Yes ☐ No	
H	If you started or acquired this business during 2009, check here ☐	

SCHEDULE C
(Form 1040)

Profit or Loss From Business

(Sole Proprietorship)

OMB No. 1545-0074

2008

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

► Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
► Attach to Form 1040, 1040NR, or 1041. ► See instructions for Schedule C (Form 1040).

Name of proprietor WILLIAM M. LAGNA		Social security number (SSN) [REDACTED]
A	Principal business or profession, including product or service (see page C-3 of the instructions) MARINA BOAT CLUB	B Enter code from pages C-9, 10, & 11 9999999
C	Business name. If no separate business name, leave blank. SENECA CREEK MARINE CLUB LAGNA MEDALLION	D Employer ID number (EIN), if any [REDACTED]
E	Business address (including suite or room no.) ► 4000 CHESTNUT City, town or post office, state, and ZIP code MIDDLE RIVER MD 21220	
F	Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►	
G	Did you "materially participate" in the operation of this business during 2008? If "No," see page C-4 for limit on losses ☒ Yes ☐ No	
H	If you started or acquired this business during 2008, check here ☐	

PLT EX 14



Pet Ex 15

BOWLEYS QUARTER
PLAT NO. 2
Scale 1/200
April 1908
Edward V. Gordon and Company
Surveyors and Civil Engineers
Baltimore, Md.

197.1

Feb 13

CREEK

SENECA

SHARP

145 Acres

145 Acres

145 Acres

145 Acres

145 Acres

145 Acres

145 Acres

Indicates Location of Stone

No. 0000016136

Acct: 0000025186 Teller: 0019 Date: 12/14/09 Time: 9:42am

See receipt for reference

Check Number: 02 0000016136

Purpose : SHARE WITHDRAWAL

Amount /: \$800.00

Pay to : BILL LAGNA

FOR: HOUSE BOAT & SLIP RENTAL

FOR JAN. 10TH

RON ROBBINS

THIS DOCUMENT HAS VISIBLE FIBERS, INVISIBLE FLUORESCENT FIBERS, CHEMICAL REACTIVE PAPER, AND A TRUE WATERMARK



Harford County's Better Way to Bank

2019 Emmorton Rd.
Bel Air, MD 21015
(410) 676-5700

Payable through MidAtlantic Corp FCU
Middletown, PA 17057

60-8755/2313

No. 0000016136

12/14/09

\$800.00

*** EIGHT HUNDRED DOLLARS AND 00 CENTS ***

PAY

EXACTLY 800 dols 00 cts

VOID AFTER 90 DAYS

CASHIER'S CHECK

TO THE
ORDER OF

BILL LAGNA

FOR: HOUSE BOAT & SLIP RENTAL

FOR JAN. 10TH

RON ROBBINS

Rae Ann Lambert
AUTHORIZED SIGNATURE

⑈0000016136⑈ ⑆231387550⑆ 255077299013⑈

Pet Ex 16

FREEDOM FEDERAL CREDIT UNION • 2019 Emmorton Rd. • Bel Air, MD 21015

No. 0000238297

Acct: 0000025186 Teller: 0108 Date: 10/26/09 Time: 12:26pm

See receipt for reference

Check Number: 01 0000238297

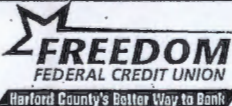
Purpose :

Amount : \$800.00

Pay to : BILL LAGNA

REF: NOV 2009 BOAT & BOAT SLIP RENTAL

THIS DOCUMENT HAS VISIBLE FIBERS, INVISIBLE FLUORESCENT FIBERS, CHEMICAL REACTIVE PAPER, AND A TRUE WATERMARK



2019 Emmorton Rd.
Bel Air, MD 21015
(410) 676-5700

Payable through MidAtlantic Corp FCU
Middletown, PA 17057

60-8755/2313

No. 0000238297

*** EIGHT HUNDRED DOLLARS AND 00 CENTS ***

10/26/09

\$800.00

RAY **EXACTLY 800 dols 00 cts**

VOID AFTER 90 DAYS

TO THE ORDER OF BILL LAGNA
REF: NOV 2009 BOAT & BOAT SLIP RENTAL

AUTHORIZED SIGNATURE

⑈0000238297⑈ ⑆231387550⑆ ⑆255077299013⑈

Acct: 0000025186 Teller: 0019 Date: 11/05/09 Time: 11:45am

See receipt for reference

Check Number: 02 0000015806

Purpose : SHARE WITHDRAWAL

Amount : \$800.00

Pay to : BILL LAGNA

REF: BOAT AND SLIP RENTAL FOR DEC 09

RON ROBBINS

THIS DOCUMENT HAS VISIBLE FIBERS, INVISIBLE FLUORESCENT FIBERS, CHEMICAL REACTIVE PAPER, AND A TRUE WATERMARK

FREEDOM
FEDERAL CREDIT UNION
Harford County's Better Way to Bank

2019 Emmorton Rd.
Bel Air, MD 21015
(410) 676-5700

Payable through MidAtlantic Corp FCU
Middletown, PA 17057

60-8755/2313

No. 0000015806

11/05/09

\$800.00

*** EIGHT HUNDRED DOLLARS AND 00 CENTS ***

PAY **EXACTLY 800 dols 00 cts**

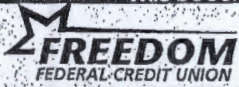
VOID AFTER 90 DAYS

TO THE ORDER OF BILL LAGNA
REF: BOAT AND SLIP RENTAL FOR DEC 09
RON ROBBINS

Roseanne Samuels
AUTHORIZED SIGNATURE

CASHIER'S CHECK

⑈0000015806⑈ ⑆231387550⑆ ⑆255077299013⑈



Harford County's Better Way to Bank

2019 Emmorton Rd.
Bel Air, MD 21015
(410) 678-5700

CORPORATE ACCOUNT
M&T BANK
Baltimore, MD 21201
7-11520

No. 0000249170

*** EIGHT HUNDRED DOLLARS AND 00 CENTS ***

09/27/11

\$800.00

PAY EXACTLY 800 dols 00 cts

VOID AFTER 90 DAYS

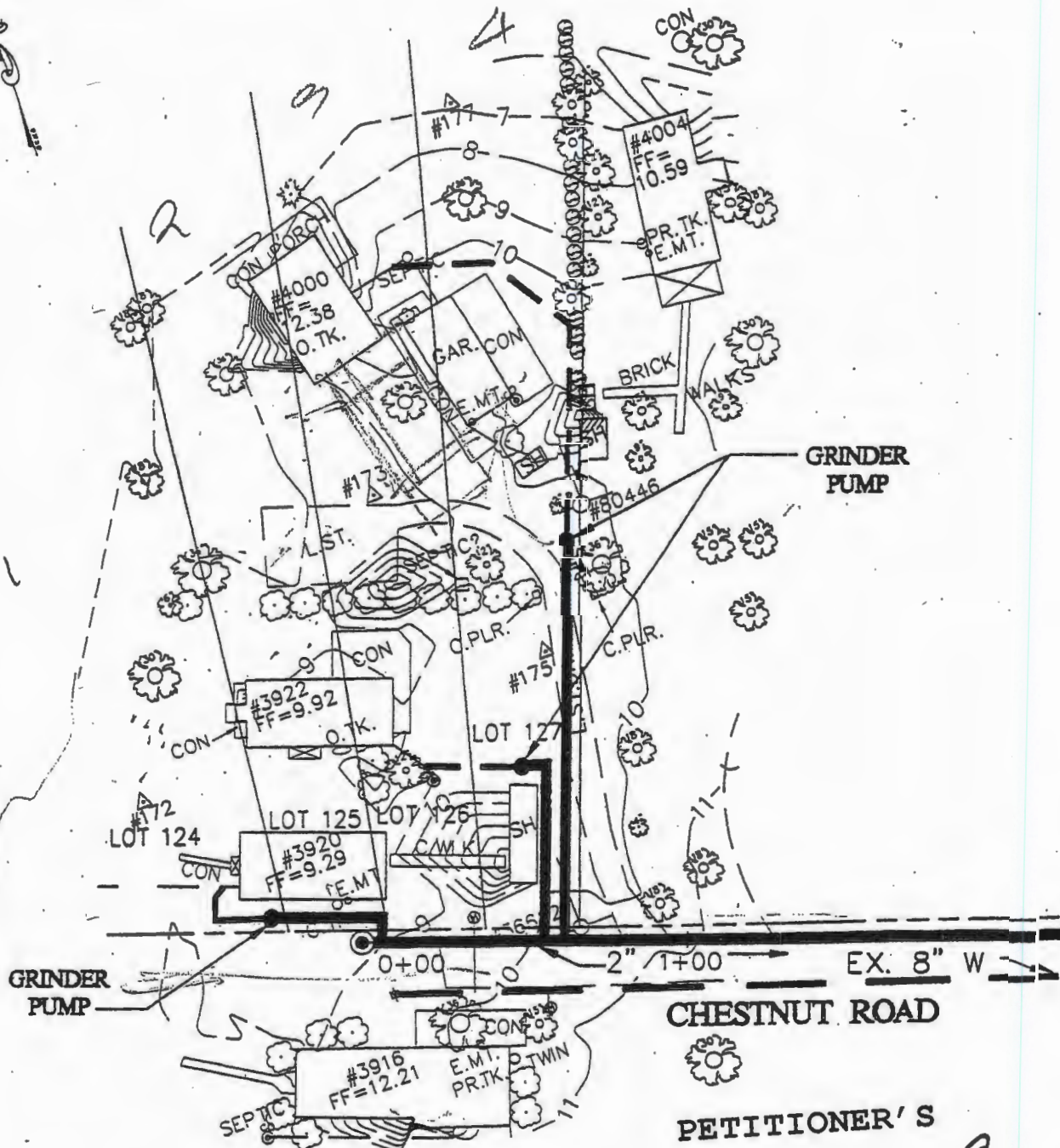
TO THE ORDER OF BILL LAGNA
REF: RONNY C ROBBINS
HOUSE BOAT AND SLIP RENTAL JAN 2012

Rae Ann Lambert
AUTHORIZED SIGNATURE

⑈0000249170⑈ ⑆052000113⑆ 82271452⑈

LOT 124, LOT 125, LOT 126 & LOT 127

Pet Ex 17



PETITIONER'S

EXHIBIT NO. 9

WILLIAM M. & LISA A. LAGNA

TAX NO. 1523000122

OWNER SIGNATURE _____

DATE _____



WHITNEY CONSULTING ENGINEERS
BAILEY 849 FAIRMOUNT AVE.
COX BALTIMORE, MD 21286
MAGNANI 410-512-4500
410-324-4100 (FAX)

CHESTNUT-GOOSE HARBOR AREA
COLLECTION SYSTEM

PROPERTY SKETCH

J.O. 1-85-12

SCALE: 1"=50'

SK-

Name
Service address
Account number

MRS MARY LAGNA
4000 CHESTNUT RD
01812-74064

BALTIMORE

MD 21220

Jan 13 2005

Electric Details

Non-Summer rates in effect

General Service - Schedule G - POLR Type I

Billing period: Nov 10, 2004 - Dec 10, 2004 Days billed: 30
Meter read on Dec 10 Meter # W053310475

Current reading	Previous reading	kWh used
95646	95646	= 0

Name
Service address
Account number

MRS MARY LAGNA
4000 CHESTNUT RD
01812-74064

BALTIMORE

MD 21220

Next reading date

Dec 11 2004

Electric Details

Non-Summer rates in effect

General Service - Schedule G - POLR Type I

Billing period: Oct 13, 2004 - Nov 10, 2004 Days billed: 28
Meter read on Nov 10 Meter # W053310475

Current reading	Previous reading	kWh used
95646	95646	= 0

Name
Service address
Account number

MRS MARY LAGNA
4000 CHESTNUT RD
01812-74064

BALTIMORE

MD 21220

Next reading date

Aug 12 2004

Electric Details

Summer rates in effect

General Service - Schedule G - POLR Type I

Billing period: Jun 14, 2004 - Jul 14, 2004 Days billed: 30
Meter read on Jul 14 Meter # W053310475

Current reading	Previous reading	kWh used
95641	95631	= 10

BGE Elec Supply	5 kWh	x .05835000	.29
	5 kWh	x .07035000	.35

BGE Electric Delivery Service

Customer charge			11.50
Distribution charge	5 kWh	x .02303000	.12
	5 kWh	x .02099000	.10
CTC	10 kWh	x .00575000	.06

State / Local Taxes & Surcharges

MD Universal Svc Prog			.37
State surcharge	10 kWh	x .00015000	.01
Franchise tax	10 kWh	x .00062000	.01
Local tax	10 kWh	x .00530000	.05
State tax		5.00%	.64

Total BGE Electric Amount **\$13.50**

Electric Usage Profile

Month/ year	Type of reading	Days	kWh	Avg daily use	Avg temp
Jul 04	Actual	30	10	.3	75
Jun 04	Actual	32	0	.0	71
Jul 03	Actual	32	48	1.5	74

Summary

Date Billed: Dec 14 2004

BGE Outstanding Balance

25.78

Charges this period:

Next reading date

Dec 11 2004

Summary

Date Billed: Nov 12 2004

Payments Received: Oct 20 2004

\$25.72

BGE Outstanding Balance

13.13

Charges this period:

Next reading date

Aug 12 2004

Summary

Date Billed: Jul 16 2004

BGE Outstanding Balance

12.47

Charges this period:

Late payment charge on Gas/Elec

.18

BGE Electric

13.50

Total charges this period:

13.68

Total amount due by AUG 4 2004

\$26.15

Late charge after Aug 4 2004, add \$.37

\$26.52

Messages

Starting July 1, your Price to Compare is 6.24 cents (\$.0624) per kWh - When shopping for electric suppliers, compare this price to those proposed by other companies. This price reflects the average annual amount a customer on this Standard Offer Service pays per kilowatt-hour for BGE Electric Supply.

Pet Ex 18



Name Mrs Mary Lagna
Service Address 3920 Chestnut Rd
Baltimore MD 21220
Account Number 30346-94224

Summary

Billing Date: July 7, 2010

Payments Received

July 6, 2010 \$17.56

BGE Outstanding Balance \$0.00

Charges this Period

BGE Electric 17.69

Total Charges This Period \$17.69

Total Amount Due by Jul. 30, 2010 \$17.69

Late charge after Jul. 30, 2010, add \$0.26 \$17.95

A late payment charge is applied to the unpaid balance of your BGE charges. The charge is 1.5% for the first month; additional charges will be assessed on unpaid balances past the first month, not to exceed 5%.

Important Information About Your Bill

Effective June 1, 2010, your Price to Compare for the twelve month period ending May 31, 2011 is 10.75 cents (\$.1075) per kWh. When shopping for electric suppliers, compare this price to those proposed by other companies. This price reflects the average amount, for this twelve month period, a customer on this schedule pays per kilowatt-hour for BGE Electric Supply.

Moving? To stop or transfer service, contact BGE at least 3 business days prior to your move date. You are responsible for all service at your present address until you notify us.

Next Scheduled Reading

August 4, 2010

Electric Usage Profile

Month/Year	Type of Reading	Days	kWh	Avg. Daily Use	Avg. Temp
Jul 10	Actual	32	70	2.2	79
Jun 10	Actual	30	69	2.3	68
Jul 09	Actual	33	98	3.0	72

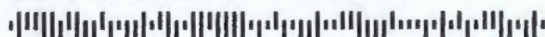
Hot weather can significantly impact your bill. During the current bill period, the temperature at BWI Airport was at or above 85 degrees a total of 227 hours. Find out more at www.bge.com.

Adj Annual Usage Ele 1,067 kWh Gas 0 therms

Please detach here and return this portion with your payment.

