

1/15/15

IN THE MATTER OF
DAVID AND DARLENE BAUGHER-LEGAL OWNERS
AND PETITIONERS FOR VARIANCE ON THE
PROPERTY LOCATED AT 617 ROCKAWAY
BEACH AVENUE

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 14-290-A

* * * * *

ORDER OF DISMISSAL

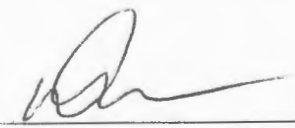
This matter comes to the Board of Appeals by way of an appeal filed by William and Anita Goodwin, Protestants and Appellants, from a final decision of the Administrative Law Judge dated September 4, 2014, in which the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of appeal filed on January 2, 2015, by William and Anita Goodwin, Protestants/Appellants explaining that a settlement agreement has been reached by the parties (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner /Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of January 2, 2015,

IT IS ORDERED this 15th day of January, 2015 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 14-290-A be and the same is hereby **DISMISSED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



David L. Thurston, Chairman

William J. Goodwin, Jr.
Anita L. Goodwin
619 Rockaway Beach Ave. Essex Maryland, 21221

January 2, 2015

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

RECEIVED
JAN 2 2015

BALTIMORE COUNTY
BOARD OF APPEALS

In The Matter Of: David W. and Darlene J. Baugher
617 Rockaway Beach Avenue
14-290-A 15th Election District; 6th Councilmanic District

To Whom It May Concern:

Please be advised that William and Anita Goodwin wish to withdrawal their appeal of Petition for Variance from B.C.Z.R., 1B02.3.C.1 in the matter of 14-290-A granted on 9/14/14, for the property 617 Rockaway Beach Avenue. This hearing is scheduled for **Thursday, January 8, 2015 at 10:00 A.M.**

The rational and reasoning for the withdrawal is that the said parties have reached an agreement (attached) that should take care of the concerns expressed at the hearing and subsequent appeal.

Thank you to those involved in the County of Baltimore process and our neighbors David and Darlene Baugher for arriving at this amicable continuance.

Sincerely,

William J. Goodwin, Jr.
Anita L. Goodwin

William J. Goodwin, Jr.
Anita L. Goodwin

CENTRAL DRAFTING AND DESIGN
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 679-1298

December 3, 2014

MEMO TO: David and Darlene Baugher
William and Anita Goodwin

RE: 617 ROCKAWAY BEACH AVENUE

I am glad we could all get together today to review the proposed grading and drainage plan for the new dwelling to be constructed on the referenced property. As we discussed, and as shown on the plan I prepared, we are proposing to grade the lot in an attempt to alleviate, as much as possible, existing and any future drainage problems affecting the Goodwin's property.

The proposal is to construct a drainage swale along both sides of the proposed dwelling to reduce the area presently draining toward the Goodwin's residence. In addition to constructing the swales, we are also proposing the following:

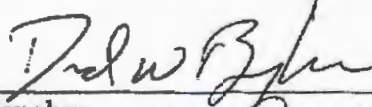
- (1) Install an underdrain system below the swale between the referenced property and the Goodwin residence. The downspouts of the proposed garage will be tied into the underdrain system.
- (2) The roof of the proposed dwelling and garage will slope away from the Goodwin residence.
- (3) During construction, a "super silt fence" will be constructed along the property line between the proposed dwelling and the Goodwin residence to reduce possible sediment and drainage problems to the extent possible.
- (4) The items mentioned above will be shown on the site and grading plan submitted to Baltimore County with the building permit application.

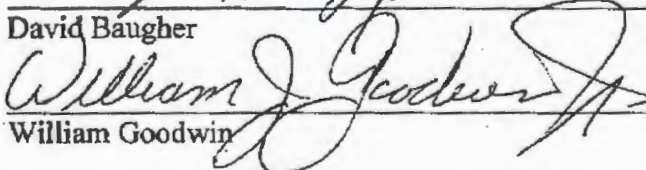
I believe this proposal, in addition to moving the proposed dwelling toward Rockaway Beach Avenue as shown on the plan, should take care of the concerns that Mr. and Mrs. Goodwin expressed at the hearing and subsequent appeal.

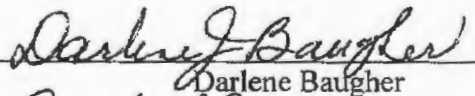
Assuming all parties are in agreement with the above, please sign below and I will proceed with preparing the Site Plan for the permit application and hopefully avoid the appeal process.

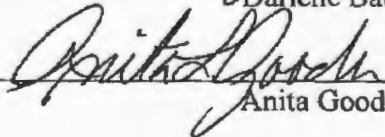
Thanks for your cooperation,

Dave Billingsley


David Baugher


William Goodwin

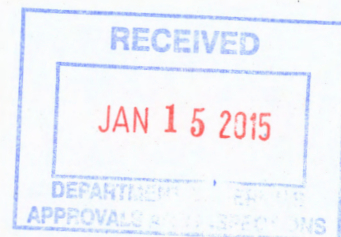

Darlene Baugher


Anita Goodwin



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 15, 2015

David W. and Darlene J. Baugher
617 Rockaway Beach Avenue
Baltimore, Maryland 21221

William J. and Anita L. Goodwin
619 Rockaway Beach Avenue
Baltimore, Maryland 21221

RE: In the Matter of: David and Darlene Baugher
Case No: 14-290-A

Dear Mr. and Mrs. Baugher and Mr. and Mrs. Goodwin:

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,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: David W. Billingsley
Michael Koenig
Michele Baugher
Kim Goodwin
Office of People's Counsel
Lawrence M. Stahl, Managing 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

9/4/14

IN RE: PETITION FOR VARIANCE
(617 Rockaway Beach Avenue)
15th Election District
6th Council District
David W. & Darlene J. Baugher
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0290-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of the legal owners of the subject property. The Petition seeks variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3.C.1 to permit a side yard of 10' in lieu of the required 15' and a sum of side yards of 20' in lieu of the required 25' for a replacement dwelling. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the request was David and Darlene Baugher. David Billingsley with Central Drafting & Design, Inc., whose firm prepared the site plan, appeared and assisted the Petitioners. Mrs. Goodwin, who lives at 619 Rockaway Beach Avenue, appeared and opposed the relief. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received.

The property is approximately 0.271 acres and is zoned DR 3.5. The site is improved with a modest single-family dwelling constructed in 1919. Petitioners propose to raze this dwelling, and construct on the lot a new single family dwelling. To do so requires variance relief.

ORDER RECEIVED FOR FILING

Date

9/4/14

By

Den

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).

Petitioners have met this test. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to construct the house as planned, which would be centered on the lot. I believe the variance can be granted in harmony with the B.C.Z.R. and without negatively impacting the health, safety and welfare of the community. The home proposed would be similar in size to those nearby. In addition, Mr. Billingsley indicated that the positioning of the home on the lot would satisfy the Buffer Management Area (BMA) regulations promulgated by the Department of Environmental Protection and Sustainability (DEPS). Those regulations (unlike the B.C.Z.R.) contain specific provisions concerning where on a waterfront lot a new or rebuilt home may be located, with the aim of preserving the viewsheds of the adjoining neighbors.

In addition to concerns about their water views (a point discussed above), Ms. Goodwin also stated that she and her husband were concerned with drainage and having a two story structure so close to the property line. The height of the proposed dwelling satisfies the B.C.Z.R., and thus that is not at issue. With respect to the closeness of the proposed home, that is in essence an existing site condition; and one that is dictated by the narrow 50' lot widths in the area. In 2007, the Goodwins were granted variance relief allowing 4' and 5.5' side yard setbacks. Case No. 2007-0121-A (Petitioners' Exhibit 8). The Petitioners request here is more modest, proposing 10' setbacks on each side. In these circumstances, I do not believe the Protestant's concern is well-founded. Finally, the drainage issues will be addressed by County

ORDER RECEIVED FOR FILING

Date

9/4/14

By

pen

reviewers prior to issuance of building permits, and I am confident that Ms. Goodwin's concerns will be addressed.

THEREFORE, IT IS ORDERED, this 4th day of September, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from B.C.Z.R. § 1B02.3.C.1 to permit a side yard of 10' in lieu of the required 15' and a sum of side yards of 20' in lieu of the required 25' for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 9/4/14
By sen



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 4, 2014

David W. and Darlene J. Baugher
617 Rockaway Beach Avenue
Baltimore, Maryland 21221

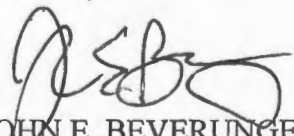
RE: Petition for Variance
Property: 617 Rockaway Beach Avenue
Case No. 2014-0290-A

Dear Mr. and Mrs. Baugher:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court,
Edgewood, MD 21040
Anita Goodwin, 619 Rockaway Beach Avenue, Baltimore, MD 21221



CBCA

FLOOD

PETITION FOR ZONING HEARING(S)

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

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

Address 617 ROCKAWAY BEACH AVENUE which is presently zoned DR 3.5
Deed References: L. 8336 F. 0081 10 Digit Tax Account # 1508303860
Property Owner(s) Printed Name(s) DAVID W. & DARLENE J. BAUGHER

(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)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner

Name- Type or Print Date

Signature By

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

DAVID W. BAUGHER, DARLENE J. BAUGHER

Name #1 - Type or Print Name #2 - Type or Print
David W. Baugher Darlene J. Baugher
Signature #1 Signature #2

615 ROCKAWAY BEACH AVE. BALTO. MD.
Mailing Address City State

21221 410 391 3825 DBAUGHER@COMCAST.NET
Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY
Name - Type or Print
David Billingsley
Signature

601 CHARWOOD CT. EDGEWOOD, MD
Mailing Address City State

21040 (410) 679-8719 dwb0202@yahoo.com
Zip Code Telephone # Email Address

CASE NUMBER 2014-0290 A Filing Date 7.2.2014 Do Not Schedule Dates: _____ Reviewer JCH

**SECTION 1B02.3.C1 (BCZR) TO PERMIT A SIDE YARD OF 10 FEET IN LIEU OF THE
REQUIRED 15 FEET AND A SUM OF SIDE YARDS OF 20 FEET IN LIEU OF THE
REQUIRED 25 FEET FOR A REPLACEMENT DWELLING.**

ZONING DESCRIPTION

617 ROCKAWAY BEACH ROAD

Beginning at a point on the east side of Rockaway Beach Avenue (50 feet wide), distant northerly 775 feet from its intersection with the center of Turkey Point Road, thence being all of Lot 63 as shown on the plat entitled Rockaway Beach recorded among the Baltimore County plat records in Plat Book 4 Folio 171. Containing 11,800 square feet or 0.271 acre of land, more or less.

Being known as 617 Rockaway Beach Avenue. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

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

No. **113826**
 Date: **7/2/14**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 7/02/2014 7/02/2014 09:23:51 3

FE MS03 WALKIN ADMA AND
 RECEIPT # 658297 7/02/2014 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 113826

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.-

Recpt Tot \$75.00
 \$75.00 CX \$0.00 CA
 Baltimore County, Maryland

Total: **75.-**

Rec From: **D. BAUGHER**

For: **2014-0290-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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

No.

94652

Date:

10-3-14

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

Total:

265.00

Rec
From:

William + Anita Gaudwin

For:

Appeal -

Address: 619 Rockaway Beach Rd. 21221

Case No. 2014-C290-1

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTIVITY TIME DAY

10/03/2014 10:41:30 AM 05:45:30

REC 1502 NATL 3340 REC

RECEIPT # 054738 10/03/2014 05:45:30

10/03/2014 05:45:30

10/03/2014 05:45:30

Recpt Tot 1265.00

1265.00 10/03/2014 05:45:30

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

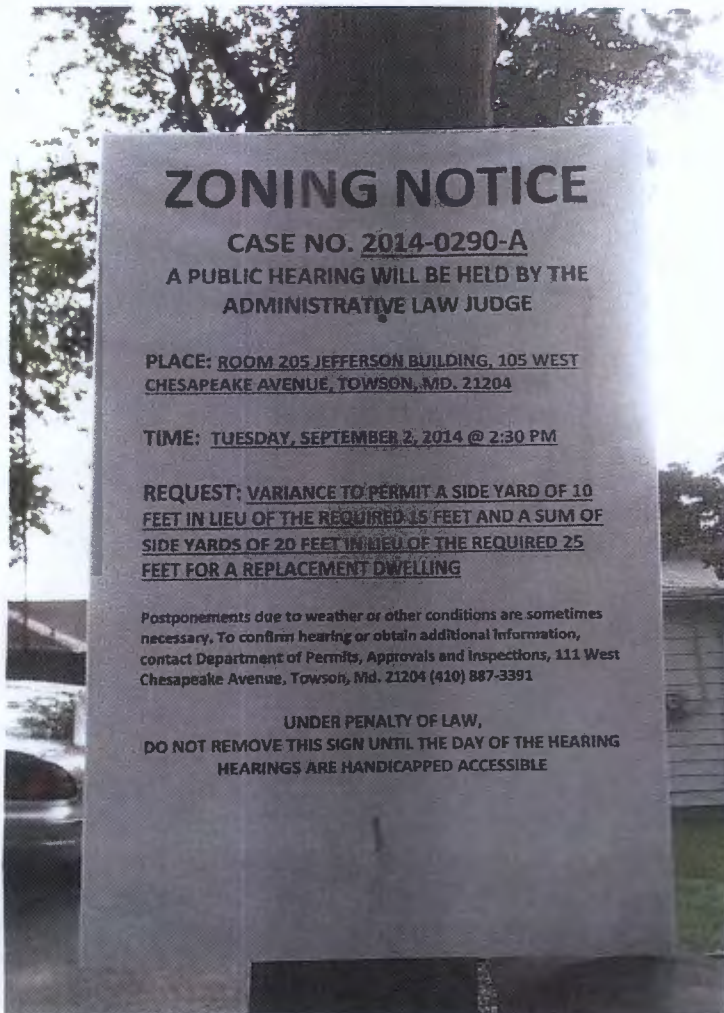
Date: August 13, 2014

RE: Project Name: 617 Rockaway Beach Avenue
Case Number /PAI Number: 2014-0290-A
Petitioner/Developer: David and Darlene Baugher
Date of Hearing/Closing: September 2, 2014

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 617 Rockaway Beach Avenue

The sign(s) were posted on August 13, 2014

(Month, Day, Year)



David W. Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 14, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 12, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0290-A

617 Rockaway Beach Avenue

E/s Rockaway Beach Avenue, 775 ft. +/- northerly from centerline of Turkey Point Road

15th Election District - 6th Councilmanic District

Legal Owner(s): David & Darlene Baugher

Variance to permit a side yard of 10 feet in lieu of the required 15 ft. and a sum of side yards of 20 ft. in lieu of the required 25 ft. for a replacement dwelling.

Hearing: Tuesday, September 2, 2014 at 2:30 p.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.

JT 8/670 August 12

990035

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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:

Case Number: 2014 - 0290 - A
Property Address: 617 ROCKAWAY BEACH AVENUE
Property Description: LOT 63 ROCKAWAY BEACH P.B. 4 F171
775' N. OF TURKEY POINT ROAD
Legal Owners (Petitioners): DAVID W. & DARLENE J. BAUGHER
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MIKE KOENIG
Company/Firm (if applicable): _____
Address: 17 LESLIE AVE
BALTO MD. 21236
Telephone Number: (410) 245 - 4136

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 13, 2014 Issue - Jeffersonian

Please forward billing to:
Mike Koenig
17 Leslie Avenue
Baltimore, MD 21236

410-245-4136

NOTICE OF ZONING HEARING

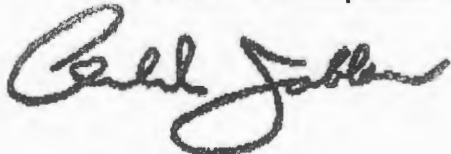
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0290-A

617 Rockaway Beach Avenue
E/s Rockaway Beach Avenue, 775 ft. +/- northerly from centerline of Turkey Point Road
15th Election District – 6th Councilmanic District
Legal Owners: David & Darlene Baugher

Variance to permit a side yard of 10 feet in lieu of the required 15 ft. and a sum of side yards of 20 ft. in lieu of the required 25 ft. for a replacement dwelling.

Hearing: Tuesday, September 2, 2014 at 2:30 p.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*

July 25, 2014

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: 2014-0290-A

617 Rockaway Beach Avenue

E/s Rockaway Beach Avenue, 775 ft. +/- northerly from centerline of Turkey Point Road

15th Election District – 6th Councilmanic District

Legal Owners: David & Darlene Baugher

Variance to permit a side yard of 10 feet in lieu of the required 15 ft. and a sum of side yards of 20 ft. in lieu of the required 25 ft. for a replacement dwelling.

Hearing: Tuesday, September 2, 2014 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Baugher, 615 Rockaway Beach Avenue, Baltimore 21221
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 13, 2014**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Board of Appeals of Baltimore County

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

November 20, 2014

NOTICE OF ASSIGNMENT

IN THE MATTER OF: **DAVID W. AND DARLENE J. BAUGHER**
 617 ROCKAWAY BEACH AVENUE
 14-290-A **15TH ELECTION DISTRICT; 6TH COUNCILMANIC DISTRICT**

Re: Petition for Variance from B.C.Z.R., § 1B02.3.C.1 to permit a side yard of 10' in lieu of the required 15' and a sum of side yards of 20' in lieu of the required 25' for a replacement dwelling.

9/4/14 Opinion and Order of the Administrative Law Judge wherein the requested Petition for Variance was GRANTED.

ASSIGNED FOR: **THURSDAY, JANUARY 8, 2015, 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.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Petitioner/Legal Owner	: David and Darlene Baugher
Protestant/Appellants	: William and Anita Goodwin

David W. Billingsley, Central Drafting & Design, Inc.
Michele Baugher

Michael Koenig
Kim Goodwin

Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

August 27, 2014

David W & Darlene J Baugher
615 Rockaway Beach Avenue
Baltimore MD 21221

RE: Case Number: 2014-0290 A, Address: 617 Rockaway Beach Avenue

Dear Mr. & Ms. Baugher:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 2, 2014. 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
David Billingsley, 601 Charwood Court, Edgewood MD 21040

9/2/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: July 29, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

JUL 30 2014

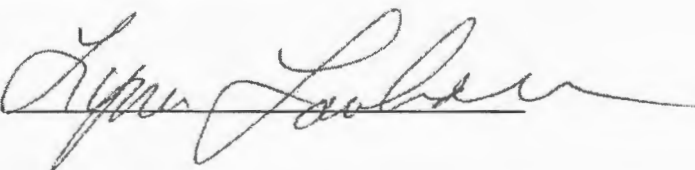
SUBJECT: Zoning Advisory Petition(s) for
Item No: 2014-288, 2014-290, 2014-294 and 2015-007.

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the above referenced zoning items and has no comments.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham at 410-887-3480.

Prepared By:

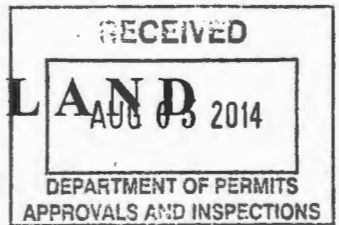


LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman

8/1/14
wen

BALTIMORE COUNTY, MARYLAND



INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: July 29, 2014

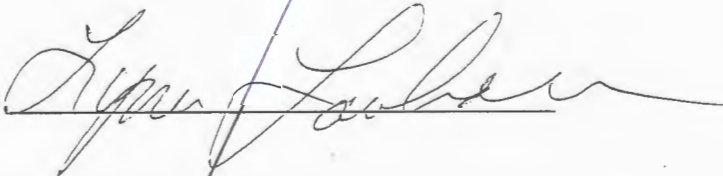
FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: Zoning Advisory Petition(s) for
Item No: 2014-288, 2014-290, 2014-294 and 2015-007.

The Department of Planning has reviewed the above referenced zoning items and has no comments.

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Prepared By:



LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 07, 2014
Item No. 2014-0290

DATE: July 28, 2014

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

Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation so that the floor elevation can be set.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 14-0290-07212014.doc

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 7/14/14

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

RE: Baltimore County
Item No 2014-0290-A
Variance
David W. & Darlene F. Baugher
617 Rockaway Beach Avenue.

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. 2014-0290-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,

A handwritten signature in dark ink, appearing to read 'Steven D. Foster', is written over the typed name.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
617 Rockaway Beach Rd; E/S Rockaway Beach *
Road, 775' N from c/line of Turkey Point Road* OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts
Legal Owner(s): David & Darlene Baugher * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2014-290-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

JUL 17 2014

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 2014, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

William J. Goodwin, Jr.
Anita L. Goodwin
619 Rockaway Beach Ave.
Essex Md. 21221

Office of Administrative Hearings
Baltimore County Board of Appeals

RE: CASE NO.: 2014-0290-A
617 Rockaway Beach Avenue

Dear Sir:

We the homeowners William J. Goodwin, Jr. and Anita L. Goodwin of 619 Rockaway Beach Ave. do hereby find the decision rendered in Case No. 2014-0290-A, Petition for Variance Property: 617 Rockaway Beach Ave. to be unfavorable. We therefore wish to, and file an appeal before the Baltimore County Board of Appeals for the above mention case.

Sincerely;

William J. Goodwin Jr.

Anita L. Goodwin

RECEIVED

OCT 03 2014

OFFICE OF ADMINISTRATIVE HEARINGS



RECEIVED
OCT 3 2014

KEVIN KAMENETZ
County Executive

BALTIMORE COUNTY
BOARD OF APPEALS
LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 3, 2014

David W. and Darlene J. Baugher
617 Rockaway Beach Avenue
Baltimore, Maryland 21221

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2014-0290-A
Location: 617 Rockaway Beach Avenue

Dear Mr. and Mrs. Baugher:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 3, 2014. 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,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood, MD 21040
William J. and Anita L. Goodwin, 619 Rockaway Beach Avenue, Baltimore, MD 21221
Michael Koenig and Michele Baugher, 17 Leslie Avenue, Nottingham, MD 21236
Kim Goodwin, 1917 Old Turkey Point Road, Baltimore, MD 21221

APPEAL

**Petition for Variance
(617 Rockaway Beach Avenue)
15th Election District – 6th Councilmanic District
Legal Owners: David W. and Darlene J. Baugher
Case No. 2014-0290-A**

Petition for Zoning Hearing (July 2, 2014)

Zoning Description of Property

Notice of Zoning Hearing (July 25, 2014)

Certificate of Publication (August 14, 2014)

Certificate of Posting (August 13, 2014) David W. Billingsley

Entry of Appearance by People's Counsel (July 17, 2014)

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Revised Plan (8-30-14)
2. SDAT Records
3. Tax Map
4. Title Deed
5. Plat – Turkey Point
6. Photos (6A-6F)
7. Aerial Photo
8. Order – Case No. 07-121-A
9. Order – Case No. 02-340-A

Protestants' Exhibits –

1. Letter dated 9-2-14 (4 pages)

Miscellaneous (Not Marked as Exhibits) – 3 pages

Administrative Law Judge Order and Letter (GRANTED – September 4, 2014)

Notice & Receipt of Appeal –October 3, 2014 from William J. and Anita L. Goodwin

Address List

Applicants:

David W. & Darlene J. Baugher
617 Rockaway Beach Avenue
Baltimore, MD 21221

David W. Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, MD 21040

Protestants/Appellants:

William J. and Anita L. Goodwin
619 Rockaway Beach Avenue
Baltimore, MD 21221

Interested Persons:

Michael Koenig
Michele Baugher
17 Leslie Avenue
Nottingham, MD 21236

Kim Goodwin
1917 Old Turkey Point Road
Baltimore, MD 21221

Interoffice:

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

From: County Council District 6
To: Arnold Jablon
Date: 8/18/2014 12:24 PM
Subject: Fwd: 617 Rockaway Beach site plan.

Hello Arnold,

Constituent Kim Goodwin from the Rockaway Beach/Turkey Point Improvement Association contacted Councilwoman Bevins to request the site plans for 617 Rockaway Beach Avenue. Ms. Goodwin's email is below.

Please provide the site plans and update or copy our office.

kgoodwin.rbiatpia@gmail.com

Thanks so much,

Doris

Doris Franz-Poling
Legislative Aide
Sixth District Baltimore County Council
400 Washington Avenue, 2nd floor
Towson, Maryland 21204
Telephone: 410-887-3388
Facsimile: 410-887-5791
District Office Phone: 410-887-5223
Email:

dfranz-poling@baltimorecountymd.gov

>>> kim goodwin <kgoodwin.rbiatpia@gmail.com> 8/17/2014 8:12 PM
>>>

Hi, my name is Kim Goodwin. I am the president of Rockaway Beach/Turkey Point Improvement Association. There is a variance request sign posted at 617 Rockaway Beach Avenue and I would like a copy of the site plan emailed to me. Your help is most appreciated. Thank you.

Sincerely,
Kim Goodwin, President
Rockaway Beach / Turkey Point
Improvement Association

CENTRAL DRAFTING AND DESIGN
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 679-1298

December 3, 2014

MEMO TO: David and Darlene Baugher
William and Anita Goodwin

RE: 617 ROCKAWAY BEACH AVENUE

I am glad we could all get together today to review the proposed grading and drainage plan for the new dwelling to be constructed on the referenced property. As we discussed, and as shown on the plan I prepared, we are proposing to grade the lot in an attempt to alleviate, as much as possible, existing and any future drainage problems affecting the Goodwin's property.

The proposal is to construct a drainage swale along both sides of the proposed dwelling to reduce the area presently draining toward the Goodwin's residence. In addition to constructing the swales, we are also proposing the following:

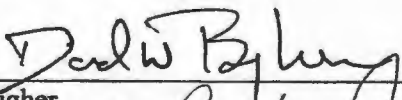
- (1) Install an underdrain system below the swale between the referenced property and the Goodwin residence. The downspouts of the proposed garage will be tied into the underdrain system.
- (2) The roof of the proposed dwelling and garage will slope away from the Goodwin residence.
- (3) During construction, a "super silt fence" will be constructed along the property line between the proposed dwelling and the Goodwin residence to reduce possible sediment and drainage problems to the extent possible.
- (4) The items mentioned above will be shown on the site and grading plan submitted to Baltimore County with the building permit application.

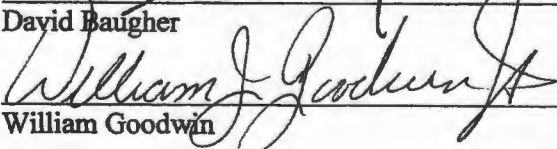
I believe this proposal, in addition to moving the proposed dwelling toward Rockaway Beach Avenue as shown on the plan, should take care of the concerns that Mr. and Mrs. Goodwin expressed at the hearing and subsequent appeal.

Assuming all parties are in agreement with the above, please sign below and I will proceed with preparing the Site Plan for the permit application and hopefully avoid the appeal process.

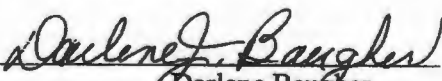
Thanks for your cooperation,

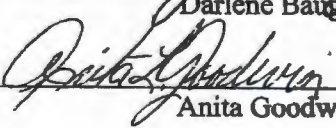
Dave Billingsley



David Baugher


William Goodwin



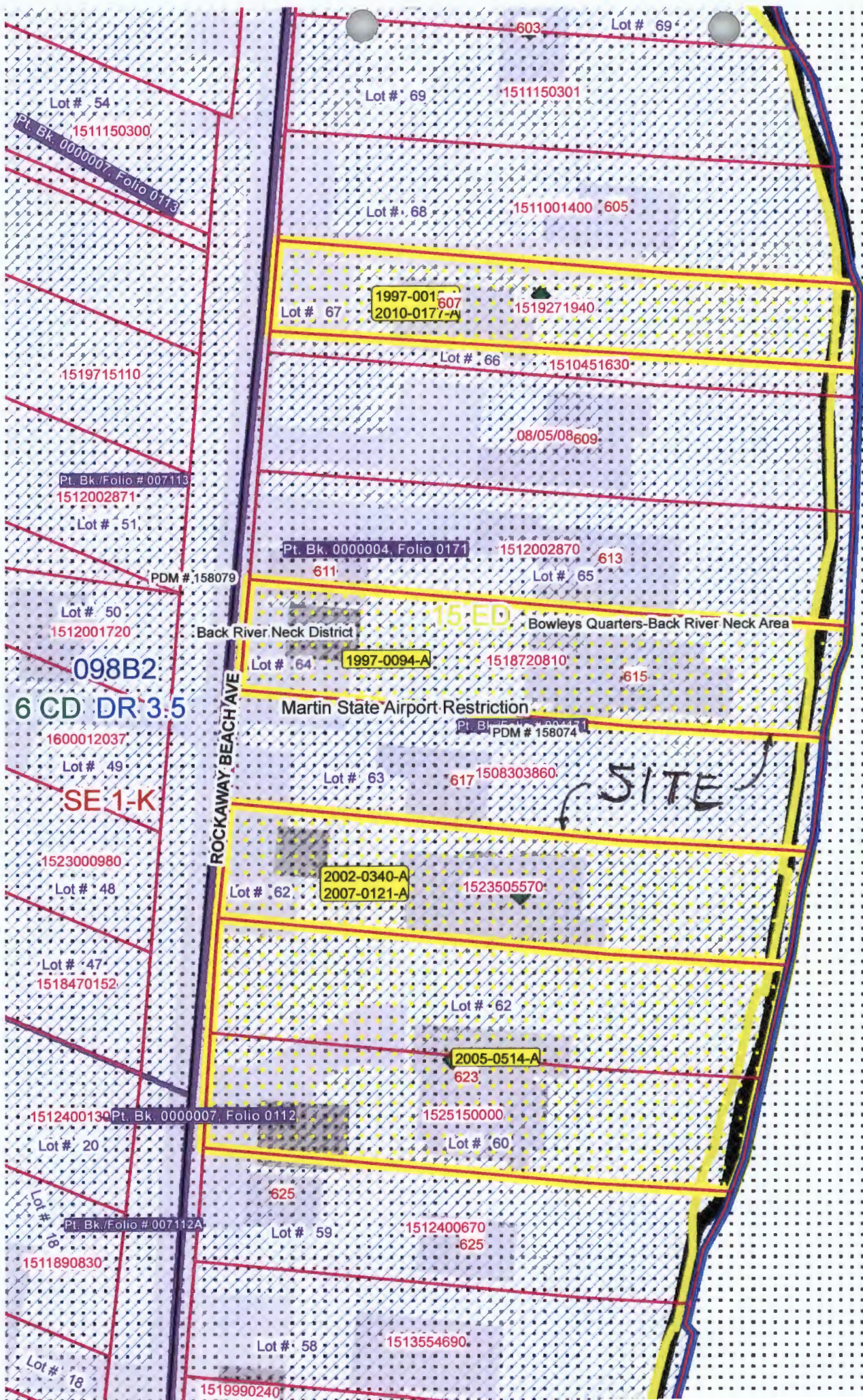
Darlene Baugher


Anita Goodwin

CASE NAME 615 ROCKAWAY BEACH RD
CASE NUMBER 2014-0290-A
DATE 9/2/14

CITIZEN'S SIGN - IN SHEET

[illegible]



Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1508303860			
Owner Information					
Owner Name:	BAUGHER DAVID W BAUGHER DARLENE J		Use:	RESIDENTIAL NO	
Mailing Address:	615 ROCKAWAY BEACH AVE BALTIMORE MD 21221- 1811		Principal Residence:		
			Deed Reference:	/08336/ 00081	
Location & Structure Information					
Premises Address:		617 ROCKAWAY BEACH AVE 0-0000 Waterfront		Legal Description: TURKEY POINT FARM	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0098	0015	0211		0000	63 2015 0004/0171
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1919	896 SF		10,450 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	1 Detached
Value Information					
	Base Value	Value As of 01/01/2012	Phase-in Assessments As of 07/01/2014 As of 07/01/2015		
Land:	202,100	202,100			
Improvements	68,300	68,300			
Total:	270,400	270,400	270,400		
Preferential Land:	0				
Transfer Information					
Seller: HEATH CHARLES H		Date: 11/29/1989		Price: \$165,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08336/ 00081		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014	07/01/2015		
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					

Case No.:

2014-290-A

Exhibit Sheet

Petitioner/Developer

Respondent

9/4/14
Sen

No. 1	Revised Plan (8-30-14)	Letter dated 9-2-14 (4 pages)
No. 2	SDAT records	
No. 3	Tax map	
No. 4	Title deed	
No. 5	Plat - Turkey Point	
No. 6	6A - 6F Photos	
No. 7	Aerial photo	
No. 8	Order # 07-121-A	
No. 9	Order # 02-340-A	
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBITS

**617 ROCKAWAY BEACH ROAD
CASE NO. 2014-0290-A**

- 1. SITE PLAN DATED REVISED 8-30-14**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. PORTION OF TAX MAP 0098**
- 4. DEED OF RECORD (L.8336 F.081)**
- 5. PLAT OF TURKEY POINT (P.B. 4 F. 171)**
- 6a – 6f. PHOTOS**
- 7. AERIAL PHOTO**

Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1508303860		
Owner Information		
Owner Name:	BAUGHER DAVID W BAUGHER DARLENE J 615 ROCKAWAY BEACH AVE BALTIMORE MD 21221-1811	Use: RESIDENTIAL Principal Residence: NO Deed Reference: 1) /08336/ 00081 2)
Location & Structure Information		
Premises Address:	617 ROCKAWAY BEACH AVE 0-0000 Waterfront	Legal Description: TURKEY POINT FARM
Map: 0098	Grid: 0015	Parcel: 0211
Sub District:	Subdivision: 0000	Section: 63
Block:	Lot: 2012	Assessment Year:
Plat No:	Plat Ref: 0004/ 0171	None
Special Tax Areas:		
Town:		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1919	896 SF	10,450 SF
County Use	34	
Stories	Basement	Type
1.000000	NO	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	1 full	1 Detached
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	202,100	202,100
Improvements	108,100	68,300
Total:	310,200	270,400
Preferential Land:	0	0
Transfer Information		
Seller: HEATH CHARLES H	Date: 11/29/1989	Price: \$165,000
Type: ARMS LENGTH IMPROVED	Deed1: /08336/ 00081	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00/0.00
Tax Exempt:	Special Tax Recapture:	0.00/0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

PETITIONER'S
EXHIBIT NO. 2

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **1508303860**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

<http://imsweb05.mdp.state.md.us/website/mosp/>

☒ Loading... Please Wait. Loading... Please Wait. -->

PETITIONER'S
EXHIBIT NO. 3

LIBER 8336 PAGE 081

THIS DEED, Made this 21st day of November, 1989, by GLORIA R. HEATH, hereinafter referred to as "Grantor", and DAVID W. BAUGHER and DARLENE J. BAUGHER, his wife, hereinafter referred to as "Grantees".

WITNESSETH, That for and in consideration of the sum of One Hundred Sixty Five Thousand Dollars (\$165,000.00), and other good and valuable considerations, receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto David W. Baugher and Darlene J. Baugher, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her personal representatives and assigns, in fee simple, all that lot or parcel of ground situate, lying and being in the FIFTEENTH ELECTION DISTRICT of Baltimore County, State of Maryland, being known and designated as Lot No. 63, as shown on a plat entitled "Turkey Point Farm (now known as Rockaway Beach)", which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 4, folio 171. The improvements thereon now being known as No. 617 Rockaway Beach Avenue (formerly known as No. 639-A Rockaway Beach Avenue).

BEING THE SAME and all of the land conveyed by and described in a Deed dated June 13, 1969 by John M. Wikman and Marie J. Wikman, his wife to Charles H. Heath and Gloria R. Heath, his wife, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5001, folio 643. The said Charles H. Heath having since departed this life on or about August 28, 1988.

TOGETHER WITH the buildings and improvements thereon and all the rights, ways, roads, waters, water courses, easements, privileges, advantages and appurtenances thereto belonging or any way appertaining.

TO HAVE AND TO HOLD the above granted and described premises unto the said David W. Baugher and Darlene J. Baugher, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her personal representatives and assigns, forever in fee simple.

MT
Smash & Kane, P.A.
ATTORNEYS AT LAW
FOUR OFFICE STREET
BAL. AIN. MD 21014

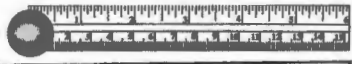
RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JR 11-2889

306****264040:a =298A

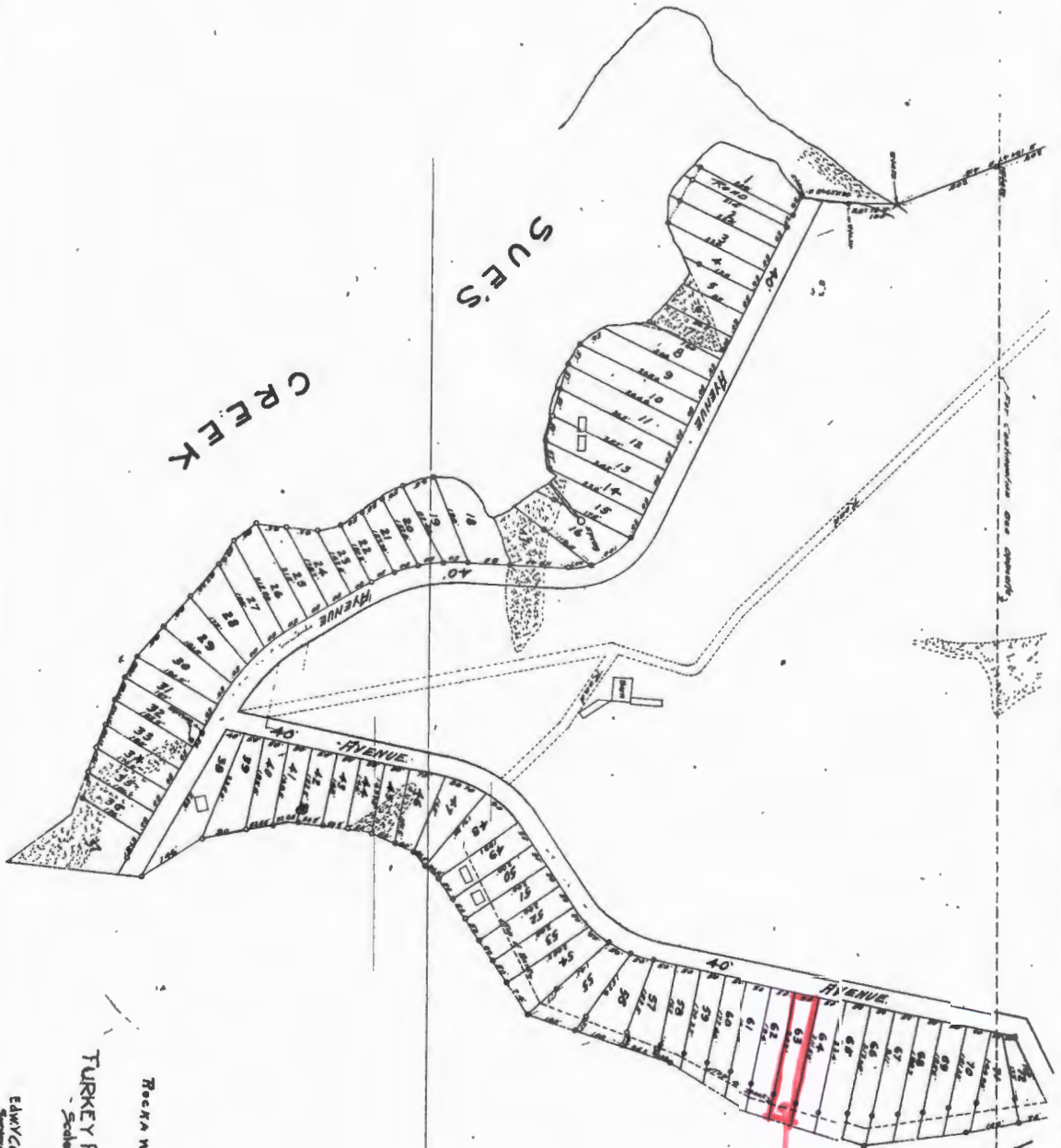
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE JR 11-2889
DATE

PETITIONER'S
EXHIBIT NO. 4



Plot accompanying Deed
shows being as per
Petitioner's Deed. Thru the
plot being as per
Deed to C. B. Clark



W.P.C. No. 4. 171

PETITIONER'S
EXHIBIT NO. 5

ROCKAWAY BEACH
TURKEY POINT FARM
Scale 1/4" = 100'
E. W. COOPER & Co.
Surveyors and Civil Engineers
1811 Broadway, N.Y.



6a



6b



#619

#619

#619



#619

#619



REVISED LOCATION
8-30-14



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

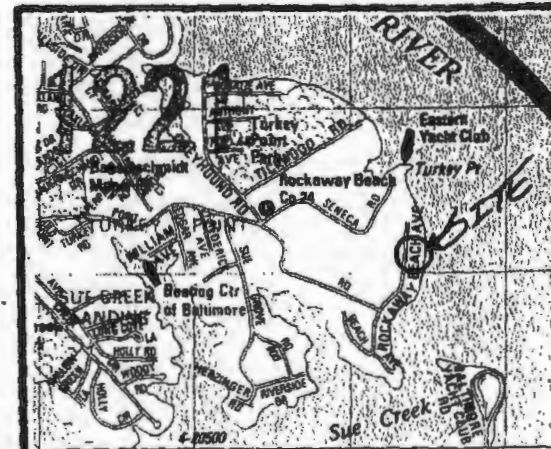
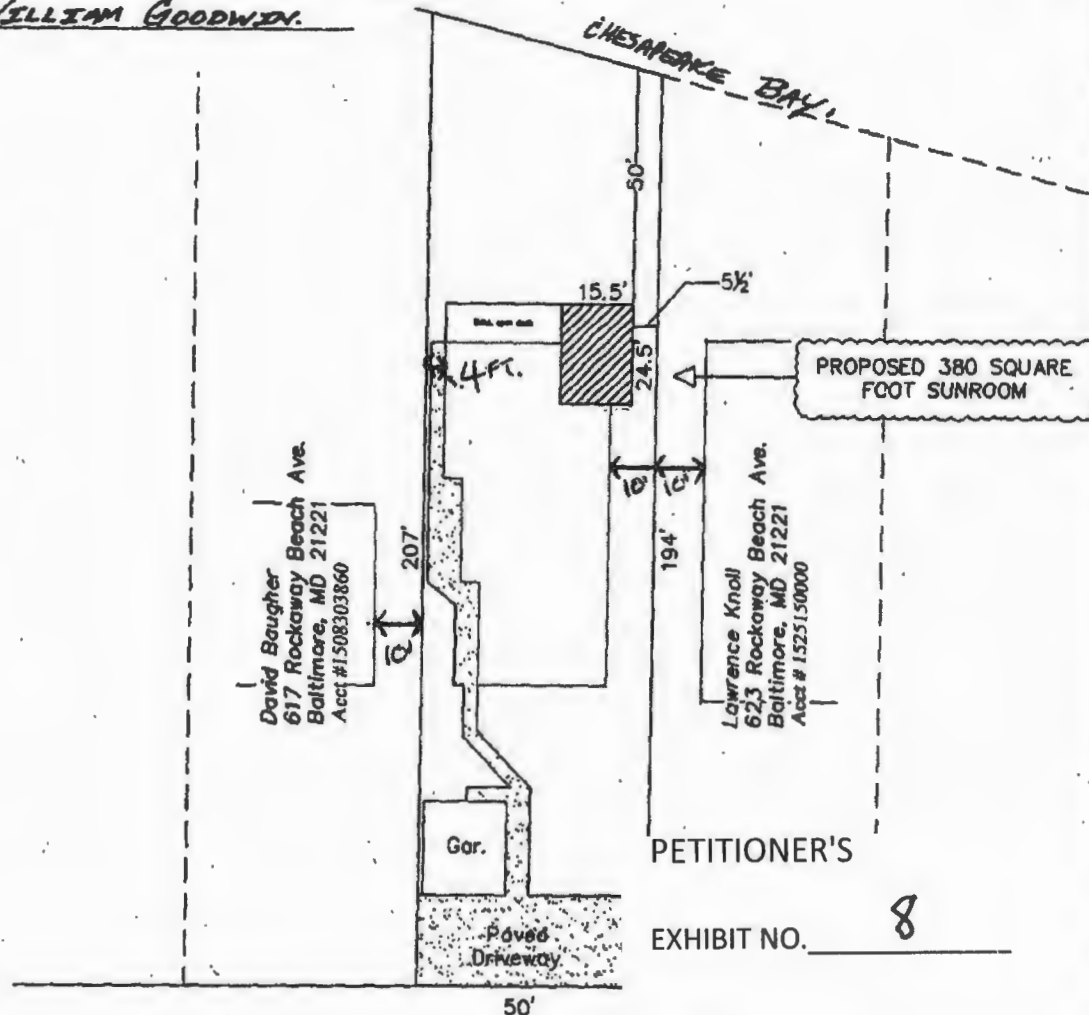
PROPERTY ADDRESS 619 ROCKAWAY BEACH AVE

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

SUBDIVISION NAME BALT. MD 21221
ROCKAWAY BEACH.

PLAT BOOK # 4 FOLIO # 171 LOT # 62 SECTION #

OWNER WILLIAM GOODWIN.



VICINITY MAP
SCALE: 1" = 2273'

LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 06
1" = 200' SCALE MAP # 09882
ZONING DR 3.5
LOT SIZE .24 10,350
ACREAGE SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/ BUILDING ☐ ☒
PRIOR ZONING HEARING NONE?

ZONING OFFICE USE ONLY

REVIEWED BY SDT ITEM # 1 CASE # PT-121-A



NORTH

Rockaway Beach Ave.
40' R/W

700' +/- to
Turkey Pt. Rd.

PETITIONER'S

EXHIBIT NO. 8

PREPARED BY GREGORY A. FAUER

SCALE OF DRAWING: 1" = 40'

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Rockaway Beach Avenue, 700 feet
North of Turkey Point Road
15th Election District
6th Councilmanic District
(619 Rockaway Beach Road)

William and Anita Goodwin
Petitioners

* BEFORE THE
* DEPT. ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*

* CASE NO. 07-121-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, William and Anita Goodwin. The variance request is for property located at 619 Rockaway Beach Road. The variance request is from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5.5 feet and 4 feet and a sum of 9.5 feet in lieu of the required 10 feet minimum and sum of 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to add a 380 square foot sunroom to their home. The location for the proposed addition lends itself to the utilization of existing facilities without interruptions to the current floor plan. The sunroom addition will help to insulate and reduce the heating bills. The sunroom will provide a place to enjoy the outdoors without being bothered by the weather or bugs. The addition will improve the appearance of the house. The restrictive area of the lot does not lend itself to an addition of usable size without obtaining a variance.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Department of Environmental Protection and Resource Management dated October 12, 2006

ADDITION RECEIVED FOR FILING
10-23-06
PB

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 619 Rockaway Beach Avenue

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

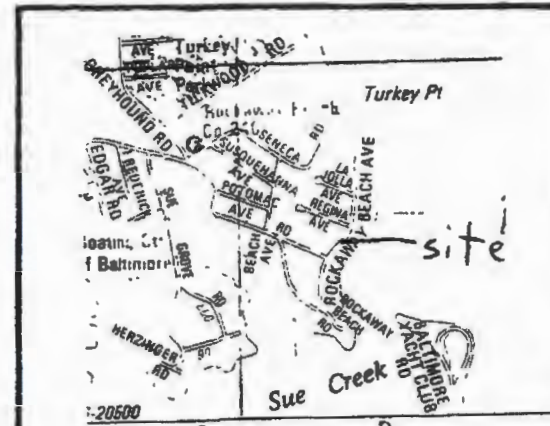
SUBDIVISION NAME TURKEY POINT FARM

PLAT BOOK # 4 FOLIO # 171 LOT # 62 SECTION # —

OWNER William J. Goodwin, Jr and Anita L. Goodwin

PETITIONER'S

EXHIBIT NO. 9



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 5th

1" = 200' SCALE MAP # SE 1-K

ZONING D.R.-3.5

LOT SIZE 10,350
ACREAGE — SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

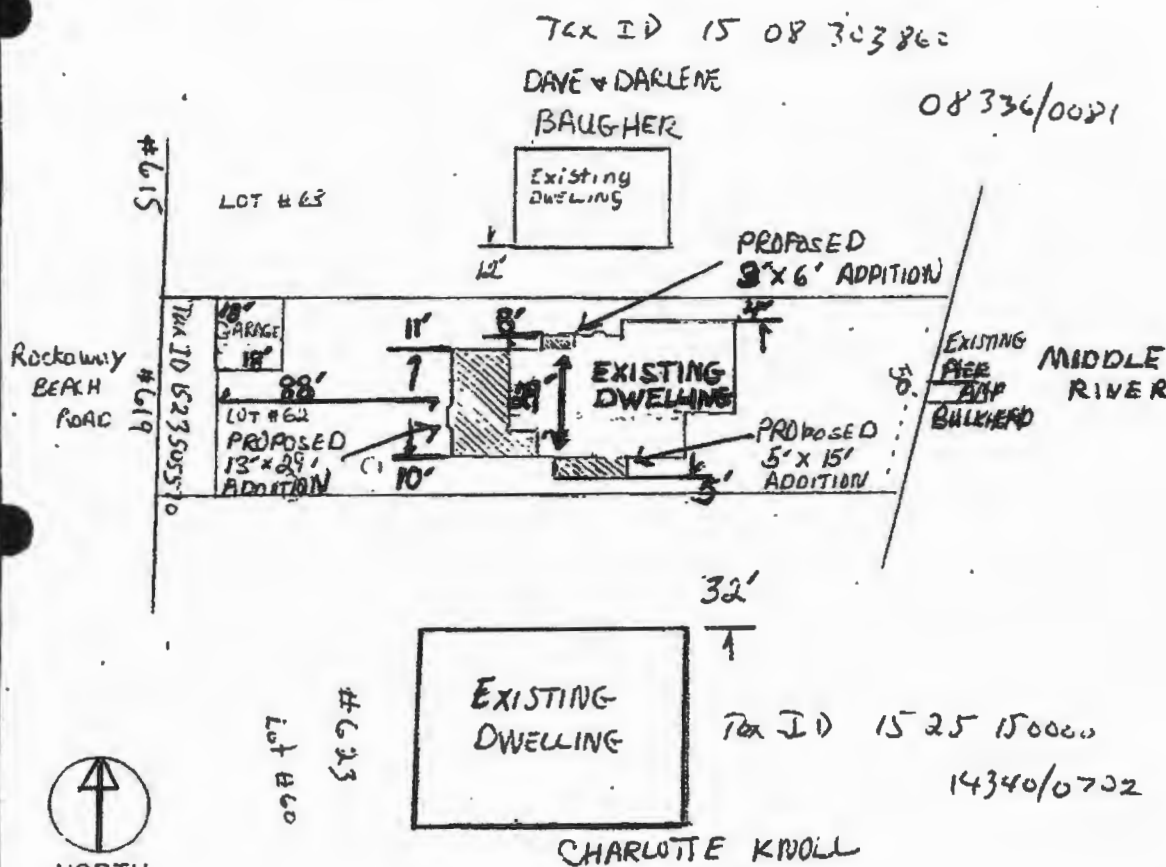
CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY BK ITEM # 340 CASE # 02-340-A



PREPARED BY Chuck Stanley

SCALE OF DRAWING: 1" = 50'

Case No.:

2014-290-A

Exhibit Sheet

Petitioner/Developer

Respondent

9/4/14
Sen

No. 1	Revised Plan (8-30-14)	Letter dated 9-2-14 (4 pages)
No. 2	SDAT records	
No. 3	Tax map	
No. 4	Title deed	
No. 5	Plat - Turkey Point	
No. 6	6A - 6F Photos	
No. 7	Aerial photo	
No. 8	Order # 07-121-A	
No. 9	Order # 02-340-A	
No. 10		
No. 11		
No. 12		

September 2, 2014

Variance Case No. 2014-0290-A

Principal Parties:

William & Anita Goodwin 619 Rockaway Beach Ave, Essex, Md 21221

David & Darlene Baugher 615 Rockaway Beach Ave, Essex, MD 21221

Michele & Mike Koenig (daughter) of:

David & Darlene Baugher – owners of subject property located at
617 Rockaway Beach Ave
Essex, MD 21221

PROTESTANT' S

EXHIBIT NO. 1

CASE NO. 2014-0290-1

September 2, 2014
AT THIS TIME

My husband, William Goodwin and I respectfully oppose the variance for case No. 2014-0290-A. Subject property located at 617 Rockaway Beach, Essex, Md 21221.

The razing of the existing one-story dwelling to re-develop the property and construct a two-story dwelling within the boundaries stated in this variance will cause a detriment to my property located at 619 Rockaway Beach Ave, Essex, Md 21221.

My husband and I have lived at 619 Rockaway Beach in Essex, Md for 21 years. Dave and Darlene Baugher, who live at 615 Rockaway Beach also own and wish to re-develop their property, the subject property, at 617 Rockaway Beach. We have been friends with the Baughers for 21 years. All three properties are waterfront with a panoramic view of the water. The variance for the subject property and the new footprint of the proposed new home would significantly alter the water view from our home and devalue our property. With waterfront property, view is everything.

In addition, the required grading with the construction of a new home, would significantly alter water run off. The new grading of the terrain surrounding the proposed home would cause additional water run off onto our property. Our property simply cannot handle additional water runoff. I respectfully request that a site evaluation for grading and sediment control be conducted to ensure our property ~~will~~ *will* not be inundated with water run off.

adversely affect
We really do not wish jeopardize the friendship we have enjoyed with the Baughers these past 21 years. However the front of the existing dwelling on the subject property is currently situated approximately 40 feet from the front of our home. The proposed two-story new dwelling would place the front of the new home approximately 8 to 10 feet beyond the front of our home and 10 feet from our property lines altering our view of the water. Ultimately, when a deck is constructed in front of the new home, our view would be further compromised. *Therefore further lowering our prop. value and compromising the quality of life we have enjoyed the past 21 years*

While I have not seen plans for the new construction, I suspect the foundation of the proposed two-story dwelling will be much higher than the existing dwelling which would not only compromise our view but, as I stated previously, the grading of the terrain would naturally have a higher slope and cause an enormous water run off burden to my property. Our main entrance is located at ground level on the same side as the proposed new construction. *Additionally the building being so close to our home will adversely affect light and air in this tightly packed space*
Again, I must oppose the granting of a variance and request an extensive site evaluation. *We will gladly work with the Baughers to come to an acceptable resolution.*

Thank You,
Anita L Goodwin
619 Rockaway Beach Ave
Essex, Md 21221
H (410)391-7595
William Goodwin Cell (443)865-486

& the Koenigs

until we know more, about

Sept 2, 2014

Last Conversation with Mr. Billingsley on Saturday August 30, 2014. It was our understanding that Mr. Billingsley would convey to them our conversations and our neighbors would get in touch to discuss. All we received was this email from Mr. Billingsley.

Attached is a revised plan showing the proposed dwelling extending no more than 50 feet water-ward of the rear of the existing dwelling? I will request that the Administrative Law Judge withhold his decision and keep the file open until we provide him with documentation that all parties are satisfied with the drainage issue. Should he not agree to do so we will have 30 days after the date of his order to work out the drainage solution before an appeal would need to be filed?

Do I have your permission to enter the property to obtain some filed run elevations. I will give you advance notice.

Thanks for your cooperation

Dave Billingsley
Central Drafting and Design
(410) 679-8719 Office
(410) 458-1401 Cell

I left the above email first because I think he will start with this and work backwards.

The proposal does not just build a new house; it re-develops the entire property that will alter the entire Northern and Eastern footprint of our property. Our home has been improved upon by the prior owners, and us but always remained upon the existing footprint. We have resided at location for 21 years.

The plans are using a previous 2007 permit for our Sunroom, which is, built on our deck and not the foundation of our house. The house ends at our living room.

The topography as it exists today presents a runoff problem. We have spent the last twenty years attempting to keep our basement free of water. The property is already graded higher and runoff is a problem and the property remains wet for days after rain. If the entire footprint changes to accommodate a two-story house and the grade would have to increase away from the new home, our foundation could not handle the increase.

Our neighbors contacted us a few months ago and indicated they were considering building a new house for their daughter on the property. They did indicate they wanted to attempt to move the house up EVEN with our HOUSE, but would need our sign-off. I indicated, we would need to talk about the issue.

We heard no further until the Variance in question was posted on the property. We contacted the Baughers a week ago today and ask them to our home to discuss. We discussed our concerns and the Baughers stated they would get back to us.

We met Mr. Mike Koenig on Thursday of last week for the first time. He lined the proposed hose on the lot in front of the existing house, which is different than the plot presented. We had many questions and discussed about the water runoff and they discussed their desire for a basement in the new home. Mr. Koenig said he would talk to Mr. Billingsley and get back to me.

We talked on Friday and I informed him we would have to oppose to said Variance as it stands and ask him to postpone for further clarification and discussions. He declined and referred us to Mr. Billingsley.

I talked with Mr. Billingsley on the weekend and we discussed many issues. He and I discussed what is similar to Exhibit 1. He indicated he would talk with the others and get their opinions. I informed him that we were in opposition, but he felt that a proposal could be reached that would not delay the Variance, but left us with some position or vote going forward concerning the runoff. We thought we would hear from our neighbors for discussion, but we did not.

From this position, we must oppose the Variance based on the stated information. Furthermore, we do not feel that the week described above provides enough information to make a valid and reliable decision.

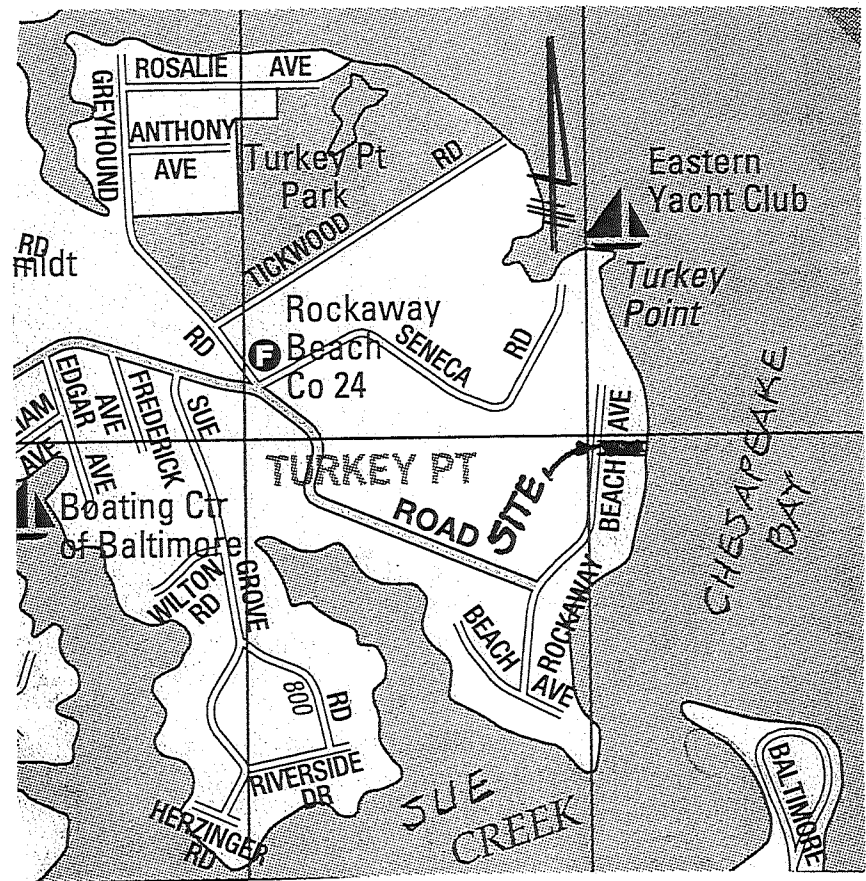
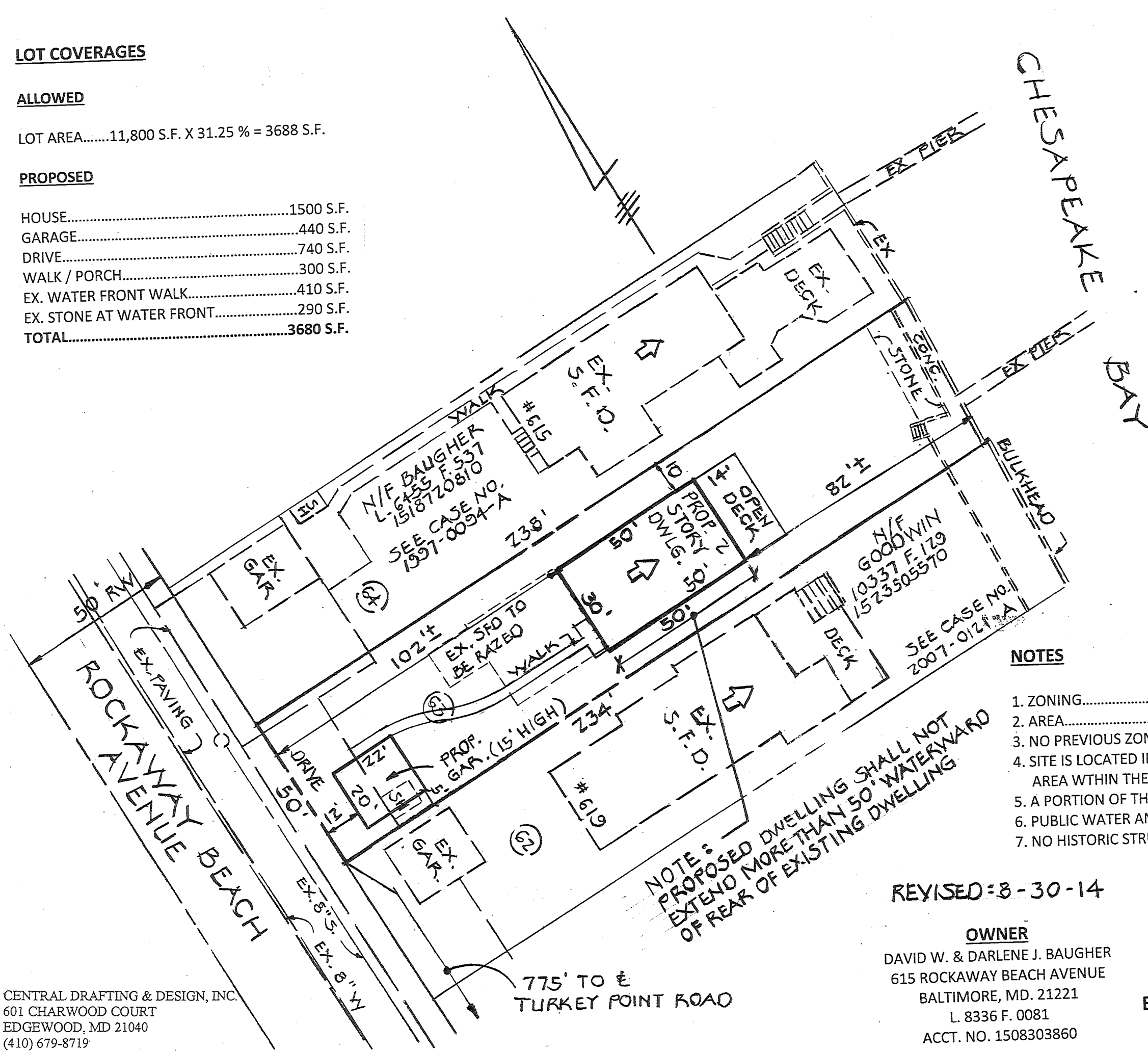
LOT COVERAGES

ALLOWED

LOT AREA.....11,800 S.F. X 31.25 % = 3688 S.F.

PROPOSED

HOUSE.....	1500 S.F.
GARAGE.....	440 S.F.
DRIVE.....	740 S.F.
WALK / PORCH.....	300 S.F.
EX. WATER FRONT WALK.....	410 S.F.
EX. STONE AT WATER FRONT.....	290 S.F.
TOTAL.....	3680 S.F.



VICINITY MAP
SCALE 1"=1000'

PETITIONER'S
EXHIBIT NO. 1

NOTES

1. ZONING.....DR 3.5 (MAP NO. 098B2)
2. AREA.....11,800 S.F. = 0.271 ACRE +/-
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
4. SITE IS LOCATED IN A LIMITED DEVELOPMENT AREA AND BUFFER MANAGEMENT AREA WITHIN THE CHESAPEAKE BAY CRITICAL AREA
5. A PORTION OF THIS SITE IS LOCATED IN THE 100 YEAR TIDAL FLOOD ZONE
6. PUBLIC WATER AND SEWER IS EXISTING
7. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

REVISED: 8-30-14

OWNER

DAVID W. & DARLENE J. BAUGHER
615 ROCKAWAY BEACH AVENUE
BALTIMORE, MD. 21221
L. 8336 F. 0081
ACCT. NO. 1508303860

PLAT TO ACCOMPANY PETITION
FOR VARIANCE

617 ROCKAWAY BEACH AVENUE
LOT 63 ROCKAWAY BEACH PB 4 F 171
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 30 FEET JUNE 25, 2014

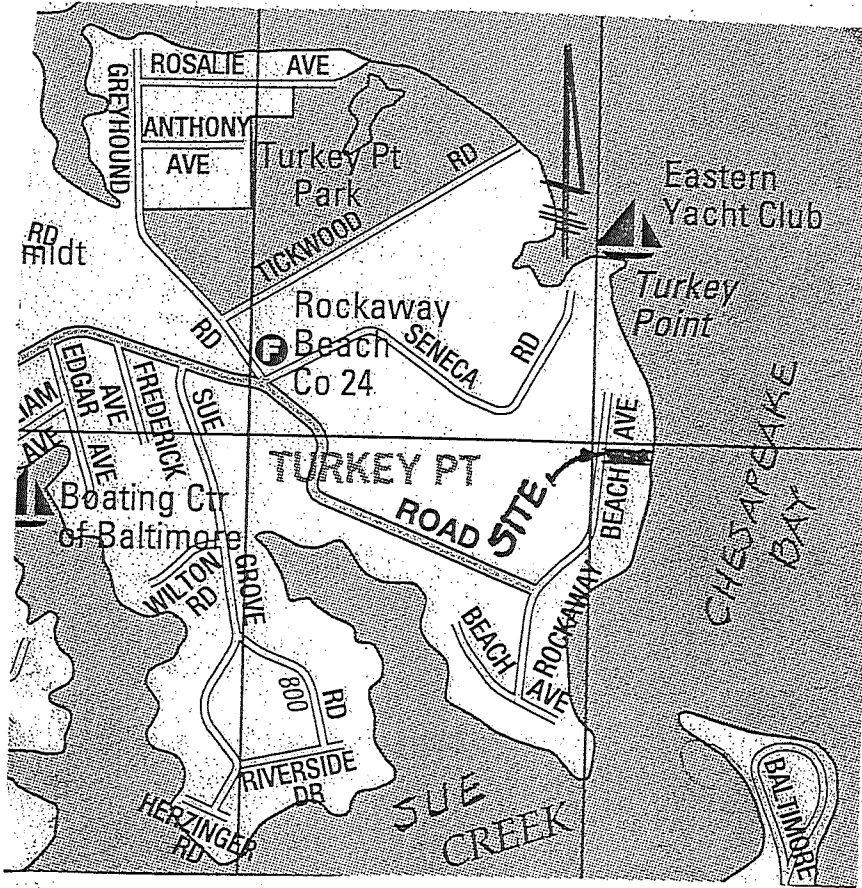
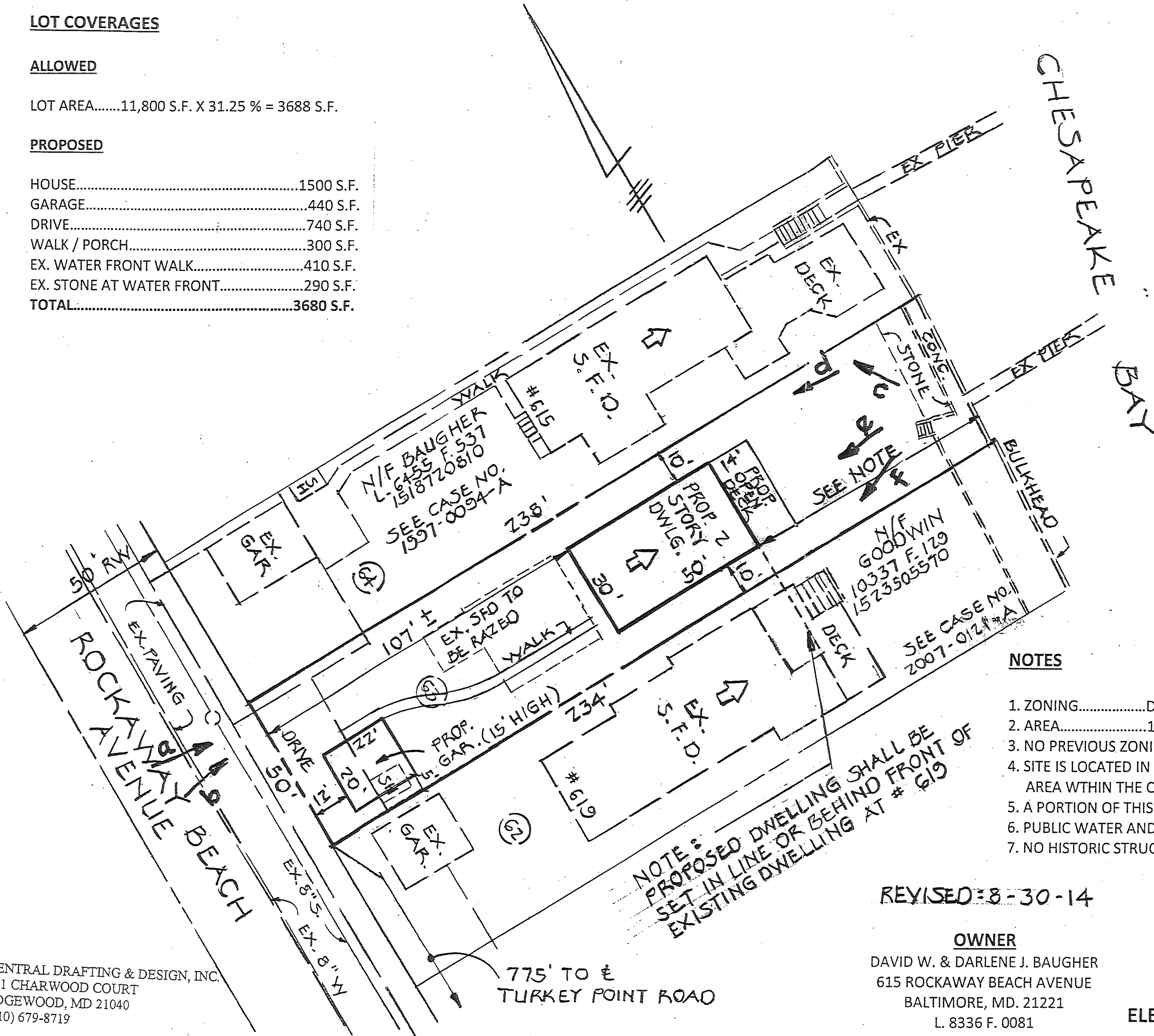
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TOTAL.....3680 S.F.



VICINITY MAP
SCALE 1"=1000'

PETITIONER'S
EXHIBIT NO. 6a-6f

PHOTOS

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REVISED: 8-30-14

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DAVID W. & DARLENE J. BAUGHER
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PLAT TO ACCOMPANY PETITION
FOR VARIANCE

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LOT 63 ROCKAWAY BEACH PB 4 F 171
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SCALE: 1 INCH = 30 FEET JUNE 25, 2014