

2/6/13
IN THE MATTER OF:

Wayne Allen Sody,

Appellee/Legal Owner/Petitioner

15th Election District

6th Councilmanic District

RE: 11116 Bird River Grove Road

* * * * *

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* Case No: 12-259-A

* * * * *

ORDER OF DISMISSAL

This matter comes before this Board as an appeal filed by Ms. Linda Splidt from the August 29, 2012 Motion for Reconsideration Opinion and Order filed by the Administrative Law Judge for Baltimore County in the above referenced matter.

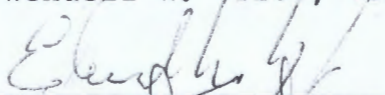
WHEREAS, the Board is in receipt of a Motion to Dismiss the appeal filed by Jennifer R. Busse, Adam D. Baker, and Whiteford, Taylor & Preston, L.L.P. on behalf of the Legal Owner/Petitioner, and therefore,

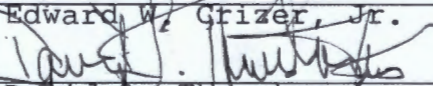
IT IS ORDERED this 6th day of February, 2013 by the County Board of Appeals of Baltimore County that the Motion to Dismiss is GRANTED, and

IT IS FURTHER ORDERED that the appeal taken in Case No. 12-259-A be and is hereby DISMISSED, with prejudice.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY


Wendell H. Grier, Panel Chairman


Edward W. Grizer, Jr.


David L. Thurston



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 6, 2013

Jennifer Busse, Esquire
Adam Baker, Esquire
Whiteford, Taylor & Preston, LLP
Towson Commons, Ste 300
1 West Pennsylvania Avenue
Towson, MD 21204

Linda Spliedt
11114 Bird River Grove Road
White Marsh, MD 211162

RE: *In the Matter of: Wayne A. Sody – Legal Owner/Petitioner*
Case No.: 12-259-A

Dear Counsel and Ms. Spliedt:

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

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

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Wayne A. Sody and Dorothea "Hilly" Bell
Gerard Rybek
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

11/26/12

IN THE MATTER OF:
Wayne Allen Sody,
Appellee/Legal Owner/Petitioner

15th Election District
6th Councilmanic District

RE: 11116 Bird River Grove Road

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No: 12-259-A

* * * * *

MOTION TO DISMISS

On behalf of Wayne Allen Sody, who both is the Legal Owner of 11116 Bird River Grove Road, the subject property in this matter, and was the Petitioner in the Petition for Variance filed in the above referenced case number, Jennifer R. Busse, Adam D. Baker, and Whiteford, Taylor & Preston, L.L.P. submit this Motion to Dismiss the appeal filed by Linda Spliedt, and state as follows:

1. Wayne Allen Sody (referred to herein as "Appellee") seeks to construct an addition to his home at 11116 Bird River Grove Road (referred to herein as the "Property") and initially, prior to retaining legal counsel, filed a Petition for Variance to permit reduced setbacks for the proposed addition. The Petition for Variance was denied by the Administrative Law Judge for Baltimore County via his Opinion and Order dated June 1, 2012, a copy of which is attached hereto as **Exhibit A**.
2. After retaining the advice of the herein named legal counsel, Appellee filed a Motion to Reconsider with the Administrative Law Judge, which was granted. A copy of

the Motion for Reconsideration Opinion and Order dated August 29, 2012 is attached hereto as **Exhibit B**.

3. Linda Spliedt, (herein referred to as "Appellant") has attempted to appeal the August 29, 2012 decision of the Administrative Law Judge in the above referenced case number through her letter dated September 28, 2012. A copy of the Ms. Spiedt's letter dated September 28, 2012 is attached hereto as **Exhibit C**.

4. The Administrative Law Judge's August 29, 2012 Opinion and Order clearly provides that the underlying Petition for Variance which Appellee initially filed has been withdrawn without prejudice.

5. Similarly, the Notice of Assignment issued by this Board and dated October 29, 2012 clearly demonstrates that there is no issue at controversy to appeal. The highlighted language on the Notice of Assignment, which is attached hereto as **Exhibit D**, provides that the Administrative Law Judge determined: "a Variance is not necessary in this matter and therefore the Petition is withdrawn without prejudice."

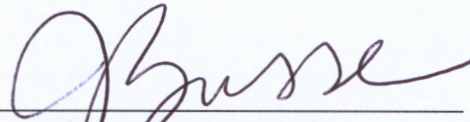
6. Appellee respectfully submits it was unnecessary to do so, but in an attempt to resolve this matter as quickly as possible, Appellee has filed a letter with the Director of Permits, Approvals and Inspections formally withdrawing his Petition for Variance. A copy of this letter is attached hereto as **Exhibit E**.

7. Appellee now respectfully requests the Board dismiss this appeal since the underlying cause of action has been dismissed. Therefore, there is no subject matter to be adjudicated.

8. Appellee also respectfully submits that Appellant does not have standing to take this appeal, nor does the Board have jurisdiction to hear such an appeal. Appellant cannot logically be a party aggrieved by the underlying decision in this matter since the decision at issue acted to eliminate the initial proceeding. See, Baltimore County Code, Section 32-3-401(a).

WHEREFORE, for the reasons set forth above, the Appellee respectfully requests this Honorable Board dismiss Ms. Spliedt's appeal with prejudice.

Respectfully submitted,

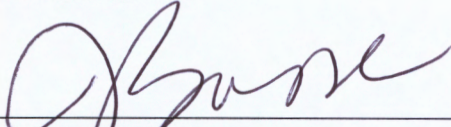
A handwritten signature in dark ink, appearing to read "J. Busse", written over a horizontal line.

Jennifer R. Busse, Esquire
Adam D. Baker, Esquire
Whiteford, Taylor & Preston L.L.P.
One West Pennsylvania Avenue
Suite 300
Towson, Maryland 21204
(410) 832-2077
Attorneys for Appellee,
Wayne Allen Sody

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of November, 2012, a copy of the foregoing Motion to Dismiss was mailed first class, postage prepaid to:

Linda Spliedt
11114 Bird River Grove Road
White Marsh, MD 21162

A handwritten signature in dark ink, appearing to read "J. Busse", is written over a horizontal line.

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
One West Pennsylvania Avenue
Suite 300
Towson, Maryland 21204
(410) 832-2077

IN THE MATTER OF:

Wayne Allen Sody,

Appellee/Legal Owner/Petitioner

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

15th Election District

6th Councilmanic District

* BALTIMORE COUNTY

RE: 11116 Bird River Grove Road

* Case No: 12-259-A

* * * * *

* * * * *

ORDER OF DISMISSAL

This matter comes before this Board as an appeal filed by Ms. Linda Splidt from the August 29, 2012 Motion for Reconsideration Opinion and Order filed by the Administrative Law Judge for Baltimore County in the above referenced matter.

WHEREAS, the Board is in receipt of a Motion to Dismiss the appeal filed by Jennifer R. Busse, Adam D. Baker, and Whiteford, Taylor & Preston, L.L.P. on behalf of the Legal Owner/Petitioner, and therefore,

IT IS ORDERED this _____ day of _____, 2012, by the County Board of Appeals of Baltimore County that the Motion to Dismiss is GRANTED, and

IT IS FURTHER ORDERED that the appeal taken in Case No. 12-259-A be and is hereby DISMISSED, with prejudice.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

EXHIBIT A

IN RE: PETITION FOR VARIANCE

N side of Bird River Grove Rd., 3,969'
E of c/line of Ebenezer Road
15th Election District
6th Council District
(11116 Bird River Grove Road)

Wayne Allen Sody
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0259-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner, Wayne Allen Sody. The Petitioner is requesting Variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 2' for a proposed addition and a front yard setback of 9' for an existing dwelling in lieu of the required 35', respectively. 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 in support of the variance request was Petitioner Wayne Allen Sody and Hilly Bell. The neighboring owner, Linda Spliedt, and Gerard Ryban attended the hearing and opposed the variance request. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (DPR), dated April 26, 2012, indicating the following:

1. The base flood elevation for this site is 8.5 feet [NAVD 88].
2. The flood protection elevation is 9.5 feet.

IN RE: PETITION FOR VARIANCE

N side of Bird River Grove Rd., 3,969'

E of c/line of Ebenezer Road

15th Election District6th Council District

(11116 Bird River Grove Road)

Wayne Allen Sody

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0259-A

* * * * *

MOTION FOR RECONSIDERATION
OPINION AND ORDER

By Order dated June 1, 2012, the undersigned denied Petitioner's Variance request from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). At that juncture, the Petitioner sought variance relief to permit a rear yard setback of 2' for a proposed addition and a front yard setback of 9' for an existing dwelling in lieu of the 35' setbacks required under the RC 2 designation. On June 20, 2012, the Petitioner, through counsel, filed a Motion for Reconsideration pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner.

A hearing was held on the Motion for Reconsideration on August 28, 2012. At the hearing, counsel for the Petitioner indicated that the site plan submitted in the original case incorrectly labeled the front and rear of Mr. Sody's home, and an amended site plan was submitted (Exhibit 1) reflecting that the front of the Petitioner's home faces the water. As such, the variance relief sought is for side yard setbacks of 9' and 7', respectively, in lieu of the 35' setbacks specified under the RC 2 zoning.

In addition, counsel for Petitioner made at the outset of the case a legal argument, contending that variance relief was not required for the Petitioner to construct the addition to his dwelling. In support of this argument, counsel submitted a Plat of Section B – Bird River Grove, which is dated October, 1941. See Exhibit 6. In addition, a State Assessment record was

9-28-12

EXHIBIT C

DEAR MR. ADMINISTRATIVE LAW JUDGE,

PLEASE ENTER OUR (my) APPEAL TO CASE
2012-0259-A for property known as 11116
BIRD RIVER GROVE RD, WHITE MARSH MD. 21162.

LINDA S. SPLIEDT

Linda Spliedt

11114 BIRD RIVER GROVE RD.

WHITE MARSH MD 21162

H 410-335-6144 Cell 410-284-1656

PS. CHECK # 102 amount \$ 265.00 is ATTACHED

RECEIVED

SEP 28 2012

.....



Board of Appeals of Baltimore County

EXHIBIT D

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

October 29, 2012

NOTICE OF ASSIGNMENT

CASE #: 12-259-A **IN THE MATTER OF: Wayne Allen Sody / Legal Owner / Petitioner**
 11116 Bird River Grove Road / 15th Election District; 6th Councilmanic District

Re: Petition for Variance to allow a rear yard setback of 2 ft for a proposed addition and a front yard setback of 9 ft for an existing dwelling in lieu of required 35 ft.

6/1/12 Opinion and order of the Administrative Law Judge DENYING the requested Variance.

6/20/12 Motion for Reconsideration filed by Adam Baker, Esquire on behalf of Petitioner.

8/29/12 Motion for Reconsideration Opinion and Order issued by Administrative Law Judge determining that a Variance is not necessary in this matter and therefore the Petition is withdrawn without prejudice.

ASSIGNED FOR: THURSDAY, JANUARY 3, 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 Petitioner/LO : Jennifer Busse, Esquire
: Adam Baker, Esquire
Whiteford, Taylor & Preston, LLP

Petitioner/LO : Wayne Allen Sody

Appellant : Linda Spliedt

Gerard Ryban

Gregory and Barbara Nelson

William and Agnes Belt

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Arnold Jablon, Director/PAI

John E. Beverungen, Administrative Law Judge

Andrea Van Arsdale, Director/Department of Planning

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law

WHITEFORD, TAYLOR & PRESTON L.L.P.

EXHIBIT E

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

November 21, 2012

Arnold Jablon, Director
Baltimore County Department of Permits, Approvals & Inspections
111 W. Cheseapeake Avenue, Suite 105
Towson, MD 21204

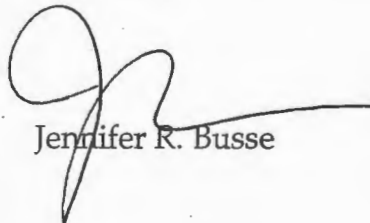
Re: Case No. 12-259-A
Withdrawal of Petition for Variance

Dear Mr. Jablon:

On behalf of my client, Wayne Allen Sody, the legal owner of 11116 Bird River Grove Road, I am filing this letter formally withdrawing his Petition for Variance in Case No. 12-259-A. This may seem redundant as Judge Beverungen in his Order dated August 29, 2012 already dismissed without prejudice the Variance request. The remaining findings of fact and conclusions of law that a variance was never necessary and that the addition to be constructed meets all setbacks still stands.

Please do not hesitate to contact me with any questions or concerns. Thank you for your assistance in this regard.

Sincerely,



Jennifer R. Busse

JRB:tm

cc: Mr. Wayne Allen Sody
Ms. Linda Spliedt
Theresa R. Shelton, Administrator
Board of Appeals of Baltimore County
Peter Max Zimmerman, Esq.
Office of People's Counsel

WHITEFORD, TAYLOR & PRESTON L.L.P.

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
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BALTIMORE, MD
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TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

November 26, 2012

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



**Re: Motion to Dismiss
Case No. 12-259-A
Our File No. 88242.1**

Dear Ms. Shelton:

Enclosed for filing please find the original and one copy of a Motion to Dismiss in the above-referenced matter. Please date-stamp the extra copy and return with our messenger. Please do not hesitate to contact me with any questions or concerns.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Busse". Below the signature, the name "Jennifer R. Busse" is printed in a standard black font.