Account Number 30346-94224

1019317 01 AV 0.332 **AUTO T4 0 2136 21220-292521 MAI



Mrs Mary Lagna
221 Bowleys-Quarters Rd
Baltimore MD 21220-2925

Please Pay by July 30, 2010

Amount Due

\$17.69

Amount Paid

If paid after July 30, 2010, amount due is \$17.95.

Please make check payable to BGE and include account number.
Thank you!

BGE
P.O. Box 13070
Philadelphia, PA 19101-3070



21303469422440000017691211200000179500

1019317/0000001/0019643

Electric Details

Summer Rates in Effect

Residential - Schedule R

Billing Period: Jun 4, 2010 - Jul 6, 2010

Days Billed: 32

Meter Read on July 6

Meter # S106465616

Current Reading	Previous Reading	kWh Used
2036	1966	70
BGE Electric Supply		
	70 kWh x .11901000	8.33
BGE Electric Delivery Service		
Customer Charge		7.50
EmPower Md. Chg	70 kWh x .00175000	.12
RGGI Rate Credit		-.59
Distribution Charge	70 kWh x .02384000	1.67
RSP Chg/Misc Credit	70 kWh x .00347000	.24
State / Local Taxes & Surcharges		
MD Universal Svc Prog		.37
State Surcharge	70 kWh x .00015000	.01
Franchise Tax	70 kWh x .00062000	.04
Total BGE Electric Amount		\$17.69

The RSP Charge on this bill includes a qualified rate stabilization charge of \$0.00708 per kWh approved by the Maryland PSC that BGE is collecting as service on behalf of RSB BondCo LLC, which owns the qualified rate stabilization charge.

5033216 00 0

Account Number 30346-94224

Federal Tax Identification # 52-0280210

BGE Contact Information**Baltimore****Outside Area****Other BGE Bill Payment Options**

Report Power Outages 1-877-778-2222
 Emergency Service 410-685-0123 1-800-685-0123
 Customer Service 410-685-0123 1-800-685-0123
 Collection/Turn-Off Notices 410-685-2200 1-800-685-2210
 Hearing/Speech Impaired (TTY-TTD) 1-800-735-2258
 Weatherline® 410-662-9225
 Additional BGE Services www.bge.com
 Send Correspondence Only to: P.O. Box 1475, Baltimore, MD 21203

BGEasy Automatic Payment Plan 410-685-0123 1-800-685-0123
 Payments Only to: P.O. Box 13070, Philadelphia, PA 19101-3070
 Hand Deliver to Dropbox (No Cash) 2 Center Plaza
 America's Cash Express (Pay-in-Person) * 1-800-698-1779
 Global Express (Pay-in-Person) * 1-800-989-6669
 Pay-by-Phone * 1-888-232-0088

* (These are third-party services and processing fees may apply.)

Report Results

My Neighborhood

Print Results

Tax Account Number	1516600590	More >
Owner Name	BALTIMORE COUNTY MARYLAND	
Tax Premise Address	2011 ROCKY POINT RD	
Tax Map	0105	
Parcel	0060	
Zoning	RC 5	More >
Zoning	RC 20	More >
Elementary School District	Middleborough ES	More >
Middle School District	Deep Creek MS	More >
High School District	Chesapeake HS	More >

Additional Information

Zoning Review Office FAQ

Office of Planning - Zoning Information

Board of Elections - Who Is My Representative

Maryland State Board of Elections

U.S. Census Bureau - American Fact Finder

Office of Planning - Demographic Research



Pt Ex 10

Report Results

My Neighborhood

Print Results

Tax Account Number

1502655320

More >

Owner Name

BRZEZENSKI
ANDREW D
BRZEZENSKI
FRANCES

Tax Premise Address

1709 WILLIAMS RD

Tax Map

0097

Parcel

0478

Zoning

DR 16

More >

Zoning

DR 5.5

More >

Elementary School District

Mars Estates ES

More >

Elementary School District

Sussex ES

More >

Middle School

More >

Additional Information

Zoning Review Office FAQ

Office of Planning - Zoning Information

Board of Elections - Who Is My Representative

Maryland State Board of Elections

U.S. Census Bureau - American Fact Finder

Office of Planning - Demographic Research



Report Results

My Neighborhood

Print Results

Tax Account Number

2300012141

More >

Owner Name

BALTIMORE COUNTY MARYLAND

Tax Premise Address

SAILAWAY CIR

Tax Map

0090

Parcel

1350

Zoning

DR 2

More >

Zoning

BMM

More >

Zoning

DR 10.5

More >

Elementary School District

Mars Estates ES

More >

Middle School District

Stemmers Run MS

More >

Additional Information

Zoning Review Office FAQ

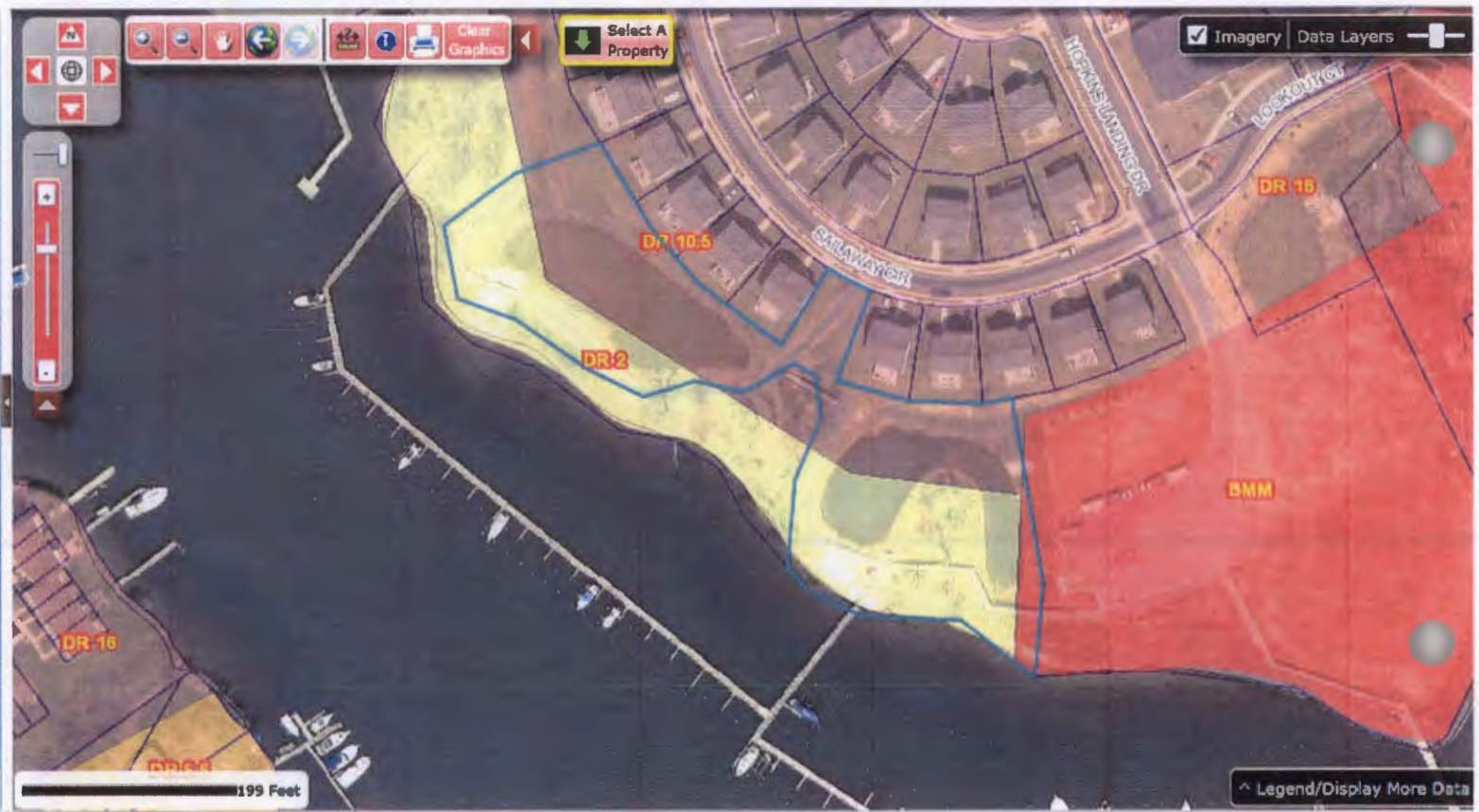
Office of Planning - Zoning Information

Board of Elections - Who Is My Representative

Maryland State Board of Elections

U.S. Census Bureau - American Fact Finder

Office of Planning - Demographic Research



Report Results

My Neighborhood

Print Results

Tax Account Number	1102059110	More >
Owner Name	BOWERMAN GEORGE S JR TRUSTEE	
Tax Premise Address	BOWERMAN RD	
Tax Map	0073	
Parcel	0020	
Zoning	RC 50	More >
Zoning	RC 2	More >
Elementary School District	Vincent Farm ES	More >
Middle School District	Perry Hall MS	More >
High School District	Perry Hall HS	More >

Additional Information

Zoning Review Office FAQ

Office of Planning - Zoning Information

Board of Elections - Who Is My Representative

Maryland State Board of Elections

U.S. Census Bureau - American Fact Finder

Office of Planning - Demographic Research



SECTION 101. Definitions

§ 101.1. Word usage; definitions.

BOATYARD

A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types. [Bill No. 64-1963]

MARINA

A modern boat basin, restricted to recreational marine craft of all types, with facilities for one or more of the following: berthing, launching and securing such craft, and permitting incidental minimum provision for refueling and emergency servicing, as well as the incidental sale of boats and also land (out-of-water) storage as provided in Section 417.7. [Bill Nos. 64-1963; 149-1992]

SECTION 101A. Critical Area Definitions

§ 101A.1. Terms applicable in Chesapeake Bay Critical Area. [Bill No. 137-2004]

In addition to the terms and words defined in Section 101, the following words and terms as used in these regulations have the meanings indicated for application within the Chesapeake Bay Critical Area. Except as otherwise noted, these definitions are applicable only within the Chesapeake Bay Critical Area and shall supersede all other definitions. For the definitions in these regulations of words not defined in this section, refer to §§ 33-1-101 and 33-2-101 of the Baltimore County Code and COMAR, Title 27, Subtitle 01, Chapter 01. Any word or term not defined in Section 101 or Section 101A, in § 33-1-101 or § 33-2-101 of the Baltimore County Code, or in COMAR, Title 27, Subtitle 01, Chapter 01, shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

MARINA

Any facility on tidal waters for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities. Any other definition referring to boatyards, boat basins, etc., shall not be applicable.

YACHT CLUB

A use of waterfront land by a social club which provides recreational facilities, including boat docking, for members and their guests. [Bill No. 136-1996]

SECTION 104. Nonconforming Uses

§ 104.1. Continuation of nonconformance; exceptions. [Bill Nos. 18-1976; 124-1991]

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.

§ 101. Word usage; definitions

NONCONFORMING USE

A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

Track Your Expenses

☐ Airfare ☐ Telephone ☐ Insurance ☐ Medical & Dental ☐ Entertainment & Travel ☐ Medical / Dental ☐ Dependent Care ☐ Savings & Investment ☐ Other

DO NOT USE FOR REORDERING 8150

26 June 2000

BILL LAGNA

One hundred and thirty nine only

THIS PAYMENT 139.00

BALANCE

OTHER

BAL FOR 0

Here's how:
 • Carry balance forward
 • Check type of expense
 • Add dates on memo line
 • Record separately in Debita Check box

Memo: *Package*

1255077049M 1085104M 8752 NOT NEGOTIABLE

Track Your Expenses

☐ Airfare ☐ Telephone ☐ Insurance ☐ Medical & Dental ☐ Entertainment & Travel ☐ Medical / Dental ☐ Dependent Care ☐ Savings & Investment ☐ Other

DO NOT USE FOR REORDERING 8077

27 June 01

BILL LAGNA

Two hundred only

THIS PAYMENT 200.00

BALANCE

OTHER

BAL FOR 0

Here's how:
 • Carry balance forward
 • Check type of expense
 • Add dates on memo line
 • Record separately in Debita Check box

Memo:

1255077049M 1085104M 8077 NOT NEGOTIABLE

Track Your Expenses

☐ Airfare ☐ Telephone ☐ Insurance ☐ Medical & Dental ☐ Entertainment & Travel ☐ Medical / Dental ☐ Dependent Care ☐ Savings & Investment ☐ Other

DO NOT USE FOR REORDERING 8077

29 June 03

BILL LAGNA

Two hundred only

THIS PAYMENT 200.00

BALANCE

OTHER

BAL FOR 0

Here's how:
 • Carry balance forward
 • Check type of expense
 • Add dates on memo line
 • Record separately in Debita Check box

Memo:

1255077049M 1085104M 8077 NOT NEGOTIABLE

S. C. M. C.

400 Chestnut Rd.

5-1991- \$3,025.

Phone - (see Club Membership paper)

Russ & Angie Bullen

Shore - 3922 Chestnut Rd. -

Shore Phone - 335-9687

Home Phone - 665-2653

5-1991- \$1500. (592-3717)

Butch Stroyer

3920 Chestnut Rd.

5-1991- \$1250.

Home Address - 2106
 Phone - 574-6315 Graythorn Rd.
 #21220

Pet. t. 0205 ET 123

RESUME

JAMES S. PATTON, PE, MCP, CRE

PRINCIPAL - PATTON CONSULTANTS, LTD.

Mr. Patton has forty five (45) years' experience in site engineering, site planning, land development consulting, development project management, and real estate counseling for a wide variety of public and private clients. His experience in the private sector has been in residential, commercial, and industrial site development and construction while providing services to corporations, developers, and private individuals. His public sector experience is very broad, as he served as an officer in the U. S. Navy Civil Engineer Corps, as City Engineer and Planner for Washington, PA, and as consultant, either as consulting planner or consulting engineer, to a number of municipalities and governmental agencies including Pittsburgh, PA; Wilmington, DE; New Castle County, DE; Bradford, PA; Fredonia, NY; Wheeling, WV; Wirt and Doddridge Counties, WV; Canonsburg, PA; South Hills Regional Planning Commission, PA; Mt. Lebanon Township, PA; Baltimore County, MD, Harford County, and the U.S. Fish and Wildlife Service. In addition, he has provided site engineering and planning services to many local school boards, hospitals, colleges, and institutions in their development and construction programs, either as a consultant or as a board member.

He has been responsible for projects ranging in size and scope from a few thousand square feet to areas of more than a thousand acres. These projects have included storm water management, water distribution, sanitary sewer, streets, roads, parking areas, grading, building construction, wetlands and critical areas, and erosion control. His background includes involvement with land development projects as manager, consultant, counselor, or expert witness relative to new development, expansion, restoration, renewal and revitalization.

Planning, detail design and plan preparation, approvals and obtaining permits for site development and construction is a major focus. The ability to overview the various elements of site development and building construction such as zoning, environmental concerns, and utilities has been and is an important function performed by Mr. Patton in obtaining approvals and expediting the development of a site or project through completion.

EDUCATION:

SWARTHMORE COLLEGE
UNIVERSITY OF PENNSYLVANIA

*Bachelor of Science, Civil Engineering
Master of City Planning*

LICENSES & CERTIFICATIONS:

PROFESSIONAL ENGINEER

*Maryland - #9493
Pennsylvania & West Virginia (inactive)*

EXPERT WITNESS

*Baltimore County Circuit Court;
Baltimore County District Court;
Board of Appeals and Zoning*

App



4 24

Marc Fruchtbaum
11301 Springfield Road #104
Laurel, MD 20708

Tuesday, February 05, 2013

To Whom It May Concern:

I, Marc Fruchtbaum, a college student in Maryland, have informally used Bill Lagna's property as a boat club for the past 2 years. I have docked my boat on his pier, stored it on land and used the boat ramp numerous times. In exchange for allowing me to have an informal membership to the boat club, I assisted Bill with projects on the property.

