



## 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

July 19, 2017

Anthony and Mindy Johns  
16007 Trenton Road  
Upperco, Maryland 21155

RE: *In the Matter of: Anthony and Mindy Johns*  
Case No.: 17-083-A

Dear Mr. and Mrs. Johns:

Enclosed please find a copy of the final Opinion and Order 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,

A handwritten signature in cursive script that reads "Sunny Cannington / taz".

Krysundra "Sunny" Cannington  
Administrator

KLC/taz  
Enclosure

c: Anita McMillan  
Office of People's Counsel  
Lawrence M. Stahl, Managing Administrative Law Judge  
Andrea Van Arsdale, Director/Department of Planning  
Arnold Jablon, Deputy Administrative Officer and Director/PAI  
Nancy C. West, Assistant County Attorney/Office of Law  
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF  
ANTHONY AND MINDY JOHNS  
16007 Trenton Road  
5<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District

RE: Petition for variance relief from Baltimore  
County Zoning Regulations § 427.1.B.2  
to permit a 6 foot high fence in lieu of the  
maximum 42 inch fence that adjoins the  
neighboring front yard

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. 17-083-A  
\*

\* \* \* \* \*

### OPINION

This matter comes to the Board of Appeals on appeal by Anthony and Mindy Johns (the "Petitioners") of the Opinion and Order issued by John E. Beverungen, Administrative Law Judge for Baltimore County, dated December 5, 2016 denying Petitioners' request for variance relief from the Baltimore County Zoning Regulations ("BCZR") to permit a six-foot high fence, in lieu of the maximum allowed 42 inches, for the portion of the fence adjoining the neighboring front yard.

In the proceedings before the Board, Mindy Johns appeared *pro se* on behalf of the Petitioners. Petitioners' neighbor, Anita McMillan, attended the hearing and opposed the request for variance relief.

A hearing was held before the Board on March 29, 2017, and the Board conducted a public deliberation on April 26, 2017.

### STATEMENT OF FACTS

The Petitioners are the owner of the property located at 16007 Trenton Road, Upperco, Maryland 21155-9522 (the "Petitioners' Property"). Anita McMillan owns the property next door to the Petitioners located at 16009 Trenton Road, Upperco, Maryland 21155-9522 (the "McMillan Property"). Along the boundary line between the Petitioners' Property and the McMillan Property

is a line of ten large Norway spruce trees that, for many years, have served as a natural barrier and visual screen between the adjoining lots. Based on a survey conducted by Leon A. Podolak and Associates, LLC in November 2014, nine of the ten Norway spruce trees along the boundary line between 16007 and 16009 Trenton Road are located on the McMillan Property. The single tree in proximity to the property line belonging to the Petitioners is located near the rear of their lot.

In October 2014, the Petitioners hired a tree service company to trim the lower branches of several of the Norway spruce trees owned by Ms. McMillan. The removal of these lower branches left a swath of bare tree trunks in the area between the driveways of the adjoining lots, eliminating the natural screening that previously had existed between the Petitioners' Property and the McMillan Property. It is clear that the removal of these branches by the Petitioners' contractor has caused significant tension between the Petitioners and Ms. McMillan.

In or around June 2015, the Petitioners' erected a fence, six feet tall, on their property to cover the bare space left by the removed spruce limbs between the Petitioners' Property and the McMillan Property. While nearly all of the Petitioners' fence borders the back yard or side yard of the McMillan Property, the fence also extends for several feet along the border of the front yard of the McMillan Property. After the Petitioners erected the fence, Ms. McMillan contacted Baltimore County Code Enforcement in November 2015 to determine whether the Petitioners' fence complied with the zoning laws of Baltimore County. Code Enforcement determined that a small portion of the Petitioners' fence did not comply with the height restrictions of the BCZR and required the Petitioners to remove the offending section of fencing.

In this case, the Petitioners seek a variance to allow for them to maintain the full length of the six-foot high fence that they installed. For the reasons that follow, the petition for variance relief is denied.

**DECISION**

There is an old adage that “good fences make good neighbors.” In Baltimore County, such fences must comply with the height restrictions set forth in the BCZR. BCZR § 427.1.B, in particular, provides as follows:

1. A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this section.
2. The fence may not exceed 42 inches in height if situated within 10 feet of the adjoining front yard property line.
3. Any person may request a variance from the requirements of this subsection.

BCZR § 427.1.B makes clear that, without a variance, the portion of the Petitioners’ fence that adjoins the front yard of the McMillan Property “may not exceed 42 inches in height.” Thus, the Petitioners seek a variance to allow for a section of fencing that is six feet in height – rather than 42 inches – for a length of 54 inches along the property line that adjoins the front yard of the McMillan Property. Pursuant to BCZR § 307.1, the Board has the power to grant a variance from the BCZR’s height regulations “only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.”

The Court of Special Appeals has set forth the analytical framework for considering a request for a variance:

[I]t is at least a two-step process. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is – in and of itself – unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless

there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, *i.e.*, a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance *caused by* the property's uniqueness, exists.

*Cromwell*, 102 Md. App. at 694-95, 651 A.2d at 426.

The *Cromwell* court emphasized that “[t]he need for a variance must be due to the unique circumstances of the property and not to the general conditions in the neighborhood.” *Id.* at 717, 651 A.2d at 437. “‘Uniqueness’ of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, *i.e.*, its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.” *Id.* at 710, 651 A.2d at 433-34. Moreover, variance relief cannot be “based on reasons personal to the applicant,” rather than the uniqueness of the property in question. *Id.* at 720, 651 A.2d at 438.

In this case, the Petitioners argue that their property is unique, and warrants variance relief to allow for a six-foot high fence, because of the presence of trees and roots along the boundary with the McMillan Property. The Board disagrees. Based on the testimony before the Board and the exhibits submitted at the hearing, the Board finds that the Petitioners’ Property is similar in all material respects to the other properties in the neighborhood. For example, as evidenced by Petitioners’ Exhibit B6, the general shape and topography of the Petitioners’ lot and the tree line along the edge of the Petitioners’ Property are similar to numerous other lots along Trenton Road in the Petitioners’ neighborhood.

Rather than the unique characteristics of the Property itself, the driving force behind Petitioners' request for a variance seems to be their desire to cover the open area left by their removal of the lower branches of Ms. McMillan's spruce trees. Because, however, the Petitioners' Property is not "in any way peculiar, unusual, or unique when compared to other properties in the neighborhood," the Board must deny the Petitioners' request for a variance under BCZR § 307.1. *Cromwell*, 102 Md. App. at 726, 651 A.2d at 441.

**ORDER**

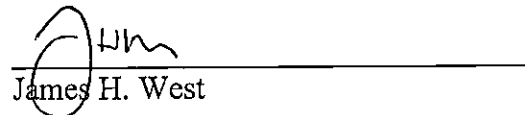
**THEREFORE**, it is this 19<sup>th</sup> day of July, 2017, by the Board of Appeals of Baltimore County,

**ORDERED**, that the Petition for Variance seeking relief under Section 427.1.B.2 of the Baltimore County Zoning Regulations to permit a fence six feet high, in lieu of a fence 42 inches high, along the portion of the property line bordering the front yard of the McMillan Property, be and is hereby **DENIED**.

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Maureen E. Murphy, Panel Chair

  
James H. West

Board Member Benfred B. Alston served on the panel for the above referenced matter at the hearing on March 29, 2017 and participated at the public deliberation on April 26, 2017. He was not reappointed to the Board and his term expired on April 30, 2017.

**IN RE: PETITION FOR VARIANCE**

(16007 Trenton Road)

5<sup>th</sup> Election District

3<sup>rd</sup> Council District

Mindy P. & Anthony S. Johns

*Legal Owners*

Petitioners

\*

\*

\*

\*

\*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

**CASE NO. 2017-0083-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Anthony and Mindy Johns, owners of the subject property ("Petitioners"). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit a 6 foot high fence in lieu of the maximum 42 inch fence that adjoins the neighboring front yard. A site plan was marked as Petitioners' Exhibit 1.

Anthony Johns appeared in support of the petition. The adjoining neighbor, Anita McMillan, opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received from County review agencies.

The property is approximately 0.450 acres in size and is zoned RC 2. Mr. Johns explained he constructed a 6ft. high fence at his property, and he submitted photos showing its design and placement. Petitioners' Ex. 2. He was informed by Baltimore County that one section of the fence would require a variance, since a 3 ft. portion thereof adjoined the front yard of the neighbor's property.

ORDER RECEIVED FOR FILING

Date

12/5/16

By

Sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

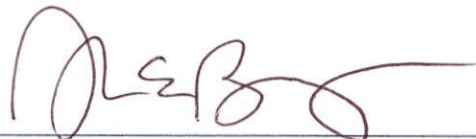
*Cromwell v. Ward*, 102 Md. App. 691 (1995).

In this case, no evidence was presented to establish the property is unique or unlike other properties in the community. I wholeheartedly agree with Mr. Johns, who testified the request was "reasonable." But the law requires more before a variance can be granted.

In a contested case requiring a rigorous application of the variance standard, the petitioner faces an uphill battle. In fact, I was unable to locate a Maryland appellate court opinion from the last twenty years which upheld the grant of a variance. Under Maryland law, variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699.

THEREFORE, IT IS ORDERED, this 5<sup>th</sup> day of December, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a 6 ft. high fence in lieu of the maximum required 42 in. fence that adjoins the neighboring front yard, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 12/5/16

By sln



# PETITION FOR ZONING HEARING (S)

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

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

Address 16007 Trenton Road which is presently zoned RC 2  
Deed References: 11824/543 10 Digit Tax Account # 0504020113  
Property Owner(s) Printed Name(s) Mindy Perkal Johns and Anthony Smith Johns

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

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

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

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

3. ☒ a Variance from Section(s) 427.1.B.2 To permit a 6 foot fence in lieu of the maximum required 42 inch fence that adjoins the neighboring front yard.

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:

N/A

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):

Mindy P. Johns Anthony S. Johns

Name #1 - Type or Print

Name #2 - Type or Print

Mindy P. Johns

Anthony S. Johns

Signature #1

Signature #2

16007 Trenton Rd.

Upperco

MD

Mailing Address

City

State

21155 410-374-5451 omrc.tennis@yahoo.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Mindy Johns

Name - Type or Print

Mindy P. Johns

Signature

16007 Trenton Rd.

Upperco

MD

Mailing Address

City

State

21155 410-218-4908 omrc.tennis@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2011-0083-A Filing Date 9/28/16

Do Not Schedule Dates:

Reviewer gr

REV. 10/4/11

ZONING PROPERTY DESCRIPTION FOR  
16007 Trenton Road, Upperco, MD 21155

PART A

Beginning at a point on the southeast side of Trenton Road which is 40 feet wide at the distance of 325 feet northeast of the centerline of the nearest improved intersecting street Arcadia Avenue which is 30 feet wide.

PART B

Being Lot 12, Block C, Section C in the subdivision of Fair Meadows as recorded in Baltimore County Plat Book #19, Folio #144, containing 19,602 square feet. Located in the 5<sup>th</sup> Election District and 3<sup>rd</sup> Council District.

2017-0083-A



KEVIN KAMENETZ  
*County Executive*

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

November 2, 2016

## 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: 2017-0083-A**

16007 Trenton Road  
SE/s Trenton Road, NE 325 ft. to centerline of Arcadia Avenue  
5<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: Anthony & Mindy Johns

Variance to permit a 6 ft. fence in lieu of the maximum required 42 inch fence that adjoins the neighboring front yard.

Hearing: Thursday, December 1, 2016 at 10:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

AJ:kl

C: Mindy & Anthony Johns, 16007 Trenton Road, Upperco 21155

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 11, 2016.**
- (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.



501 N. Calvert St., P.O. Box 1377  
Baltimore, Maryland 21278-0001  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4582156

**Sold To:**

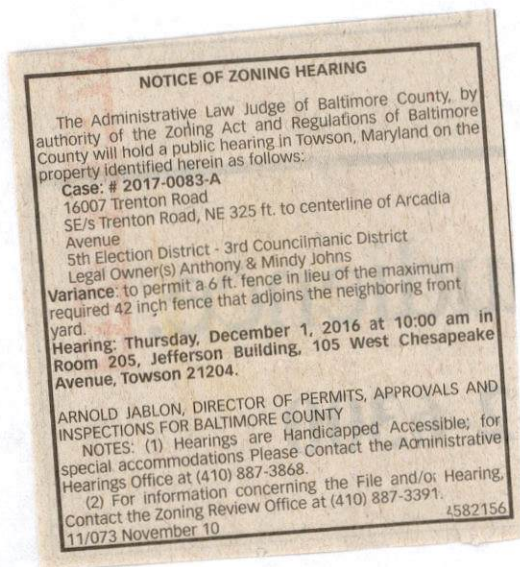
Mindy Johns - CU00571263  
16007 Trenton Rd  
Upperco, MD 21155-9522

**Bill To:**

Mindy Johns - CU00571263  
16007 Trenton Rd  
Upperco, MD 21155-9522

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Nov 10, 2016



The Baltimore Sun Media Group

By S. Wilkinson  
Legal Advertising

# CERTIFICATE OF POSTING

Date: 11/11/2016

RE: Project Name: PUBLIC HEARING  
Case Number /PAI Number: 2017-0083  
Petitioner/Developer: Mindy and Anthony Johns  
Date of Hearing/Closing: 12/01/2016

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 16007 Trenton Road

The sign(s) were posted on 11/11/2016

(Month, Day, Year)



  
(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)

RE: PETITION FOR VARIANCE  
16007 Trenton Road; SE/S Trenton Road,  
NE 325' to c/line of Arcadia Avenue  
5<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts  
Legal Owner(s): Mindy & Anthony Johns  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINSTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2017-083-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

OCT 05 2016

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2016, a copy of the foregoing Entry of Appearance was mailed to Mindy Johns, 16007 Trenton Road, Upperco, Maryland 21155, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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

**Nº 144021**

Date: 9/28/16

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|
| 001  | 806  | 0000 |          | 150             |                  |          |         | 75.00  |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |

Total: 75.00

Rec From: Mindy Jones

For: 16007 Trenton Road

2017-0023 A

**DISTRIBUTION**

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

**PAID RECEIPT**

BUSINESS ACTUAL TIME DRW  
9/28/2016 9/28/2016 09:07:59 3  
REG #003 WALKIN CAM  
>>RECEIPT # 698992 9/28/2016 CFLJ  
Dept 5 528 ZONING VERIFICATION  
CR NO. 144021  
Recpt Tot \$75.00  
\$75.00 CK 1.00 CA  
Baltimore County, Maryland

**CASHIER'S  
VALIDATION**

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

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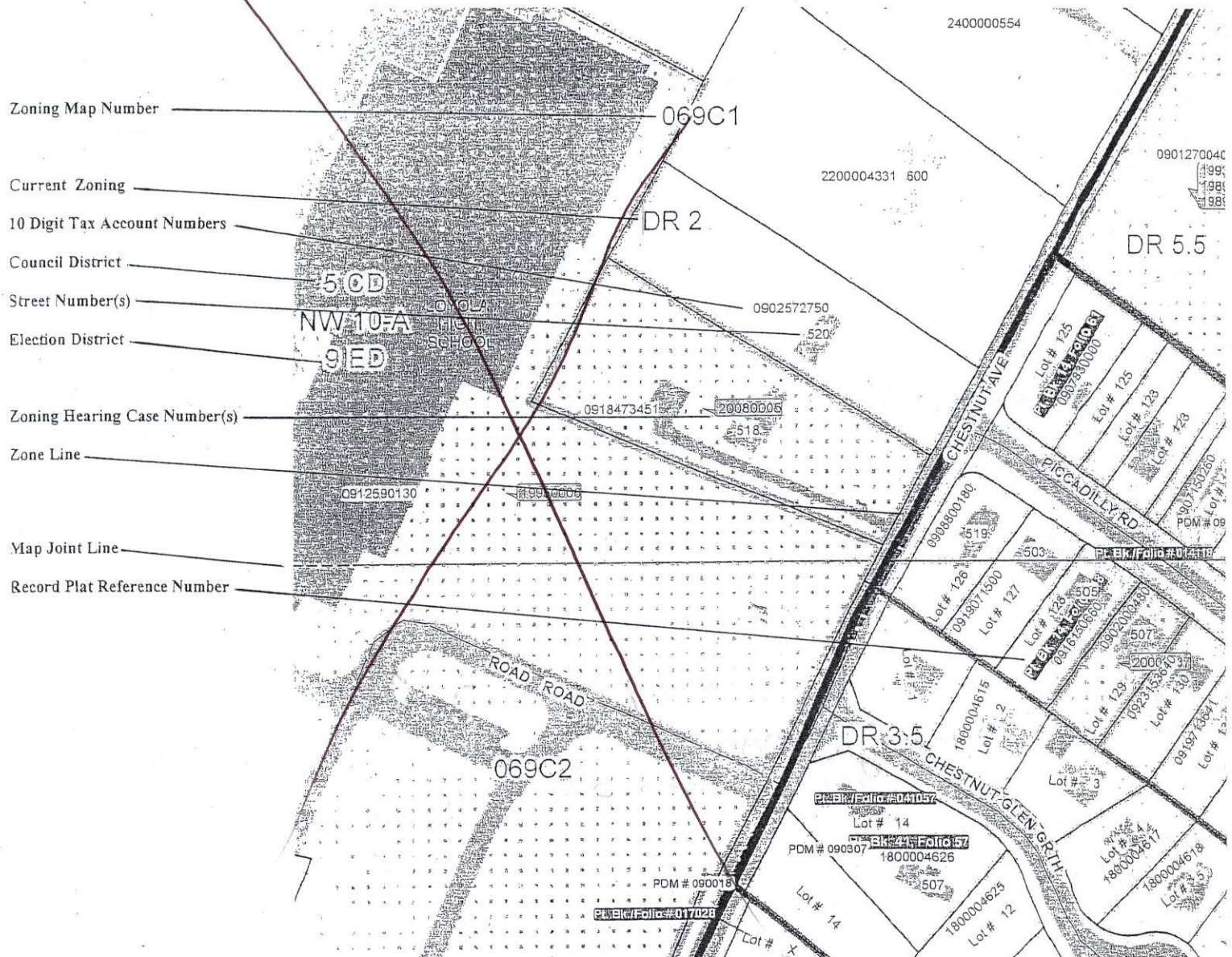
#### For Newspaper Advertising:

Item Number or Case Number: 2017-0083-A  
Petitioner: Mindy Johns  
Address or Location: 16007 Trenton Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mindy Johns  
Address: 16007 Trenton Road  
Upperco MD 21155  
Telephone Number: 410-218-4908 (C)  
410-374-5451 (H)

THE COLOR COPY OF THIS MAP IS REQUIRED FOR PETITION FILING  
THIS BLACK AND WHITE EXAMPLE IS KEYED TO THE MAP INFORMATION  
OUTLINE THE HEARING SITE CLEARLY ON THIS MAP



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

**№ 143318**

Date: 11/3/17

| Fund | Dept | Unit | Sub Unit | Rev<br>Source/<br>Obj | Sub<br>Rev/<br>Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------------|------------------------|----------|---------|--------|
| 001  | 800  | 000  |          | 6150                  |                        |          |         | 265.00 |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |
|      |      |      |          |                       |                        |          |         |        |

Total: 265.00

Rec  
From:

Mindy Johns

For:

16007 Trenton Rd

CASE # 2017-083-A

CK # 732

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**PAID RECEIPT**

BUSINESS ACTUAL TIME INH  
1/04/2017 1/03/2017 14:58:47 1

REG WS01 WALKIN LJR

>>RECEIPT # 701193 1/03/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 143318

Recpt Tot \$265.00

\$265.00 CK \$0.00 CA

Baltimore County, Maryland

**CASHIER'S  
VALIDATION**

**APPEAL**

**Petition for Variance  
(16007 Trenton Road)  
5<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owner: Mindy P. & Anthony S. Johns  
Case No. 2017-0083-A**

Petition for Variance Hearing (September 28, 2016)

Zoning Description of Property

Notice of Zoning Hearing (November 2, 2016)

Certificate of Publication (November 10, 2016)

Certificate of Posting (November 11, 2016) – John Altmeyer

Entry of Appearance by People's Counsel –October 5, 2016

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Plan
2. Photos

Miscellaneous (Not Marked as Exhibits)- Order of Satisfaction Case NO. 0804-0031992-2015,  
SDAT

Administrative Law Judge Order and Letter (DENIED – December 5, 2016)

Appeal filed by Mindy Johns on January 3, 2017

TO: PATUXENT PUBLISHING COMPANY  
Thursday, November 10, 2016 Issue - Jeffersonian

Please forward billing to:

Mindy Johns  
16007 Trenton Road  
Upperco, MD 21155

410-218-4908

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## 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: 2017-0083-A**

16007 Trenton Road  
SE/s Trenton Road, NE 325 ft. to centerline of Arcadia Avenue  
5<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: Anthony & Mindy Johns

Variance to permit a 6 ft. fence in lieu of the maximum required 42 inch fence that adjoins the neighboring front yard.

Hearing: Thursday, December 1, 2016 at 10:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

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

**BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

**IN THE MATTER OF:** Anthony and Mindy Johns

17-083-A

**DATE:** April 26, 2017

**BOARD/PANEL:** Maureen E. Murphy, Panel Chairman  
Benfred B. Alston  
James H. West

**RECORDED BY:** Tammy A. McDiarmid, Legal Secretary

**PURPOSE:** To deliberate the following:

Petition for Variance relief from BCZR §427.1.B.2 to permit a 6 foot high fence in lieu of the maximum 42 inch fence that adjoins the neighboring front yard.

**PANEL MEMBERS DISCUSSED THE FOLLOWING:**

**STANDING**

- The Board reviewed the history of this matter. The Petitioners installed a 6' high fence on the property line, and had to remove the portion which adjoins the neighboring front yard. There are trees along the property line, 10 of which are owned by the neighbor. The Petitioners own one tree at the end.
- The Petitioners appeared *pro se*. One neighbor appeared in opposition to the request.
- The Petitioners argue that their property is unique due to the presence of trees and roots on their property line. The Board reviewed the aerial exhibit which shows the neighborhood. The Board found that the property is similar to the other properties in the neighborhood and is not unique.
- The Board noted that the Petitioner has a difficult standard to meet when a variance request is protested. The Board applied the standards of Cromwell and found there is no evidence of uniqueness or hardship.

**DECISION BY THE BOARD MEMBERS:**

The Board determines that the property is not unique and, therefore, does not meet the legal requirements for the granting of a variance under Cromwell v. Ward.

**FINAL DECISION:** After a thorough review of the facts, testimony, and law in the matter, the Board unanimously agrees to DENY the requested relief.

**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,



Tammy A. McDiarmid



## Board of Appeals of Baltimore County

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

March 30, 2017

### **NOTICE OF PUBLIC DELIBERATION**

**IN THE MATTER OF:** Anthony and Mindy Johns  
16007 Trenton Road  
17-083-A 5<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District

Re: Petition for Variance relief from BCZR Section 427.1.B.2 to permit a 6 foot high fence in lieu of the maximum 42 inch fence that adjoins the neighboring front yard.

12/5/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter having been heard and concluded on March 29, 2017, a public deliberation has been scheduled for the following:

**DATE AND TIME: WEDNESDAY, APRIL 26, 2017 at 9:00 a.m.**

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

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html)

Krysundra "Sunny" Cannington  
Administrator

c: Petitioners/Legal Owners

: Anthony and Mindy Johns

Protestant

: Anita McMillan

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



## 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 18, 2017

### **NOTICE OF POSTPONEMENT AND REASSIGNMENT**

**IN THE MATTER OF:** Anthony and Mindy Johns  
16007 Trenton Road  
17-083-A 5<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District

Re: Petition for Variance relief from BCZR Section 427.1.B.2 to permit a 6 foot high fence in lieu of the maximum 42 inch fence that adjoins the neighboring front yard.

12/5/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

*This matter was scheduled for Wednesday, March 15, 2017 and has been postponed.  
This matter has been*

**REASSIGNED FOR: WEDNESDAY, MARCH 29, 2017, 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. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- 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.

**NEW!** Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

**NEW!** Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html)

**Krysundra "Sunny" Cannington, Administrator**

c: Petitioners/Legal Owners  
Protestant

: Anthony and Mindy Johns  
: Anita McMillan

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



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 18, 2017

Anthony and Mindy Johns  
16007 Trenton Road  
Upperco, Maryland 21155

Re: In the Matter of: Anthony and Mindy Johns – Legal Owner  
Case No: 17-083-A

Dear Mr. and Mrs. Johns:

Please be advised I have just been informed of a scheduling conflict in which we do not have a panel of three Board members available for the hearing scheduled on Wednesday, March 15, 2017. Enclosed, please find a Notice of Postponement and Reassignment. This matter has been rescheduled to Wednesday, March 29, 2017 at 10:00 a.m.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

*Sunny Cannington*  
Krysundra "Sunny" Cannington  
Administrator

Enclosure: Notice of Postponement and Reassignment

cc: Anita McMillan



## 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 6, 2017

### **NOTICE OF ASSIGNMENT**

**IN THE MATTER OF:** Anthony and Mindy Johns  
16007 Trenton Road  
17-083-A 5<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District

Re: Petition for Variance relief from BCZR Section 427.1.B.2 to permit a 6 foot high fence in lieu of the maximum 42 inch fence that adjoins the neighboring front yard.

12/5/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

**ASSIGNED FOR:** **WEDNESDAY, MARCH 15, 2017, 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. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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**Krysundra "Sunny" Cannington, Administrator**

c: Petitioners/Legal Owners

: Anthony and Mindy Johns

Protestant

: Anita McMillan

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*

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

January 4, 2017

Anthony and Mindy Johns  
16007 Trenton Road  
Upperco, Maryland 21155

**RECEIVED**  
JAN 04 2017

BALTIMORE COUNTY  
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**

Case Nos. 2017-0083-A

Location: 16007 Trenton Road

Dear Mr. & Mrs. Johns:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 3, 2017. 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 blue ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals  
Peter Max Zimmerman, People's Counsel for Baltimore County  
Anita McMillan, 16009 Trenton Road, Upperco, Maryland 21155

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2017-0083

DATE 12-1-2017

## PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME \_\_\_\_\_  
CASE NUMBER 2017-0083  
DATE 12-1-16

| NAME | ADDRESS | CITY, STATE, ZIP | E - MAIL |
|------|---------|------------------|----------|
|------|---------|------------------|----------|

[illegible]



KEVIN KAMENETZ  
County Executive

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

November 22, 2016

Mindy P & Anthony S Johns  
16007 Trenton Road  
Upperco MD 2155

RE: Case Number: 2017-0083 A, Address: 16007 Trenton Road

Dear Mr. & Ms. Johns:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 28, 2016. 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.", written in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, *Governor*  
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*  
Gregory C. Johnson, P.E., *Administrator*

Date: 10/5/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0083-A

Variance  
Mindy P. & Anthony S. Johns  
16007 Trenton Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller', is written over a horizontal line.

Wendy Wolcott, PLA  
Acting Metropolitan District Engineer – District 4  
Baltimore & Harford Counties

WW/RAZ

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE MEMORANDUM**

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

**DATE:** October 20, 2016

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

RECEIVED

OCT 25 2016

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-083

OFFICE OF ADMINISTRATIVE HEARINGS

**INFORMATION:**

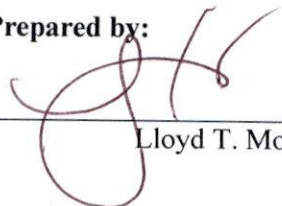
**Property Address:** 16007 Trenton Road  
**Petitioner:** Mindy Johns  
**Zoning:** RC 2  
**Requested Action:** Variance

The Department has reviewed the petition for a variance to permit a 6 foot fence in lieu of the maximum required 42 inch fence that adjoins the neighboring front yard.

The Department has no objection to granting the petitioned zoning relief.

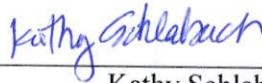
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

**Prepared by:**



Lloyd T. Moxley

**Division Chief:**



Kathy Schlabach

AVA/KS/LTM/ka

c: Joseph Wiley  
Mindy Johns  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE MEMORANDUM**



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

**DATE:** October 20, 2016

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-083

**INFORMATION:**

**Property Address:** 16007 Trenton Road  
**Petitioner:** Mindy Johns  
**Zoning:** RC 2  
**Requested Action:** Variance

The Department has reviewed the petition for a variance to permit a 6 foot fence in lieu of the maximum required 42 inch fence that adjoins the neighboring front yard.

The Department has no objection to granting the petitioned zoning relief.

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

**Prepared by:**

A handwritten signature in black ink, appearing to be "LTM", written over a horizontal line.

Lloyd T. Moxley

**Division Chief:**

A handwritten signature in black ink, appearing to be "Kathy Schlabach", written over a horizontal line.

Kathy Schlabach

AVA/KS/LTM/ka

c: Joseph Wiley  
Mindy Johns  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: October 5, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0083-A  
Address 16007 Trenton Road  
(Johns Property)

Zoning Advisory Committee Meeting of **October 10, 2016**.

X The Department of Environmental Protection and Sustainability has no  
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 10-05-2016

*Duplicate*



KEVIN KAMENETZ  
*County Executive*

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

January 4, 2017

Anthony and Mindy Johns  
16007 Trenton Road  
Upperco, Maryland 21155

**RECEIVED**  
JAN 04 2017

BALTIMORE COUNTY  
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**  
Case Nos. 2017-0083-A  
Location: 16007 Trenton Road

Dear Mr. & Mrs. Johns:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 3, 2017. 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 the typed name of Lawrence M. Stahl.

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals  
Peter Max Zimmerman, People's Counsel for Baltimore County  
Anita McMillan, 16009 Trenton Road, Upperco, Maryland 21155

**Tony and Mindy Johns**  
**16007 Trenton Road**  
**Upperco, MD 21155**  
**H: 410-374-5451**  
**C: 410-218-4908**

RECEIVED

JAN 03 2017

OFFICE OF ADMINISTRATIVE HEARINGS

January 3, 2017

To Whom It May Concern:

We are requesting an appeal of the decision rendered on Dec. 5, 2016 concerning the matter of a variance on the height of a small section of fencing in our side yard (Case No. 2017-0083-A).

We have gathered a substantial amount of new evidence and would appreciate the opportunity to present these facts to the County Board of Appeals.

*Tony Johns*  
*Mindy P. Johns*

**BALTIMORE COUNTY, MARYLAND**

**RECEIVED**

**Inter-Office Correspondence**

**OCT 05 2016**



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: October 5, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0083-A  
Address 16007 Trenton Road  
(Johns Property)

Zoning Advisory Committee Meeting of **October 10, 2016**.

X The Department of Environmental Protection and Sustainability has no  
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 10-05-2016

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections  
**DATE:** October 12, 2016

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 10, 2016  
Item No. 2017-0076, 0077, 0080, 0081, 0082, 0083, 0086, 0087 and  
0088

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

DAK:CEN  
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC10102016.doc

ANITA M. MCMILLAN

Plaintiff

v.

ANTHONY S. JOHNS  
and  
MINDY P. JOHNS

Defendants

\* IN THE  
\* DISTRICT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 080400319922015

\*

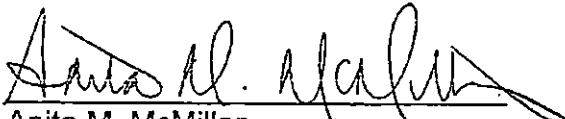
\* \* \* \* \*

ORDER OF SATISFACTION

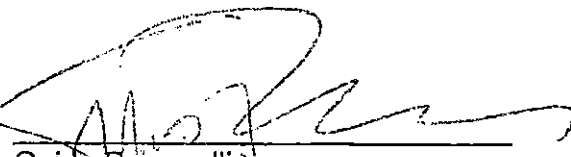
Dear Clerk:

Please enter the Judgment in the above-captioned case as PAID,

SETTLED AND SATISFIED.

  
Anita M. McMillan  
16009 Trenton Road  
Upperco, MD 21155  
443-847-8304

Pro Se Plaintiff

  
Guido Porcarelli  
Law Offices of Frank F. Daily, P.A.  
Executive Plaza III, Suite 704  
11350 McCormick Road  
Hunt Valley, MD 21031  
(410) 584-9443

Attorney for Defendants

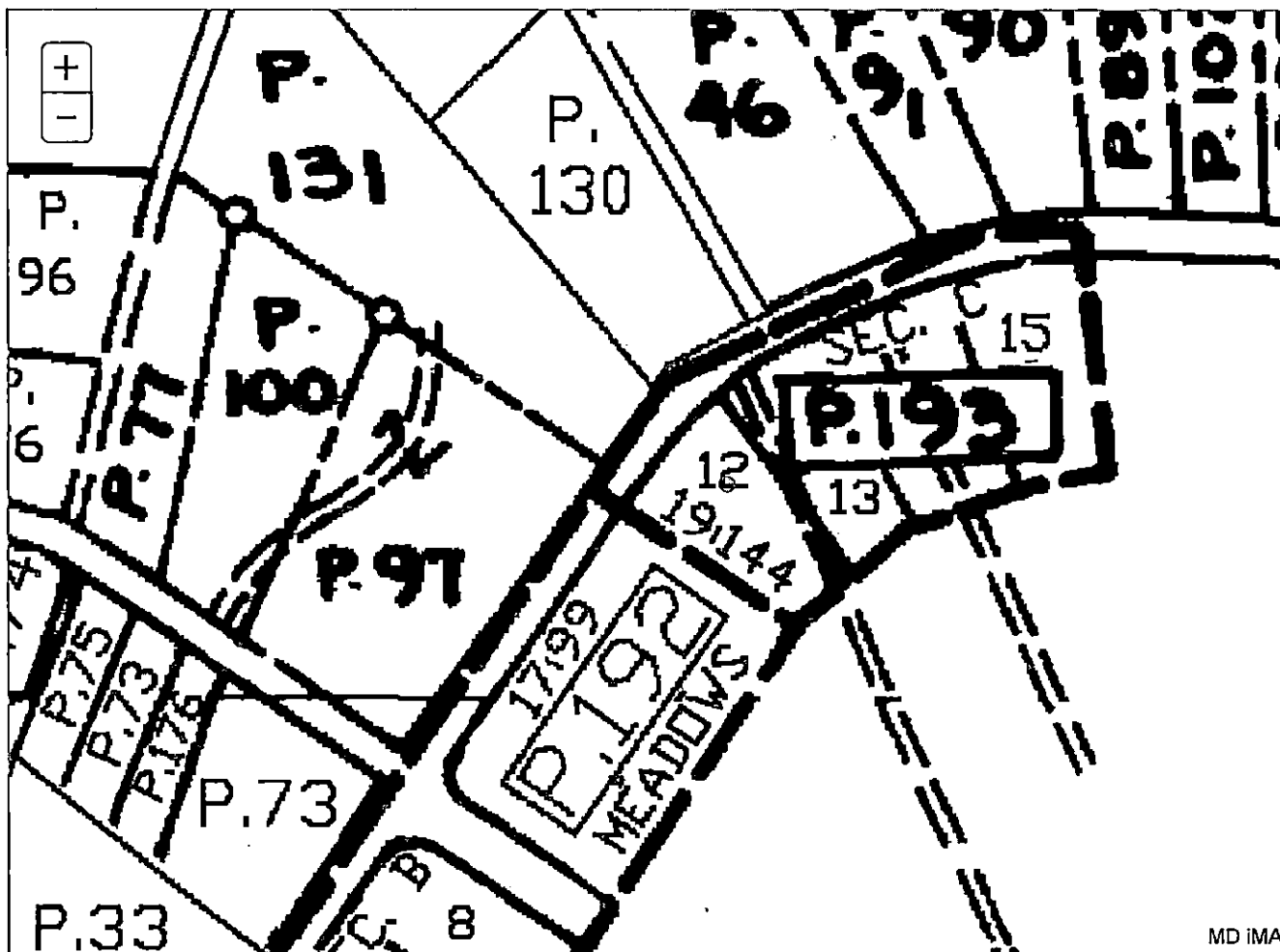
mailed  
4/4/16

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

| View Map                                                         |          |                                           | View GroundRent Redemption                |                                          |                                    |                              | View GroundRent Registration                |                           |                     |           |
|------------------------------------------------------------------|----------|-------------------------------------------|-------------------------------------------|------------------------------------------|------------------------------------|------------------------------|---------------------------------------------|---------------------------|---------------------|-----------|
| Account Identifier:                                              |          |                                           | District - 05 Account Number - 0504020113 |                                          |                                    |                              |                                             |                           |                     |           |
| Owner Information                                                |          |                                           |                                           |                                          |                                    |                              |                                             |                           |                     |           |
| Owner Name:                                                      |          | JOHNS ANTHONY SMITH<br>JOHNS MINDY PERKAL |                                           |                                          |                                    | Use:<br>Principal Residence: |                                             | RESIDENTIAL<br>YES        |                     |           |
| Mailing Address:                                                 |          | 16007 TRENTON RD<br>UPPERCO MD 21155-9522 |                                           |                                          |                                    | Deed Reference:              |                                             | /11824/ 00543             |                     |           |
| Location & Structure Information                                 |          |                                           |                                           |                                          |                                    |                              |                                             |                           |                     |           |
| Premises Address:                                                |          | 16007 TRENTON RD<br>0-0000                |                                           |                                          | Legal Description:                 |                              | SES TRENTON ROAD<br>FAIR MEADOWS            |                           |                     |           |
| Map:                                                             | Grid:    | Parcel:                                   | Sub District:                             | Subdivision:                             | Section:                           | Block:                       | Lot:                                        | Assessment Year:          | Plat No:            |           |
| 0025                                                             | 0010     | 0193                                      |                                           | 0000                                     | C                                  | C                            | 12                                          | 2017                      | Plat Ref:           | 0019/0144 |
| Special Tax Areas:                                               |          |                                           |                                           |                                          | Town:<br>Ad Valorem:<br>Tax Class: |                              | NONE                                        |                           |                     |           |
| Primary Structure Built                                          |          | Above Grade Enclosed Area                 |                                           |                                          | Finished Basement Area             |                              | Property Land Area                          |                           | County Use          |           |
| 1998                                                             |          | 2,444 SF                                  |                                           |                                          |                                    |                              | 19,602 SF                                   |                           | 04                  |           |
| Stories                                                          | Basement | Type                                      |                                           | Exterior                                 | Full/Half Bath                     | Garage                       | Last Major Renovation                       |                           |                     |           |
| 2                                                                | YES      | STANDARD UNIT                             |                                           | SIDING                                   | 2 full/ 1 half                     | 1 Attached                   |                                             |                           |                     |           |
| Value Information                                                |          |                                           |                                           |                                          |                                    |                              |                                             |                           |                     |           |
|                                                                  |          |                                           | Base Value                                |                                          | Value<br>As of<br>01/01/2014       |                              | Phase-in Assessments<br>As of<br>07/01/2016 |                           | As of<br>07/01/2017 |           |
| Land:                                                            |          |                                           | 75,900                                    |                                          | 75,900                             |                              |                                             |                           |                     |           |
| Improvements                                                     |          |                                           | 237,000                                   |                                          | 237,000                            |                              |                                             |                           |                     |           |
| Total:                                                           |          |                                           | 312,900                                   |                                          | 312,900                            |                              | 312,900                                     |                           |                     |           |
| Preferential Land:                                               |          |                                           | 0                                         |                                          |                                    |                              |                                             |                           |                     |           |
| Transfer Information                                             |          |                                           |                                           |                                          |                                    |                              |                                             |                           |                     |           |
| Seller: OURSLER GEORGE CARROLL<br>Type: ARMS LENGTH VACANT       |          |                                           |                                           | Date: 10/01/1996<br>Deed1: /11824/ 00543 |                                    |                              |                                             | Price: \$48,262<br>Deed2: |                     |           |
| Seller: DEBNAM GEORGE R III & VIR<br>Type: NON-ARMS LENGTH OTHER |          |                                           |                                           | Date: 04/02/1970<br>Deed1: /05081/ 00501 |                                    |                              |                                             | Price: \$0<br>Deed2:      |                     |           |
| Seller:<br>Type:                                                 |          |                                           |                                           | Date:<br>Deed1:                          |                                    |                              |                                             | Price:<br>Deed2:          |                     |           |
| Exemption Information                                            |          |                                           |                                           |                                          |                                    |                              |                                             |                           |                     |           |
| Partial Exempt Assessments:                                      |          | Class                                     |                                           | 07/01/2016                               |                                    |                              | 07/01/2017                                  |                           |                     |           |
| County:                                                          |          | 000                                       |                                           | 0.00                                     |                                    |                              |                                             |                           |                     |           |
| State:                                                           |          | 000                                       |                                           | 0.00                                     |                                    |                              |                                             |                           |                     |           |
| Municipal:                                                       |          | 000                                       |                                           | 0.00                                     |                                    |                              | 0.00                                        |                           |                     |           |
| Tax Exempt:<br>Exempt Class:                                     |          |                                           |                                           | Special Tax Recapture:<br>NONE           |                                    |                              |                                             |                           |                     |           |
| Homestead Application Information                                |          |                                           |                                           |                                          |                                    |                              |                                             |                           |                     |           |
| Homestead Application Status: Approved 07/03/2008                |          |                                           |                                           |                                          |                                    |                              |                                             |                           |                     |           |

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **05** Account Number: **0504020113**

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) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

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://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Case No.:

2017-0083-A

Exhibit Sheet - ~~Continued~~

Petitioner/Developer

Respondent

slw  
12/5/16

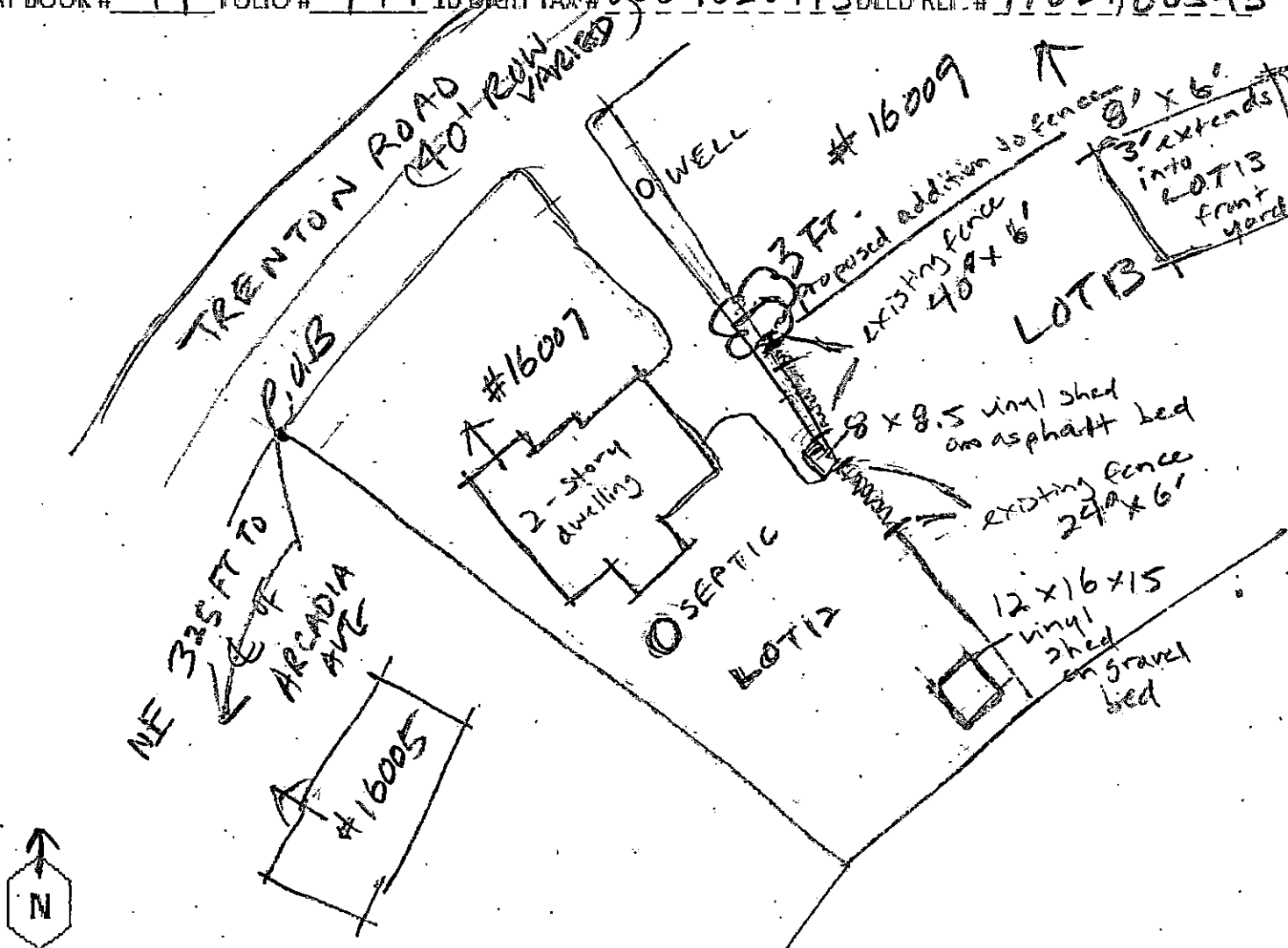
|                        |        |  |
|------------------------|--------|--|
| No. <del>13</del><br>1 | Plan   |  |
| No. <del>14</del><br>2 | Photos |  |
| No. <del>15</del>      |        |  |
| No. <del>16</del>      |        |  |
| No. <del>17</del>      |        |  |
| No. <del>18</del>      |        |  |
| No. <del>19</del>      |        |  |
| No. <del>20</del>      |        |  |
| No. <del>21</del>      |        |  |
| No. <del>22</del>      |        |  |
| No. <del>23</del>      |        |  |
| No. <del>24</del>      |        |  |

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)

ADDRESS 16007 TRENTON RD. OWNER(S) NAME(S) ANTHONY & MINDY JOHNS

SUBDIVISION NAME FAIR MEADOWS LOT # 12 BLOCK # C SECTION # C

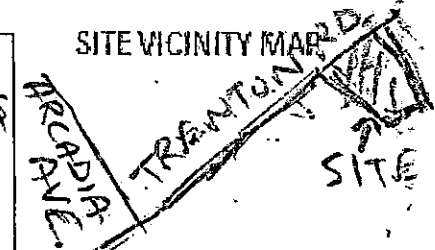
PLAT BOOK # 19 FOLIO # 144 10 DIGIT TAX # 0504020113 DEED REF. # 11824/00543



PLAN DRAWN BY MINDY JOHNS DATE 9/26/16 SCALE: 1 INCH = 50 FEET

207-0083-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 025.B?

SITE ZONED RC2

ELECTION DISTRICT 5

COUNCIL DISTRICT 3

LOT AREA ACREAGE .450

OR SQUARE FEET 19602

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☐ PRIVATE ☒

SEWER IS:

PUBLIC ☐ PRIVATE ☒

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:  
CC1513242

EX.1







## Board of Appeals

Case No: 17-083-A

Case Name: Anthony and Mindy Johns

### Exhibit List

Party: Petitioner

Date: 3/29/17

| Exhibit No: | Description:                                                                                            |
|-------------|---------------------------------------------------------------------------------------------------------|
| ✓ 1         | Notebook with Tabs A-F                                                                                  |
| ✓ 2         | Demonstrative exhibit of size of fence sought through<br>variance                                       |
| ✓ 3         | Writ of Summons and Complaint in McMillan v. Johns<br>(District Court of Maryland for Baltimore County) |
|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
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|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
|             |                                                                                                         |
|             | VERIFIED BY <u>KC</u> DATE: <u>3/29/17</u>                                                              |

Petitioner  
*CBA Exhibit*

1

A

CURRENT

A1



NOT IN COMPLIANCE

A2



IN COMPLIANCE

A3



TOP OF DRIVEWAY

B1



B2





B3

B4





Backyard

BS

B6



B7

16008

TRENTON RD

16009

RC 2

16007

16005



**EXHIBIT H - Cost Estimates**  
**To Repair/Replace Damaged Trees**  
**And Restore a Comparable Natural Privacy Screen**

**REMOVAL OF DAMAGED TREES (incl. stump grinding)**

|                                                  |                                     |                 |
|--------------------------------------------------|-------------------------------------|-----------------|
| 1                                                | Keil Tree Experts, Cockeysville, MD | \$ 1,560        |
| 2                                                | Acer Landscaping, Upperco, MD       | \$ 1,900        |
| 3                                                | Stansbury Tree, Westminster, MD     | \$ 1,905        |
| <b>AVERAGE COST FOR REMOVAL OF DAMAGED TREES</b> |                                     | <b>\$ 1,788</b> |

**REPLACEMENT TREES (incl. delivery & installation)**

|                                          |                                     |                 |
|------------------------------------------|-------------------------------------|-----------------|
| 1                                        | Glyndon Gardens, Reisterstown, MD   | \$ 2,710        |
| 2                                        | Valley View Farms, Cockeysville, MD | \$ 3,428        |
| 3                                        | Acer Landscaping, Upperco, MD       | \$ 3,600        |
| <b>AVERAGE COST OF REPLACEMENT TREES</b> |                                     | <b>\$ 3,246</b> |

**AVERAGE TOTAL COST**

**\$ 5,034**

**Total Cost Range = \$4,270 (LOWEST) to \$5,505 (HIGHEST)**

**NOTE: One large local and regionally award-winning landscaping and design contractor (Outside Unlimited, Inc.) even refused to provide me with an estimate, saying that the cost to replace trees that large would be in the \$12,000-15,000 range, excluding the cost to remove the damaged trees.**

**NOTE: All of the landscaping contractors I contacted informed me that simply planting shrubs under the existing trees would probably not be successful. Given the extensive tree roots from the existing Spruces, along with the extreme acidity and dryness of the soil underneath, would not be conducive to long term growth of any shrubbery.**



## EXHIBIT A - Summary

In October 2014, approximately 85' in length of privacy screen provided by five large, mature the Norway Spruces, was permanently and irrevocably destroyed by the Johns' unauthorized and unlawful removal of their lower limbs from the ground up to approximately 6-8'. This damage resulted in:

- significant and permanent loss (that is, if not successfully repaired and restored) of full, natural, and low-maintenance privacy screening;
- aesthetic loss due to the unpleasant view of the Johns' property (e.g., driveway, numerous vehicles—including a large recreational vehicle--shed, garage, garbage cans, log piles, bags of mulch, and other various items which are often stored or accumulated in their driveway area);
- increased in noise and sounds from vehicles and voices carrying over loudly to my property;
- diminished property value; and
- mental anguish due to my emotional distress and prolonged dilemma over many months struggling to come up with a viable solution, and also from the Johns' demonstrated unwillingness to arrive at a mutually agreeable solution, along with their apparent lack of acceptance of personal responsibility for their actions, and their continual minimization of the extent, severity, and permanence of the damage they created.

I believe Mr. Johns' was entirely aware that the Norway Spruces were located on my property because we had discussed some trimming issues in the past—in fact, when he wanted to place the shed there. Additionally, it was Mr. Johns' brother that was the original owner of my property who planted the Norway Spruces in question.

## Discussion with Tony Johns

5/31/2015

Tony approached me in my driveway one afternoon when I was outside working in my flower garden. He greeted me, which I responded back very coolly. He said it sounded like I was still pretty angry. I said "Yes, pretty much." I stated if anything, I'm even more unhappy with the situation since there really doesn't seem to be a truly acceptable solution to me. What was done can't be undone. And also, now I have to deal with a lot of large weeds growing underneath the trees, which I didn't have before. I explained to him that this was quite a serious situation, and despite having mulled over possible remedies during the winter, I could not come up with a satisfactory solution. But, I realized that I'd have to find some reasonable way to make the situation better. I stated that no one would want to look at all the junk in his driveway, his garage, around his shed--no offense intended--but that was the whole point of the privacy tree line, especially in that critical section. And also, I now have a direct view to traffic and headlights on Trenton Road through the gaps created by the limb removal. Had the tree damage been done at the rear of the property, where I would have had a view of their flower garden, I would not have minded nearly as much.

I told him I sent him an email and that he never responded. I asked him if he got it. He asked me when I sent it, and I said about 3 weeks ago, before I left on my Spain trip. He said definitely hadn't seen it because he "doesn't really check his emails."

He said he and Mindy were planning to put a fence up along the property line (i.e., along the section that was cut) much like the existing fence at the back of their yard. He asked me what I thought about that idea, and if I knew what their current fence looked like. I said I knew there was a fence back there, but I'd have to look at it again to see what it looks like. We then walked over to the rear of his yard and looked at it together.

I told him, as I stated in my email that he claimed to not have seen, that I was planning to talk to several landscaping professionals to discuss possible solutions and to obtain estimates after I returned from my Spain at the end of May 2015. When I mentioned a good quality, attractive fence or wall, he said that would be expensive, that he had other expenses to pay for, and that he could inexpensively buy pre-fabricated fence sections and have "Manuel" (cheap local laborer) put them up. He said that he could tell by my facial expressions that I wasn't too happy with that idea, and I said I agreed. I told him it would not be acceptable to me to just put up a cheap, unattractive fence that would be an eyesore and likely fall apart within a few years. He admitted that he didn't really see why I was so upset and that if it wasn't for David (his brother) speaking to him about it, he wouldn't have any appreciation for my perspective at all.

He stated there was no malice involved. He said that Mindy was "explicit" in her instructions to the tree company [NOTE: Contrary to her voicemail to me on 10/22/14 per above, which she admitted she left them to use their judgement], and that the company was "very nervous" when they found out, and that they "tore up" the Johns' invoice. I said that was not what Mindy told me initially in her voicemail or the telephone conversation that she and I had after that. I told him, at best, what they did was extremely negligent, and at worst, completely intentional. I also said if the tree company was truly at fault, then perhaps he would have recourse with them, but that was not my problem.

He said he wished for "nothing more than to repair the good neighbor relationship that we've always had." I said I would like that as well, but it didn't seem likely to happen unless this situation was satisfactorily remediated.

I said that my expectation was that they would be responsible for paying for a remedy that I was agreeable to. I fully expected that we would work together to discuss and agree upon a mutually agreeable solution. I stated that I wasn't sure that I was comfortable with a fence--particularly a fence on their property--as being a proper and fair solution. I said I had expected whatever was to be done, that it would be on my property, for my benefit, because it was my property that was damaged, and that I would have input into the solution.



**DISTRICT COURT OF MARYLAND for Baltimore County**  
Located at 120 E. Chesapeake Avenue, Towson Maryland 21286

**Petitioner**  
**CBA Exhibit**

3

**WRIT OF SUMMONS**

Defendant: **JOHNS, MINDY P**  
Serve On: **JOHNS, MINDY P**  
Address: **16007 TRENTON ROAD**  
**UPPERCO, MD 21155**

Date Filed : Dec 14, 2015  
Issue Date : Jan 8, 2016  
Case Number : 080400319922015  
Complaint No. : 002

**Trial Date : Mar 10, 2016**  
**Trial Time : 09:00 am**  
**Trial Room :**

You are summoned to appear for trial at the date, time and location shown above. If you intend to be present at the trial, you must file the attached Notice of Intention to Defend within fifteen days of receiving this complaint. Failure to file the Notice of Intention to Defend may result in a judgment by default or the granting of the relief sought.

**MUST BE SERVED BY Feb 7, 2016**

**S. Michael Esposito, Administrative Clerk / PDM**

To Sheriff / Constable :

You are hereby commanded to serve this writ of summons and to make your return promptly if served. If you are unable to serve, you are to make your return below and return the original process to the court no later than ten days following the termination of the validity of the process.

I certify that:

☐ I served a summons by delivery of the complaint and all supporting papers to \_\_\_\_\_  
on date \_\_\_\_/\_\_\_\_/20\_\_\_\_ at location \_\_\_\_\_  
The person I left the papers with acknowledged being: (1) A resident of above listed address; (2) 18 years of age or older;  
(3) of suitable discretion in that relationship to the defendant is \_\_\_\_\_  
and that; (4) the above listed address is the defendant's residence or usual place of abode. The facts upon which I  
concluded that individual served is of suitable age discretion are: \_\_\_\_\_

Description of the Defendant / Person Served : Race \_\_\_\_\_ Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Age \_\_\_\_\_

☐ I was unable to serve because \_\_\_\_\_

Attempt: \_\_\_\_\_ Attempt: \_\_\_\_\_ Attempt: \_\_\_\_\_ Attempt: \_\_\_\_\_

RETURN TO **MCMILLAN, ANITA M**  
**16009 TRENTON ROAD, UPPERCO, MD 21155**

Date : \_\_\_\_/\_\_\_\_/20\_\_\_\_ Signature : \_\_\_\_\_

CUT HERE ----- CUT HERE

**NOTICE OF INTENTION TO DEFEND**

Defendant : **JOHNS, MINDY P**

Case # **080400319922015**

Trial Date : **Mar 10, 2016**

Complaint # **002**

Notice : If you **contest the claim** or any part thereof, you must complete this Notice of Intention to Defend and file with the court listed at the top of this summons no later than 15 days after you receive this Summons and be present in court on the trial date. If you do not appear judgment by default or the relief sought may be granted.

**A corporation** may enter an appearance only by an attorney except that an officer of the corporation may appear on its behalf if the action is based on a claim that does not exceed \$5,000.00.

Any reasonable accommodation for persons with disabilities should be requested by contacting the court prior to trial.

Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility.

**SEE ATTACHED NOTICE FOR IMPORTANT INFORMATION**

I intend to be present at the trial of this claim and demand proof of the Plaintiff's claim.

Explanation of defense : I dispute the factual accuracy of  
Ms. McMillan's claims.

1/21/2016 Mindy P. Johns (410) 218-4908 (410) 374-5451  
Date Signature Work Phone Home Phone  
16007 Trenton Road Upperco MD 21155  
Address/City/State/Zip code  
N/A omrc.tennis@yahoo.com  
Fax number e-Mail Address

☐ Check this box if this is a new address.



Case Num. 080400319922015



District Court of Maryland and  
#8-4  
120 E. Chesapeake Avenue  
Towson, MD 21286

FOR Baltimore County

COMPLAINT/APPLICATION AND AFFIDAVIT  
IN SUPPORT OF JUDGMENT

☒ \$5,000 or under ☐ over \$5,000 ☐ over \$10,000

Clerk: Please docket this case in an action of ☐ contract ☒ tort  
☐ replevin ☐ detinue ☐ bad faith insurance claim

The particulars of this case are:

CV

CASE NO.

31992-15

PARTIES

Plaintiff

Anita M. McMillan  
16009 Trenton Road  
Upperco, MD 21155

VS.

Defendant(s):

1. Anthony S. Johns  
16007 Trenton Road  
Upperco, MD 21155

Serve by:

☐ Certified Mail  
☐ Private Process  
☐ Constable  
☒ Sheriff

2. Mindy P. Johns  
16007 Trenton Road  
Upperco, MD 21155

Serve by:

☐ Certified Mail  
☐ Private Process  
☐ Constable  
☒ Sheriff

3.

Serve by:

☐ Certified Mail  
☐ Private Process  
☐ Constable  
☐ Sheriff

4.

Serve by:

☐ Certified Mail  
☐ Private Process  
☐ Constable  
☐ Sheriff

ATTORNEYS

For Plaintiff - Name, Address, Telephone Number & Code

Anita M. McMillan, pro se  
16009 Trenton Road  
Upperco, MD 21155  
443-847-8304

On or about October 21, 2014, all of the lower branches from four (4) mature Norway Spruces (over 30 years old, roughly 50 feet high) on my property were removed by the defendant without my permission or authorization, resulting in irrevocable and permanent damage to the trees, along with the loss of approximately 85 feet of privacy screening. Also, on or about June 14, 2015, additional branches were removed by the defendant without my permission or authorization. Remuneration is based on estimates to repair the damage as much as reasonably possible. However, due to the impracticality of replacing similarly mature trees of this, the cost estimate is very conservative.

(See Continuation Sheet)

The Plaintiff claims \$5,000.00, plus interest of \$ 0.00, Interest at the ☐ legal rate ☐ contractual rate calculated at \_\_\_\_\_%, from \_\_\_\_\_ to \_\_\_\_\_ (\_\_\_\_\_ days x \$ \_\_\_\_\_ per day) and attorney's fees of \$ \_\_\_\_\_ plus court costs.

☐ Return of the property and damages of \$ \_\_\_\_\_ for its detention in an action of replevin.  
☐ Return of the property, or its value, plus damages of \$ \_\_\_\_\_ for its detention in action of detinue.  
☐ Other:

and demands judgment for relief

*Anita M. McMillan*  
Signature of Plaintiff/Attorney/Attorney Code

Printed Name: Anita M. McMillan

Address: 16009 Trenton Road, Upperco, MD 21155

Telephone Number: 443-847-8304

Fax: n/a

E-mail: anitamcmillan@yahoo.com

MILITARY SERVICE AFFIDAVIT

☐ Defendant(s) \_\_\_\_\_ is/are in the military service.  
☒ No Defendant is in the military service. The facts supporting this statement are: Personal knowledge.

Specific facts must be given for the Court to conclude that each Defendant who is a natural person is not in the military.

☐ I am unable to determine whether or not any Defendant is in military service.

I hereby declare or affirm under the penalties of perjury that the facts and matters set forth in the foregoing Affidavit are true and correct to the best of my knowledge, information, and belief.

12/14/15

Date

*Anita M. McMillan*  
Signature of Affiant

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT

Attached hereto are the indicated documents which contain sufficient detail as to liability and damage to apprise the Defendant clearly of the claim against the Defendant, including the amount of any interest claimed.

☐ Properly authenticated copy of any note, security agreement upon which claim is based ☐ Itemized statement of account ☐ Interest worksheet  
☐ Vouchers ☐ Check ☒ Other written document ☒ Photographs ☐ Verified itemized repair bill or estimate

I HEREBY CERTIFY: That I am the ☒ Plaintiff ☐ \_\_\_\_\_ of the Plaintiff herein and am competent to testify to the matters stated in this complaint, which are made on my personal knowledge; that there is justly due and owing by the Defendant to the Plaintiff the sum set forth in the Complaint.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters.

12/14/15

Date

*Anita M. McMillan*  
Signature of Affiant

**Plaintiff:**  
**Anita M. McMillan**  
**16009 Trenton Road**  
**Upperco, MD 21155**

**EXHIBITS**

EXHIBIT A – Summary ..... 2

EXHIBIT B - Identification of the Damaged Trees ..... 3

EXHIBIT C - Timeline of Events..... 4-5

EXHIBIT D – Site View of Both Properties ..... 6

EXHIBIT E – Brief History of the Shared Property Line ..... 7

EXHIBIT F – Photographs of Damaged Trees ..... 8-12

EXHIBIT G – Communications (Emails, Voicemails, Text Messages, Conversations) ..... 13-19

EXHIBIT H - Cost Estimates..... 20

EXHIBIT I – Surveyor’s Invoice..... 21

an impossible figure - the distance is only 72.5' high

# EXHIBIT A - Summary

In October 2014, approximately 85' in length of privacy screen provided by five large, mature the Norway Spruces, was permanently and irrevocably destroyed by the Johns' unauthorized and unlawful removal of their lower limbs from the ground up to approximately 6-8'. This damage resulted in:

- significant and permanent loss (that is, if not successfully repaired and restored) of full, natural, and low-maintenance privacy screening;
- aesthetic loss due to the unpleasant view of the Johns' property (e.g., driveway, numerous vehicles—including a large recreational vehicle—shed, garage, garbage cans, log piles, bags of mulch, and other various items which are often stored or accumulated in their driveway area);
- increased in noise and sounds from vehicles and voices carrying over loudly to my property;
- diminished property value; and — dispute for correct
- mental anguish due to my emotional distress and prolonged dilemma over many months struggling to come up with a viable solution, and also from the Johns' demonstrated unwillingness to arrive at a mutually agreeable solution, along with their apparent lack of acceptance of personal responsibility for their actions, and their continual minimization of the extent, severity, and permanence of the damage they created.

I believe Mr. Johns' was entirely aware that the Norway Spruces were located on my property because we had discussed some trimming issues in the past—in fact, when he wanted to place the shed there. Additionally, it was Mr. Johns' brother that was the original owner of my property who planted the Norway Spruces in question.

also incorrect  
incorrect  
Ms. McMillan's mental health issues and distress are not a reasonable response or grounds for a lawsuit

totally & completely incorrect

items are all things stored neatly & in compliance with HOA rules includes the new RV

the area around MS McMillan's Spruce trees between their trimmed & untrimmed fence is a garbage collection area which I have often cleaned up to restore the aesthetic enjoyment of my backyard

and MS McMillan stores huge pieces of lawn equipment & trash cans in her front yard indirect view of the Spruces side yard - the only way to back view this was right! it is to replace the round fence panel

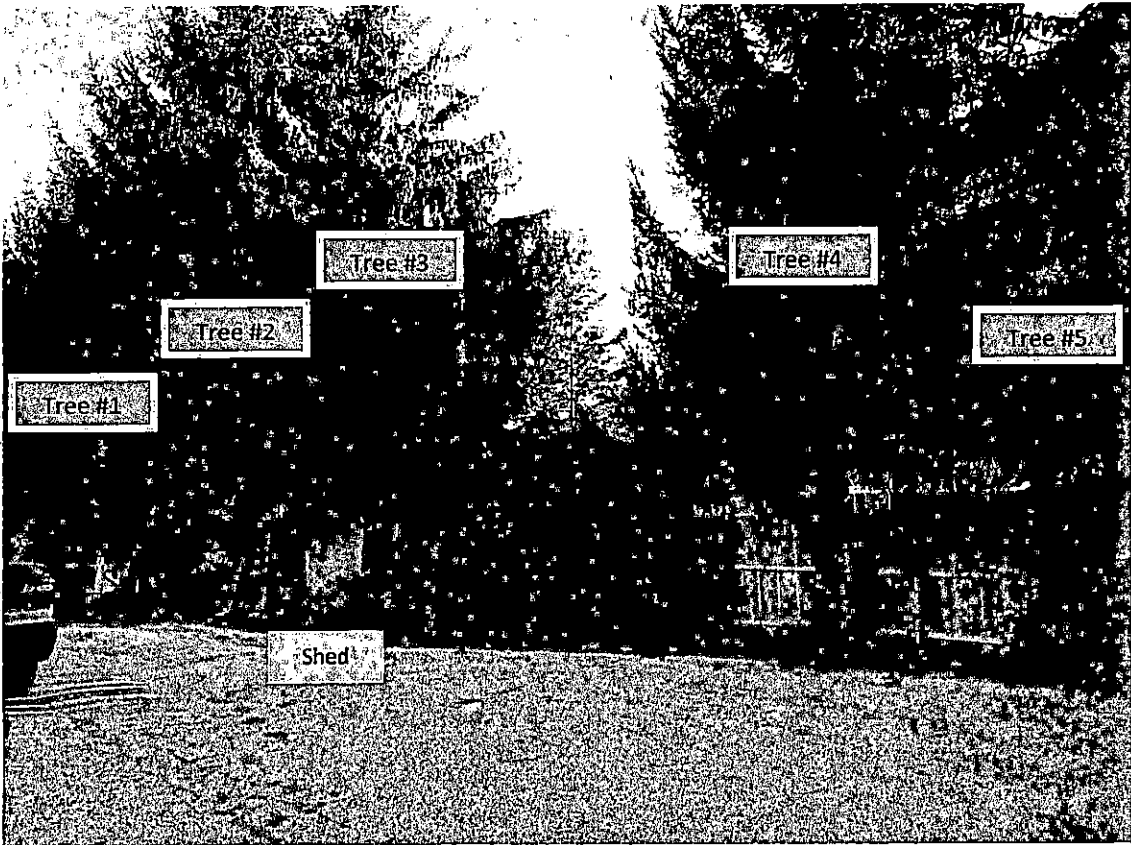
*Why would anyone want to completely remove 50' of dense privacy of Norway Spruces produced in favor of Arborvitae or anything else?*

**EXHIBIT B - Identification of the Damaged Trees**

I identified a total of FIVE Norway Spruces which were unlawfully and irrevocably damaged by the Johns', as identified below. The estimated value of these Norway Spruces (approximately 30 years old and 45-50' high) is from \$12,000-15,000 each. This does not include removal of the damaged Spruces, site preparation, or installation of similarly sized replacement trees.

Additionally, it has been determined that the Johns' shed is situated in violation of Baltimore County Zoning Codes which requires sheds to be at least 2.5 feet from the property line. The Johns' shed is located virtually on the property line, so close that it was necessary to construct the fence in two sections because it could be continued along the side of the shed without going over the property boundary.

Please note that I am not currently choosing to pursue damages above the Small Claims limit of \$5,000 due to what I think are practicality and reasonableness issues. I personally do not think it would be reasonable or practical to expect to have the five damaged Spruces replaced with equally sized trees at over \$12,000 each. Consequently, I don't believe it is unreasonable for me to expect to be compensated for the removal of the damaged trees and the replacement of a more reasonably-sized and comparable trees which will, over time, provide a similarly natural and low maintenance privacy screen.



*was not cut beyond property line*

*was not cut beyond property line*

*trees 2, 3 & 4 would have needed to be trimmed by MS. instead of c. their lower branches have now become*

**EXHIBIT C - Timeline of Events**

*by Webb Tree Service*

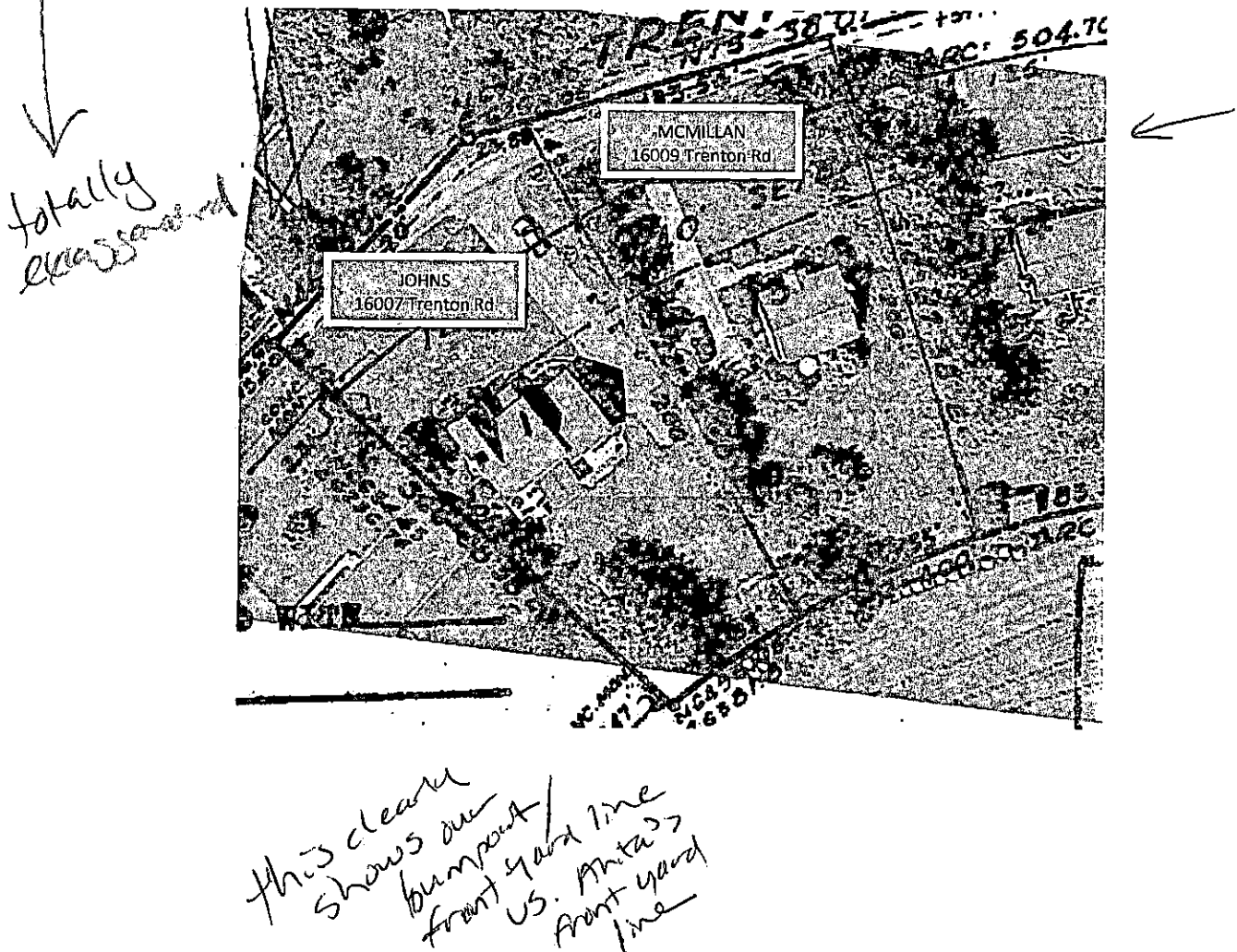
- 10/21/2014 Four large Norway Spruces were trimmed by the Johns' during the daytime while I was at work. When I arrived home that evening and saw that the trees had been trimmed, I immediately went next door to the Johns' residence. Mr. Johns answered the door. He stated he was unaware of what had been done, and that his wife, Mindy, had taken care of it, and that she was not presently at home.
- 10/22/2014 Received a voicemail from Mrs. Johns (see Exhibit G).
- 10/24/2014 Mrs. Johns' and I agreed to share the cost of having the shared boundary "re-staked" by a land surveyor in order to properly verify property boundaries and ensure there was no current or potential future disputes.
- 11/19/2014 Land surveyors (Podolak & Company) re-staked the common property line. All stakes were marked with a bright pink ribbon (also see Exhibit I for invoice).
- 11/20/2014 Received an email from Mrs. Johns expressing doubt about whose property the affected trees were located on. Note that Mrs. Johns was not present during the staking, even though I had arranged it to accommodate her schedule in case there were any questions or concerns. (see Exhibit G for email exchanges)
- 11/26/2014 In response to Mrs. Johns' doubts, I took twine and strung it from stake to stake to clarify the boundary for her. It was clearly obvious that all of the tree trunks in question were clearly located on my property. (Note: There was one exception for a tree located at the rear of the property but was not one of the trees involved in this dispute).
- 5/31/2015 Discussion with Mr. Johns in my driveway (see Exhibit G) regarding possible solutions. It did not go well.
- 6/14/2015 The Johns' erected fence posts just inside their property line and made additional cuts to two of the Norway Spruces beyond their property limits, including cuts to a FIFTH tree (see Exhibit F). *this is incorrect*
- 6/15/2015 I telephoned Mr. Johns to discuss. Several text messages were exchanged (see Exhibit G).
- 6/18/2015 Pre-fabricated fence sections were installed on the previously erected fence posts, and it appeared the fencing "project" was completed. The fencing is located on the Johns' property (see Exhibit F).
- 11/3/2015 Contacted Baltimore County Building Inspections Department to inquire about code and permit requirements for fences and sheds.
- 11/4/2015 Contacted Baltimore County Code Enforcement Department to request review of the Johns' fence and shed.

11/12/2015 Was informed by Baltimore County Code Enforcement that the Johns' were cited for the height of the fence, lack of a permit for the fence, and relocation of the shed 2.5' from the property boundary. A deadline of 12/3/2015 was given to comply.

### EXHIBIT D – Site View of Both Properties

The below image shows the shared 200' property line between 16007 Trenton Road (JOHNS) and 16009 Trenton Road (MCMILLAN).

Approximately 90' in the center of the mostly evergreen-lined property line (marked in RED) were affected by the unlawful removal of tree limbs. There are a total of TEN Norway Spruces on this property line, and it was verified that NINE of them are located on the MCMILLAN property (five of which are involved in this dispute). The 10<sup>th</sup> Norway Spruce is located on the JOHNS' property and is not involved in this dispute.



## EXHIBIT E – Brief History of the Shared Property Line

There was originally a very large willow tree that existed between the two properties. The Willow was located on my property. I had the Willow removed in 2009.

Willow Tree before Removal (2009)



In 2011, I planted two Arborvitae to fill in the open gap left from the Willow removal in order to begin restoration of the privacy screen. — *you can't restore something that never existed —*



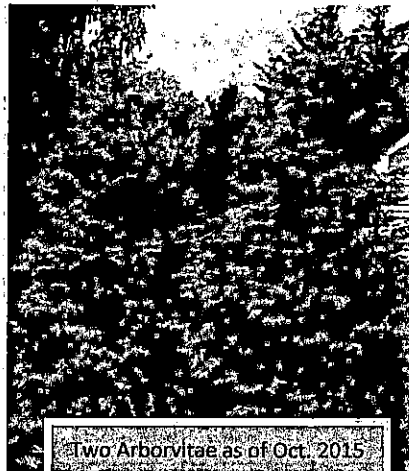
Open Gap after Willow Tree Removal (2010)



Two new Arborvitae Planted (2011)

*the  
willow  
tree  
provided  
no  
privacy  
screen  
between  
the 2  
properties*

By 2015, the Arborvitae had grown significantly.



Two Arborvitae as of Oct. 2015

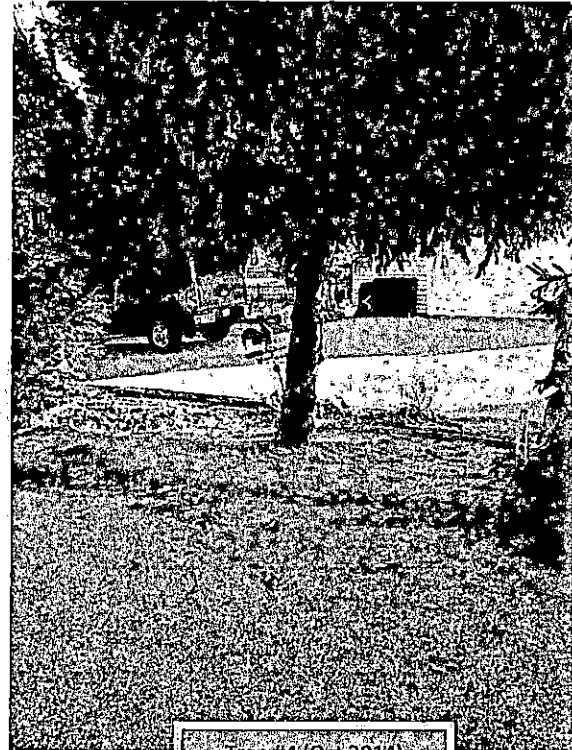
**EXHIBIT F - Photographs of Damaged Trees**

In October 2014, the Johns' unlawfully trimmed and removed all of the lower branches of FOUR Norway Spruces which were on my property.

one tree  
same "If the tree is  
50' tall  
all of the lower  
branches would  
be 16.6' from  
above the  
ground  
the highest  
branches  
cut are  
5-6'  
off  
the  
ground



Tree #4 (Oct 2014)



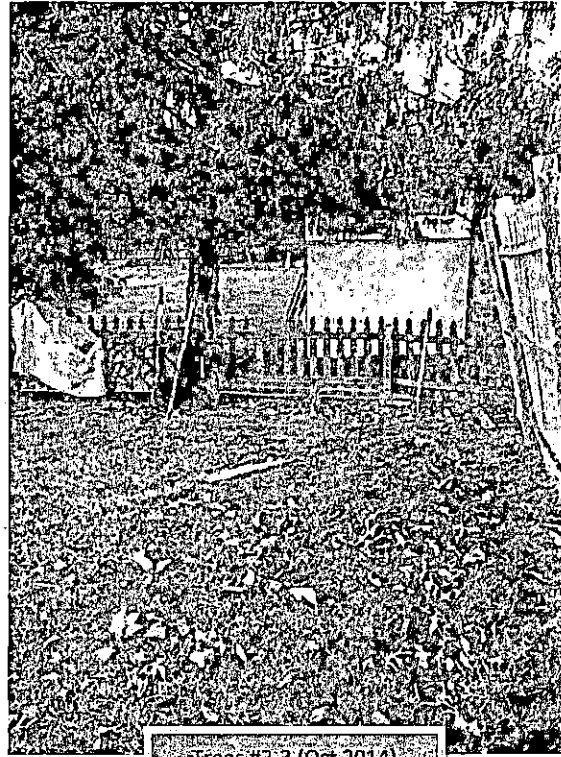
Tree #4 (Oct 2014)



Trees #2-3 (Oct 2014)



Trees #2-3 (Oct 2014)



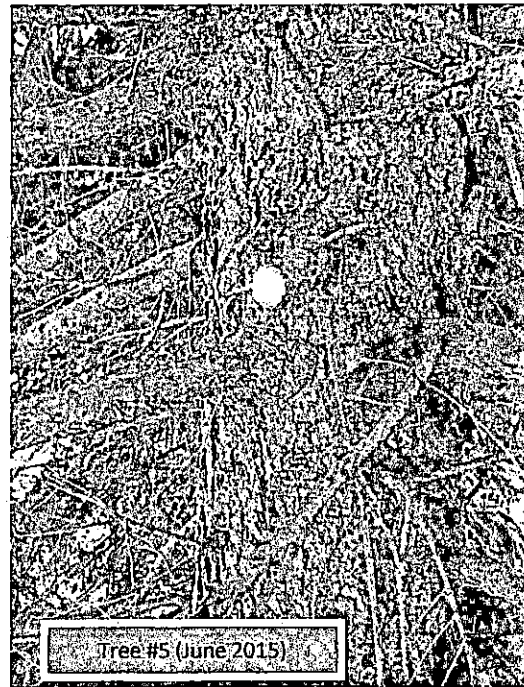
Trees #2-3, (Oct 2014)

Approximately  
looking at the  
side of our  
shed is  
more than  
to MS. McCall  
than taking  
at how  
fall down  
Pence (S)

In June 2015, the Johns' unlawfully removed additional limbs from Tree #2, and also limbs on a fifth tree (Tree #5) without my authorization or consent. This removal of additional limbs appeared to have been done in order for the Johns' to install a fence.



Tree #2 (June 2015)



Tree #5 (June 2015)

these  
cuts are  
on Johns' side  
of property  
side

This photo shows Tree #5 along with newly installed fence and one of the property stakes. Tree #5, like the others, is about 2' inside my property line. The Johns' trimmed limbs well beyond their property line.

these trees  
are not  
inside  
her property  
line  
that's why  
neither of us  
know what  
around these  
trees should  
the survey  
was  
done



Tree #5 (Oct 2015)

these limbs  
had already  
been trimmed  
new cuts  
were only  
made at  
our side of  
the stake

Also in June 2015, the Johns' installed two fence sections along part of the damaged tree areas. One section to the left of their shed, and the other section to the right of their shed.



Trees #1 through #5 and Shed (Oct 2015)



Trees #1-2 (Oct 2015)

4  
↓

2  
↓

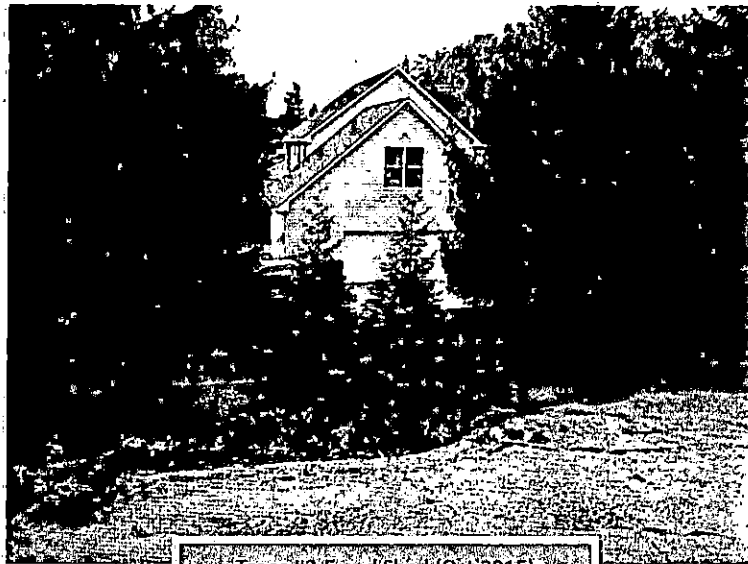
2  
↓



Trees #2-5 and Shed (Oct 2015)



Trees #2-5 and Shed (Oct 2015)



Trees #3-5 and Shed (Oct 2015)

trees 2-5?

Aid for as 2  
from are only  
trees  
2 3 4  
were  
affected

In November, I contacted Baltimore County Code Enforcement to inquire about the code relations and then to request a review of the Johns' fence and shed. Mr. Dave Kirby from Baltimore County Code Enforcement Department informed me that the Johns' were cited for the height of the fence, lack of a permit for the fence, and relocation of the shed 2.5' from the property boundary. The Johns' subsequently removed a panel of the fence. As of the date of this filing, the shed has not been moved into compliance.

↑  
It is in  
compliance  
fence  
not need  
to be  
moved



Panel removed from fence (Nov. 2015)

↓  
this is  
due to the  
"green area"  
of whether  
that panel  
extended  
beyond the  
front fence  
line of  
Ms. McMillan's  
house

Ms. McMillan later  
stated to Mr. Kirby  
that she would prefer  
to have the  
panel replaced

**EXHIBIT G- Communications**  
**(Emails, Voicemails, Text Messages, Conversations)**

**Voicemail from Mindy Johns**  
**10/22/2014 4:41 pm**

Hey Anita. It's Mindy from next door. Um, Tony told me that you were upset about the trees and I can understand. I know it looks pretty drastic and I think they did a little bit more than I asked them to do, but I was thinking about planting some, um, giant rhododendrons in the empty spaces underneath the trees and also expanding my garden along the driveway with some tall things. So I think by another year or year and a half, all of the empty holes will be filled in with pretty stuff. I hope that would be acceptable to you. Um, I'm sorry that I did not consult with you first about getting the trees trimmed. I did not ask them to go around to the other side where your driveway is, but I guess they felt that it was their job to make them look nice and they look kind of funny just having one side pruned up and the other side not. So, um, I did tell them to, you know, do what they thought was best. Like I said, I know it looks very drastic right now but once it fills in with some pretty things and some bushes, um, I think you'll be pretty happy with the way it all turns out. It might take a little while. So please call me back. Um, I would like to discuss this with you and make sure that there's no ill will. Um, it's, ahh, you're a wonderful neighbor and I hope that we can maintain a great relationship like we've always had. And, um, I think you just need some time to get used to it. I'll tell you a little story that happened to me with a tree and eventually I realized it was actually quite a nice change. (laughs) Anyway, call me when you get a chance. My cell phone number is 410-218-4908. //

*green, natural low maintenance privacy screen*

*proposed solution #1*

*like as long as it takes for her to provide a banner*

Emails between Mindy Johns and Myself  
11/20/2014

On Thursday, November 20, 2014 8:43 PM, Anita McMillan <anitamcmillan@yahoo.com> wrote:

Hi Mindy,

I tried to call you on Wednesday when the surveyors came but couldn't reach you. I presume you noticed they were here. They placed multiple stakes along our shared property line, which I expect will remain there for many years and are illegal to move or remove. Podolak will email me a bill, which I'll forward to you as soon as I receive it and we can split the cost. They were only here for about an hour or so, which was less than expected.

The results, as you can see, is that all of the Norway Spruces are on my property, EXCEPT one--the last one at the back end of our property. That one apparently belongs to you.

We'll need to discuss acceptable solutions, although I don't expect remediation action on your part until the spring. My expectation is that you'll be willing to do what is necessary to undo the damage as much as reasonably possible, to my satisfaction. Shrubbery and/or fencing is not an acceptable or equitable solution to me. Please know that while I'm upset about the situation and consequences of your actions, I still hope we can resolve this amicably and continue to be reliable, trustworthy, and considerate neighbors in the future.

Anita

↓ B.S.

From: Mindy Johns <omrc.tennis@yahoo.com>  
To: Anita McMillan <anitamcmillan@yahoo.com>  
Cc: Tony Johns <anthonymithjohns@yahoo.com>  
Sent: Thursday, November 20, 2014 9:38 PM  
Subject: Re: SURVEY WORK

Hi Anita. Hope you're recuperating (or all better) from your surgery. I didn't see any missed calls from you on my cell or have any voice mails on the landline, but I didn't really need to be here for the survey. We will pay you back half of the survey cost as soon as you let us know how much it is.

Based on the placement of the stakes, it looks to me like 2 or 3 of the spruce trees' trunks are actually right on the property line, so I guess we share them 50/50. One or two at the back end of our yard are clearly on our side. The ones closer to the driveways are apparently yours/on your property.

Next week, Manuel will be transplanting 2 large rhododendrons and an azalea from my perennial garden to fill in some of the bare spots under the trees that Webb butchered. They will be planted well within our property boundaries. I'm doing it now b/c this is the best time to plant and transplant shrubs and bushes. Once they are established and increase in size, I think they'll replace some of the privacy and greenery that used to be provided by the lower limbs of the spruce trees.

I'm sure we can work out some kind of satisfactory solution, though I have no idea what it will be if fencing and/or shrubbery are unacceptable to you. Whenever you know what you want to do, Tony and I will be happy to discuss this.

What's done is done. All that we can do now is learn from our mistakes, move forward, and continue to be good neighbors.

Hope you have a great Thanksgiving!

Mindy

we asked  
ms. mcmillan  
re: survey  
for her  
ideas &  
none were  
provided  
she stated  
to me  
I don't  
think  
anything  
you do  
will  
make  
me  
happy.

incorrect? really?

On Thursday, November 20, 2014 10:07 PM, Anita McMillan <anitamcmillan@yahoo.com> wrote:

PS- I don't care what you do on your property. You're illegal infringement upon mine is my only concern. There is no debating this.

Fencing and/or shrubbery are definitely NOT going to be a satisfactory solution for me.

You need to make this right, which will likely entail removing the butchered spruces, grinding the stumps, and replacing them with multiple acceptable evergreens in size, such as the Green Giant Arborvitaes that I planted to fill the gap several years ago when I removed the Corkscrew Willow. I truly doubt that any other solution will be acceptable to me.

While I can sympathize with you for the likely expense, you obviously screwed up, and damaged my property, for which I should not have to pay for. Whether it was due to your carelessness or lack of respect for property boundaries, I don't know. Regardless of the reasons, what you did CLEARLY went well beyond your legal rights and bounds when you had your tree service trim back over 28 years of privacy screen via the existing Norway spruces which are well within my property lines which belong to me.

As much as it would pain me to do so, I will contact my attorney if need be.

From: Anita McMillan <anitamcmillan@yahoo.com>

To: Mindy Johns <omrc.tennis@yahoo.com>

Sent: Thursday, November 20, 2014 9:42 PM

Subject: Re: SURVEY WORK

No. That is incorrect. Only the last tree in the back is on your property, confirmed the surveyors. If you disagree, we will need to mediate this. Please call the surveyors if you need clarification. Or do I need to contact my attorney?

From: Mindy Johns <omrc.tennis@yahoo.com>

To: Anita McMillan <anitamcmillan@yahoo.com>

Cc: Tony Johns <anthonymsmithjohns@yahoo.com>

Sent: Thursday, November 20, 2014 11:08 PM

Subject: Re: SURVEY WORK

Perhaps the surveyor can return to place more stakes with a string or line of chalk or paint connecting them to more clearly establish which spruce trees are on which property. Based on the small number of stakes that are out there now, the issue has not been resolved to my satisfaction.

Re: SURVEY WORK

Friday, November 21, 2014 12:38 AM

From: "Anita McMillan" <anitamcmillan@yahoo.com>

To: "Mindy Johns" <omrc.tennis@yahoo.com>

Full Headers Printable View

You were advised of the date and time when they would arrive to perform the survey, but you were not present to observe the survey activities, or the question or obtain any professional opinions while they were here. Therefore any additional work will be at own your expense. Please feel free to contact Podolak should you need additional assistance.

It should be very clear of the line from stake to stake. And if you have a problem seeing from to stake to stake perhaps you need to either draw the line yourself or contact the surveyor.

Also note that there is material next to your shed that is laying on my property. I'd appreciate it if you'd have it removed.

If there is any further dispute regarding the property line, I will contact my attorney and also ask the surveyors for a formal report regarding the Norway Spruces.

Please provide your attorney contact information. Thank you.

Anita

Discussion with Tony Johns  
5/31/2015

Tony approached me in my driveway one afternoon when I was outside working in my flower garden. He greeted me, which I responded back very coolly. He said it sounded like I was still pretty angry. I said "Yes, pretty much." I stated if anything, I'm even more unhappy with the situation since there really doesn't seem to be a truly acceptable solution to me. What was done can't be undone. And also, now I have to deal with a lot of large weeds growing underneath the trees, which I didn't have before. I explained to him that this was quite a serious situation, and despite having mulled over possible remedies during the winter, I could not come up with a satisfactory solution. But, I realized that I'd have to find some reasonable way to make the situation better. I stated that no one would want to look at all the junk in his driveway, his garage, around his shed--no offense intended--but that was the whole point of the privacy tree line, especially in that critical section. And also, I now have a direct view to traffic and headlights on Trenton Road through the gaps created by the limb removal. Had the tree damage been done at the rear of the property, where I would have had a view of their flower garden, I would not have minded nearly as much.

I told him I sent him an email and that he never responded. I asked him if he got it. He asked me when I sent it, and I said about 3 weeks ago, before I left on my Spain trip. He said definitely hadn't seen it because he "doesn't really check his emails."

He said he and Mindy were planning to put a fence up along the property line (i.e., along the section that was cut) much like the existing fence at the back of their yard. He asked me what I thought about that idea, and if I knew what their current fence looked like. I said I knew there was a fence back there, but I'd have to look at it again to see what it looks like. We then walked over to the rear of his yard and looked at it together.

I told him, as I stated in my email that he claimed to not have seen, that I was planning to talk to several landscaping professionals to discuss possible solutions and to obtain estimates after I returned from my Spain at the end of May 2015. When I mentioned a good quality, attractive fence or wall, he said that would be expensive, that he had other expenses to pay for, and that he could inexpensively buy pre-fabricated fence sections and have "Manuel" (cheap local laborer) put them up. He said that he could tell by my facial expressions that I wasn't too happy with that idea, and I said I agreed. I told him it would not be acceptable to me to just put up a cheap, unattractive fence that would be an eyesore and likely fall apart within a few years. He admitted that he didn't really see why I was so upset and that if it wasn't for David (his brother) speaking to him about it, he wouldn't have any appreciation for my perspective at all.

He stated there was no malice involved. He said that Mindy was "explicit" in her instructions to the tree company [NOTE: Contrary to her voicemail to me on 10/22/14 per above, which she admitted she left them to use their judgement], and that the company was "very nervous" when they found out, and that they "tore up" the Johns' invoice. I said that was not what Mindy told me initially in her voicemail or the telephone conversation that she and I had after that. I told him, at best, what they did was extremely negligent, and at worst, completely intentional. I also said if the tree company was truly at fault, then perhaps he would have recourse with them, but that was not my problem.

He said he wished for "nothing more than to repair the good neighbor relationship that we've always had." I said I would like that as well, but it didn't seem likely to happen unless this situation was satisfactorily remediated.

I said that my expectation was that they would be responsible for paying for a remedy that I was agreeable to. I fully expected that we would work together to discuss and agree upon a mutually agreeable solution. I stated that I wasn't sure that I was comfortable with a fence--particularly a fence on their property--as being a proper and fair solution. I said I had expected whatever was to be done, that it would be on my property, for my benefit, because it was my property that was damaged, and that I would have input into the solution.

B.S. the weeds were always there I often have to weed under the branches of

Archie's trees to remove the privacy fence on our property

the fence at the rear of our property that has been there for 15 years looks better than the old fence

suggested to pay for it

why would we ever pay to "improve" her property when no real damage was done to her property values?

she is nuts

this is exactly what I instructed him to do

from down side of driveway

her standards  
are ridiculous  
and a matter of  
personal taste.

77 and that's what  
it is

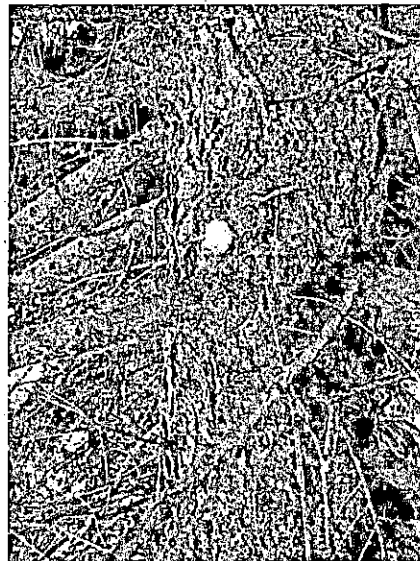
I said that if a fence, or some other structure, was going to be a possible solution, then it would need to be an attractive, low maintenance, and well-constructed fence or other structure, such as high quality, durable, attractive, and low maintenance wood (such as "Ipe" wood), or a natural stone wall. Any solution would need to have a natural and aesthetically pleasing look, and be low maintenance. I said there really wasn't any solution I was completely satisfied with, because the beauty of the Spruces was that they were large, aesthetically attractive, natural and very low maintenance. I told him that I would have to think about the situation some more, and talk to some professionals for possible ideas and to obtain cost estimates.

In the end, I said I didn't have a very good feeling that we were going to be able to reach a mutually agreeable solution. He said he thought so, too. At that point I said I had to leave as I had a house guest arrive. I verified that I had his cell phone number, and asked the best way to contact him. He said to text or call, since he doesn't check his email very often. I said I'd be in touch. //

**Text Messages between Tony Johns and Myself**  
**6/15/2015**

**Me:**

FYI. THESE CUTS ARE ALL FRESH. Obviously you aren't taking any of this seriously. You don't get to decide how to fix the damage. Or the timing. You are trying to bulldoze me and I won't allow it. Give me the name of your attorney. And I'll need my house key back.



**Tony:**

we take it very seriously...I will return the house key if we can locate it...I will not give you name of my attorney...you can have your attorney serve me with papers if you are really going to go that route...it's pretty arrogant of you to think that you can decide if I can install a fence on my own property.

**Me:**

No not arrogant. I thought you had agreed to discuss a mutually agreeable solution. You usurped that process entirely which is why I am angry. Your actions speak much louder than your words. Or are you saying your intent all along was to put up a fence on your property? You doing whatever you want without actually taking any responsibility for the damage done to my property. Now that's arrogance.

we tried  
but MS McMillan  
admitted there was  
no such  
thing

**Voicemail from Tony Johns**

11/17/15 7:41 pm

Hi Anita. This is your neighbor Tony calling. It's about twenty of eight on Tuesday. I've been knocking on your door. I don't know if you heard me or not. Anyway, I located your key and am trying to return that to you. And I do wanna talk with you about the complaint you made to Code Enforcement. So give me a call back. Um, the number here is 410-374-5451, and my cell is 410-218-4823. Thank you.

**Text Messages between Tony Johns and Myself**

11/18/15 (4:22 pm to 6:19 pm)

**Me:**

Tony, what is there to discuss? Do you think the laws don't apply to you? I think it is a matter between you and the county. However, if you would be kind enough to put my key in an envelope and leave it either in my mailbox or inside my front door, I would most appreciate it.

**Tony:**

of course the laws apply to me...we were told we did not need a permit from someone from zoning before we built the fence..that now is in dispute...however my worst outcome is that I have to remove the one section of the fence closest to the road...is that what you want? You will have a gaping whole in the fence from your tree to the "new begining" of the fence...if your objective is to piss me off and cause me stress and aggravation you will succeed...but you will destory your own privacy in the process...I will return your key as you requested but I would appreciate it if you would have the courage to confront me in person or at least return my phone call

**Me:**

*he sure did*

Just like you spoke with me before you decided to put up the fence? Conversations apparently don't hold much ground with you and therefore I'd rather prefer that any communication between us from now on is done in writing so as to minimize any possible confusion or ambiguity. And like you've said previously, it's your fence. You can do whatever you want on your property (provided it's legal, of course). I have no say in the matter.

**Tony:**

you have plenty of say in the matter..I spoke with the inspector with code enforcement and he told me the fence can stay up the way it is if you will withdraw your complaint if you wont then I will have to pull the permit and apply for a varaince..if I dont get the variance then I'll have to remove the front section...he is going to call you tomorrow to make sure thats what you want...so yes you do have a lot to say about the issue...I would like to leave the fence up the way it is but if you force me to put a gaping whole in it then I will have to compile

**Tony:**

By the way..the guy from code enforcement told me that by law I have the right to remove every inch of every branch of your tress that are encroaching on my property...acording to the stakes that our surveyor recently put down that is an awful lot of branches.

**Email to Tony Johns**

11/19/2015 5:34 pm

Print:

<https://us-mg0.mail.yahoo.com/neo/launch?rand=7dbhlj6prd5bk#55731...>

Subject: My Response

From: Anita McMillan (anitamcmillan@yahoo.com)

To: anthonymithjohns@yahoo.com;

Date: Thursday, November 19, 2015 5:34 PM

Tony,

My sole intent is to ensure that everything is handled properly and in accordance with both of our legal rights and responsibilities. If my sole intent was to "piss you off" or cause additional "stress and aggravation" I could have asked the inspector to cite you for lack of permits for your rear shed and fence, but I did not. BTW, due to its size, that shed is supposed to have a permit. This information is readily available on the county's website.

I am fully aware of both our rights and responsibilities regarding the trees and branches. I don't know if you're trying to threaten me or intimidate me, or something else, but it's not working. I am extremely upset with this entire ordeal because I looked at you as a great neighbor and a friend and you totally disregarded me as a person. You disrespected me by using our friendship and past relationship to try to bypass the situation. And I don't do things out of spite. However, if I feel I'm being repeatedly bullied, ignored, or disrespected, I will fight for what I'm entitled to.

I feel you have yet to take any authentic or material responsibility towards accommodating or compensating me for the egregious and permanent damage you caused to my property. I didn't do anything wrong, and I didn't create this situation. You have never even offered a sincere apology! You continue to blame it on the tree company—and if that is true, then perhaps you might have a case to take up with them. You completely disregarded my opinion. You refused to wait for me to come up with some ideas that would have been acceptable to me, or allow me necessary time to obtain cost estimates. In fact, after we spoke about your idea of a fence, I told you that I would not be happy with that, and you went and did it anyway. Then, to add insult to injury, not only did you not bother to inform me you were putting up the fence, additional unlawful cuts to a fifth tree were made during that process. And then you accused me of being arrogant because I expressed my displeasure with the fence. YOU made the decision to terminate the process of working out anything amicably. I never wanted that. I was completely willing to work it out, but your choices have forced me to pursue other legal measures, which you'll undoubtedly find out about soon enough.

I spoke with Inspector Kirby today and told him I would agree to allow the fence to stay, provided you agree to move the shed. In accordance with the zoning, it needs to be at least 2.5 feet from the property line. If you agree to those terms, I will withdraw my complaint.

Anita

this is  
intimidation  
& harassment

Had to  
complaint

egregious & permanent?  
really?

incorrect

incorrect

incorrect

**EXHIBIT H - Cost Estimates**  
**To Repair/Replace Damaged Trees**  
**And Restore a Comparable Natural Privacy Screen**

**REMOVAL OF DAMAGED TREES (incl. stump grinding)**

|                                                  |                                     |           |              |
|--------------------------------------------------|-------------------------------------|-----------|--------------|
| 1                                                | Keil Tree Experts, Cockeysville, MD | \$        | 1,560        |
| 2                                                | Acer Landscaping, Upperco, MD       | \$        | 1,900        |
| 3                                                | Stansbury Tree, Westminster, MD     | \$        | 1,905        |
| <b>AVERAGE COST FOR REMOVAL OF DAMAGED TREES</b> |                                     | <b>\$</b> | <b>1,788</b> |

**REPLACEMENT TREES (incl. delivery & installation)**

|                                          |                                     |           |              |
|------------------------------------------|-------------------------------------|-----------|--------------|
| 1.                                       | Glyndon Gardens, Reisterstown, MD   | \$        | 2,710        |
| 2                                        | Valley View Farms, Cockeysville, MD | \$        | 3,428        |
| 3                                        | Acer Landscaping, Upperco, MD       | \$        | 3,600        |
| <b>AVERAGE COST OF REPLACEMENT TREES</b> |                                     | <b>\$</b> | <b>3,246</b> |

**AVERAGE TOTAL COST**

**\$ 5,034**

**Total Cost Range = \$4,270 (LOWEST) to \$5,505 (HIGHEST)**

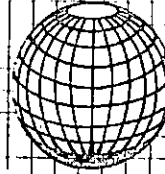
**NOTE:** One large local and regionally award-winning landscaping and design contractor (Outside Unlimited, Inc.) even refused to provide me with an estimate, saying that the cost to replace trees that large would be in the \$12,000-15,000 range, excluding the cost to remove the damaged trees.

**NOTE:** All of the landscaping contractors I contacted informed me that simply planting shrubs under the existing trees would probably not be successful. Given the extensive tree roots from the existing Spruces, along with the extreme acidity and dryness of the soil underneath, would not be conducive to long term growth of any shrubbery.

**EXHIBIT I – Surveyor's Invoice**  
**Podolak & Company**

**LEON A. PODOLAK AND ASSOCIATES, LLC**  
**SURVEYING AND CIVIL ENGINEERING**

147 E. MAIN STREET, P.O. BOX 266  
WESTMINSTER, MARYLAND 21158  
TELEPHONES: 410-848-2229 410-876-1226



Westminster, November 21, 2014

Ms. Anita McMillan  
16009 Trenton Road  
Upperco, MD 21155

INVOICE NO. #8124

STATEMENT

For surveying services performed on November 19, 2014  
relating to Lot #13 Section C of Fair Meadow, required  
to establish and stakeout common property boundary with Lot  
No. #12:

2 man crew - 1 1/2 hours @ \$175.00 per hour

\$ 262.50

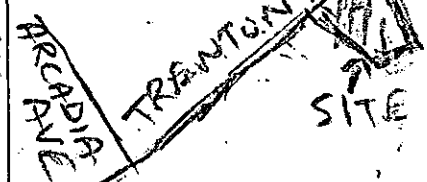
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)

ADDRESS 16007 TRENTON RD. OWNER(S) NAME(S) ANTHONY & MINDY JOHNS

SUBDIVISION NAME FAIR MEADOWS LOT # 12 BLOCK # C SECTION # C

PLAT BOOK # 19 FOLIO # 144 10 DIGIT TAX # 0504020113 DEED REF. # 11824/00543

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 025.B2

SITE ZONED RC2

ELECTION DISTRICT 5

COUNCIL DISTRICT 3

LOT AREA ACREAGE .450

OR SQUARE FEET 19602

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC \_\_\_\_\_ PRIVATE X

SEWER IS:

PUBLIC \_\_\_\_\_ PRIVATE X

PRIOR HEARING? NO

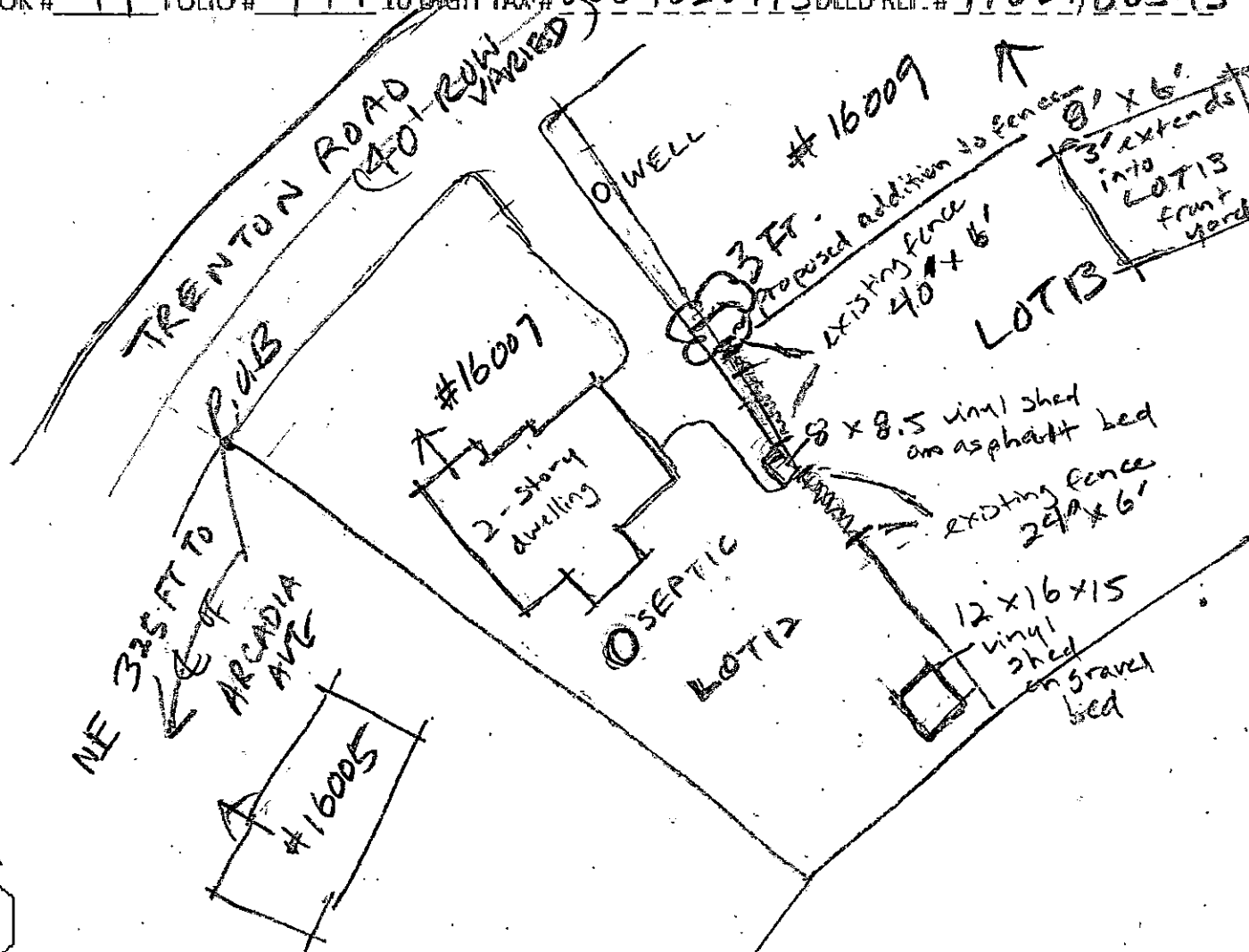
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

CC1513242



PLAN DRAWN BY

MINDY JOHNS

DATE

9/26/16

SCALE: 1 INCH = 50 FEET

2017-0083-A