JRB:tm

Enclosure

cc: Mr. Wayne Allen Sody
Ms. Linda Spliedt
Peter Max Zimmerman, Esq.

429125

8/29/12

IN RE: PETITION FOR VARIANCE

N side of Bird River Grove Rd., 3,969'
E of c/line of Ebenezer Road
15th Election District
6th Council District
(11116 Bird River Grove Road)

Wayne Allen Sody
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0259-A

* * * * *

MOTION FOR RECONSIDERATION
OPINION AND ORDER

By Order dated June 1, 2012, the undersigned denied Petitioner's Variance request from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). At that juncture, the Petitioner sought variance relief to permit a rear yard setback of 2' for a proposed addition and a front yard setback of 9' for an existing dwelling in lieu of the 35' setbacks required under the RC 2 designation. On June 20, 2012, the Petitioner, through counsel, filed a Motion for Reconsideration pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner.

A hearing was held on the Motion for Reconsideration on August 28, 2012. At the hearing, counsel for the Petitioner indicated that the site plan submitted in the original case incorrectly labeled the front and rear of Mr. Sody's home, and an amended site plan was submitted (Exhibit 1) reflecting that the front of the Petitioner's home faces the water. As such, the variance relief sought is for side yard setbacks of 9' and 7', respectively, in lieu of the 35' setbacks specified under the RC 2 zoning.

In addition, counsel for Petitioner made at the outset of the case a legal argument, contending that variance relief was not required for the Petitioner to construct the addition to his dwelling. In support of this argument, counsel submitted a Plat of Section B – Bird River Grove, which is dated October, 1941. See Exhibit 6. In addition, a State Assessment record was

ORDER RECEIVED FOR FILING

Date 8-29-12

By WJ

submitted showing that the Petitioner's home was constructed in 1948. See, Exhibit 5. In these circumstances, counsel argued that Section 103.3 of the B.C.Z.R. governed, and dictated that the applicable zoning regulations were those in effect at the time the plat was recorded. In this case, the plat submitted by the Petitioner does not contain a liber or folio number, or evidence of its filing among the Land Records in Baltimore County. As noted, however, the State assessment records show that the Petitioner's dwelling was constructed in 1948. On February 2, 1945, Baltimore County enacted its first set of zoning regulations and restrictions, which were in effect until July 2, 1953. Under those regulations, the Petitioner's single-family dwelling was permitted as of right in the "A" residence zone. See, Exhibit 7. Those same regulations provided that side yard setbacks must be "not less than seven feet in width along each side lot line." B.C.Z.R. (1945), § III C.3. See, Exhibit 7.

In this case, as reflected by the site plan, the Petitioner proposes setbacks of 9' (on the side where Mr. Sody's home adjoins lot 9 owned by Ms. Spliedt) and 7' (on the side of Mr. Sody's lot which adjoins lot 7, owned by Stanley and Florence Finch). Both of these setbacks are in compliance with the 1945 zoning regulations, and thus it does not appear as if the Petitioner needs variance relief to construct the proposed addition to his home.

As I noted at the hearing, this case is in an unusual posture, in that the Petitioner originally filed for variance relief, and later argued that he did not need such relief to construct the proposed improvements. In these circumstances, I will permit the Petitioner to withdraw, without prejudice, his petition for variance relief. As such, the variance denial contained in the Order dated June 1, 2012, is null and void, and it is as if the Petitioner had never requested variance relief in the first instance.

ORDER RECEIVED FOR FILING

Date 8-29-12

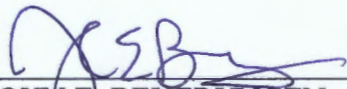
By DJ

Of course, the zoning regulations in Baltimore County are enforced by the Department of Permits, Approvals, and Inspections (PAI), not this office. As such, it is conceivable that the Department of PAI would not concur with my Opinion herein and prohibit the Petitioner from proceeding with construction under Article 3, Title 6, of the Baltimore County Code (B.C.C.). At the hearing, counsel for Petitioner indicated that the Director of the Department of PAI was aware of this proceeding, and was of the opinion that Mr. Sody did not need variance relief to construct the addition to his home. As such, it appears that a zoning violation/enforcement action would be unlikely in these circumstances, but I simply wanted to alert the parties to that potentiality, especially given the unusual posture of this case.

THEREFORE, IT IS ORDERED, this 29th day of August, 2012, by this Administrative Law Judge, that the Petition for Variance filed in the above matter, be and hereby is WITHDRAWN WITHOUT PREJUDICE.

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

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 8-29-12

By DW



KEVIN KAMENETZ
County Executive

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

August 29, 2012

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

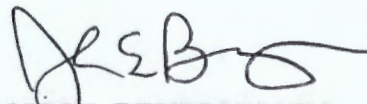
RE: Petition for Variance
Case No.: 2012-0259-A
Property: 11116 Bird River Grove Road

Dear Ms. Busse:

Enclosed please find a copy of the Motion for Reconsideration Opinion and Order 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: Linda Spliedt, 11114 Bird River Grove Road, White Marsh MD 21162



KEVIN KAMENETZ
County Executive

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

August 29, 2012

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: Petition for Variance
Case No.: 2012-0259-A
Property: 11116 Bird River Grove Road

Dear Ms. Busse:

Enclosed please find a copy of the Motion for Reconsideration Opinion and Order 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,

A handwritten signature in blue ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Linda Spliedt, 11114 Bird River Grove Road, White Marsh MD 21162

2015-0003-SPH

6/20/12

IN RE: PETITION FOR VARIANCE
N side of Bird River Grove Rd.,
3,969' E of c/line of Ebenezer Road
15th Election District
6th Council District)
(11116 Bird River Grove Road)

Wayne Allen Sody
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* CASE NO. 2012-0259-A

* * * * *

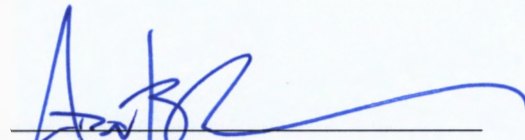
MOTION FOR RECONSIDERATION

The Petitioner, Wayne Allen Sody, by and through his attorneys, Adam D. Baker and Whiteford Taylor & Preston, LLP, pursuant to Rule 4K of the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County, as contained within Appendix G of the Baltimore County Zoning Regulations, hereby moves for reconsideration of the Order issued by the Honorable John E. Beverungen in the above-captioned matter, dated the 1st day of June, 2012, and in support thereof, states the following:

1. That his Honor entered his Opinion in the above-captioned matter on June 1, 2012, denying the relief requested by the Petitioner.
2. That the Petition for Variance originally filed before your Honor was based on misinformation regarding the orientation of the Petitioner's dwelling and the applicable setbacks to same. There are also non-conforming setbacks that apply to the addition proposed to be constructed on the property as a result of an RC 2 zoning classification being overlayed onto lots that were originally developed under a DR 5.5 zoning scheme of development.

3. That additional information has come to light based on a meeting with the Zoning Review Division of the Department of Permits, Approvals and Inspections which the Petitioner would like to bring to the attention of your Honor at another public hearing.

WHEREFORE, the Petitioner respectfully requests that this Motion for Reconsideration be Granted and that another hearing be held in order to consider additional testimony and evidence as is appropriate.



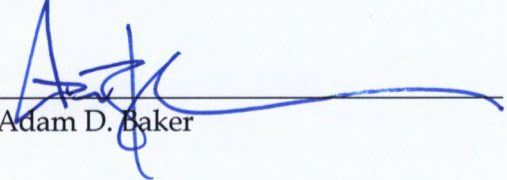
Adam D. Baker
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025
(410) 832-2000

Attorney for Petitioner,
Wayne Allen Sody

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of June, 2012, a copy of the foregoing Motion
was mailed first class, postage prepaid to:

Linda Spliedt
11114 Bird River Grove Road
White Marsh, Maryland 21162


Adam D. Baker

427308

WHITEFORD, TAYLOR & PRESTON L.L.P.

ADAM D. BAKER
DIRECT LINE (410) 832-2052
DIRECT FAX (410) 339-4028
ABaker@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

June 20, 2012

Via Hand Delivery

John E. Beverungen, Esquire
Administrative Law Judge
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JUN 20 2012
OFFICE OF ADMINISTRATIVE HEARINGS

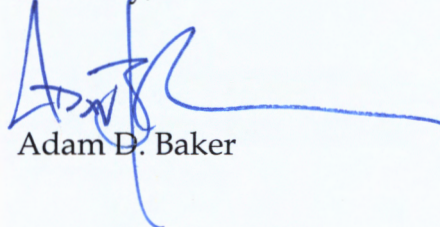
**Re: Petition for Variance (11116 Bird River Grove Road)
Case No. 2012-0259-A**

Dear Judge Beverungen:

Enclosed please find a Motion for Reconsideration in the above-referenced matter. It is my understanding that this motion will stay any appeals in this matter.

Thank you for your kind consideration in this matter. Please contact me should you have any questions or concerns.

Sincerely,



Adam D. Baker

AB:mw

Enclosure

cc: Linda Spliedt

427324

6/1/12

IN RE: PETITION FOR VARIANCE

N side of Bird River Grove Rd., 3,969'

E of c/line of Ebenezer Road

15th Election District

6th Council District

(11116 Bird River Grove Road)

Wayne Allen Sody

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0259-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner, Wayne Allen Sody. The Petitioner is requesting Variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 2' for a proposed addition and a front yard setback of 9' for an existing dwelling in lieu of the required 35', respectively. 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 in support of the variance request was Petitioner Wayne Allen Sody and Hilly Bell. The neighboring owner, Linda Spliedt, and Gerard Ryban attended the hearing and opposed the variance request. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (DPR), dated April 26, 2012, indicating the following:

1. The base flood elevation for this site is 8.5 feet [NAVD 88].
2. The flood protection elevation is 9.5 feet.

ORDER RECEIVED FOR FILING

Date 6-1-12

By pm

3. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
4. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
5. The building engineer shall require a permit for this project.
6. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
7. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

In addition, a ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) on May 10, 2012, indicating the Petitioner must satisfy certain Critical Area regulations (set forth in B.C.Z.R. § 500.14) given the proximity to the Bird River.

Testimony and evidence revealed that the subject property is 10,300 square feet and zoned RC 2. The Petitioner has lived in the dwelling since 1993, and wants to increase the size of the home to accommodate his fiancé (Ms. Bell) and a college-aged child. The Petitioner was granted administrative variance relief (Case No. 2012-0139-A) earlier this year to construct a garage in his front yard which exceeded the height limitations set forth in the B.C.Z.R. Ms. Spliedt testified she has lived in her home (located at 11114 Bird River Grove Road) since 1972, and is the Petitioner's next door neighbor. Ms. Spliedt testified that she is opposed to the variance relief because the proposed two-story addition would block her view of the water to the east. Ms. Spliedt indicated she would be amenable to the Petitioner constructing an addition on the side of his home facing Bird River Grove Road, but the Petitioner stated he wanted the addition to be constructed where planned, with a view of the river.

ORDER RECEIVED FOR FILING

Date 6-1-12 2

By pm

Based upon the testimony and evidence presented, I am persuaded to deny the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

Petitioner has lived in his home for nearly 20 years, and while the additional space would no doubt be convenient or desirable, such a showing is insufficient to obtain variance relief under Maryland law. In addition, the Petitioner failed to introduce any evidence that his property was unique when compared to homes in the vicinity, which is another indispensable element in a variance case.

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

THEREFORE, IT IS ORDERED, this 1ST day of June, 2012, by this Administrative Law Judge, that Petitioner's Variance request from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 2' for a proposed addition and a front yard setback of 9' for an existing dwelling in lieu of the required 35', respectively, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 6-1-12

By [Signature]

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

JEB:pz


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 6-7-12

By ym



KEVIN KAMENETZ
County Executive

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

June 1, 2012

WAYNE ALLEN SODY
11116 BIRD RIVER GROVE ROAD
WHITE MARSH MD 21162

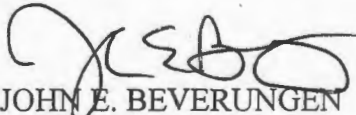
RE: Petition for Variance
Case No.: 2012-0259-A
Property: 11116 Bird River Grove Road

Dear Mr. Sody:

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:pz

Enclosure

c: Linda Spliedt, 11114 Bird River Grove Road, White Marsh MD 21162



PETITION FOR ZONING HEARING

FLOOD PLAIN

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 11116 BIRD RIVER GROVE RD which is presently zoned RC2
Deed References: 10819 / 00605 10 Digit Tax Account # 1507001710
Property Owner(s) Printed Name(s) WAYNE ALLEN SODY

(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. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. X a Variance from Section(s) 1A01.3B.3 BCZR To permit a rear yard set back of 2 ft for a proposed addition and a front yard set back of 9 ft for an existing dwelling in lieu of the required 35 ft, respectively.

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)

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

WAYNE ALLEN SODY

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2012-0259-A Filing Date 4/18/12

Do Not Schedule Dates: Reviewer BR/GH

Zoning description for 11116 Bird River Grove Road, White Marsh, MD 21162

Beginning at a point on the north side of Bird River Grove Road, which is 3969 feet east of the centerline of Ebenezer Road, proceed north 193.5 feet, then 51 feet east, 220 feet south and 50 feet west.

Being Lot 8, Section B, in the subdivision of Bird River Grove as recorded in Baltimore County Plat Book #13, Folio #1, containing 10,300 square feet. Located in the 15th Election District and the 6th Council District.

#0259

CERTIFICATE OF POSTING

RE: CASE NO: 2016-209-A

PETITIONER/DEVELOPER _____

WAYNE SODY

DATE OF HEARING/CLOSING: _____

5/30/12

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 11116 BIRD RIVER GROVE RD

THIS SIGN(S) WERE POSTED ON _____

May 10, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/10/12
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 # 2012-0259-A

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 30, 2012
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT A REAR YARD SETBACK
OF 2 FEET FOR A PROPOSED ADDITION AND A FRONT YARD
SETBACK OF 9 FEET FOR AN EXISTING DWELLING IN LIEU
OF THE REQUIRED 35 FEET, RESPECTIVELY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM MEETING CALL 410-331-1311

05/10/2012

Prattburg 5/10/12

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

No. **82199**
Date: **4/18/12**

PAID RECEIPT

BUSINESS SYSTEM TIME USER
4/19/2012 4:10:20 11:50:44
RMB MISC MAIL RMB REC
RECEIPT # 77645 4-18-2012 GFLK
Dept 5 DEB JOURNAL VERIFICATION
OF NO. 082199
Recpt Tot 175.00
\$0.00 LI 175.00 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				\$ 75.00

Total: **\$ 75.00**

Rec From: Wayne Sody
For: Wavance

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

CASHIER'S
VALIDATION

2012-0259 A

**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: # 2012-0259-A

11116 Bird River Grove Road
N/side of Bird River Grove Road, 3,969 ft. east of centerline of Ebenezer Road
15th Election District
6th Councilmanic District
Legal Owner(s): Wayne Allen Sody

Variance: to permit a rear yard setback of 2 feet for a proposed addition and a front yard setback of 9 feet for an existing dwelling in lieu of the required 35 feet, respectively.

Hearing: Wednesday, May 30, 2012 at 11:00 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.

T/5/695 May 15 303224

CERTIFICATE OF PUBLICATION

5/17, 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 5/15, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

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/neighbor 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: 2012-0259-A

Petitioner: Wayne Awen Sody

Address or Location: 11116 BIRD River Grove Rd, WHITE MARSH, MD 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: Wayne Awen Sody

Address: 11116 BIRD RIVER GROVE RD
WHITE MARSH, MD 21162

Telephone Number: 410-344-9106

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 15, 2012 Issue - Jeffersonian

Please forward billing to:
Wayne Allen Sody
11116 Bird River Grove Road
White Marsh, MD 21162

410-344-9107

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0259-A

11116 Bird River Grove Road

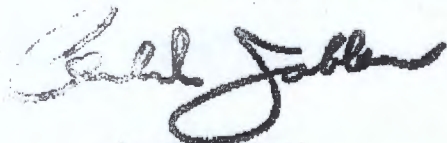
N/side of Bird River Grove Road, 3,969 ft. east of centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owners: Wayne Allen Sody

Variance to permit a rear yard setback of 2 feet for a proposed addition and a front yard setback of 9 feet for an existing dwelling in lieu of the required 35 feet, respectively.

Hearing: Wednesday, May 30, 2012 at 11:00 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 2, 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: 2012-0259-A

11116 Bird River Grove Road

N/side of Bird River Grove Road, 3,969 ft. east of centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owners: Wayne Allen Sody

Variance to permit a rear yard setback of 2 feet for a proposed addition and a front yard setback of 9 feet for an existing dwelling in lieu of the required 35 feet, respectively.

Hearing: Wednesday, May 30, 2012 at 11:00 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: Mr. Sody, 11116 Bird River Grove Rd., White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 15, 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.

WHITEFORD, TAYLOR & PRESTON L.L.P.

ADAM D. BAKER
DIRECT LINE (410) 832-2052
DIRECT FAX (410) 339-4028
ABaker@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

July 18, 2012

Via Hand Delivery

John E. Beverungen, Esquire
Administrative Law Judge
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

**Re: Petition for Variance (11116 Bird River Grove Road)
Case No. 2012-0259-A
Hearing on Motion for Reconsideration**

**Date and Time of New Hearing: July 25, 2012 @ 2pm
Location: 105 W. Pennsylvania Avenue, room 205**

Dear Judge Beverungen:

We were able to set a new hearing date and time for the above Motion for Reconsideration. I will request Ms. Matthews to reserve room 205 for this hearing. I have left messages with Mrs. Spliedt advising her of the new hearing time. I will be sure to confirm that date and time with her prior to the hearing.

Thank you for your kind consideration in this matter. Please contact me should you have any questions or concerns.

Sincerely,



Adam D. Baker

AB:mw
Enclosure
cc: Mrs. Linda Spliedt

JB
5-30-12



KEVIN KAMENETZ
County Executive

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

June 25, 2012

ADAM D. BAKER, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, LLP
TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MD 21204-5025

LINDA SPLIEDT
11114 BIRD RIVER GROVE ROAD
WHITE MARSH MD 21162

RE: Petition for Variance
Case No.: 2012-0259-A
Property: 11116 Bird River Grove Road

Dear Ms. Spliedt and Mr. Baker:

As you know, the Petitioner has filed with this Office a Motion for Reconsideration of the June 1, 2012 Order in the above case. Under the regulations, I am required to "rule on the motion within 30 days," which in this case is July 20, 2012.

I have decided to hold another hearing to allow both parties an opportunity to present their arguments. I am available on July 9, 10, 11, 17 or 18, at 2 pm. I would appreciate if Mr. Baker would contact Ms. Spliedt and obtain a mutually convenient date for the hearing. Please let this Office know as soon as a date is selected.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Debra Wiley - Fwd: Case; 2012-0259-A

From: John Beverungen
To: abaker@wtplaw.com
Date: 7/6/2012 10:26 AM
Subject: Fwd: Case; 2012-0259-A
CC: Debra Wiley; Kristen Lewis; lindaspliedt@aol.com

Mr. Baker,

I am forwarding to you for your file a copy of an email I received from Ms. Spliedt, regarding possible dates for the hearing on the motion to reconsider filed by your client in the above case. As you can see, the vacation schedules of your client and Ms. Spliedt have made it difficult to pick a convenient date, a not uncommon phenomenon at this time of year.

Here is what I propose: please contact Ms. Spliedt and pick a date that works between August 1-10, 2012. When you have a convenient date, please contact Kristen Lewis in the Dept. of PAI as soon as possible, so that she can be sure to get this on the August calendar for this office, which has not yet been finalized.

The only remaining issue is that under zoning commissioner's rules, a ruling on the motion to reconsider must be issued within 30 days of the filing of the motion. Of course, that time period can be extended by mutual agreement, so provided your client and Ms. Spliedt so consent, that would not present an obstacle. After the hearing, I will send out an Order on the motion, and either party would then have 30 days in which to file an appeal to the county board of appeals.

I hope this clarifies matters, but if any questions remain please contact me.

John Beverungen.

>>> Linda Spliedt <lindaspliedt@aol.com> 07/05/12 1:31 PM >>>
 Dear Judge Beverungen,

My name is Linda Spliedt. I received your letter explaining to me that Mr. Sody has been given another hearing as he requested. The letter was dated June 25, 2012. In that letter the dates were listed as July 9, 10, 11, 17 and 18 2012.

Mr. Adam Baker (Mr. Sody's now attorney) received a phone call from me on June 29, 2012 to schedule a hearing date. I left message. July 3, 2012 Mr. Baker returned my call with a date of July 17, 2012. I explained to Mr. Baker that the 17 and 18 were not good for me as I had made a commitment in January of this year 2012 on those dates I explained to him the 9, 10, or 11, 2012 were good. Mr. Baker said he would get back with me as Mr. Sody was on vacation. I waited, no phone call. On July 5, 2012 I called Mr. Baker 12:07 pm and left another message. Mr. Baker returned my call on July 5, 2012 and said he could not get hold of Mr. Sody as he was on vacation. Shame on me for being honest telling Mr. Baker I cannot do 17 or 18, 2012. Now Judge I know Mr. Sody has a cell phone available to him 24 hrs. because of the business he owns and operates. His employees can get him anytime. Do you think this is intentional? Knowing I cannot be there for the hearing on the 17th, or 18th, That is the date Mr. Baker is going for? He explained that this hearing has to be within 30 days. I know one of Mr. Sody's employees and she can get him anytime. He will also be home July 6th or 7th. Again Mr. Beverungen, is there anything that can be done to schedule 9, 10, or 11th?

I haven't been able to enjoy time from home for 12 years. Do I have any other options? this is consuming the whole summer.

With all sincerity,
 Linda Spliedt

Debra Wiley - Calendar Addition - July

From: Debra Wiley
To: OAH Staff
Date: 7/20/2012 12:29 PM
Subject: Calendar Addition - July
CC: Lewis, Kristen

Hi,

RE: Case No. 2012-0259-A - 11116 Bird River Grove Road

A hearing on the Motion for Reconsideration has been set in as follows:

7/25 @ 2 PM, Room 205

Please mark your calendars accordingly. 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

7/25
to be reset in Aug.**Debra Wiley - Fwd: CASE# 2012-0258-A**

From: John Beverungen
To: abaker@wtplaw.com
Date: 7/24/2012 10:03 AM
Subject: Fwd: CASE# 2012-0258-A
CC: Debra Wiley

Mr. Baker, I received the above e-mail in connection with the motion for reconsideration in the above case. We will need to pick a mutually agreeable date in August, as I originally proposed in my earlier letter.

>>> Linda Spliedt <lindaspliedt@aol.com> 07/22/12 12:24 PM >>>

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

From: Linda Spliedt <lindaspliedt@aol.com>
To: Jbeveungen <jbeveungen@baltimorecounty.gov>
Sent: Sat, Jul 21, 2012 7:59 am
Subject: CASE# 2012-0258-A

Dear Judge Beverungen,

I apologize for e-mailing you again in regards to this case, but I am having a very difficult time communicating with this Mr. Adam Baker. I have called his office several times and received no answer. I have left messages each time trying to mutually receive a date as you suggested. The last time I called was July 13, 2012. No answer, left message. Of course Monday July 16, 2012 Mr. Baker returned my call on my house phone. not my cell phone. He continued to call again on house phone, naturally I was out of town. I returned to Baltimore July 20, 2012 Our mail comes late evening ... I received copy letter from Mr. Baker telling me the date is set for July 25, 2012. I rearranged my schedule to leave August 1- 10th open as you proposed. I cannot be there on July 25, as I have had storm damage and am in the middle of appointments with contractors and utility companies insurance adjusters. What happened to the proposed dates in August 2012? Believe me Mr. Beverungen, this is becoming a nightmare. I called Mr. Baker's office again on July 20, 2012 after receiving letter copy to you and again No answer I left message. Can you please direct me as to what to do?

With all sincerity. my regards,

Linda Spliedt
11114 Bird River Grove
White Marsh 21162
410-335-6144 H
410-284-1656 Cell

WHITEFORD, TAYLOR & PRESTON L.L.P.

ADAM D. BAKER
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DIRECT FAX (410) 339-4028
ABaker@wtplaw.com

TOWSON COMMONS, SUITE 300
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FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

July 25, 2012

Via Hand Delivery

John E. Beverungen, Esquire
Administrative Law Judge
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JUL 25 2012
OFFICE OF ADMINISTRATIVE HEARINGS

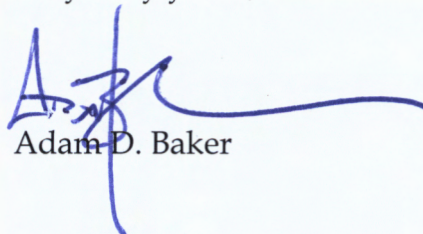
Re: Petition for Variance (11116 Bird River Grove Road)
Case No. 2012-0259-A

Dear Judge Beverungen:

Pursuant to your recommendation, we have chosen August 28th at 2pm for the Hearing on our Motion for Reconsideration. We have not cleared that date and time with Mrs. Spliedt, the adjacent property owner as it is our understanding that your office will verify her availability. We also understand that your office will send out notices of this new date and time and will notify Ms. Mathews, the docket clerk as well.

Thank you for your cooperation and patience in setting this matter in for a hearing.

Very truly yours,



Adam D. Baker

AB:lsp
cc: Linda Spliedt

427324

JB 8/28 2pm



KEVIN KAMENETZ
County Executive

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

July 26, 2012

Adam D. Baker, Esquire
Whiteford, Taylor & Preston, LLP
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025

Linda Spliedt
11114 Bird River Grove Road
White Marsh, Maryland 21162

RE: Petition for Variance
Case No.: 2012-0259-A
Property: 11116 Bird River Grove Road

Dear Mr. Baker and Ms. Spliedt:

As you know, I had originally thought we could schedule the hearing on the Motion for Reconsideration some time between August 1 through August 10, 2012. I now understand that Mr. Sody's attorneys will be on vacation during that time, so we will need to pick another date.

After reviewing my calendar, I have decided to schedule the hearing for August 28, 2012 at 2:00 PM. The hearing will be held in Room 205, the same location as the original hearing.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

Debra Wiley - Re: Addition to Calendar - August

From: Kristen Lewis
To: Wiley, Debra
Date: 7/30/2012 9:01 AM
Subject: Re: Addition to Calendar - August

Good Morning,

I have added the case to the calendar on Groupwise. Thanks,

Kristen

>>> Debra Wiley 7/30/2012 8:41 AM >>>
Good Morning,

Please add to your August calendar the following :

August 28, 2012 @ 2 PM, Room 205
2012-0259-A (Hearing on Motion for Reconsideration)
11116 Bird River Grove Road

Please mark your calendars accordingly. 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



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 29, 2012

NOTICE OF ASSIGNMENT

CASE #: 12-259-A **IN THE MATTER OF: Wayne Allen Sody / Legal Owner / Petitioner**
11116 Bird River Grove Road / 15th Election District; 6th Councilmanic District

Re: Petition for Variance to allow a rear yard setback of 2 ft for a proposed addition and a front yard setback of 9 ft for an existing dwelling in lieu of required 35 ft.

6/1/12 Opinion and order of the Administrative Law Judge DENYING the requested Variance.

6/20/12 Motion for Reconsideration filed by Adam Baker, Esquire on behalf of Petitioner.

8/29/12 Motion for Reconsideration Opinion and Order issued by Administrative Law Judge determining that a Variance is not necessary in this matter and therefore the Petition is withdrawn without prejudice.

ASSIGNED FOR: **THURSDAY, JANUARY 3, 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 Petitioner/LO	: Jennifer Busse, Esquire
	: Adam Baker, Esquire
	Whiteford, Taylor & Preston, LLP
 Petitioner/LO	 : Wayne Allen Sody
 Appellant	 : Linda Spliedt

Gerard Ryban

Gregory and Barbara Nelson

William and Agnes Belt

Office of People's Counsel

Arnold Jablon, Director/PAI

Andrea Van Arsdale, Director/Department of Planning

Michael Field, County Attorney, Office of Law

Lawrence M. Stahl, Managing Administrative Law Judge

John E. Beverungen, Administrative Law Judge

Nancy West, Assistant County Attorney

WHITEFORD, TAYLOR & PRESTON L.L.P.

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

November 21, 2012

Arnold Jablon, Director
Baltimore County Department of Permits, Approvals & Inspections
111 W. Cheseapeake Avenue, Suite 105
Towson, MD 21204

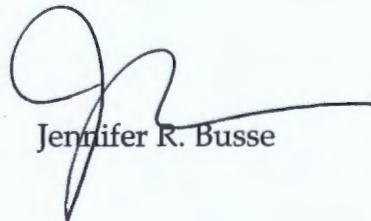
Re: Case No. 12-259-A
Withdrawal of Petition for Variance

Dear Mr. Jablon:

On behalf of my client, Wayne Allen Sody, the legal owner of 11116 Bird River Grove Road, I am filing this letter formally withdrawing his Petition for Variance in Case No. 12-259-A. This may seem redundant as Judge Beverungen in his Order dated August 29, 2012 already dismissed without prejudice the Variance request. The remaining findings of fact and conclusions of law that a variance was never necessary and that the addition to be constructed meets all setbacks still stands.

Please do not hesitate to contact me with any questions or concerns. Thank you for your assistance in this regard.

Sincerely,



Jennifer R. Busse

JRB:tm

cc: Mr. Wayne Allen Sody
Ms. Linda Spliedt
Theresa R. Shelton, Administrator
Board of Appeals of Baltimore County
Peter Max Zimmerman, Esq.
Office of People's Counsel

RECEIVED

NOV 23 2012

**BALTIMORE COUNTY
BOARD OF APPEALS**



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

November 26, 2012

NOTICE OF ASSIGNMENT
Argument only on Motion to Dismiss

CASE #: 12-259-A **IN THE MATTER OF: Wayne Allen Sody / Legal Owner / Petitioner**
11116 Bird River Grove Road / 15th Election District; 6th Councilmanic District

Re: Petition for Variance to allow a rear yard setback of 2 ft for a proposed addition and a front yard setback of 9 ft for an existing dwelling in lieu of required 35 ft.

6/1/12 Opinion and order of the Administrative Law Judge DENYING the requested Variance.

6/20/12 Motion for Reconsideration filed by Adam Baker, Esquire on behalf of Petitioner.

8/29/12 Motion for Reconsideration Opinion and Order issued by Administrative Law Judge determining that a Variance is not necessary in this matter and therefore the Petition is withdrawn without prejudice.

ASSIGNED FOR: THURSDAY, JANUARY 3, 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 Petitioner/LO	: Jennifer Busse, Esquire
	: Adam Baker, Esquire
	Whiteford, Taylor & Preston, LLP
 Petitioner/LO	 : Wayne Allen Sody
 Appellant	 : Linda Spliedt

Gerard Ryban	Gregory and Barbara Nelson	William and Agnes Belt
Office of People's Counsel	Lawrence M. Stahl, Managing Administrative Law Judge	
Arnold Jablon, Director/PAI	John E. Beverungen, Administrative Law Judge	
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

January 4, 2013

NOTICE OF DELIBERATION/Motion to Dismiss

CASE #: 12-259-A IN THE MATTER OF: Wayne Allen Sody / Legal Owner / Petitioner
11116 Bird River Grove Road / 15th Election District; 6th Councilmanic District

Having concluded ARGUMENT on the Motion to Dismiss in this matter on Thursday, January 3, 2013; a Public Deliberation has been scheduled on the following date /time:

DATE AND TIME: **TUESDAY, FEBRUARY 5, 2013 AT 9:30 a.m.**

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

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.

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 Petitioner/LO	: Jennifer Busse, Esquire
	: Adam Baker, Esquire
	Whiteford, Taylor & Preston, LLP
Petitioner/LO	: Wayne Allen Sody
Appellant	: Linda Spliedt

Gerard Ryban

Office of People's Counsel
Arnold Jablon, Director/PAI

Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge

Nancy West, Assistant County Attorney



KEVIN KAMENETZ
County Executive

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

May 22, 2012

Wayne Allen Sody
11116 Bird River Grove Road
White Marsh MD 21162

RE: Case Number: 2012-0259-A, Address: 11116 Bird River Grove Road, 21162

Dear Mr. Sody:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 18, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

5-30 11AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



MAY 10 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 10, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0259-A
Address 11116 Bird River Grove Road
(Sody Property)

Zoning Advisory Committee Meeting of April 23, 2012.

EPS 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 is subject to Critical Area requirements. The applicant is proposing to reduce the front and side yard setbacks for a 660 square feet addition. To minimize impacts on water quality, lot coverage requirements must be met. A maximum of 31.25% percent, or 3,219 square feet, is permitted. By meeting the lot coverage requirements and the 15% afforestation 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 whether the requested relief will exceed the lot coverage limit on site. If the proposal does not exceed 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*

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-26-12

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

RE: Baltimore County
Item No 2012-0259-A
Variance
Wayne Allen Sody
11116 Bird River Grove 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. 2012-0259-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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For May 7, 2012
Item No. 2012-0259

DATE: April 26, 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 9.5feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN
cc: File
ZAC-ITEM NO 12-0259-05072012.doc

RE: PETITION FOR VARIANCE

11116 Bird River Grove Rd; N/S of Bird River

Grove Rd, 3969' E c/line of Ebenezer Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Wayne Allen Sody

§ Petitioner(s)

*

BEFORE THE OFFICE

*

OF ADMINSTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

2012-259-A

* * * * *

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.

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

RECEIVED

APR 30 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Wayne Allen Sody, 11116 Bird River Grove Rd, Baltimore MD 21162, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

9-28-12

DEAR MR. ADMINISTRATIVE LAW JUDGE,

PLEASE ENTER OUR (my) APPEAL TO CASE
2012-0259-A for property known as 11116
BIRD RIVER GROVE RD. WHITE MARSH MD. 21162.

Linda S. Spliecht

[Signature]

11114 BIRD RIVER GROVE RD.

WHITE MARSH MD 21162

H 410-335-6144 Cell 410-284-1656

P.S. CHECK # 102 amount \$ 265.00 is ATTACHED

Rec'd call from
Kristen Lewis
10/1 @ 10:38 AM.

Ms. Spliecht filed an
appeal @ 300. Rev. on
Friday - last day.

RECEIVED

SEP 28 2012

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

No. **29689**

Date: **9-28-12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 10/11/2012 10/10/2012 11:58:27 2

REG MS02 MAIL JENA JEE

>>RECEIPT N 799880 10/10/2012 OFLN

Dep 5 528 ZONING VERIFICATION

CR NO. 029689

Recpt Tot \$265.00

\$265.00 CR \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		650				265.00
								265.00

Total: _____

Rec From: **Linda Splidt**

For: **Appeal of case No. 2012-0259-A**

11114 Bird River Grove Rd.

White marsh, Md. 21162-1806

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

October 18, 2012

Wayne Allen Sody
11116 Bird River Grove Road
White Marsh, Maryland 21162

RECEIVED
OCT 18 2012

BALTIMORE COUNTY
BOARD OF APPEALS

RE: APPEAL TO BOARD OF APPEALS
Case No. 2012-0259-A
Location: 11116 Bird River Grove Road

Dear Mr. Sody:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 28, 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
Linda Spliedt, 11114 Bird River Grove Road, White Marsh, MD 21162
Adam D. Baker, Esq. and Jennifer Busse, Esq., Whiteford, Taylor & Preston, LLP,
Towson Commons, Suite 300, One West Pennsylvania Avenue, Towson, MD 21204

APPEAL

**Petition for Variance
N side of Bird River Grove Road, 3,969' E of c/line of Ebenezer Road
(11116 Bird River Grove Road)
15th Election District – 6th Councilmanic District
Legal Owner: Wayne Allen Sody
Case No. 2012-0259-A**

Petition for Variance (April 18, 2012)

Zoning Description of Property

Notice of Zoning Hearing (May 2, 2012)

Certificate of Publication (The Jeffersonian – May 17, 2012)

Certificate of Posting (May 10, 2012) by Martin Ogle

Entry of Appearance by People's Counsel (April 30, 2012)

Petitioner(s) / Protestant(s) Sign-in Sheet – One Combined Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan
2. Aerial Photo/Map
3. "My Neighborhood" Map

Protestant(s) Exhibits

1. Color Photos of Environs

Miscellaneous (Not Marked as Exhibits) – Letters, E-mails & Faxes

Administrative Law Judge Order (DENIED - June 1, 2012)

Request for Motion for Reconsideration – June 20, 2012 by Adam Baker

Petitioner(s) Sign-in Sheet – Hearing on Motion

Citizen(s) Sign-in Sheet - Hearing on Motion

Petitioner(s) Exhibits – Motion

1. Amended Site Plan
2. Color Photos (#20)
3. Layout of dwelling
- 4A/4B. Letters of support
5. SDAT printout
6. 1941 plat
7. Zoning code
8. Zoning map showing variances in vicinity
9. Zoning Order 06-093-A
10. Map showing grinder pump cleanouts
11. Easement deed to County

Administrative Law Judge Order on Motion (Withdrawn w/o Prejudice – August 29, 2012)

Notice of Appeal received on September 28, 2012 from Linda Spliedt

Debra Wiley - ZAC Comments - Distribution Mtg. of 4/23

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/23/2012 10:09 AM
Subject: ZAC Comments - Distribution Mtg. of 4/23

Good Morning,

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.

2012-0253-A - 1502 Walker Road
 No hearing date assigned in data base as of today

2012-0254-A - 14006 Sunnybrook Road
 Administrative Variance - Closing Date: 5/7/12

2012-0255-A - 31 Sproul Street
 Administrative Variance - Closing Date: 5/7/12

2012-0256-SPHA - 6727 B Windsor Mill Road
 No hearing date assigned in data base as of today

2012-0257-X - 4111 Washington Boulevard
 No hearing date assigned in data base as of today

2012-0259-A - 11116 Bird River Grove Road - CBCA / FLOODPLAIN
 No hearing date assigned in data base as of today

2012-0260-A - 3313 Lee Court
 Administrative Variance - Closing Date: 5/14/12

2012-0261-XA - 9530 Philadelphia Road - **FLOODPLAIN**
 No hearing date assigned in data base as of today

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

Patricia Zook - Fwd: 2012-0259-A - additional hearing to be scheduled

From: Patricia Zook
To: Lewis, Kristen
Date: 6/25/2012 3:53 PM
Subject: Fwd: 2012-0259-A - additional hearing to be scheduled
CC: Wiley, Debra
Attachments: Message from "zoneprt1"

Kristen -

Please see attached letter from Judge Beverungen to Adam Baker, Esquire and Linda Spliedt regarding the above case. The hearing was May 30 and the Order issued June 1. Petitioner's attorney, Baker, filed a Motion for Reconsideration.

Judge Beverungen has decided to hold another hearing to allow the parties to present their arguments. No posting or advertising is required for this additional hearing.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



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Linda Spliedt CASE NO.2012-0259-A

Subject: Linda Spliedt CASE NO.2012-0259-A

ATTENTION YOUR HONOR JOHN E. BEVERUNGEN

This letter is in response to CASE NO. 2012-0259-A

In regards to your decision on June 1 st 2012. I THANK you! It has also come to my attention that Mr. Wayne Sody 11116 Bird River Grove Rd. has asked for you reconsideration regarding your decision. PLEASE, PLEASE, your Honor keep to your decision. I was considerate in understanding Mr. Sody's request for building his garage with a second story added, which exceeds the normal height. To be boxed in on both front and back would be unbearable, selfish, and inconsiderate to all surrounding his property. Other OPTIONS are available to Mr. Sody. He is in a FLOOD zone now and it will only be more of a hazard to himself and me if this construction takes place as it states. PLEASE your Honor PLEASE DO not GRANT this Petition for Reconsideration. Nothing has changed to shed a new light on this request. Mr. Sody has more footage on the road side to build his construction and would not hinder or create obstacles BLOCKING our beautiful waters and views of the waterfront. The wild life and nature on the water is absolutely BEAUTIFUL. I will not be able to view this and enjoy what I moved here 40 years ago to enjoy. . My family children and grandchildren have learned so much living on the water that I cannot fathom taking this away for a building that can be constructed on the roadside, BEGGING you to KEEF to your original decision with all sincerity,

Linda Spliedt

11114 Bird River Grove Rd.

White Marsh, Md. 21162

410-2841656 Cell

June 25, 2012

8/25

to be reset

Debra Wiley - 2012-0259-A - Spliedt (Motion for Reconsideration)

From: Debra Wiley
To: Beverungen, John; tKotroco@gmail.com
Date: 7/24/2012 2:11 PM
Subject: 2012-0259-A - Spliedt (Motion for Reconsideration)

Hi there,

I placed a call to Ms. Spliedt (410.335.6144) and left a voice mail that she does not need to appear for her case tomorrow and that as soon as another hearing date has been acquired, **she will receive a notification letter from our office with that information.**

As soon as the new date is received, please let me know and I'll be happy to send her notification.

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

Administrative Hearings - Re: Motion for Reconsideration - 2012-0259-A - 11116 Bird River Grove Road, 21162

From: Linda Spliedt <lindaspliedt@aol.com>
To: <administrativehearings@baltimorecountymd.gov>
Date: 9/13/2012 5:31 PM
Subject: Re: Motion for Reconsideration - 2012-0259-A - 11116 Bird River Grove Road, 21162

In response to your reply I am sorry my right as a citizen of baltimore county cannot be exercised as was Mr. Sodys right. Your decision said I had the right to disagree and could act. However I have to pay to be heard. Mr. Sody did not have to pay to be heard. Again, How is that fair? How can you discriminate against one party as oposed to another. Again I do not understand. I did apologise for not having legal counsel. You said I did not need to be represented. This responce is telling me I did need legal counsel. To be able to have 2 zoning codes on one property is wrong and I am stuck with this . It is wrong! And the post office TEXAS absurd My address has been the same for 40 years. Why was I not told by e-mail or phone The post office made a terrible mistake as have I trying to defend my rights as a citizen.

Linda Spliedt

Again 11114 Bird River Grove Rd.
 White Marsh Md. 21162

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

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
To: lindaspliedt <lindaspliedt@aol.com>
Cc: jbusse <jbusse@wtplaw.com>
Sent: Thu, Sep 13, 2012 3:07 pm
Subject: Motion for Reconsideration - 2012-0259-A - 11116 Bird River Grove Road, 21162

Ms. Spliedt,

Attached please find a copy of Judge Beverungen's response to your e-mail today.

In addition, please see pg. 3 in which Judge Beverungen's August 29th Order was returned by the US Postal Service, giving notice of a different address.

Attached Message

From: Debra Wiley <dwiley@baltimorecountymd.gov>
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject:
Date: Thu, 13 Sep 2012 15:57:47 -0400

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

Administrative Hearings - Motion for Reconsideration - 2012-0259-A - 11116 Bird River Grove Road, 21162

From: Administrative Hearings
To: lindaspliedt@aol.com
Date: 9/13/2012 4:07 PM
Subject: Motion for Reconsideration - 2012-0259-A - 11116 Bird River Grove Road, 21162
CC: jbusse@wtplaw.com
Attachments:

Ms. Spliedt,

Attached please find a copy of Judge Beverungen's response to your e-mail today.

In addition, please see pg. 3 in which Judge Beverungen's August 29th Order was returned by the US Postal Service, giving notice of a different address.



KEVIN KAMENETZ
County Executive

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

September 13, 2012

Linda Spliedt
11114 Bird River Grove Road
White Marsh MD 21162

RE: MOTION FOR RECONSIDERATION
Petition for Variance
Case No.: 2012-0259-A
Property: 11116 Bird River Grove Road

Dear Ms. Spliedt,

I am in receipt of your e-mail of today's date, concerning the captioned matter. I also understand that you take issue with the recent Order on Petitioner's Motion for Reconsideration, and question why the 1945 zoning regulations were deemed applicable, as opposed to the RC 2 classification.

Under the Zoning Commissioner's Rules, the August 29, 2012 ruling on the Motion for Reconsideration "shall be considered the final decision" in the case. As such, your recourse would be to file an appeal to the Board of Appeals for Baltimore County. There is a fee (\$265.00) associated with filing such an appeal, and this Office is not authorized to waive that fee.

I am sorry that I cannot be of more assistance to you in this matter.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

c: Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, L.L.P., Towson Commons,
Suite 300, One West Pennsylvania Avenue, Towson, MD 21204

Administrative Hearings - Re: Case No. 2012-0259-A Motion for Reconsideration - 11116 Bird River Grove Rd.

RECEIVED

SEP 13 2012

From: Linda Spliedt <lindaspliedt@aol.com>
To: <administrativehearings@baltimorecountymd.gov>
Date: 9/13/2012 1:51 PM
Subject: Re: Case No. 2012-0259-A Motion for Reconsideration - 11116 Bird River Grove Rd.

OFFICE OF ADMINISTRATIVE HEARINGS

Judge Beverungen,

I received your decision on Case 2012-0259-A by e-mail on September 11, 2012. I did not receive any mail on this matter. I had to call to get answer. Upon the answer Of your decision, I would very much like to respond to it. I understand I have 30 days from August 29, 2012 to respond. I am questioning this decision because it is requiring the variance to be dropped. Doing that and permitting the addition to go forth with a 1945 code or law should void the permit for the garage and employees {3} offices over top of the new garage. The permit was granted on a RC-2 zoning. Can one homeowner receive two {2} zoning codes on the same property for the purpose in which he chooses? Can a homeowner switch his front entrance from the side to the front on a drawing in which it still remains on the side in reality. I cannot understand. In any event the back as on Mr. Sody's drawing is zoned RC-2 and a permit was granted with 2nd story employee offices above limit. And the side, which on the drawing presented is going to be granted under a 1945 zone? which is the correct zone? With this information still not clear I request that I motion for reconsideration or do I ask for an appeal? Your letter states I do have an option to question this hearing result. Mr. Sody asked for motion for reconsideration I learned no fee for that however \$265.00 for an appeal Please Mr. Beverungen help me help myself as I am only trying to protect my homeownership as well as enjoy my property too. Make note that this is the 13th day of September 2012. How many zones are you allowed on one {1} property?

With all due respect your

honor,

Linda Spliedt.
 11114 Bird River Grove Rd.
 White Marsh Md. 21162

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

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
 To: lindaspliedt <lindaspliedt@aol.com>
 Sent: Tue, Sep 11, 2012 11:12 am
 Subject: Case No. 2012-0259-A Motion for Reconsideration - 11116 Bird River Grove Rd.

Please find attached the cover letter and Opinion & Order for the above case forwarded on August 29th.

May 29, 2012

My Name is Linda Spleist. I live at 11114
Bird River Grove Rd. I have resided at this
address since 1972. 40 years. I moved on the
water to be able to see, view, and enjoy the
the sanctary of the water and its water life.

Building this addition 22 feet out from
Mr. Sody's existing dwelling will not only block
water views but not allow any sight of water
to the right of my property. Not only out towards
water but up 2 stories and deck off of
2nd story will cover all sights and views of
said water that I am able to see and
enjoy living on the water now.

My Apologies to Mr. Wayne Sody for
expressing my concerns. But Hoping for
understanding from the Court and Mr. Sody
towards me in wanting to enjoy my home on
the water as well!

Sincerely

Linda S. Spleist

410 335-4144 H

410 284 1654 Cell

CASE NO. 2012-0259-A

WED. MAY 30, 2012 - 11 AM

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Wayne Sody

12-259-A

DATE: February 5, 2013

BOARD/PANEL: Wendell H. Grier, Panel Chair
David L. Thurston
Edward W. Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Motion to Dismiss filed by Jennifer Busse, Esquire on behalf of Petitioner.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the Motion to Dismiss. The Administrative Law Judge dismissed this matter with prejudice below. The Protestant filed an appeal.
- The Board reviewed the law. The law states that an appeal may be filed on a final judgment. Since the Administrative Law Judge dismissed this matter and directed the Petitioner to Permits for the complete process.

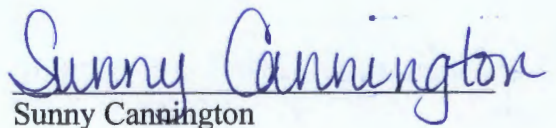
DECISION BY BOARD MEMBERS:

The Board determined that they do not have jurisdiction over this matter.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Motion to Dismiss.

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

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: April 12, 2013

TO: David Duvall
Zoning Review Office
Permits, Approvals & Inspections

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES/CASES DISMISSED

The following cases have been closed as of the above date and are being returned to your office for storage.

Case No:	Case Name:
12-050-SPH	John and Irene Angelos (Large Exhibits attached)
12-228-A	Hermann and Anne Schmid
12-259-A	Wayne A. Sody

c: Arnold Jablon, Director/PAI
Michael Field, County Attorney
Nancy West, Assistant County Attorney

6/18/14

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

In the Matter of

Civil Citation No. 1400477

Wayne Allen Sody
11116 Bird River Grove Road
White Marsh, MD 21162

11116 Bird River Grove Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on June 11, 2014 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) sections 101; 102.1; 500.9, Baltimore County Code (BCC) section 32-3-102: Violation of commercial site/plan and/or zoning Order; Illegal home occupation on residential property.

On May 5, 2014, pursuant to BCC § 3-6-205, 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 \$6,600.00 (Six thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Jennifer Busse, Esquire, representing Wayne Sody, owner and Respondent, Linda Spliedt and Bernard Gerst, Complainants and Christina Frink, Baltimore County Code Enforcement Officer.

Evidence was presented that upon a citizen complaint, an investigation of the subject property began with an inspection on 3/18/14, revealing what appeared to be an office above a garage accessory building. The Inspector went to the location and spoke to a person who identified herself as an employee and the Inspector identified filing cabinets and other office furniture and accoutrements. A Correction Notice was issued. On 3/19/14 the Respondent called the Inspector and referred her to his attorney, noting that the accessory garage building had been approved through an Administrative Variance. A review of the Administrative Variance Order by the Inspector revealed that although the accessory garage building and second floor was granted on January 12, 2012, it contained a specific

condition that "The accessory structure shall not be used for commercial purposes" Accordingly, a Citation was issued, mailed and posted. On 5/5/14 a re-inspection noted no change.

Linda Spleidt, who lives next door to the subject property testified that the room above the accessory garage was to be used as a recreation room only. She offered as evidence photographs of employees carrying office equipment to the upstairs space and testified that she saw at least one employee and vehicles in front of the structure. She also advised that the employee (named Candace) had told her that there was a food business in the office.

Bernard Gerst also lives in the area and objected to the use (he believes) by the business of a lot for the parking of vehicles.

Counsel for the Respondent proffered that the Respondent has carried on a food brokerage business for years from his home. There is no inventory involved and no business storage on the property, just telephones and a computer. The property is zoned RC2, which allows home occupations. She noted that the one employee lives in the neighborhood. The Respondent would like to stay at the location and a petition signed by a number of neighbors in support of his position was submitted and entered into evidence.

This matter was held sub curia and Counsel for the Respondent was invited to file a brief memo in lieu of a closing argument. I have reviewed that submission. Counsel acknowledges that the Respondent has carried on the business from his home for fourteen years. She reiterated that there is no storage on the site, nor do any customers come to the location, and there is no signage. She notes that the RC2 zone allows this home occupation as a matter of right.

The question in this matter is not whether the Respondent can have an occupation carried out in his home—it is whether that permission includes the use of an accessory structure for that occupation, when permission for the construction of that accessory structure specifically precluded its being used for commercial uses. The Administrative Variance procedures are utilized to allow home owners to obtain minor adjustments, construction and/or additions for the personal use of the Petitioner. There is no public hearing, only the posting of a sign on the property setting forth the request being made, so that neighbors may be made aware and given an opportunity to object.

Counsel sets forth that the home office is not a "commercial use". I have consulted the American Heritage Dictionary, Second College Edition (the source of definitions set forth in the zoning code) and find that "commercial" is defined as "the buying and selling of goods"; and that "commercial" is defined as "pertaining or engaging in commerce". A food brokerage certainly meets that definition. Counsel points to the difference in permitted uses in DR and RC2 zones and gives examples of occupations permitted such as farming, saddlery, and wagon repair that have office related functions to support a conclusion that, since this an RC2 zone, it should be treated differently as to accessory uses.

I disagree. Respondent's business certainly falls within the dictionary definition of commerce. Moreover, and more importantly, the purpose of the Administrative Variance procedure is to assist the residential use of a property by its owner/inhabitant. It is purposely limited and should not be used for any other purpose. Having said that, the Administrative Variance order which permitted the construction of the accessory structure herein specifically denied permission to use it for any commercial purpose. Nothing presented by the Respondent, including evidently the positive opinions of some of the neighbors, has altered that fact.

The Respondent could seek permission to carry on his business in the accessory structure by Special Hearing, where his request would be subject to the burdens imposed for the granting of that relief. If granted, it would certainly supersede the prohibition of the original Administrative Variance.

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 \$1,000.00 (One thousand dollars).

IT IS FURTHER ORDERED that \$900.00 of the \$1,000.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$900.00 civil penalty will be imposed if the subject property is not brought into immediate compliance with the Administrative Variance order dated

January 4, 2012, pursuant to this Order, by ceasing to utilize the subject accessory structure for the Respondent's food brokerage business.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$900.00 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.

ORDERED this ____18____ day of June 2014

Signed: _____



Lawrence M. Stahl
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.



KEVIN KAMENETZ
County Executive

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

6/18/2014

SODY WAYNE ALLEN
11116 BIRD RIVER GROVE RD
WHITE MARSH, MD 21162-1806

Tax ID #:	1507001710		
Premise:	11116 BIRD RIVER GROVE RD WHITE MARSH, MD 21162-1806		
Case #	CC1400477	Lien Amount Due:	\$1,000.00
Complaint Lien ID:	20366	Suspended Fee:	\$900.00
Lien Type:	Civil Penalty Lien	Administrative Fee:	
Lien Date:	06/18/2014	Total Amount Due:	\$100.00

Dear Property Owner:

The above charge constitutes a lien against the real property to be collected in the same manner as taxes. If the charges are not paid within 30 days of notice date, interest will accrue at the rate of 1% per month.

For questions regarding the above charge, please call The Department of Permits, Approvals & Inspections / Code Enforcement at 410 887-3351, weekdays between 8 a.m. and 4 p.m.

For payment questions please call 410 887-2404, weekdays between 8 a.m. and 4:30 p.m. Please use the enclosed bill for payment.

Send payments to:

Baltimore County Office of Budget and Finance
400 Washington Avenue, Rm 150
Towson, MD 21204

Sincerely,

Arnold Jablon
Director
Department of Permits, Approvals & Inspections

Trust for Reconsid.

CASE NAME 2012-0259-A

CASE NUMBER Wayne Sady

DATE 8/28/12

[illegible]

Not for Reconsid.
CASE NAME Wayne Sody
CASE NUMBER 2012-259-A
DATE 8-28-12

[illegible]

CASE NAME _____
CASE NUMBER 2012-259-A
DATE 5-30-12

[illegible]

Previous Order

1-4-12 TK

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Bird River Grove Road, 3,969
feet E of Ebenezer Road
15th Election District
6th Councilmanic District
(11116 Bird River Grove Road)

Wayne Allen Sody
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0139-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owner of the subject waterfront property, Wayne Allen Sody for property located at 11116 Bird River Grove Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 400.1.d(2) of the Zoning Commissioner's Policy Manual, to permit a replacement accessory building (garage) to be located in the side yard with a 2 feet setback and a 24 feet height in lieu of the permitted rear yard only, 2.5 feet setback and 15 feet height, and to permit a street centerline setback of 29 feet in lieu of the minimum required 75 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desire to construct a garage measuring 24 feet wide by 30 feet long x 24 feet height. An existing garage will be replaced with a two car, two story garage to house two vehicles, recreational vehicles and storage for the family. No storage is available in the existing house because it does not have a basement and there is very limited closet and attic space.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated December 27, 2011. DEPS has reviewed the subject zoning

previous order

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1507001710

Owner Information

Owner Name: SODY WAYNE ALLEN **Use:** RESIDENTIAL
Mailing Address: 11116 BIRD RIVER GROVE RD **Principal Residence:** YES
WHITE MARSH MD 21162-1806 **Deed Reference:** 1) /10819/ 00685
2)

Location & Structure Information

Premises Address

11116 BIRD RIVER GROVE RD
0-0000

Legal Description

11116 BIRD RVR GR RD NS
Waterfront BIRD RIVER GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0073	0020	0325		0000	B	B	8	3	Plat Ref: 0013/0001

Town NONE
Ad Valorem
Tax Class

Special Tax Areas

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1948	1,320 SF	10,300 SF	34

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	177,300	177,300		
Improvements:	119,400	79,200		
Total:	296,700	256,500	296,800	256,500
Preferential Land:	0			0

Transfer Information

Seller: MARSHALL DONALD F	Date: 11/04/1994	Price: \$118,000
Type: ARMS LENGTH IMPROVED	Deed1: /10819/ 00685	Deed2:
Seller: MARSHALL DONALD F	Date: 10/19/1993	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10079/ 00175	Deed2:
Seller: SIEJACK MADGALENA	Date: 11/18/1988	Price: \$58,000
Type: ARMS LENGTH IMPROVED	Deed1: /08029/ 00453	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:

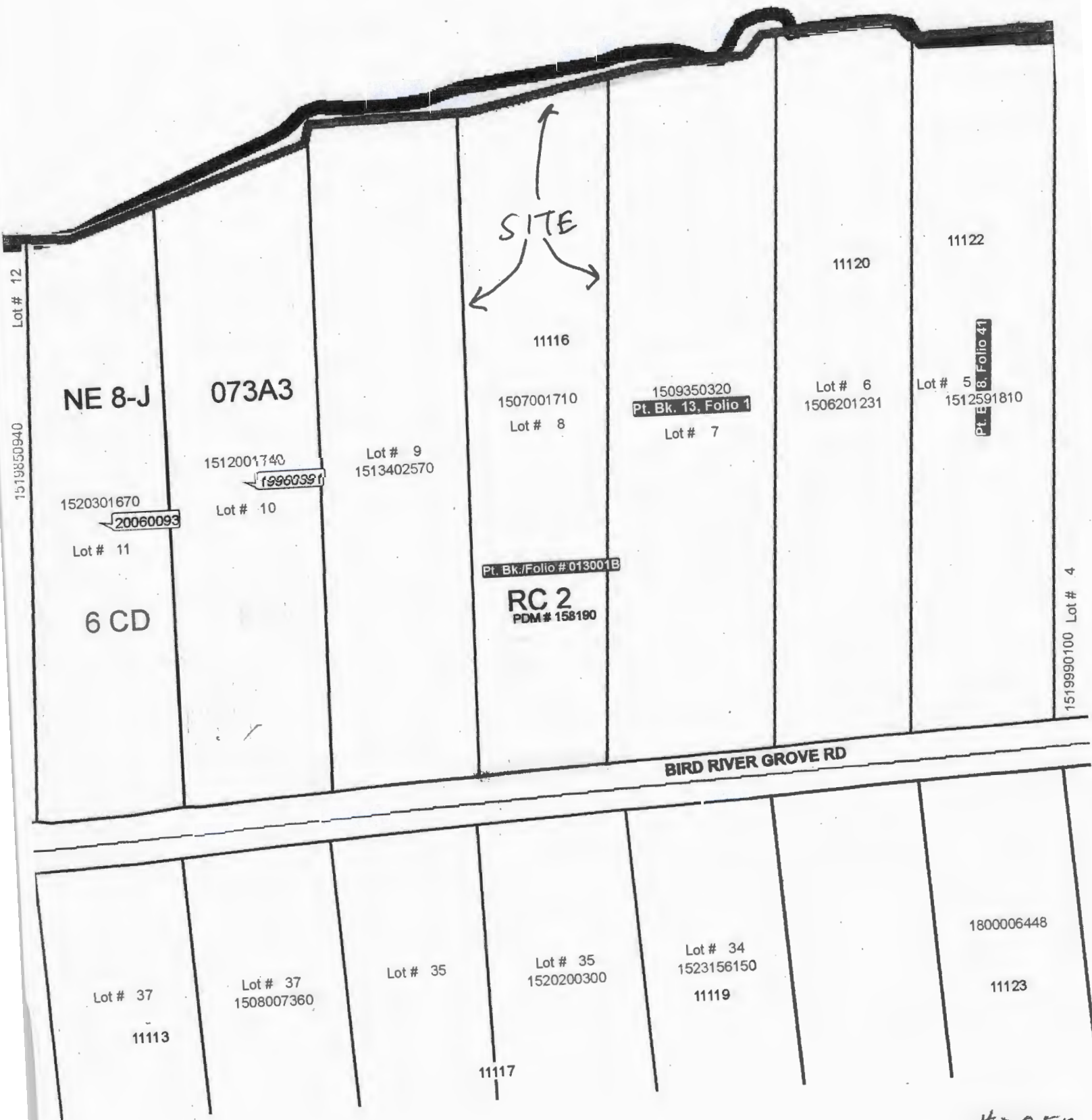
Exempt Class:

Special Tax Recapture:

NONE

Homestead Application Information

Homestead Application Status: No Application



SITE

NE 8-J

073A3

11116

1507001710
Lot # 8

1509350320
Pt. Bk. 13, Folio 1
Lot # 7

Lot # 6
1506201231

Lot # 5
1512591810

Pt. Bk. 13, Folio 41

Lot # 9
1513402570

1512001740
Lot # 10

1520301670
Lot # 11

6 CD

Pt. Bk./Folio # 013001B
RC 2
PDM # 158190

BIRD RIVER GROVE RD

Lot # 37
11113

Lot # 37
1508007360

Lot # 35

Lot # 35
1520200300

Lot # 34
1523156150
11119

1800006448

11123

11117

#0259

5-30-12

Case No.:

2012-259-A

Exhibit Sheet

Petitioner/Developer

Protestant

6/1/12 p
DW 7-10-12

No. 1	Site Plan	Color Photos of Environs
No. 2	Aerial Photo/Map	
No. 3	"My Neighborhood" Map	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO.

2



Environmental 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 9/23/2011



Environmental 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' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 9/23/2011

5-30-12

Case No.: 2012-259-A

Exhibit Sheet

Petitioner/Developer

Protestant

6/1/12

DW
7-10-12

No. 1	Site Plan	Color Photos of Environs
No. 2	Aerial Photo/Map	
No. 3	"My Neighborhood" Map	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

A color photograph of a residential outdoor area. In the foreground, a green lawn is partially covered by the shadow of a large, leafy tree on the left. A set of white plastic patio furniture, including a table and chairs, is arranged on the grass. To the right, a brick house is partially visible, with a concrete walkway leading towards it. In the background, a body of water is visible under a clear blue sky. A small wooden dock or pier extends into the water. A small black sign on a post is visible near the water's edge on the left.

PROTESTANT' S

EXHIBIT NO. 1











Case No.:

2012-0259-A

Motion for
ReconsiderationJB
8/28
2pm

Exhibit Sheet

Petitioner/Developer

Protestants

DW 8/29/12

No. 1	Amended Site Plan	
No. 2	Color Photos (# ²⁰ 15)	
No. 3	Layout of Dwelling	
No. 4	4A } Letters of Support 4B }	
No. 5	SDAT Printout	
No. 6	1941 Plat	
No. 7	Zoning Code	
No. 8	Zoning Map showing Variances in Vicinity	
No. 9	Zoning Order 06-93-A	
No. 10	Map showing Grinder Pump Cleanouts	
No. 11	Easement deed to County	
No. 12		



ALL-STATE LEGAL®
EXHIBIT
2





















WATERFRONT

FRONT

Front Entrance

8 glass doors

16' glass

PROPOSED

ADDITION:

GREAT ROOM

← 30' →

22'

KITCHEN

Laundry
Room

BATH

Existing
Entrance

LIVING ROOM

55'

66"
128"
436"

BR

BR

11'6"

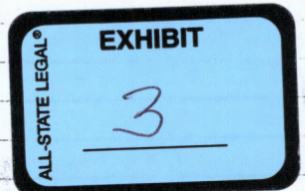
← 25' →

(EXISTING)
25' x 55'
HOUSE

PROPERTY
LINE



STREET
↓



Affidavit of Gregory and Barbara Nelson

August 24, 2012

The Honorable John E. Beverungen
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21202

Dear Judge Beverungen:

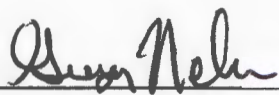
Our names are Gregory and Barbara Nelson and we reside at 11120 Bird River Grove Road. We have lived at this address for the past 13 years. We are familiar with Wayne Sody and his property located at 11116 Bird River Grove Road. He also shared with us his plans to add an addition onto his existing home.

As a neighbor, we fully support Mr. Sody in his efforts to improve his property and to make his house more livable for his growing family.

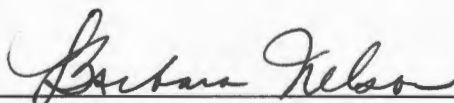
The homes that were originally constructed along Bird River Grove Road were small shore homes. These improvements, such as what Mr. Sody wants to do on his property, increase the value of all of our homes and make these home more attractive and easier to sell in the future.

I ask that you grant this variance relief to allow Mr. Sody to improve his property and to keep this good neighbor from moving out of our neighborhood.

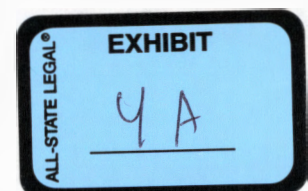
Sincerely,



Gregory Nelson 8-26-12



Barbara Nelson



Affidavit of William R. and Agnes Belt

August 24, 2012

The Honorable John E. Beverungen
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21202

Dear Judge Beverungen:

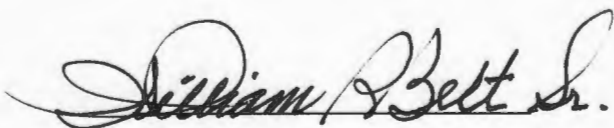
Our names are William R. and Agnes Belt and we reside at 11117 Bird River Grove Road. We have lived at this address for the past 15 years. We are familiar with Wayne Sody and his property located at 11116 Bird River Grove Road. He also shared with us his plans to add an addition onto his existing home.

As a neighbor, we fully support Mr. Sody in his efforts to improve his property and to make his house more livable for his growing family. Many of us have already improved our properties in this neighborhood. Most of the neighbors also needed variances in order to build additions onto their properties. These variances have been granted for those properties and are very common in our community.

The homes that were originally constructed along Bird River Grove Road were small shore homes. These improvements, such as what Mr. Sody wants to do on his property, increase the value of all of our homes and make these home more attractive and easier to sell in the future.

I ask that you grant this variance relief to allow Mr. Sody to improve his property and to keep this good neighbor from moving out of our neighborhood.

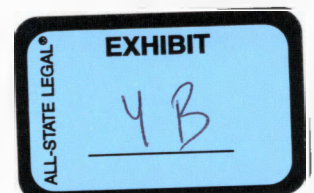
Sincerely,



William R. Belt



Agnes Belt



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 - 1507001710

Owner Information

Owner Name: SODY WAYNE ALLEN **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 11116 BIRD RIVER GROVE RD
WHITE MARSH MD 21162-1806 **Deed Reference:** 1)/10819/ 00685
2)

Location & Structure Information

Premises Address

11116 BIRD RIVER GROVE RD
0-0000

Legal Description

11116 BIRD RVR GR RD NS
Waterfront BIRD RIVER GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0073	0020	0325		0000	B	B	8	3	0013/0001

Special Tax Areas

Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1948	1,320 SF	10,300 SF	34

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	177,300	177,300		
Improvements:	119,400	79,200		
Total:	296,700	256,500	296,800	256,500
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
MARSHALL DONALD F	11/04/1994	\$118,000
Type: ARMS LENGTH IMPROVED	Deed1: /10819/ 00685	Deed2:
MARSHALL DONALD F	10/19/1993	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10079/ 00175	Deed2:
SIEJACK MADGALENA	11/18/1988	\$58,000
Type: ARMS LENGTH IMPROVED	Deed1: /08029/ 00453	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



RIVER



REVISED By
J. Milton Green.
Registered Engr. & Surveyor.
Towson Maryland.
OCTOBER 1941.

EXHIBIT

Q

E 1 IN=100 FT. MAR 26, 1925.
COONAN & CO.
SURVEYORS & CIVIL ENGRS.
COURTLAND ST.
BALTIMORE MD.

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot as the building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

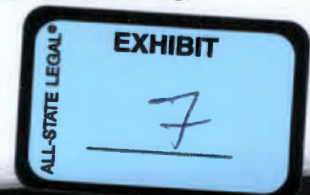
For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

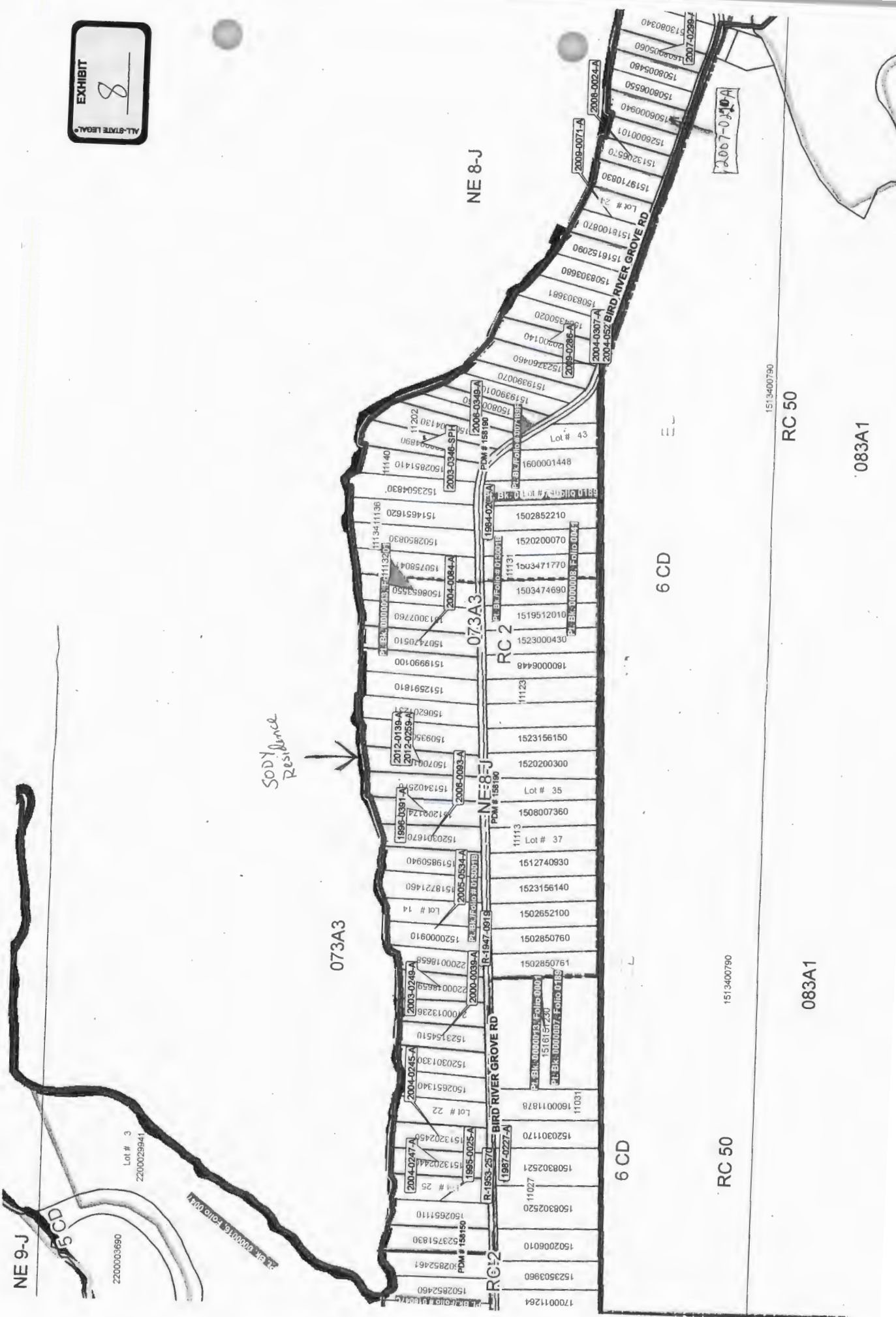
- "A" Residence Zone - - - (Cottage)
- "B" Residence Zone - (Semi-detached)
- "C" Residence Zone - - (Apartment)
- "D" Residence Zone - - - (Group)
- "E" Commercial Zone.
- "F" Light Industrial Zone.
- "G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.
2. Dwelling, single family.
3. Dwelling, two-family.
4. Farming and buildings incidental thereto.
5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.





IN RE: PETITION FOR VARIANCE
11110 Bird River Grove Road
N/Side of Bird River Grove Road, 4,200 ft.
N/east of Ebenezer Road
15th Election District
6th Councilmanic District
(11110 Bird River Grove Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* **CASE NO. 06-093-A**

* STAP, LLC by Harold Applegarth, member
* *Petitioner*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Harold Applegarth, Managing Member, STAP, LLC. The variance request is for property located at 11110 Bird River Grove Road in eastern Baltimore County. The variance requested is from Sections 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a set back of ten (10) feet from the side lot line in lieu of the minimum required 35 feet from the side lot line. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

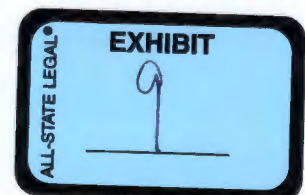
*8'x52' addition
down the side of
his dwelling*

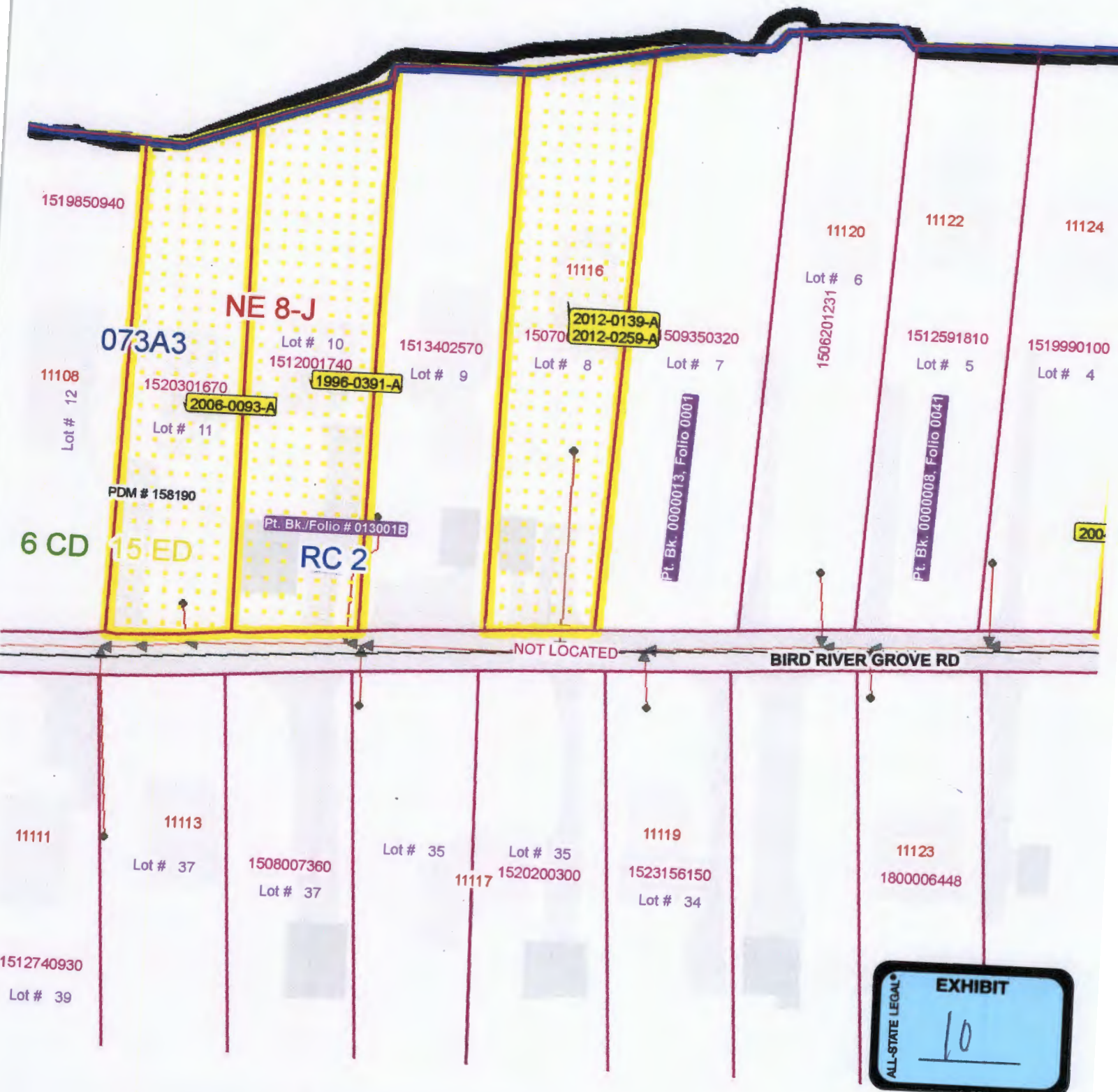
*uniqueness
finding →*

Notice of the hearing was given to the public by posting the property with notice of the hearing date and time on September 26, 2005 and by publication in "The Jeffersonian" newspaper on September 27, 2005.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection and Resource Management dated September 7, 2005 and the Department of Permits and Development Management dated September 2, 2005, copies of which are attached hereto and made a part hereof.





ALL-STATE LEGAL®
EXHIBIT
10

0014311 710

RW 99-041-9
J.O. 201-0002-0997
Item 17 (GP)
Election District: 15c5

THIS DEED and AGREEMENT, Made this 28th day of January, in the year 2000,
between **WAYNE ALLEN SODY**, of Baltimore County, State of Maryland, Grantor; and **BALTIMORE**
COUNTY, MARYLAND, a body corporate and politic, Grantee.

WHEREAS, the Grantee desires to construct and maintain sewers, drains, water pipes, grinder pumps, electrical lines, and other municipal utilities and services in, on, through, and across the land hereinafter described, and the Grantor is willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, the said Grantor hereby grants and conveys unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, the right to lay, construct, and maintain sewers, drains, water pipes, grinder pumps, electrical lines, and other municipal utilities and services in, on, through, and across the land of the Grantor, situate in Baltimore County, State of Maryland, said sewers, drains, water pipes, grinder pumps, electrical lines, and other municipal utilities and services to be laid in the easement which is described as follows:

Situate in the Fifteenth Election District of Baltimore County.

BEING an easement of irregular dimensions across the property of the Grantor containing 0.025 acre (1,091 sq. ft.), more or less, said easement shown and indicated as "DRAINAGE & UTILITY EASEMENT" on the Baltimore County Bureau of Land Acquisition Drawing No. RW 99-041-9, which is attached hereto and made a part hereof.

TOGETHER with the appurtenant right to connect an electrical line leading from the grinder pump located in the above-described easement area to an outside electrical service box to be affixed to the Grantor's dwelling or building. The electrical line shall be the property of Baltimore County and shall not be relocated without prior authorization from the Baltimore County Department of Public Works.

FOR TITLE: See Deed October 26, 1994, and recorded among the land records of Baltimore County in Liber S.M. No. 10819, folio 685, from Donald F. Marshall to Wayne Allen Sody.

AND the Grantor does hereby agree that **Baltimore County, Maryland**, its successors and assigns, shall have the right and privilege of entering upon the aforesaid land, whenever it may be necessary, to make openings and excavations, and to lay, construct and maintain said municipal utilities and appurtenances, provided, however, that the ground hereinabove described shall be restored and left in good condition; and it is further agreed that no buildings or similar structures of any kind shall be erected in, on, or over the said utility and electrical easements by the Grantor, his personal representatives, successors or assigns; nor shall the existing grade be changed without prior approval of the Baltimore County Department of Public Works.

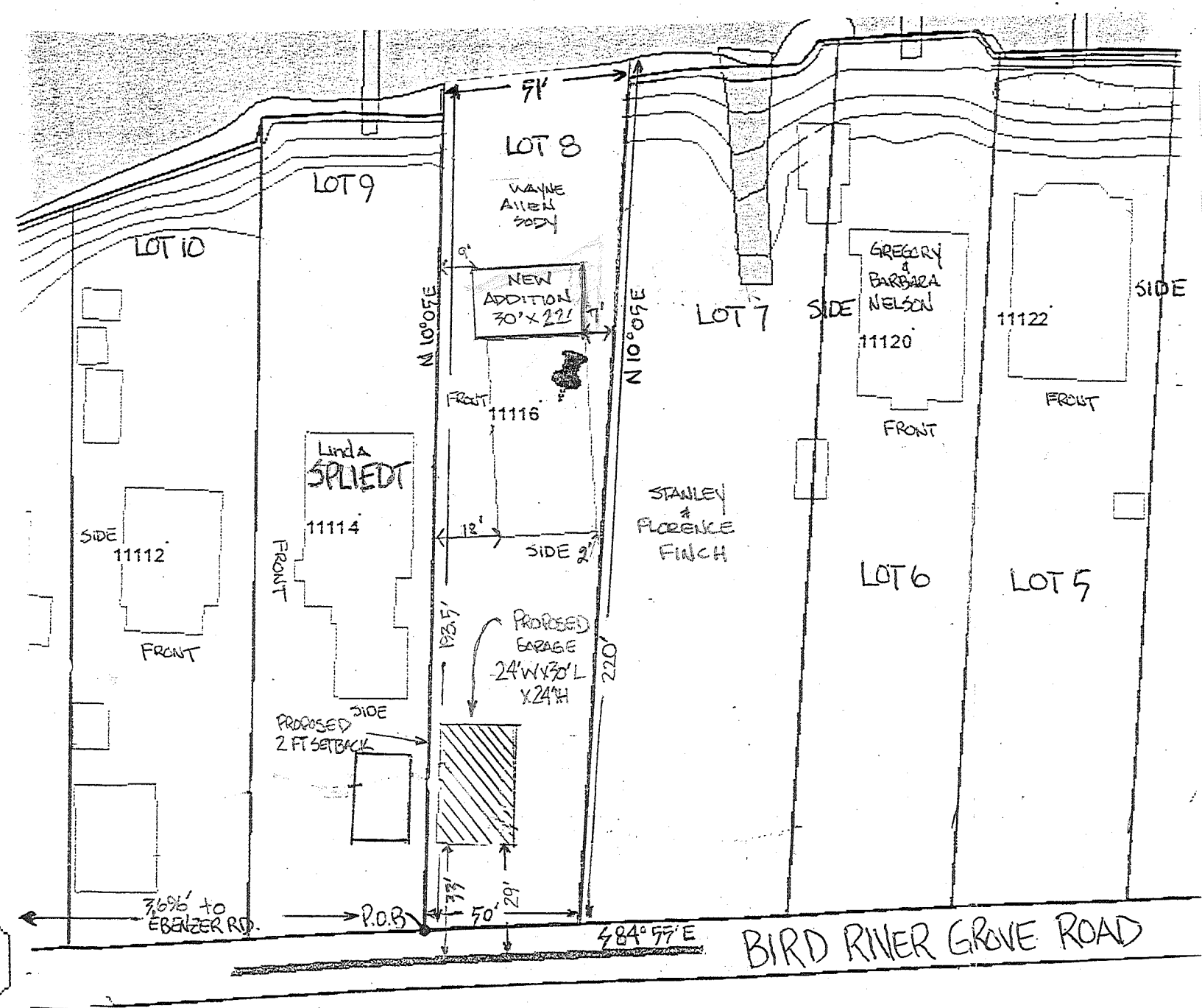
AS WITNESS the due execution hereof by the aforementioned Grantor.

ALL-STATE LEGAL®

EXHIBIT

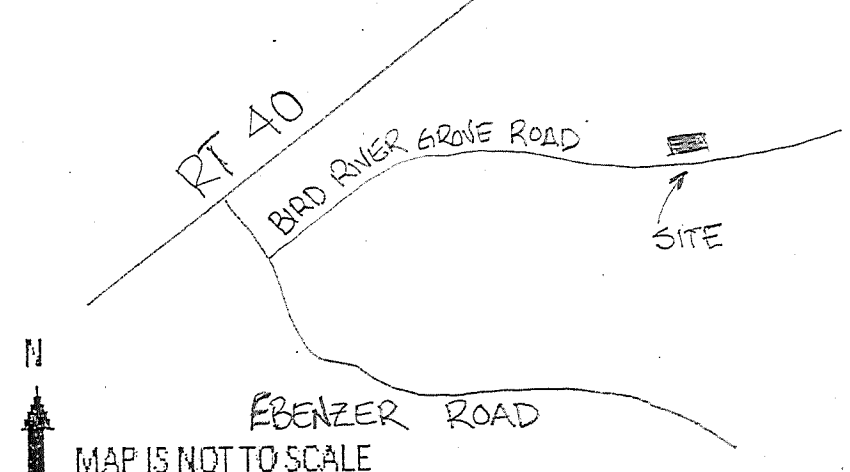
11

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 11116 BIRD RIVER GROVE ROAD OWNER(S) NAME(S) WAYNE ALLEN SODY
SUBDIVISION NAME BIRD RIVER GROVE LOT # 8 BLOCK # B SECTION # B
PLAT BOOK # 13 FOLIO # 1 10 DIGIT TAX # 1507001710 DEED REF. # 10819/00685



PLAN DRAWN BY WAYNE ALLEN SODY DATE 4.18.12 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



ZONING MAP# 073A3
SITE ZONED RC2
ELECTION DISTRICT 15
COUNCIL DISTRICT 6
LOT AREA ACREAGE .236
OR SQUARE FEET 10,300
HISTORIC? NO
IN CBCA? NO YES
IN FLOOD PLAIN? YES
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? YES

PETITIONER'S

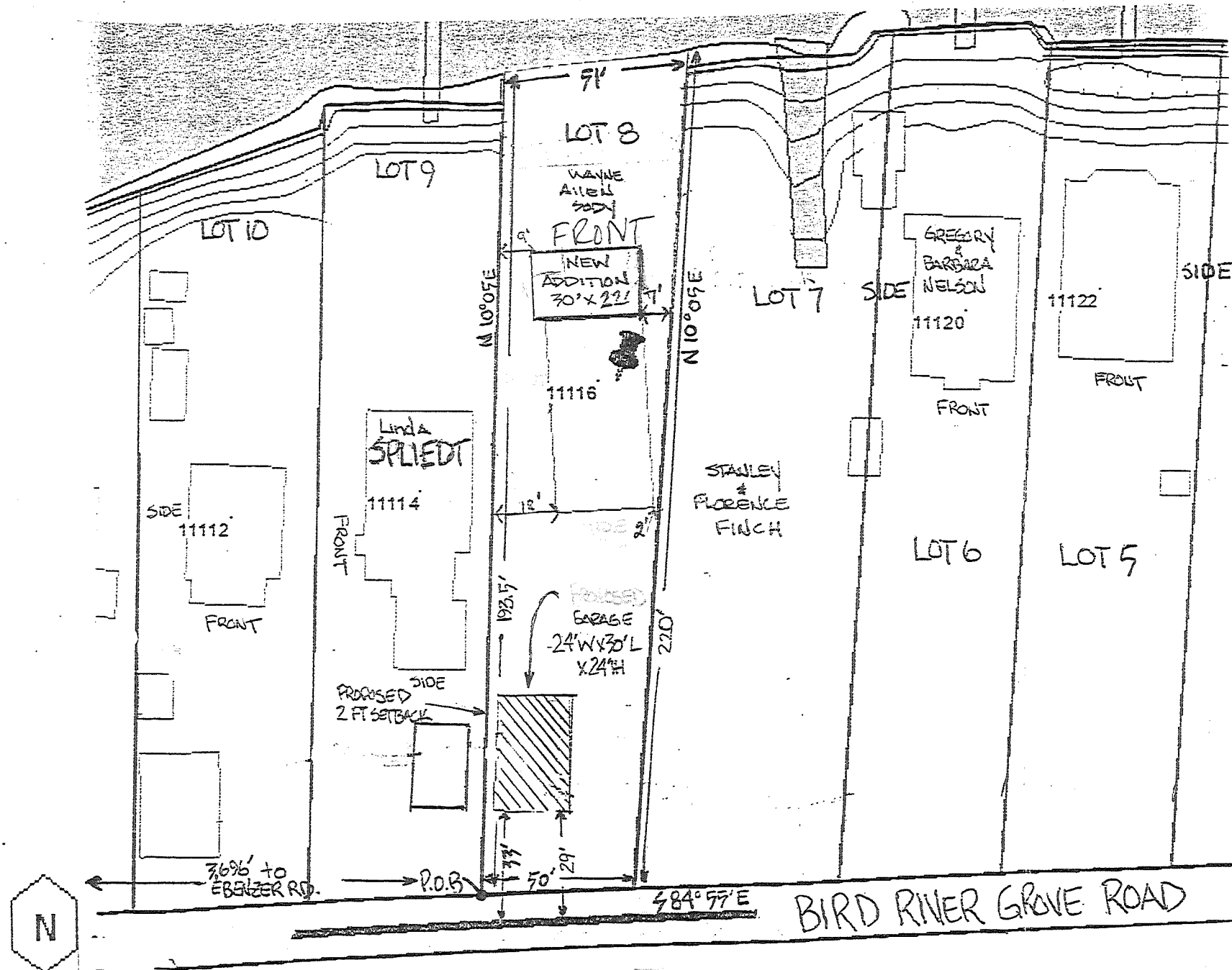
EXHIBIT NO. 1

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

2012-0139-A
Administrative Variance
granted

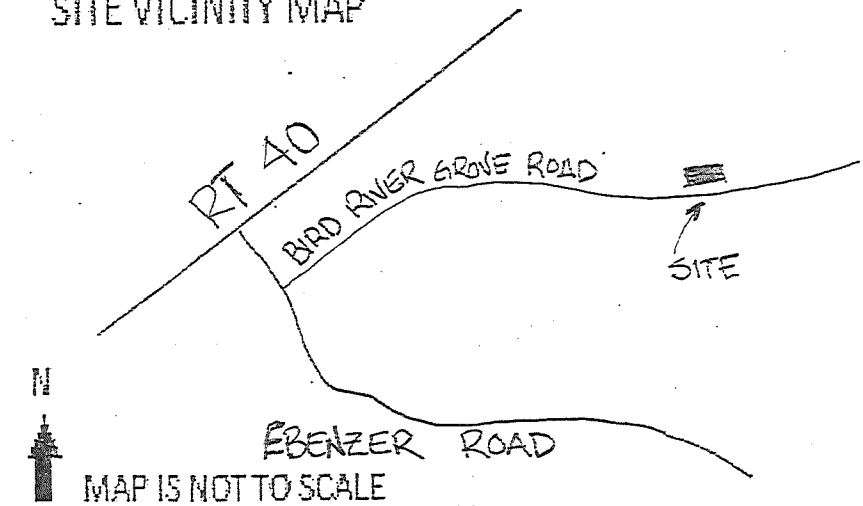
VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 11116 BIRD RIVER GROVE ROAD OWNER(S) NAME(S) WAYNE ALLEN SODY
SUBDIVISION NAME BIRD RIVER GROVE LOT # 8 BLOCK # B SECTION # B
PLAT BOOK # 13 FOLIO # 1 10 DIGIT TAX # 1507001110 DEED REF. # 10819/00685



PLAN DRAWN BY WAYNE ALLEN SODY DATE _____ SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



ZONING MAP# 073A3

SITE ZONED RC2

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE .236

OR SQUARE FEET 10,300

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? YES

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2012-0139-A

Administrative Variance

granted

VIOLATION CASE INFO:



2012-0254-A

Amended
Site Plan
for 8/28/12
hearing