As a newcomer to the boating experience, Bill has been invaluable in showing me the proper techniques of boating, water safety and upkeep.

Thank You,

Marc
X Fruchtbaum

Digitally signed by Marc
Fruchtbaum
DN: cn=Marc Fruchtbaum, o, ou,
email=marc@students4tech.com
, c=US
Date: 2013.02.05 00:29:14 -05'00'

Marc Fruchtbaum

APR EX #25



N
↑
APR
1972

Case No.:

2012-239-SPH

DW 6/22/12

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	SDAT printout
No. 2	Aerial Photo (current)	Color Photos Homes in Vicinity
No. 3	Photo - SCMC plaque	Color Photos Lagna Property
No. 4	Lauraville plaque	Lagna deed, Jan. 1994
No. 5	Sign - Lauraville 1937	Extract from Civil Complaint - circuit court
No. 6	1990 Club Roster	
No. 7	Series Color Photos - Lagna Property	
No. 8	Aerial Photo (1938)	
No. 9	Property Sketch - grinder pumps.	
No. 10	BGE Bills	
No. 11	Color Photos - marinas in vicinity	
No. 12	Packet of Letters - Boat Club members	

(over) →



PETITIONER'S

EXHIBIT NO. 2

Carroll



PETITIONER' S

EXHIBIT NO. 3



PETITIONER'S

EXHIBIT NO.

9













PETITIONER'S

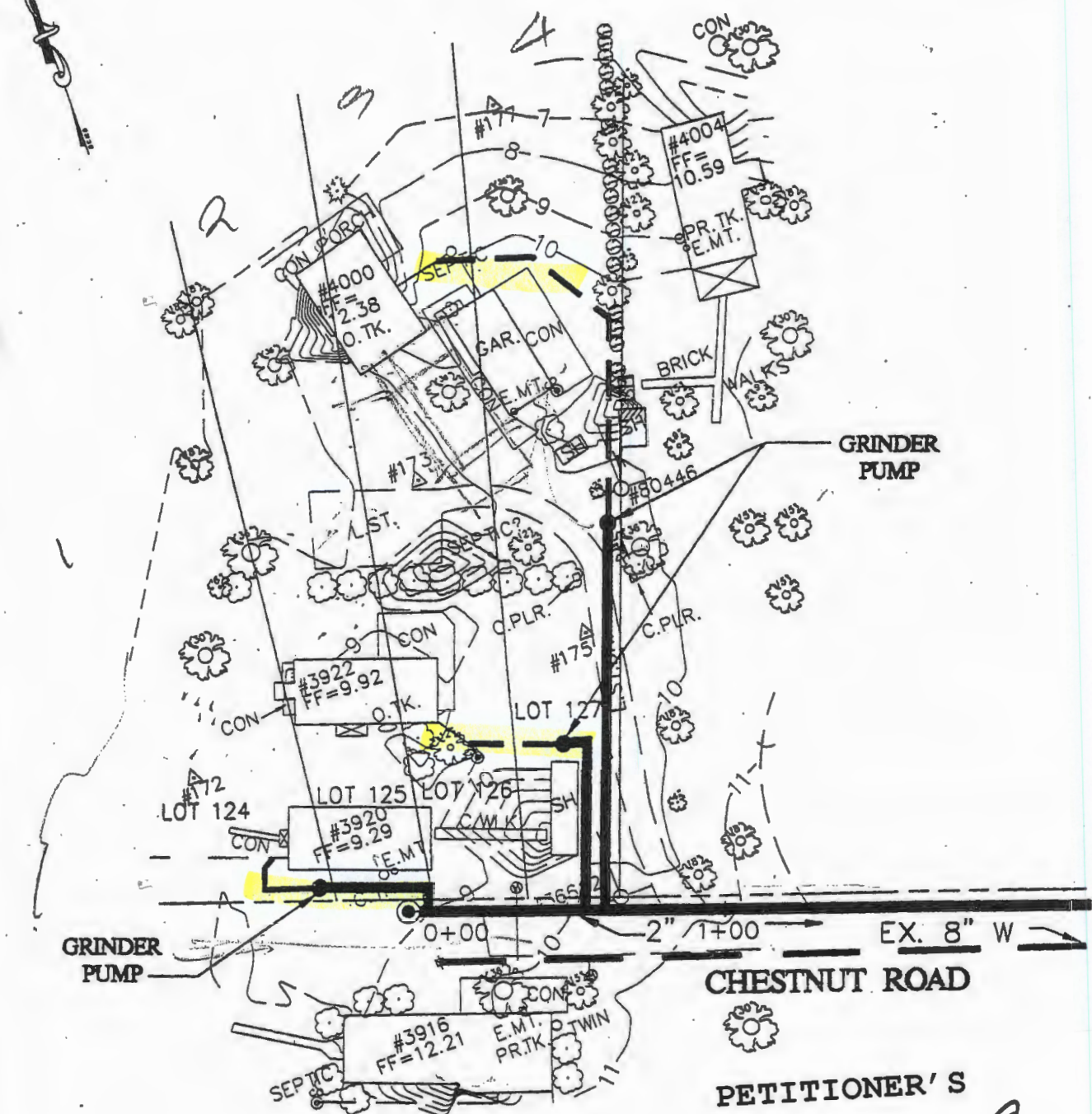
EXHIBIT NO.

8

APR
1938

N
↑

LOT 124, LOT 125, LOT 126 & LOT 127



PETITIONER'S

EXHIBIT NO. 9

WILLIAM M. & LISA A. LAGNA

TAX NO. 1523000122

OWNER SIGNATURE _____

DATE _____



WHITNEY CONSULTING ENGINEERS
BAILEY 849 FAIRMOUNT AVE.
COX BALTIMORE, MD 21286
MAGNANI 410-512-4500
410-324-4100 (FAX)

CHESTNUT-GOOSE HARBOR AREA
COLLECTION SYSTEM

PROPERTY SKETCH

J.O. 1-85-12

SCALE: 1"=50'

SK-



Name Mrs Mary Lagna
Service Address 3920 Chestnut Rd
Baltimore MD 21220
Account Number 30346-94224

Summary

Billing Date: July 7, 2010

Payments Received

July 8, 2010 \$17.56

BGE Outstanding Balance \$0.00

Charges this Period

BGE Electric 17.69

Total Charges This Period \$17.69

Total Amount Due by Jul. 30, 2010 \$17.69

Late charge after Jul. 30, 2010, add \$0.26 \$17.95

A late payment charge is applied to the unpaid balance of your BGE charges. The charge is 1.5% for the first month; additional charges will be assessed on unpaid balances past the first month, not to exceed 5%.

Important Information About Your Bill

Effective June 1, 2010, your Price to Compare for the twelve month period ending May 31, 2011 is 10.75 cents (\$.1075) per kWh. When shopping for electric suppliers, compare this price to those proposed by other companies. This price reflects the average amount, for this twelve month period, a customer on this schedule pays per kilowatt-hour for BGE Electric Supply.

Moving? To stop or transfer service, contact BGE at least 3 business days prior to your move date. You are responsible for all service at your present address until you notify us.

Next Scheduled Reading

August 4, 2010

Electric Usage Profile

Month/ Year	Type of Reading	Days	kWh	Avg. Daily Use	Avg. Temp
Jul 10	Actual	32	70	2.2	79
Jun 10	Actual	30	69	2.3	68
Jul 09	Actual	33	98	3.0	72

Hot weather can significantly impact your bill. During the current bill period, the temperature at BWI Airport was at or above 85 degrees a total of 227 hours. Find out more at www.bge.com.

PETITIONER'S

EXHIBIT NO. 10

Adj Annual Usage Ele 1,067 kWh Gas 0 therms

Please detach here and return this portion with your payment.

Account Number 30346-94224

1019317 01 AV 0.332 **AUTO T4 G 2136 21220-292521 MAI



Mrs Mary Lagna
221 Bowleys-Quarters Rd
Baltimore MD 21220-2925

Please Pay by July 30, 2010

Amount Due	Amount Paid
\$17.69	

If paid after July 30, 2010, amount due is \$17.95.

Please make check payable to BGE and include account number.
Thank you!

BGE
P.O. Box 13070
Philadelphia, PA 19101-3070

21303469422440000017691211200000179500



1019317/0000001/0019643

Summer Rates in Effect

Billing Period: Jun 4, 2010 - Jul 6, 2010

Days Billed: 32

Meter Read on July 6

Meter # S106465616

Current Reading		Previous Reading		kWh Used
2036	-	1966	=	70

BGE Electric Supply	70 kWh x.11901000	8.33
----------------------------	-------------------	------

Customer Charge	7.50
-----------------	------

EmPower Md. Chg	70 kWh x .00175000	.12
-----------------	--------------------	-----

RGGI Rate Credit	-59
------------------	-----

Distribution Charge	70 kWh x .02384000	1.67
---------------------	--------------------	------

RSP Chg/Misc Credit	70 kWh x .00347000	.24
---------------------	--------------------	-----

MD Universal Svc Prog .37

State Surcharge	70 kWh x .00015000	.01
-----------------	--------------------	-----

Franchise Tax	70 kWh x .00062000	.04
---------------	--------------------	-----

Total BGE Electric Amount	\$17.69
----------------------------------	----------------

The RSP Charge on this bill includes a qualified rate stabilization charge of \$0.00708 per kWh approved by the Maryland PSC that BGE is collecting as service on behalf of RSB BondCo LLC, which owns the qualified rate stabilization charge.

5033216 00 0

Account Number 30346-94224

Federal Tax Identification # 52-0280210

BGE Contact Information

Baltimore

Outside Area

Other BGE Bill Payment Options

Report Power Outages 1-877-778-2222

BGEasy Automatic Payment Plan 410-685-0123 1-800-685-0123

Emergency Service 410-685-0123 1-800-685-0123

Payments Only to: P.O. Box 13070, Philadelphia, PA 19101-3070

Customer Service 410-685-0123 1-800-685-0123

Hand Deliver to Dropbox (No Cash) **2 Center Plaza**

Collection/Turn-Off Notices 410-685-2200 1-800-685-2210

America's Cash Express (Pay-in-Person) * **1-800-698-1779**

Hearing/Speech Impaired (TTY-TTD) 1-800-735-2258

Global Express (Pay-in-Person)* **1-800-989-6669**

Weatherline® **410-662-9225**

Pay-by-Phone * **1-888-232-0088**

Additional BGE Services www.bge.com

Send Correspondence Only to: P.O. Box 1476, Baltimore, MD 21203

*** (These are third-party services and processing fees may apply.)**

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any areas for improvement.

040347#



Name William Michael Lagna
Service Address 3922 Chestnut Rd
Baltimore MD 21220
Account Number 58084-82247

Summary

Billing Date: January 5, 2011

Payments Received

December 8, 2010 \$39.06

BGE Outstanding Balance \$19.56

Charges this Period

BGE Electric 39.06

Late Payment Charge On Gas/Elec 0.29

Total New Charges Due Jan. 31, 2011 \$39.37

Total Amount Due (Prior and New) \$58.93

Late charge after Jan. 31, 2011, add \$0.87 \$59.80

A late payment charge is applied to the unpaid balance of your BGE charges. The charge is 1.5% for the first month; additional charges will be assessed on unpaid balances past the first month, not to exceed 5%.

Next Scheduled Reading

February 3, 2011

Electric Usage Profile

Month/ Year	Type of Reading	Days	kWh	Avg. Daily Use	Avg. Temp
Jan 11	Actual	3	245	7.4	32
Dec 10	Actual	30	94	3.1	47

Profile data not available this month.

Cold weather can significantly impact your bill. During the current bill period, the temperature at BWI Airport was at or below freezing a total of 474 hours. Find out more at www.bge.com.

Important Information About Your Bill

BGE Electric Supply Price Comparison Information: The current price for Standard Offer Service electricity is 10.029 cents/kWh, effective through May 31, 2011. Standard Offer Service electricity will cost 9.960 cents/kWh beginning on June 1, 2011 through September 30, 2011. The price of Standard Offer Service electricity after September 30, 2011 has not yet been set. The weighted average price of Standard Offer Service electricity will be 10.038 cents/kWh through September 30, 2011.

Moving? To stop or transfer service, contact BGE at least 3 business days prior to your move date. You are responsible for all service at your present address until you notify us.

This bill reflects new delivery rates as authorized by the Public Service Commission.

Adj Annual Usage Ele 1,716 kWh Gas 0 therms

Electric Details

Non-Sum Rates in Effect

Residential - Schedule R

Billing Period: Dec 3, 2010 - Jan 5, 2011

Days Billed: 33

Meter Read on January 5

Meter # G023142303

Current Reading	Previous Reading	kWh Used
17580	17335	245

BGE Electric Supply 245 kWh x .10029000 24.57

BGE Electric Delivery Service

Customer Charge		7.50
EmPower Md. Chg	245 kWh x .00250000	.61
RGGI Rate Credit		-.38
Distribution Charge	245 kWh x .02316000	5.67
RSP Chg/Misc Credit	245 kWh x .00224000	.55

State / Local Taxes & Surcharges

MD Universal Svc Prog		.37
State Surcharge	245 kWh x .00015000	.04
Franchise Tax	245 kWh x .00062000	.15

Total BGE Electric Amount \$39.08

The RSP Charge on this bill includes a qualified rate stabilization charge of \$0.00574 per kWh approved by the Maryland PSC that BGE is collecting as servicer on behalf of RSB BondCo LLC, which owns the qualified rate stabilization charge.

5039917 00 0

Account Number 58084-82247

Federal Tax Identification # 52-0260210

BGE Contact Information	Baltimore	Outside Area	Other BGE Bill Payment Options
Report Power Outages		1-877-78-2222	BGE Easy Automatic Payment Plan 410-685-0123 1-800-685-0123
Emergency Service	410-685-0123	1-800-685-0123	Payments Only to: P.O. Box 13870, Philadelphia, PA 19101-3070
Customer Service	410-685-0123	1-800-685-0123	Hand Delivered: Drop-off No Cash 2 Center Plaza
Collection/Turn-Off Notices	410-685-2200	1-800-685-2211	American Cash Express (Pay-in-Person) 1-800-698-1779
Hearing/Speech Impaired (TTY-TDD)		1-800-735-2258	Global Express (Pay-in-Person) 1-800-989-6669
Weatherline®		410-682-9226	Pay-by-Phone 1-888-332-0088
Additional BGE Services		www.bge.com	
Send Correspondence Only to:	P.O. Box 1475, Baltimore, MD 21203		

*(These are third-party services and processing fees may apply)



Name William Michael Lagna
Service Address 4000 Chestnut Rd
Baltimore MD 21220
Account Number 89431-22378

Summary

Billing Date: January 10, 2011

Payments Received

December 14, 2010 \$52.57

BGE Outstanding Balance \$25.27

Charges this Period

BGE Electric 185.26

Late Payment Charge On Gas/Elec 0.35

Total New Charges Due Jan. 27, 2011 \$185.61

Total Amount Due (Prior and New) \$210.88

Late charge after Jan. 27, 2011, add \$2.87 \$213.75

A late payment charge is applied to the unpaid balance of your BGE charges. The charge is 1.5% for the first month; additional charges will be assessed on unpaid balances past the first month, not to exceed 5%.

Important Information About Your Bill

BGE Electric Supply Price Comparison Information: The current price for Standard Offer Service electricity is 10.061 cents/kWh, effective through May 31, 2011. Standard Offer Service electricity will cost 9.565 cents/kWh beginning on June 1, 2011 through September 30, 2011. The price of Standard Offer Service electricity after September 30, 2011 has not yet been set. The weighted average price of Standard Offer Service electricity will be 9.940 cents/kWh through September 30, 2011.

This bill reflects new delivery rates as authorized by the Public Service Commission.

Next Scheduled Reading

February 4, 2011

Electric Usage Profile

Month/Year	Type of Reading	Days	kWh	Avg. Daily Use	Avg. Temp
Jan 11	Actual	33	1204	36.5	32
Dec 10	Actual	29	72	2.5	45
Prior data not available this month					

Cold weather can significantly impact your bill. During the current bill period, the temperature at BWI Airport was at or below freezing a total of 486 hours. Find out more at www.bge.com.

Adj Annual Usage Ele 5,448 kWh Gas 0 therms

Electric Details

Non-Summary Rates in Effect

General Service - Schedule G - POLR Type I

Billing Period: Dec 4, 2010 - Jan 6, 2011

Days Billed: 33

Meter Read on January 6

Meter # W053310475

Current Reading		Previous Reading		kWh Used
7281	-	6077	=	1204

BGE Electric Supply	1204 kWh x .10061000	121.13
---------------------	----------------------	--------

BGE Electric Delivery Service

Customer Charge		11.50
EmPower Md. Chg	1204 kWh x .00123000	1.48
Distribution Charge	1204 kWh x .02544000	30.63

State / Local Taxes & Surcharges

MD Universal Svc Prog		3.09
State Surcharge	1204 kWh x .00015000	.18
Franchise Tax	1204 kWh x .00062000	.75
Local Tax	1204 kWh x .00530000	6.38
State Tax	6.00%	10.12

Total BGE Electric Amount		\$185.20
----------------------------------	--	-----------------

5034985 00 0

Account Number 89431-22378

Federal Tax Identification # 52-0280210

BGE Contact Information	Baltimore	Outside Area	Other BGE Bill Payment Options
Report Power Outages		1-877-778-2722	BGE Easy Automatic Payment Plan 410-685-0123 1-800-685-0123
Emergency Service	410-685-0123	1-800-685-0123	Payments Only to: P.O. Box 1475, Philadelphia, PA 19107-3070
Customer Service	410-685-0123	1-800-685-0123	Hand Deliver to Dropbox (No Cash) 2 Center Plaza
Collection/Turn-Off Notices	410-685-2200	1-800-685-2200	America's Cash Express (Pay in Person) 1-800-685-0179
Hearing/Speech Impaired (TTY-TTD)		1-800-735-2768	Global Express (Pay in Person) 1-800-685-0179
Weatherline®		410-662-3726	Pay by Phone 1-800-685-0179
Additional BGE Services		www.bge.com	
Send Correspondence Only to:	P.O. Box 1475, Baltimore, MD 21203		

*These are third-party services and processing fees may apply.

Evergreen



PETITIONER' S

EXHIBIT NO.

11



271 Feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 6/8/2012

MAR 11

Marley





Prepared by Baltimore County GIS Services Unit
Date: October 4, 2012
Date of Imagery: 1995
The Cadastral information on this Map was compiled from existing deed, plat, or
tax map information. This information is not to be considered authoritative. The
property information was not field checked and certified by a licensed land surveyor.

1 inch = 50 feet



P.C. EX. 1A



Marco



January 8, 2012

To whom it may concern,

I was a club member in the Seneca Men's Club from 1964 to 1993. The club was located at 4000 Chestnut Road, in Bowley's Quarters in Balto. County. All records on this club were destroyed when the club disbanded in 1993.

Sincerely,
J. Janowski

PETITIONER'S

EXHIBIT NO. 12

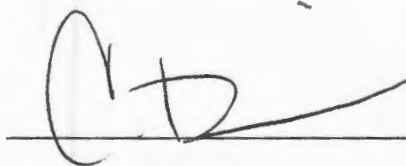
DATE:

SUBJECT: Boat Club at 4000 Chestnut Road

To Whom It May Concern,

My name is CHRIS PINE and I live at 4016
Chestnut Road. I have lived there for 35 years. To the
best of my knowledge, the Boat Club has been at 4000
Chestnut Road for 35 years.
You may contact me if you would like any more information.

Respectfully,


CHRIS PINE

Phone 443-465-8500

January 4, 2012

To Whom it May Concern:

I, Dennis Schrack, was a boat club member, at 4000 Chestnut Road, Baltimore MD 21220, from 1987 to approximately 1993. There were about 30 members. The club was then sold to Mr. Lagna. Mr. Lagna offered our members the opportunity to remain members of his club. My sponsor, when I joined the club, was Mr. Joseph Jankowski. He was a member since 1964. The original club name was Blue Star Club. We changed the name to Seneca Creek Maritime Club in late 1989.

Sincerely,

A handwritten signature in cursive script that reads "Dennis Schrack". The signature is written in dark ink and is positioned above the printed name.

Dennis Schrack

26 January 2011

SUBJECT: 4000 Chestnut Road

Seneca Creek Mariner's Club

To Whom It May Concern,

I would like to add to my other letter that the Seneca Creek Mariner's Club held annual fundraisers at the local Fire Hall each year. I did check but the fire hall did not have records that went back that far. However, many people attended these events over the years and some may recall the bull roasts.

Respectfully,

A handwritten signature in cursive script that reads "Dennis Schrack". The signature is written in dark ink and is positioned below the word "Respectfully,".

Dennis Schrack

January 6, 2012

To Whom It May Concern:

My name is George Weber. I was a boat club member, at 4000 Chestnut Road, Baltimore MD 21220, from 1989 to approximately 1993. There were about 30 members at any one time. The club was then sold to Mr. Lagna. Mr. Lagna purchased the club and the property in 1993 and offered the members the opportunity to remain members of the club. I joined the club through my sponsor, Mr. Dennis Schrack. He was a member since 1987. The club's name when I joined was "Seneca Creek Maritime Club".

Sincerely,

A handwritten signature in cursive script that reads "George Weber". The signature is written in dark ink and is positioned above the printed name.

George Weber

To: Hearing Officer

Baltimore County Zoning and Enforcement Office

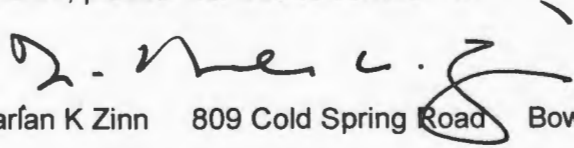
Date: December 21, 2011

Subject: William Lagna Property – 4000 Chestnut Road, Baltimore, MD 21220

For the Record:

As a property owner in Bowleys Quarters in Baltimore County and a past officer and current Board member of the Bowleys Quarters Community Association, I wanted to go on record as acknowledging that property known as 4000 Chestnut Road, Baltimore, MD 21220 (owned by William Lagna) has been in continuous use for longer than twenty years as a private boat club for boat storage and mooring. Not only have I reviewed various documents attesting to such use, but I have personally moored and stored my boat on occasions there.

In addition, Mr. Lagna has in the very recent past upgraded the property with new electric service, a new pier, new water and sewer services and the reconstruction of concrete footers for the larger of four improvements currently located on the site. Furthermore, the property continues to be used for mooring and the storage of boats. Should you need further information, please feel free to contact me.


Dr. Harlan K Zinn 809 Cold Spring Road Bowleys Quarters, MD 21220

P: 410-486-2899 O: 410.580.2980 F: 410.486.1184 C: 443.801.3472

DATE: January 26 2012

SUBJECT: Historic use of 4000 Chestnut Road

To Whom It May Concern,

I am writing this letter on behalf of Mr. William Lagna concerning the historic use of the property at 4000 Chestnut Road. As a past owner I can tell you that the properties were clearly a boat club and marina when purchased in 1993 and had a long history prior to that. I also owned the property at 4012 Chestnut Road (just 3 lots up the street) for several years prior and recall the parties of the boat club members' during summer.

The boat club was quite old when I purchased it in 1993 and recall the member's stories from the previous 20 years or more. We offered any old members stay on when we first leased the property in 1992 and purchased in 1993. Some did and we added friends and family. We replaced piers and moved and updated the boat ramp. When we purchased it there were quite a few boats and an RV on the property. A mural on a wall showed SCMC 1963. A wooden plaque inside one of the houses read "Lauraville Boat and Swim Club 1937". The structures date from 1937 or about. Two of the houses were rented, and two other structures were the main clubhouse and the clubhouse kitchen and hall, which was separate and quite large to accommodate the many round tables for events. Before purchase, there were no bathrooms in either boat club building, and there was no kitchen in the main 'house'. Showers and rows of outhouses existed in a third building, all arranged as part of a boat club and marina facility. The pier was huge for the marina with many slips (which we replaced), there was a boat ramp (which we replaced), an engine hoist and a party gazebo (still there). The seller installed a new septic, water and basic plumbing as a condition of the sale. These peculiarities indicate that the corner buildings were never anything but boat and swim club structures as the plaques and reliefs indicate.

We maintained the use after purchase but with fewer and quieter members than the 32 'rowdies' that came with the property. Very simply, it was an old boat club and marina that we bought. We maintained it as such with the hopes of eventually building a residence on the properties. At the time there were 2 similar boat clubs within immediate sight across the river - Seneca Creek Marina and Eastern Rod and Boat Club. One still remains, and the other went full commercial even though it was a tiny lot for a marina.

If you have any question please feel free to contact me,

Respectfully,

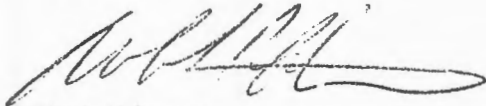
Lisa Schwartz 19 Halbright Court, 21093 Phone: 410-252-6060

24 JAN 2012

To whom it may concern,

I have kept my boat at Seneca Creek Mariners Club in Bowleys Quarters since 1997. I have used the marina to store my boat, and used the ramp, docks and other recreation facilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Althouse', with a stylized flourish at the end.

Mark Althouse

607 Southwarke Rd

Bel Air, MD 21014

CREEK

SENECA

PETITIONER'S

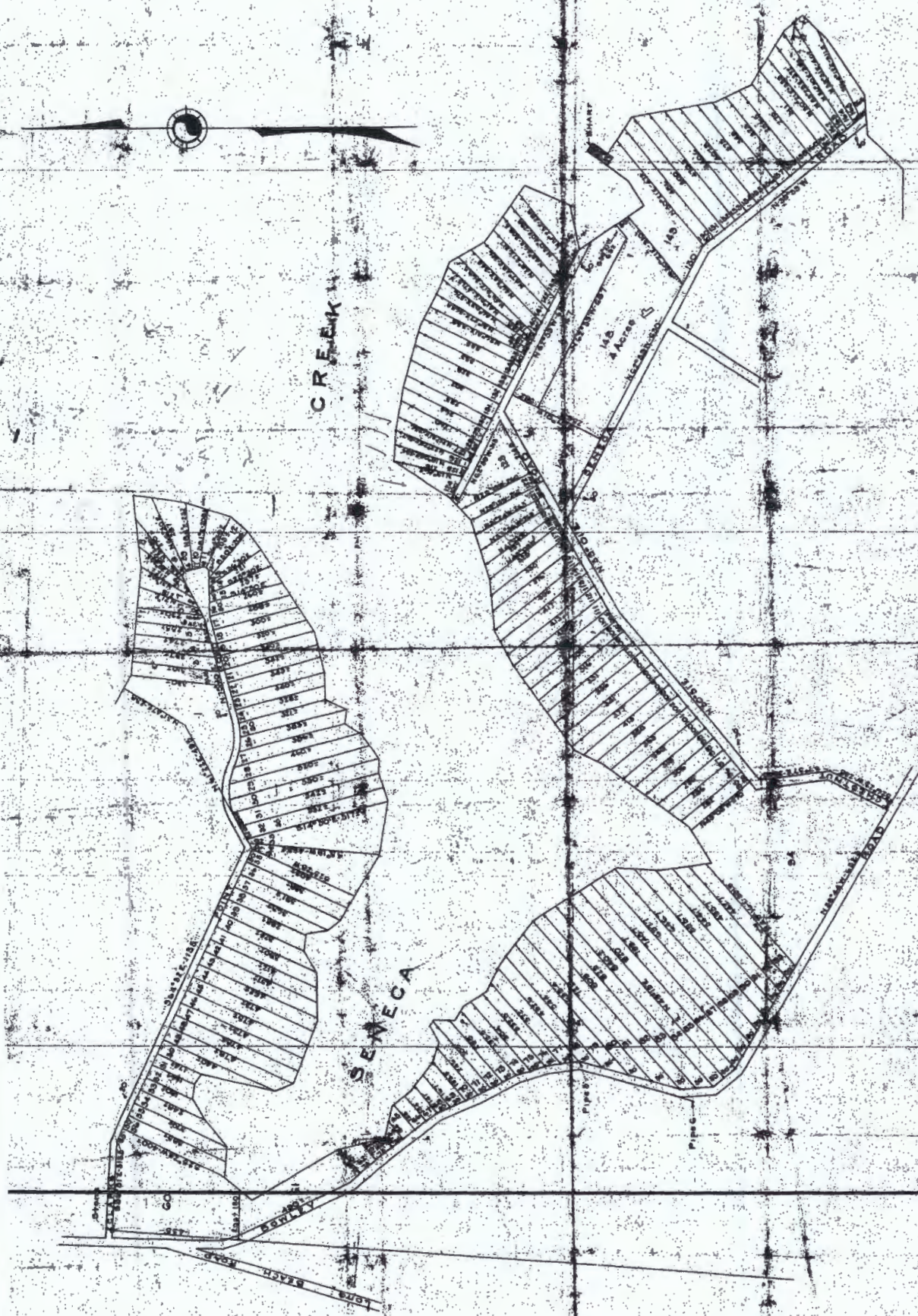
EXHIBIT NO.

13

BOWLEYS QUARTER
PLAT NO. 2

Scale 1:200
April 1888
Edward V. Condon and Company
Surveyors and Civil Engineers
Baltimore, Md.

* Indicates Location of Stake





prepared by Geographic Information Services
altimore County Office of Information Technology
usiness Applications
nagery Date: 1995

NOTE: BOUNDARY LINES ARE APPROXIMATE
ND WERE NOT CERTIFIED BY A LICENSED SURVEYOR

PETITIONER'S

EXHIBIT NO.

14

**SCHEDULE C
(Form 1040)**

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2010

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

▶ Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
▶ Attach to Form 1040, 1040NR, or 1041. ▶ See Instructions for Schedule C (Form 1040).

Name of proprietor **WILLIAM M. LAGNA** Social security number (SSN) [REDACTED]

A Principal business or profession, including product or service (see instructions)
MARINA **B** Enter code from pages C-9, 10, & 11
▶ **9999999**

C Business name. If no separate business name, leave blank.
SENECA CREEK MARINE CLUB **D** Employer ID number (EIN), if any

E Business address (including suite or room no.) ▶ **4000 CHESTNUT RD**
City, town or post office, state, and ZIP code **MIDDLE RIVER MD 21220**

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ▶

G Did you "materially participate" in the operation of this business during 2010? If "No," see instructions for limit on losses ☒ Yes ☐ No

H If you started or acquired this business during 2010, check here ▶ ☐

Part I

**SCHEDULE C
(Form 1040)**

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2009

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

▶ Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
▶ Attach to Form 1040, 1040NR, or 1041. ▶ See Instructions for Schedule C (Form 1040).

Name of proprietor **WILLIAM M. LAGNA** Social security number (SSN) [REDACTED]

A Principal business or profession, including product or service (see page C-2 of the instructions)
MARINA **B** Enter code from pages C-9, 10, & 11
▶

C Business name. If no separate business name, leave blank.
SENECA CREEK MARINERS CLUB **D** Employer ID number (EIN), if any

E Business address (including suite or room no.) ▶ **4000 CHESTNUT ROAD**
City, town or post office, state, and ZIP code **MIDDLE RIVER MARYLAND 21220**

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ▶

G Did you "materially participate" in the operation of this business during 2009? If "No," see page C-3 for limit on losses ☒ Yes ☐ No

H If you started or acquired this business during 2009, check here ▶ ☐

**SCHEDULE C
(Form 1040)**

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2008

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

▶ Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
▶ Attach to Form 1040, 1040NR, or 1041. ▶ See Instructions for Schedule C (Form 1040).

Name of proprietor **WILLIAM M. LAGNA** Social security number (SSN) [REDACTED]

A Principal business or profession, including product or service (see page C-3 of the instructions)
MARINA, BOAT CLUB **B** Enter code from pages C-9, 10, & 11
▶ **9999999**

C Business name. If no separate business name, leave blank.
SENECA CREEK MARINE CLUB LAGNA MEDALLION **D** Employer ID number (EIN), if any

E Business address (including suite or room no.) ▶ **4000 CHESTNUT**
City, town or post office, state, and ZIP code **MIDDLE RIVER MD 21220**

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ▶

G Did you "materially participate" in the operation of this business during 2008? If "No," see page C-4 for limit on losses ☒ Yes ☐ No

H If you started or acquired this business during 2008, check here ▶ ☐

PETITIONER'S

EXHIBIT NO.

15

BOAT

<u>Type</u>	<u>Owner</u>	<u>Note</u>
Carrie Craft	William A. Lagna/Ronnie Robbins	always in water
28 Slickcraft	David Lagna	
27 Grady White	Kate Lagna	
24 Slickcraft	Dave Lagna	for sale - will be moved soon
24 Penn Yan	William M. Lagna	
22 SeaWolf	William M. Lagna	
21 Hydrasports	Mark Schaller	often not in club
21 Trophy	Mark and Linda Althouse	
21 Winner	Larry B. Lewis	often not in club
21 Penn Yan	William Lagna	
20 Slickcraft	Doug Celmer	will be moved soon
19 MFG	Mark Fruchtbaum	often not in club
19 MFG	Jim McDonough	
19 MFG	Ronnie Robbins	
19 MFG	Doug Celmer	trailed - often not in club
19 Larson	Dorothy Berg	
18 Winner	Larry Lewis	
18 Crosby	Bob Sutton	for sale
18 Speedliner	Ronnie Robbins	
18 Molinari	William M. Lagna	will be moved
18 Winner	Larry Lewis	
18 Penn Yan	William M. Lagna	often not in club - traileed
17 Formula	John Gibsoni	will move in March to PA
17 Critchfield	William M. Lagna	will be moved soon
19 /18/16/15 MFG hulls	William M. Lagna	

EXEMPT BOATS UNDER 16 FEET

<u>Type</u>	<u>Owner</u>	<u>Note</u>
16 Switzer	Brendon Lagna	will be moved
16 Magnum	William M. Lagna	will be moved
16 Century	Dave Lagna	traileed
16 Sundance	Larry Lewis	often not in club
16 Starcraft	Dennis Shrack	may be moved soon
15 Sunbird	Kerri Schaller	traileed- often not in club
16 Sea Ray	Kate Lagna	traileed - often not in club
Various 12 and 14 rowboats - mostly mine, some others too		
13 vagabond sailboats (2) Kate Lagna and Lisa Schwartz		
12 Guppy sailboat	Denise Nazelrod	

PETITIONER' S

EXHIBIT NO.

16

Case No.:

2012-239-SPH

DW 6/22/12

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	SDAT printout
No. 2	Aerial Photo (current)	Color Photos Homes in Vicinity
No. 3	Photo - SCMC plaque	Color Photos Lagna Property
No. 4	Lauraville plaque	Lagna deed, Jan. 1994
No. 5	Sign - Lauraville 1937	Extract from Civil Complaint - circuit court
No. 6	1990 Club Roster	
No. 7	Series Color Photos - Lagna Property	SS: BERNIE/PHIL/WMJ
No. 8	Aerial Photo (1938)	
No. 9	Property Sketch - grinder pumps	
No. 10	B6E Bills	
No. 11	Color Photos - marinas in vicinity	
No. 12	Packet of Letters - Boat Club members	

/overl →

1988-1993 old
chestnut
property

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1523000123

Owner Information

Owner Name: LAGNA WILLIAM M **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 221 BOWLEYS QUARTERS RD
BALTIMORE MD 21220-2925 **Deed Reference:** 1) /16275/ 00732
2)

Location & Structure Information

Premises Address
4000 CHESTNUT RD
0-0000

Legal Description
LT 125,126,127
4000 CHESTNUT RD
Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0091	0022	0150		0000			125	3		2
									Plat Ref:	0007/ 0013

Town NONE

Special Tax Areas

Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	2,704 SF	29,280 SF	34

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT	WOOD SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	326,300	266,300		
Improvements:	83,700	65,600		
Total:	410,000	331,900	410,000	331,900
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
LAGNA WILLIAM M	04/03/2002	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16275/ 00732	Deed2:
WRIGHT FOSTER WILLIAM, JR	02/03/1994	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10324/ 00401	Deed2:
WRIGHT GRACE ELEANOR	09/01/1989	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08265/ 00430	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Prot. #1

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1523000122

Owner Information

Owner Name: LAGNA WILLIAM M **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 221 BOWLEYS QUARTERS RD **Deed Reference:** 1) /16275/ 00732
BALTIMORE MD 21220-2925 2)

Location & Structure Information

Premises Address
3920 CHESTNUT RD
0-0000

Legal Description

3920 CHESTNUT RD
Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
0091	0022	0150		0000			124	3	Plat Ref:	0007/ 0013

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		13,224 SF	34

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	34,300	28,300		
Improvements:	600	400		
Total:	34,900	28,700	34,900	28,700
Preferential Land:	0			0

Transfer Information

Seller: LAGNA WILLIAM M	Date: 04/03/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16275/ 00732	Deed2:
Seller: WRIGHT FOSTER WILLIAM, JR	Date: 02/03/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10324/ 00401	Deed2:
Seller: WRIGHT GRACE ELEANOR	Date: 09/01/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08265/ 00430	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Prot. #2











**PRIVATE
RAMP**

**NO
TRESPASSING**

NOTICE



THIS PROPERTY
IS PROTECTED
BY VIDEO
SURVEILLANCE

(Individual Form)
File No. 19004

4000 Chestnut Road

Street address or tax
account identification number

This Deed, Made this 11th day of January, in the year one thousand nine hundred and ninety-four, by and between POSTER WILLIAM WRIGHT, JR. of Baltimore County, State of Maryland, party of the first part, Grantor, and WILLIAM M. LAGNA AND LISA A. LAGNA, his wife, parties of the second part, Grantees.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration this day paid in connection with this conveyance being \$ 250,000.00, said Grantor does hereby grant, convey and assign unto the said parties of the second part, as tenants by the entireties, their assigns, and to the survivor of them, and the personal representatives, heirs and assigns of the survivor in fee simple,

-----all that lot(s) of ground situate in Baltimore County----- in the State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME and being known as Lots Nos. 124, 125, 126 and 127, as shown on Plat No. 2 of the property of Bowleys Quarters Company of Baltimore County, which Plat is duly filed among the Land Records of Baltimore County, in Plat Book W.P.C. No. 7, folio 13.

THE IMPROVEMENTS thereon being known as No. 4000 Chestnut Road.

BEING part of the property which by Deed dated July 27, 1909 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8265, folio 430, was granted and conveyed by Foster William Wright, Jr. to Foster William Wright, Jr. and Joan M. Wright, his wife, the said Joan M. Wright having since departed this life on or about the 22nd day of July, 1993.

William M. Lagna and Lisa A. Lagna, his wife, Grantees in the within Deed from William Foster Wright, Jr., Grantor, do hereby certify under the penalties of perjury, that the land conveyed in said Deed is residentially improved owner-occupied real property and that the residence will be occupied by us.

William M. Lagna
William M. Lagna-Grantee

Lisa A. Lagna
Lisa A. Lagna-Grantee

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

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE William M. Lagna DATE 9-9-94

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

William M. Lagna
Attorney-at-Law

EXHIBIT

C

Post #4

Bowleys Quarters Company of Baltimore County. Attached hereto and incorporated herein as Exhibit B is a copy of the deed to the Peregoy Property.

7. On or about January 11, 1994, defendants William and Lisa Lagna
(hereinafter collectively referred to as the "Lagna") became the owners of the parcel of land that abuts the Peregoy Property on the east side, and is used as a residence. The address of such property is 4000 Chestnut Road, Baltimore County, Maryland, and is more particularly described by a deed recorded in the land records for Baltimore County at Liber 10324, Folio 401, which refers to the property as Lot numbers 124, 125, 126, and 127 as shown on Plat No. 2 of the Bowleys Quarters Company of Baltimore County, which plat is duly filed among the Land Records of Baltimore County, in Plat Book W.P.C. No. 7, folio 13. (hereinafter referred to as the "Lagna Property"). Attached hereto and incorporated herein as Exhibit C is a copy of the Lagna deed.

8. On or about August 8, 1997, Defendant Jerry Wisner became the owner of the parcel of land that abuts the Peregoy Property on the west side, and is used as a residence. The address of such property is 3910 Chestnut Road, Baltimore County, Maryland, and is more particularly described by a deed recorded in the land records for Baltimore County at Liber 12552, Folio 268, which refers to the property as Lot number 122 as shown on Plat No. 2 of the Bowleys Quarters Company of Baltimore County, which plat is duly filed among the Land Records of Baltimore County, in Plat Book W.P.C. No. 7, folio 13. (hereinafter referred to as the "Wisner Property"). Attached hereto and incorporated herein as Exhibit D is a copy of the Wisner deed.

Law Offices
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED



Prepared by Baltimore County GIS Services Unit
Date: October 4, 2012
Date of Imagery: 2008

The Cadastral information on this Map was compiled from existing deed, plat, or tax map information. This information is not to be considered authoritative. The property information was not field checked and certified by a licensed land surveyor.



SITE

NE 3-K 091C3

NE 3-L

16 ED
RC 5

6 CD

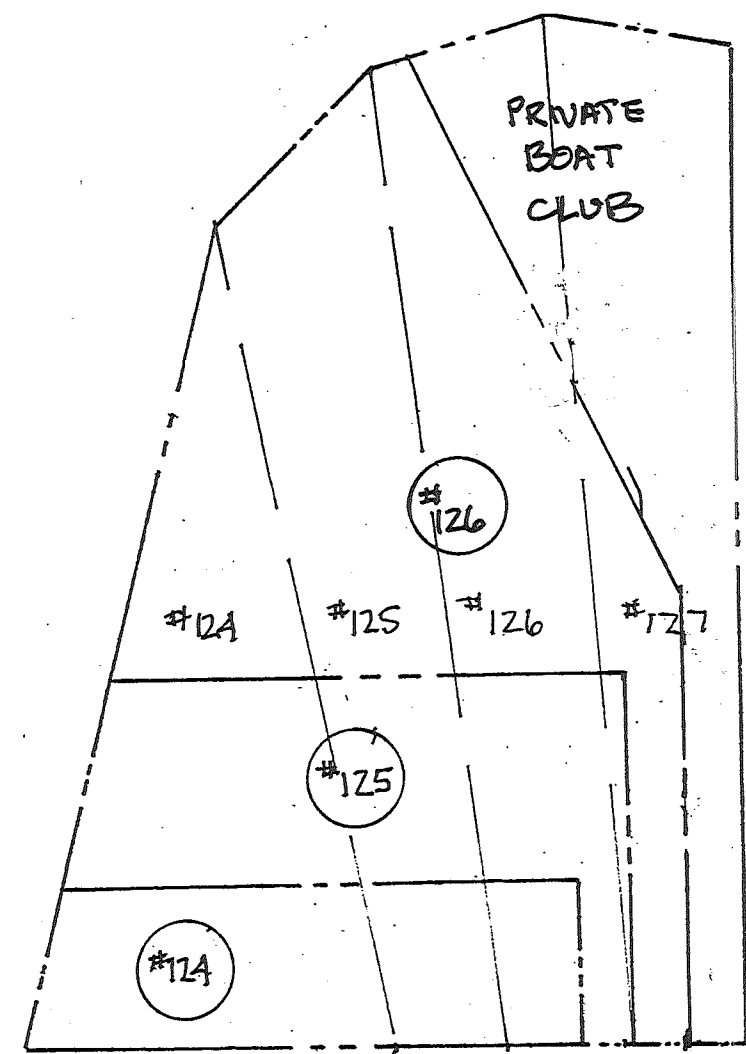
Bowleys Quarters-Back River Neck Area
Pt. Bk. 7, Folio 13

PDM # 150010

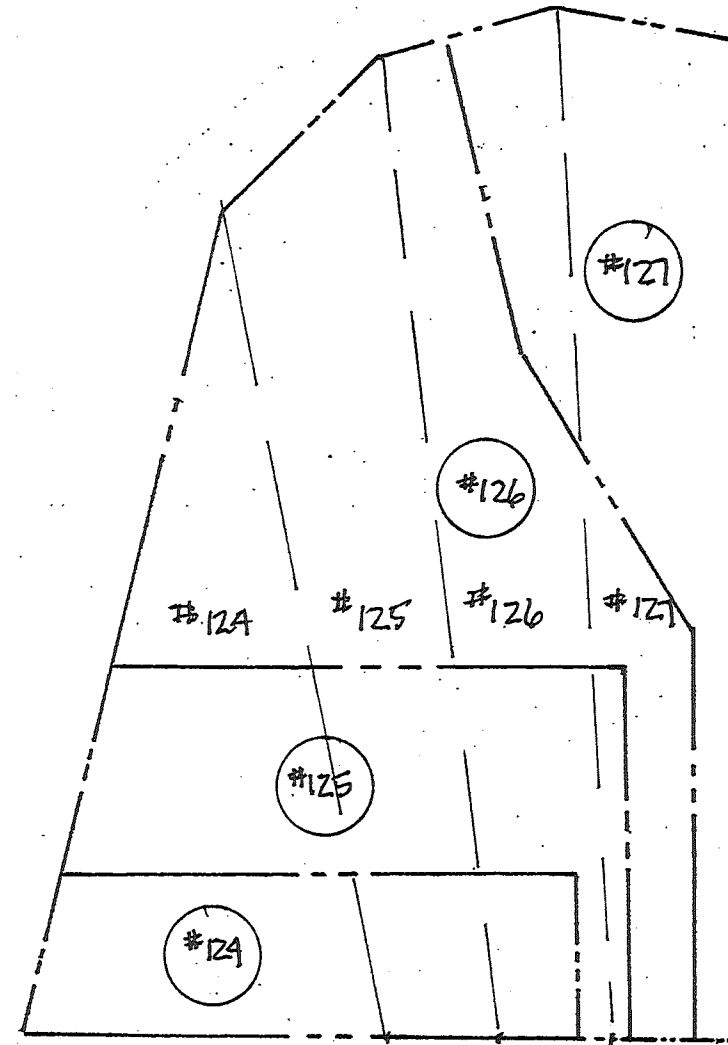
CHESTNUT RD

LAGNA PETITION

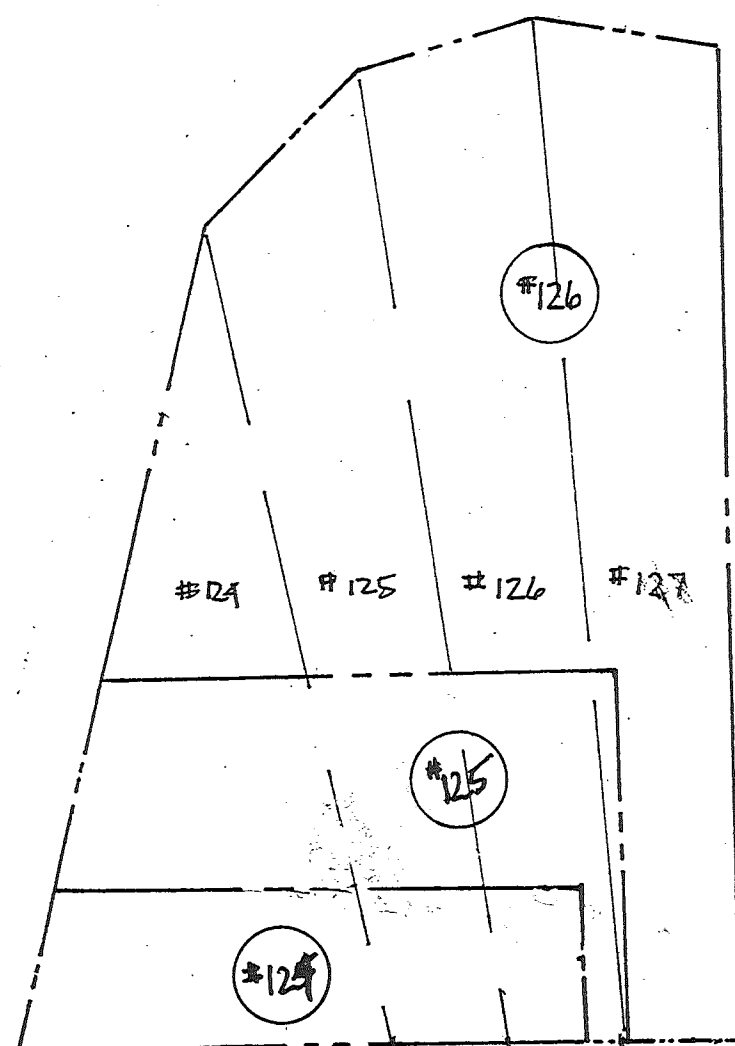
ZONING MAP



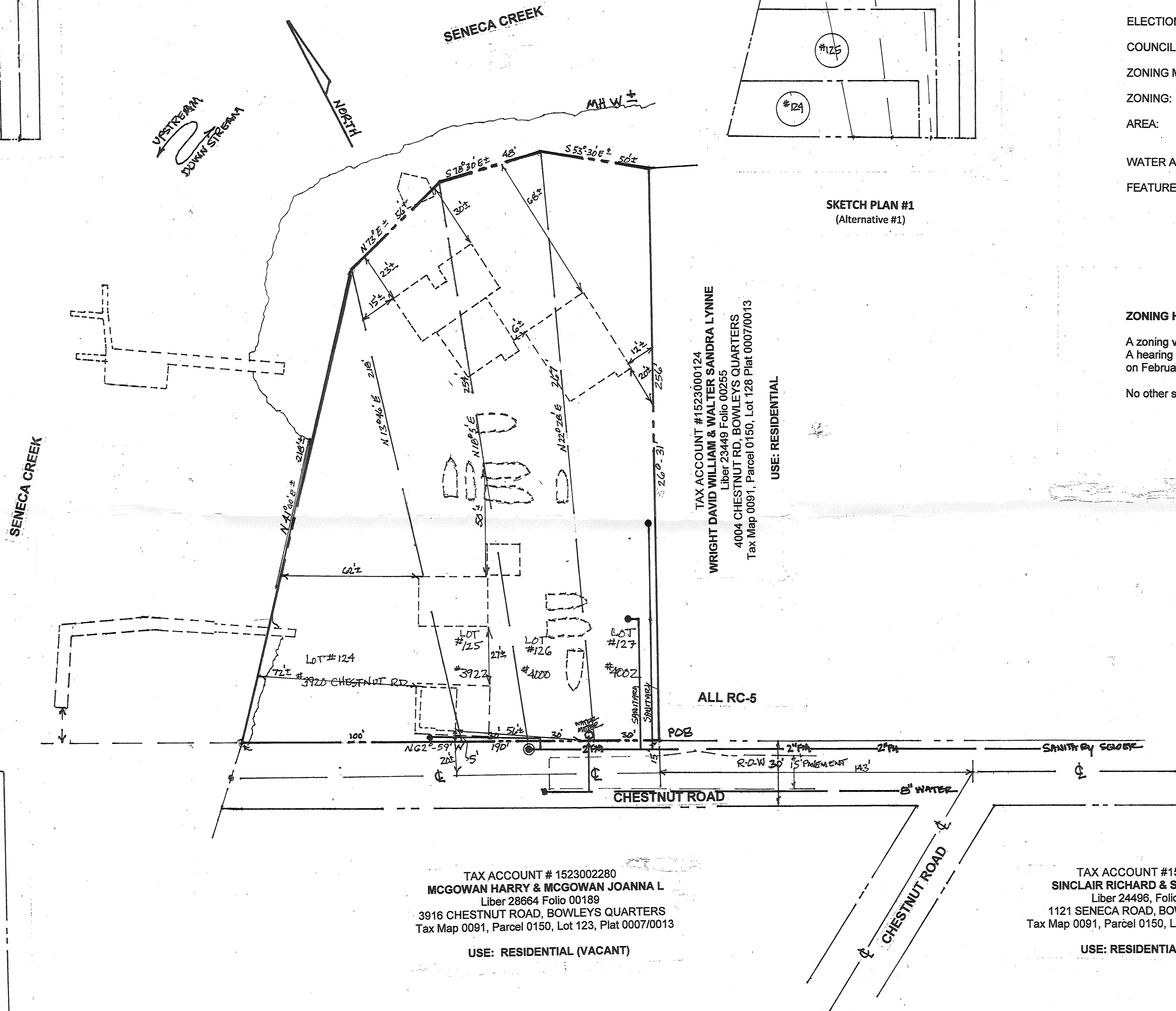
SKETCH PLAN #2
(Alternative #2)



SKETCH PLAN #1
(Alternative #1)



SKETCH PLAN #3
(Alternative #3)



TAX ACCOUNT # 1523002280
MCGOWAN HARRY & MCGOWAN JOANNA L
Liber 28664 Folio 00189
3916 CHESTNUT ROAD, BOWLEYS QUARTERS
Tax Map 0091, Parcel 0150, Lot 123, Plat 0007/0013
USE: RESIDENTIAL (VACANT)

TAX ACCOUNT # 1523000124
WRIGHT DAVID WILLIAM & WALTER SANDRA LYNNE
Liber 23449 Folio 00255
4004 CHESTNUT RD, BOWLEYS QUARTERS
Tax Map 0091, Parcel 0150, Lot 128 Plat 0007/0013
USE: RESIDENTIAL

TAX ACCOUNT #1523000126
SINCLAIR RICHARD & SINCLAIR LINDA R
Liber 24498, Folio 00032
1121 SENECA ROAD, BOWLEYS QUARTERS
Tax Map 0091, Parcel 0150, Lot 146A 3, Plat 0007/013
USE: RESIDENTIAL (VACANT)

NOTES:

PROPERTY ADDRESS: 3920, 3922, 4000, and 4002 Chestnut Road, Baltimore, MD 21220

OWNER: William M. LAGNA
221 Bowleys Quarters Road, Baltimore, MD 21220

DEED: Liber 16275, Folio 732

TAX ACCOUNT: #1523000122 and #1523000123

TAX MAP: Map 91, Grid 22, Parcel 150, Lots #124, #125, #126, and #127

ELECTION DISTRICT: 12th

COUNCILMANIC DISTRICT: 3rd

ZONING MAP: NE 3-K and NE 3-L

ZONING: RC-5

AREA: NET: 0.91 acres +/- = 39,640 square feet +/-
GROSS: 0.98 acres +/- = 42,689 square feet +/-

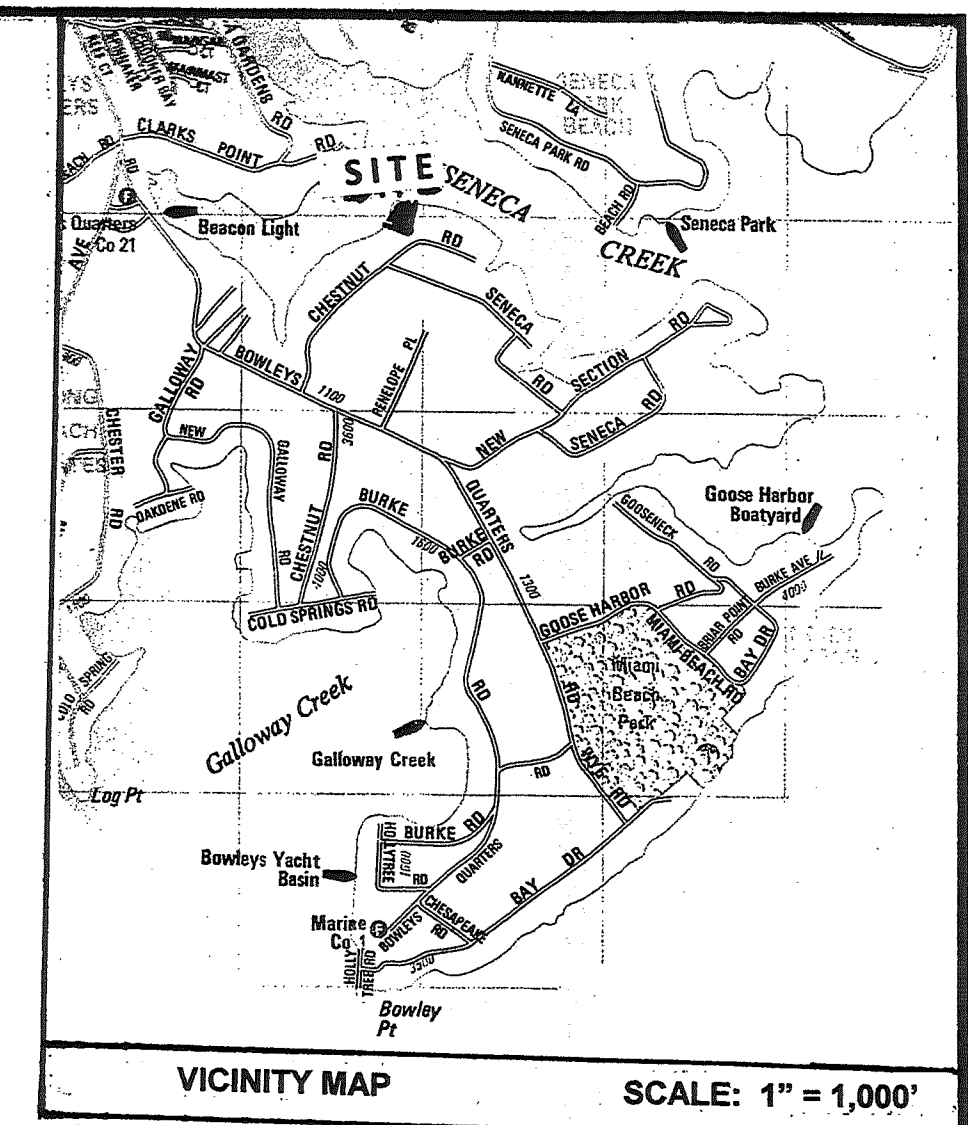
WATER AND SEWERAGE: Public water and Public sewer with grinder pumps

FEATURES: The site is on tidal waters. Non-tidal wetlands do not exist on the site. The lots are in the Chesapeake Bay Critical Area. There are no historic or archeological sites of record or of our knowledge on the lots.

ZONING HISTORY:

A zoning violation pertaining to the property was issued as Case #103205. A hearing was held. This petition is being submitted in compliance with the order issued on February 8, 2012.

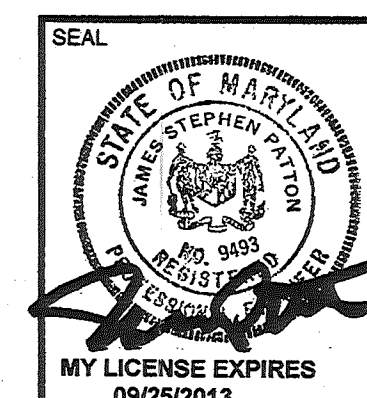
No other specific cases pertaining to this site are of record.



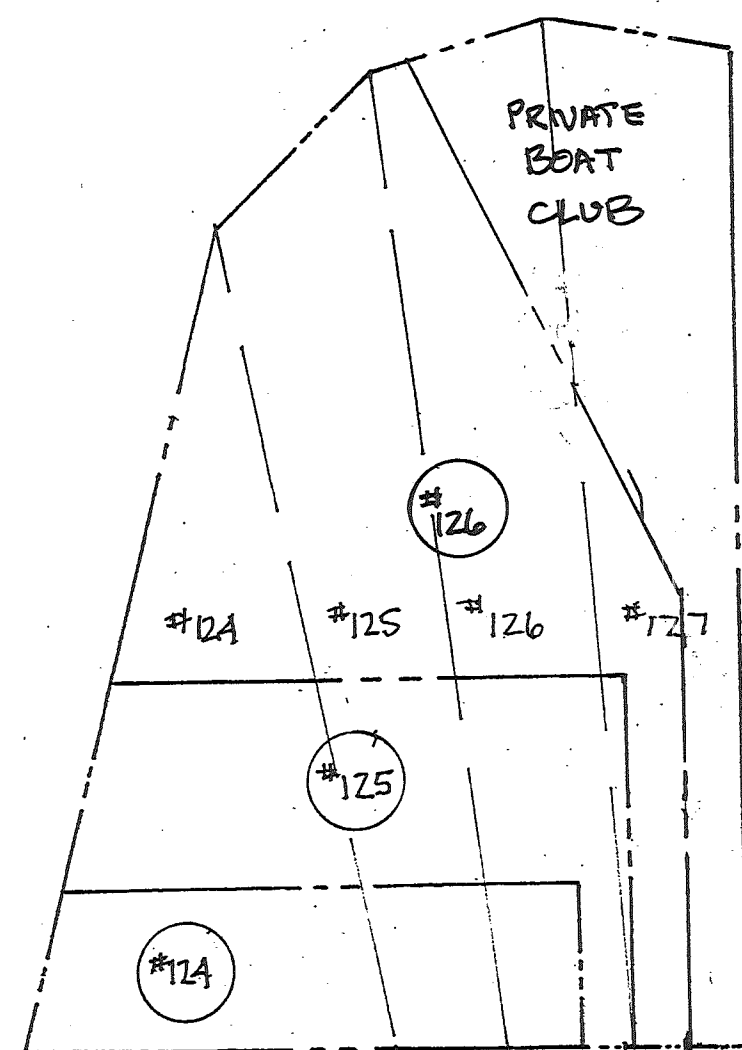
DRAWN BY:	DATE:	REVISIONS:	BY:
DESIGN BY:			
CHECKED BY:			

ZONING DESCRIPTION FOR 3920, 3922, 4000, 4002 CHESTNUT ROAD

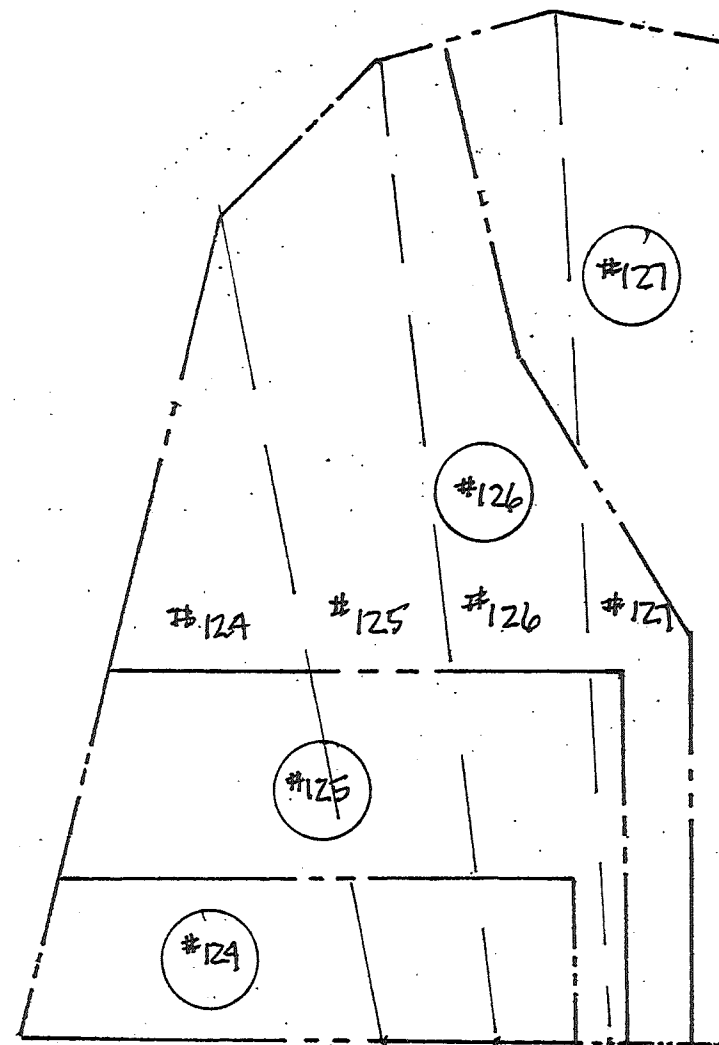
Beginning at a point on the north side of Chestnut Road which is thirty (30) feet wide at the distance of 143 feet +/- northwest of the centerline of the nearest improved intersecting street, Chestnut Road (another leg thereof), which is thirty (30) feet wide. Being Lots #124, #125, #126, and #127 in the subdivision (Record Plat) of "BOWLEYS QUARTERS PLAT No.2." as recorded in Baltimore County Plat Book #7, Folio #13, containing 0.91 net acres plus/minus. Also known as 3920, 3922, 4000, 4002 Chestnut Road and located in the 15th Election District, 6th Councilmanic District.



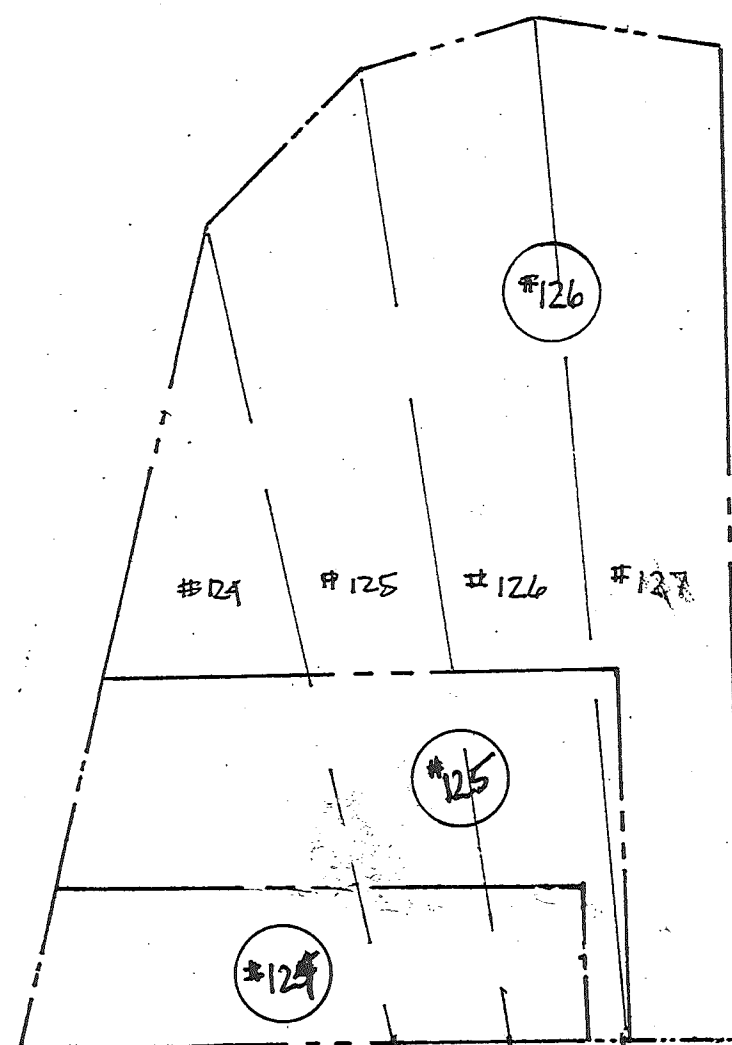
PATTON			
780 Elkridge Landing Rd., Suite 104, Linthicum, Maryland 21090, jsp@pattonconsultants.net 410-691-0205 410-691-0207			
PROJECT/DEVELOPMENT 3920, 3922, 4000, and 4002 CHESTNUT ROAD, Baltimore, MD 21220			
DRAWING TITLE: PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING			DATE: 3/14/12
COUNTY: BALTIMORE	ELECTION DIST: 12TH	PROJECT #:	SCALE: 1"=30'
			1 OF 1



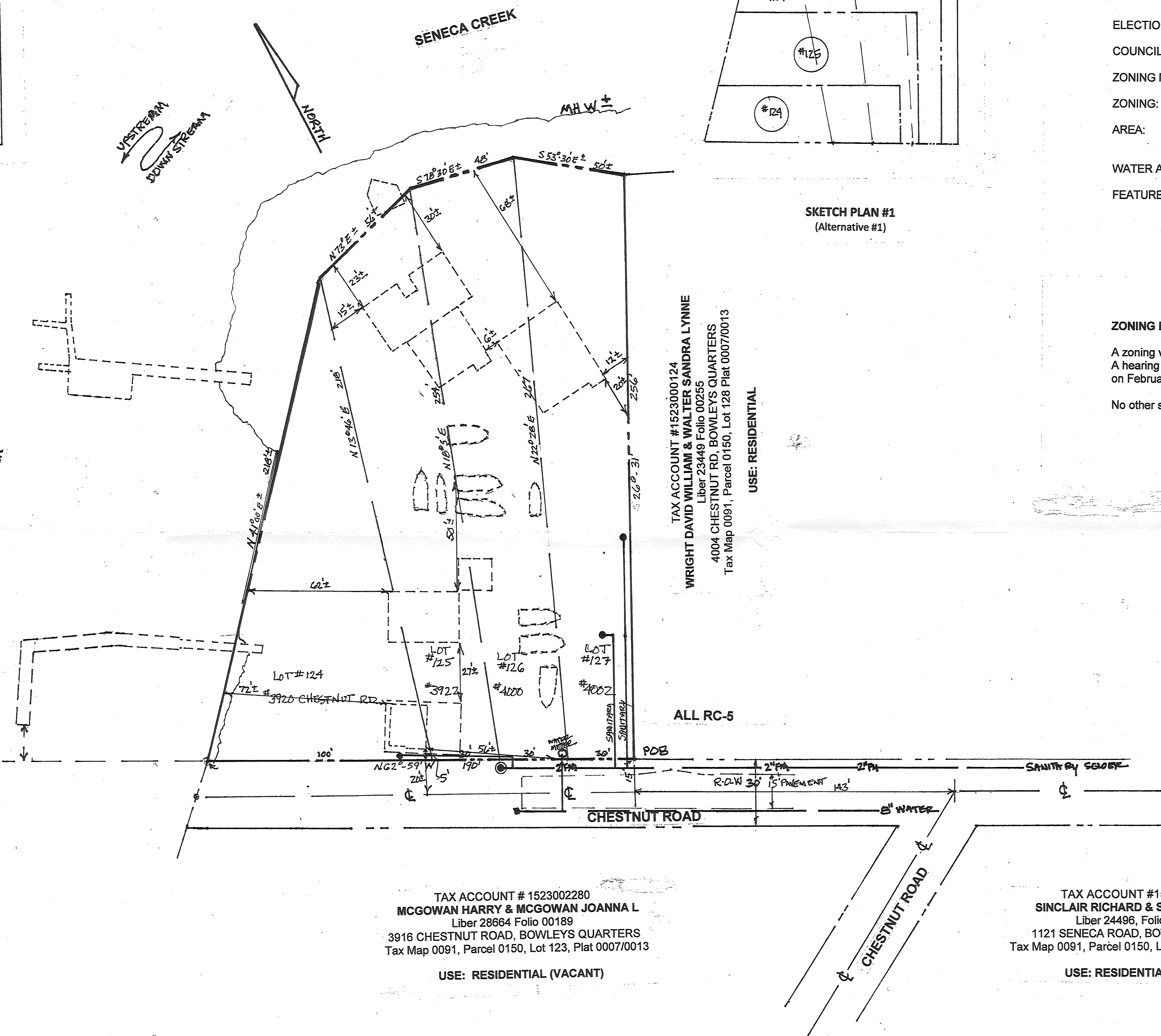
SKETCH PLAN #2
(Alternative #2)



SKETCH PLAN #1
(Alternative #1)



SKETCH PLAN #3
(Alternative #3)

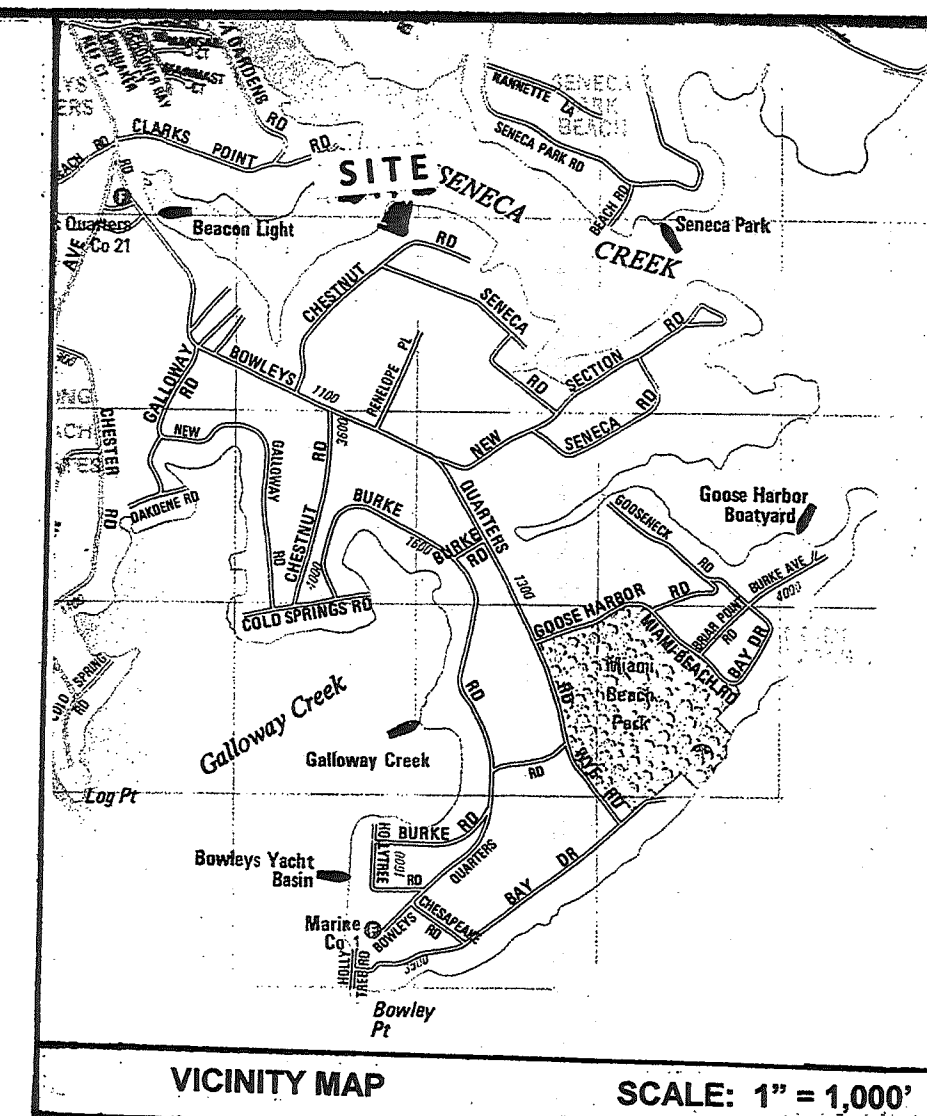


TAX ACCOUNT # 1523002280
MCGOWAN HARRY & MCGOWAN JOANNA L
Liber 28884 Folio 00189
3916 CHESTNUT ROAD, BOWLEYS QUARTERS
Tax Map 0091, Parcel 0150, Lot 123, Plat 0007/0013
USE: RESIDENTIAL (VACANT)

TAX ACCOUNT #1523000126
SINCLAIR RICHARD & SINCLAIR LINDA R
Liber 24496 Folio 00032
1121 SENECA ROAD, BOWLEYS QUARTERS
Tax Map 0091, Parcel 0150, Lot 146A 3, Plat 0007/013
USE: RESIDENTIAL (VACANT)

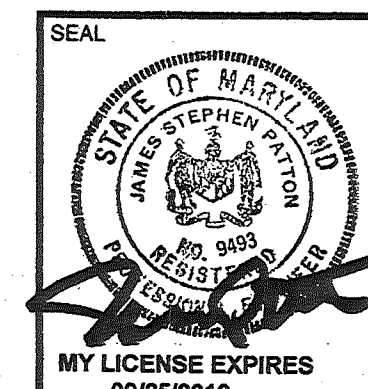
NOTES:
PROPERTY ADDRESS: 3920, 3922, 4000, and 4002 Chestnut Road, Baltimore, MD 21220
OWNER: William M. LAGNA
221 Bowleys Quarters Road, Baltimore, MD 21220
DEED: Liber 16275, Folio 732
TAX ACCOUNT: #1523000122 and #1523000123
TAX MAP: Map 91, Grid 22, Parcel 150, Lots #124, #125, #126, and #127
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COUNCILMANIC DISTRICT: 3rd
ZONING MAP: NE 3-K and NE 3-L
ZONING: RC-5
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No other specific cases pertaining to this site are of record.

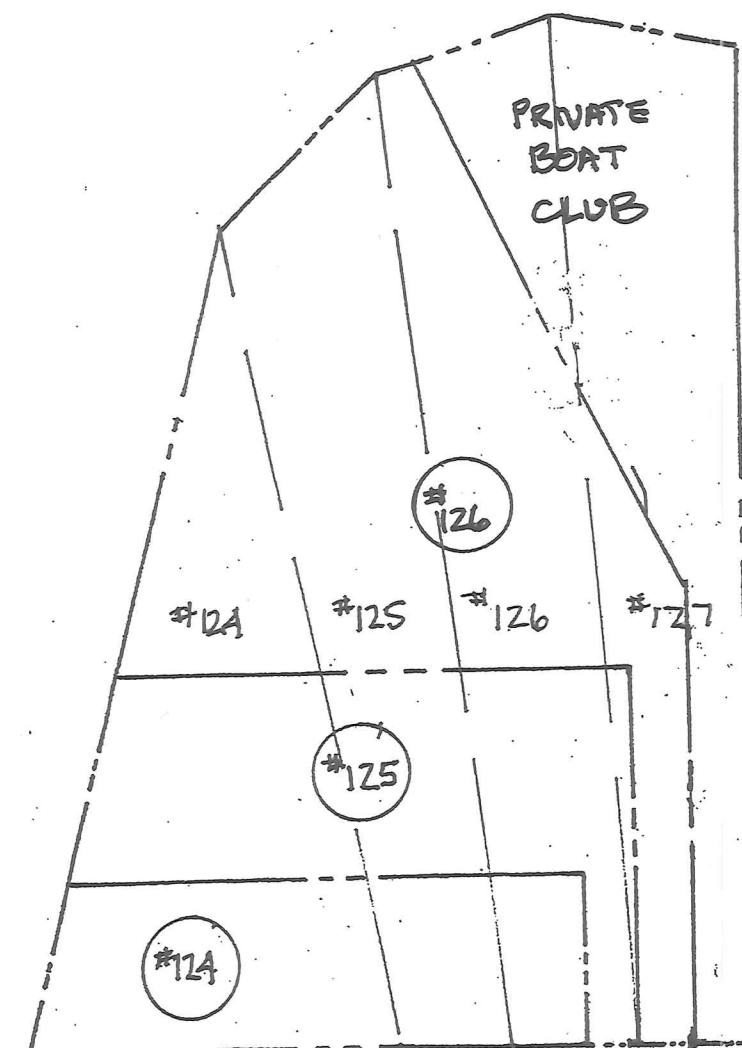


ZONING DESCRIPTION FOR 3920, 3922, 4000, 4002 CHESTNUT ROAD
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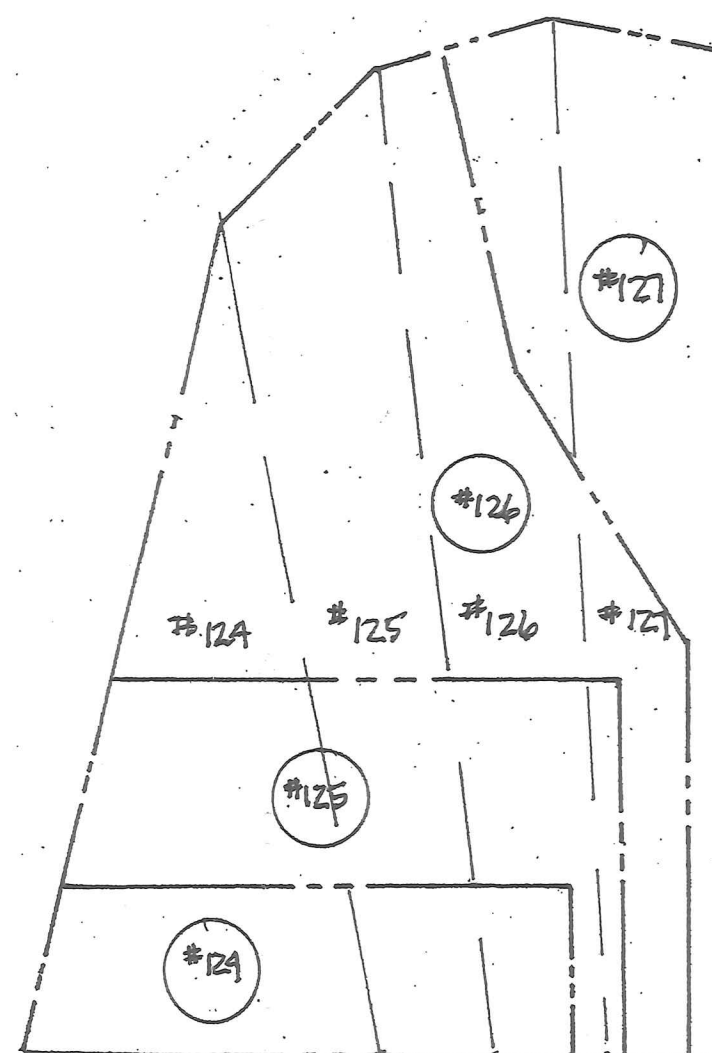
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DESIGN BY:			
CHECKED BY:			



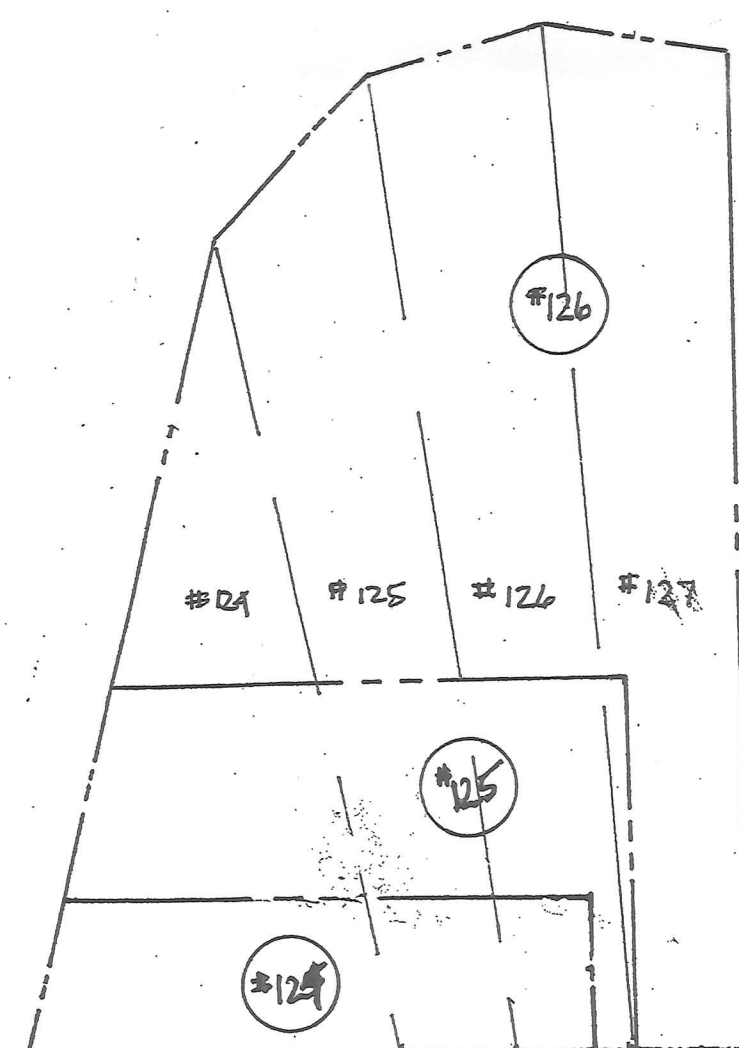
PATTON			
780 Elkridge Landing Rd., Suite 104, Linthicum, Maryland 21090, jsp@pattonconsultants.net 410-691-0205 410-691-0207			
PROJECT/DEVELOPMENT 3920, 3922, 4000, and 4002 CHESTNUT ROAD, Baltimore, MD 21220			
DRAWING TITLE: PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING			
COUNTY: BALTIMORE	ELECTION DIST: 12TH	PROJECT #:	SCALE: 1"=30'
			DATE: 3/14/12 SHEET 1 OF 1



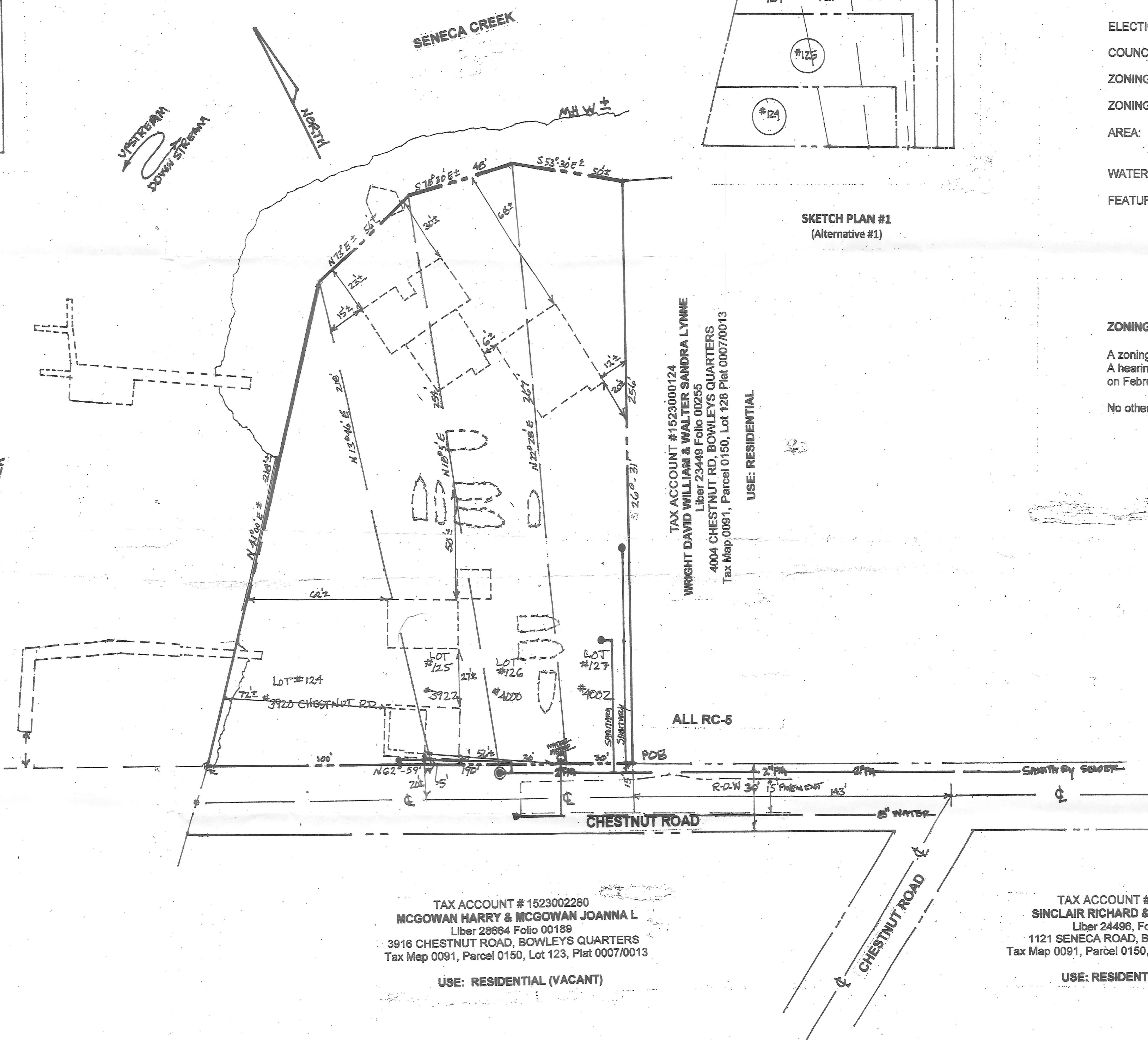
SKETCH PLAN #2
(Alternative #2)



SKETCH PLAN #1
(Alternative #1)



SKETCH PLAN #3
(Alternative #3)



TAX ACCOUNT #1523000124
WRIGHT DAVID WILLIAM & WALTER SANDRA LYNN
Liber 23449 Folio 00255
4004 CHESTNUT RD, BOWLEYS QUARTERS
Tax Map 0091, Parcel 0150, Lot 128 Plat 0007/0013
USE: RESIDENTIAL

TAX ACCOUNT #1523002280
MCGOWAN HARRY & MCGOWAN JOANNA L
Liber 28864 Folio 00189
3916 CHESTNUT ROAD, BOWLEYS QUARTERS
Tax Map 0091, Parcel 0150, Lot 123, Plat 0007/0013
USE: RESIDENTIAL (VACANT)

TAX ACCOUNT #1523000126
SINCLAIR RICHARD & SINCLAIR LINDA R
Liber 24486 Folio 00032
1121 SENECA ROAD, BOWLEYS QUARTERS
Tax Map 0091, Parcel 0150, Lot 146A 3, Plat 0007/013
USE: RESIDENTIAL (VACANT)

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221 Bowleys Quarters Road, Baltimore, MD 21220

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ZONING: RC-5

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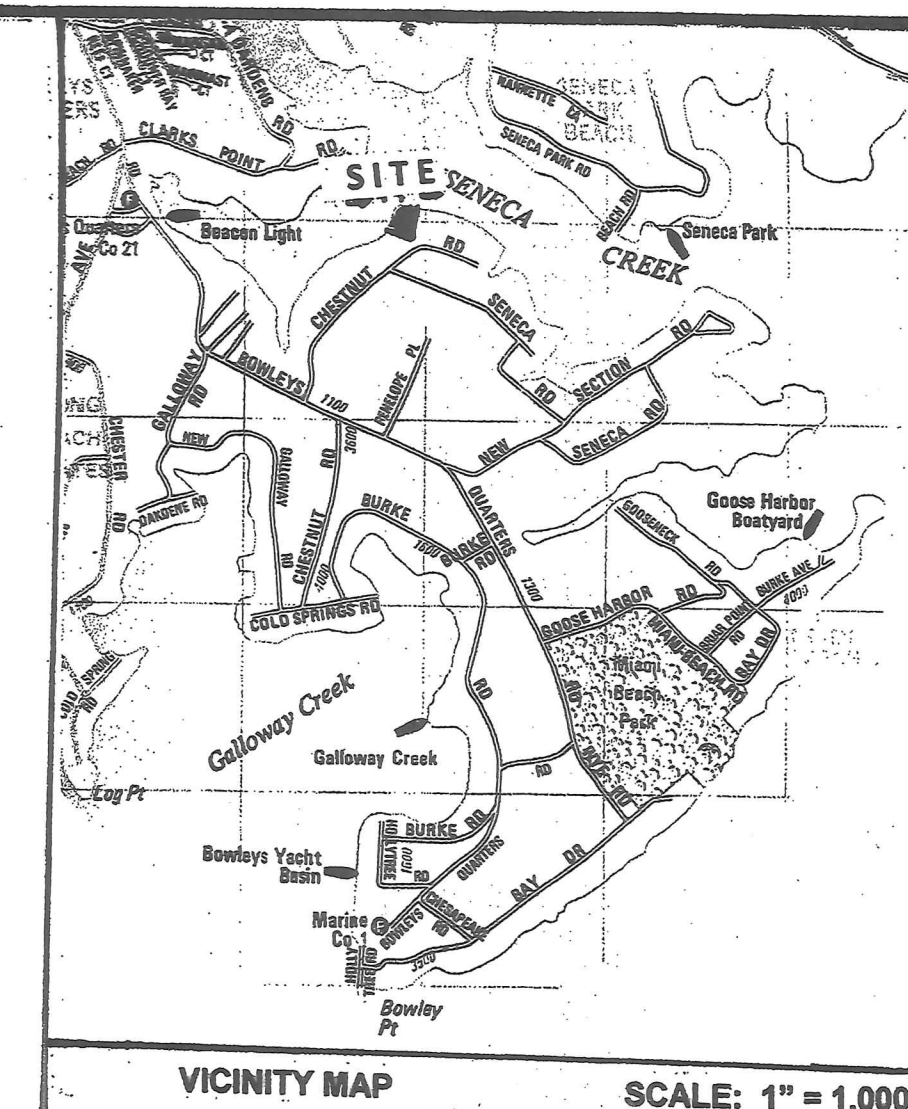
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ZONING HISTORY:

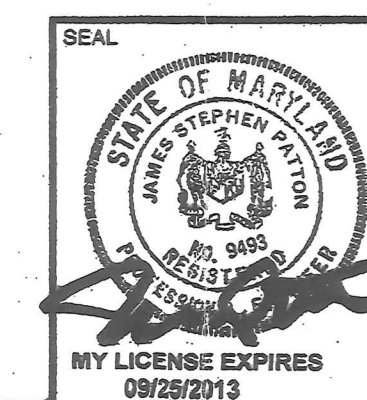
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No other specific cases pertaining to this site are of record.



VICINITY MAP SCALE: 1" = 1,000'

DRAWN BY:	DATE:	REVISIONS:	BY:
DESIGN BY:			
CHECKED BY:			



PATTON 780 Elkridge Landing Rd., Suite 104, Linthicum, Maryland 21090, jsp@pattonconsultants.net 410-691-0205 410-691-0207			
PROJECT/DEVELOPMENT 3920, 3922, 4000, and 4002 CHESTNUT ROAD, Baltimore, MD 21220			
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			DATE: 3/14/12 SHEET 1 OF 1

PETITIONER'S EXH.