

IN THE MATTER OF	*	BEFORE THE
MICHAEL NORBERT PORTER AND	*	BOARD OF APPEALS
SANDRA PORTER, LEGAL OWNERS	*	
AND PETITIONERS FOR SPECIAL	*	OF
HEARING AND VARIANCE ON THE	*	
PROPERTY LOCATED AT	*	BALTIMORE COUNTY
1999 ROCKY POINT ROAD	*	
15 TH ELECTION DISTRICT	*	CASE NO.: 24-060-SPHA
7 TH COUNCIL DISTRICT	*	

* * * * *

OPINION

This matter comes before the Board of Appeals of Baltimore County (“Board”) as an appeal filed by Michael Norbert Porter and Sandra Porter (“Petitioners”) of the decision by the Administrative Law Judge (“ALJ”) Maureen Murphy dated May 17, 2024, denying a Petition for Special Hearing pursuant to Baltimore County Zoning Regulations (“BCZR”) §1A04.3.B.1.a seeking a determination for the impact of Council Bill 128-2005¹ on the minimum lot size requirement and Petition for Variance relief from §1A04.3.B.1.a to allow a 1-acre lot in lieu of a 1.5-acre lot.

Petitioners filed a timely appeal with the Board on May 31, 2024. The Board convened for a *de novo* hearing on September 11, 2024 at 10:00 a.m. Petitioners were in attendance and represented by their attorney, John Gontrum, Esquire of Whiteford, Taylor and Preston, LLP. No one appeared in opposition. J. Scott Dallas, President of J.S. Dallas, Inc., was admitted as an expert witness for surveying, zoning, and planning in this matter.

¹ Council Bill No. 128-2005 (Text provided in Exhibit 8)

FACTS

Petitioners own a 6.246-acre parcel of waterfront land on Hawk Cove that has been held by the family for more than 200 years. The land is situated between Rocky Point Road and marshlands adjacent to the Chesapeake Bay (Pet. Ex. 2). The property is located in the R.C. 5 zone and is improved by a dwelling known as 1999 Rocky Point Road. The parcel has remained intact for decades. Now, Petitioners wish to subdivide the property by transferring a 1-acre parcel adjacent to Rocky Point Road to their son for the purpose of building a home. Petitioners are seeking authorization for a 1-acre lot to be subdivided from the property between Rocky Point Road and the existing dwelling. Because of the narrow width of the property, the location of the lot would extend back into the property 314.75 feet from the proposed edge of Rocky Point Road and the existing dwelling. Access to the new dwelling on the newly created subdivided lot would be directly from Rocky Point Road. Access for the existing dwelling would be from the existing right-of-way. (Pet. Ex. 2)

The property is within the Chesapeake Bay Critical Area and is designated for Limited Development (“LDA”) per the Critical Area regulations. The site has been zoned R.C. 5 since the Critical Area regulations were adopted in the mid-1980’s. R.C. 5 permitted a minimum lot size of 1-acre until 2004-2005 with an overall density not to exceed 1.5-acres per lot. Mr. Dallas testified that the LDA provides for a density of up to 4-units per acre. However, there is an additional constraint on development due to a requirement that only 15% of the lot may be made impervious. (Baltimore County Code §33-2-603(b)(3)). Non-buildable buffer areas also exist extending from the mean high tide of the Bay into the parcel limiting development on the water side of the dwelling. (Memorandum, p.2) In addition, the property also lies within the Back River Neck District and the Bowleys Quarters Area making it a mapped area in the zoning

regulations and governed by BCZR §4A0.3-Growth Management Plan for Bowleys Quarters and Back River Neck Areas. (Exhibit 7.) The site has a unique hatchet shape with much of the blade portion in the wetlands and conservation areas that cannot be developed. Due to the shape of the property, its elevations, and environmental constraints, the buildable area is very limited. (Memorandum, p. 2)

APPLICABLE AUTHORITY

Baltimore County Charter Article VI. County Board of Appeals. Sec. 602. Powers and functions of county board of appeals.

The county board of appeals shall have and may exercise the following functions and powers:

(a) *Appeals from orders relating to zoning.* The county board of appeals shall have and exercise all the functions and duties relating to zoning described in Title 10 of the Local Government Article of the Annotated Code of Maryland as such functions and powers may be prescribed by legislative act of the county council. All references in law to the board of zoning appeals shall be construed to refer to the county board of appeals. In all cases, except those excluded by this Charter or by legislative act of the county council, the order of the county board of appeals shall be final unless an appeal is taken therefrom in the manner provided in Section 604 of this Article.

(d) *Appeals from executive, administrative and adjudicatory orders.* The county board of appeals shall hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be provided by Title 10 of the Local Government Article of the Annotated Code of Maryland, as amended, or by legislative act of the county council not inconsistent therewith.

§ 307.1. - Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area 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. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such

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manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variance...

BCZR §500.7 - Petitions for Public Hearings; notice

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

BCZR §1A04.3 - Height and area regulations.

- A. Height regulation. No structure hereafter erected in an R.C. 5 Zone shall exceed a height of 35 feet, except as provided under Section 300.
- B. Area regulations.
 - 1. Lot area; density control.
 - a. A lot having an area of less than one and one-half acres may not be created in an R.C.5 Zone. The maximum gross residential density is 0.5 dwelling per acre.

BCZR §4A03.4 - Building Permits

- A. Except as provided in Paragraph B of this subsection, a building permit may be issued for the construction of a dwelling on an unimproved lot or lot of record that meets all of the zoning requirements subject to the following conditions:

- 1. No further subdivision of the lot is allowed, except in the case of a minor subdivision, or a single-tract parcel that is zoned D.R.3.5 and located in the Back River Neck Area.

BCZR § 4A03.11. - Growth allocation not applicable.

A property owner who is required to connect to public sewer, public water or both as provided for in this section may not apply for growth allocation under Article 32, Title 9 of the Baltimore County Code.

BCZR § 4A03.13. - Growth allocation: Back River Neck District.

A. This subsection applies to property that:

- 1. Is zoned R.C. 5;
- 2. Is located in the Back River Neck District defined in the map attached as Exhibit A and

incorporated by reference in this section;

3. Receives growth allocation in accordance with the Baltimore County Code and the State Critical Area Law.

BCC § 33-2-207. - CLUSTER DEVELOPMENT

To minimize impervious surfaces and destruction of forest and woodland vegetation, cluster development, unless it is demonstrably infeasible or inappropriate for the site, is the preferred method for designing residential development in the Chesapeake Bay Critical Area.

DISCUSSION

I. Board Authority

The initial question raised is whether the Board has the authority to determine the impact of a Council bill when provisions of the bill were not codified into County code or regulations. The response to this question rests in determining whether the Board has personal and subject matter jurisdiction to hear the matter per the authority granted it in the County Charter.

A. Personal Jurisdiction

The charter of Baltimore County specifically states, “The county board of appeals shall have and exercise all the functions and duties relating to zoning described in Title 10 of the Local Government Article of the Annotated Code of Maryland as such functions and powers may be prescribed by legislative act of the county council.” The Board is given broad authority under Title 10 of the Local Government Article of the Annotated Code of Maryland, enabling counties to enact local laws providing:

§10-305(a)(1) for the establishment of a county board of appeals... and

(3) the adoption by the county board of appeals of rules of practice that govern its proceedings...

10-305(b) The county board of appeals may have original jurisdiction or jurisdiction to review the action of an administrative officer or unit of county

government over matters arising under any law, ordinance, or regulation of the county council...

Pursuant to BCZR §500.7, the Zoning Commissioner shall have the power to conduct hearings and pass such orders necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. Since Petitioners filed their appeal pursuant to BCZR §500.7, the Board has personal jurisdiction.

B. Subject Matter Jurisdiction

As stated above, a Petition for Special Hearing set forth in BCZR, §500.7 permits the Zoning Commissioner to interpret and/or determine rights of an interested person in regard to provisions contained in the BCZR subject to the right of appeal to the County Board of Appeals. In this case, Petitioners are requesting the Board to determine whether they are entitled to a Back River Neck exemption of the 1.5-acre minimum lot size requirement based on an editor's note in County Bill 128-2005. This raises the question of whether the Board has the authority to interpret law, specifically when the authority cited is not codified in statute or regulation or is unclear and ambiguous.

While Petitioners' contend there is no ambiguity in the statute, the Board finds ambiguity arising from footnote 9 in BCZR §1A04.3.B.1.a, referencing an exemption not provided for in statute. Fortunately, Maryland courts and its legislature have deemed it appropriate to use various sources intrinsic and extrinsic to the legislative process when interpreting statutes and evaluating legislative intent. In applying the court's view in *Harrison-Solomon v. State*, 442 Md. 254, 265 (2015), the legislative history contained in County Council bills, much like that found in bills drafted by the state legislature, should be considered whether or not there is ambiguity in a statute or regulation.

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“[Courts] however, do not read statutory language in a vacuum, nor do we confine strictly our interpretation of a statute’s plain language to the isolated section alone. Rather, the plain language must be viewed within the context of the statutory scheme to which it belongs, considering the purpose, aim, or policy of the Legislature in enacting the statute... Where the words of a statute are ambiguous and subject to more than one reasonable interpretation, or where the words are clear and unambiguous when viewed in isolation, but become ambiguous when read as part of a larger statutory scheme, a court must resolve the ambiguity by searching for legislative intent in other indicia, including the history of the legislation or other relevant sources **intrinsic and extrinsic to the legislative process.**” (emphasis added)

This practice is also confirmed in a published 2009 *Legislative Desk Reference*² which discusses how to best interpret legislation and analyze the intent of the General Assembly citing *Kaczorowski v. City of Baltimore*, 309 Md. 505 (1987):

The Kaczorowski court also expressed a willingness to “consider other ‘external manifestations’ or ‘persuasive evidence,’ including a bill’s title and function paragraphs, amendments that occurred as it passed through the legislature, its relationship to earlier and subsequent legislation, and other material that fairly bears on the fundamental issue of legislative purpose or goal...” *Id.* at 514-515.

Legislative Desk Reference, p. 4

This Board acknowledges it is not a court of law. However, given the case history and guidance provided in the 2009 *Legislative Desk Reference*, the Board finds it has the authority to rule on the issue presented because the County’s charter authorizes the Board to consider all zoning matters, and in doing so, given the case history and guidance provided in the manual, it may consider various sources of legislative history when interpreting statutes and regulations including resorting to extrinsic aids such as examining the history

² Botts, Jennifer, et al. *Legislative Desk Reference*. