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ROCKAWAY BEACH IMPROVEMENT ASSOCIATION INC.
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Baltimore County Office of Administrative Hearings
Attn: Judge Paul Mayhew, Managing Judge
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: 414 Katherine Avenue – Case # 2022-0140-SPHA

August 7, 2022

Dear Judge Mayhew,

The Rockaway Beach Improvement Association Inc. is a community association which represents the Cape May and Turkey Point Peninsulas in the Essex area of Eastern Baltimore County. Our organization recently became aware of the requested special hearing and variance relief sought by petitioner in case # 2022-0140-SPHA. The community association wishes to express its strong opposition to the granting of such relief.

We would assert that lot 10 was merged with the adjacent lot at 416 Katherine Avenue when both properties were under common ownership by the petitioners, Mr. and Mrs. Ogle. The Ogles purchased lot 10 in March of 2008 and began using lot 10 as an accessory use for their residence at 416 Katherine Avenue. Under the merger doctrine in *Remes vs. Montgomery Co. 387 md.52 (2005)* the Court of Appeals ruled that when an adjacent lot is under common ownership and is used as an accessory use to the adjoining lot, the two properties are considered to have been merged under common law.

The Ogles clearly and conspicuously used lot 10 in conjunction with their home at 416 Katherine Avenue and utilized the lots as one property – landscaping lot 10 with the same landscaping as 416 Katherine Avenue and erasing any delineation that the two were separate lots. Attached to this letter is a 2012 Google Street view of the property, clearly showing the two properties are utilized as one large property instead of two separate lots. In that same image, a boat trailer can be seen straddling the line of both properties indicating that the lots are used as one large lot. Additionally, the Ogles continued to make improvements to lot 10 and further its use as an accessory to their home at 416 Katherine with the installation of a parking pad and continued storage of a boat trailer.

The community argues that based on the ruling Remes and the facts in the immediate case, that Lot 10 has in fact merged with 416 Katherine Avenue and must be subdivided in order for any development to occur.

Sincerely,

Kevin McDonough
President
Rockaway Beach Improvement Association Inc.

CC: Baltimore County Office of Administrative Hearings
Peoples Counsel for Baltimore County

Top Image – 416 Katherine Ave & Lot 10 in 2012. Bottom Image – 416 Katherine Ave and Lot 10 in 2016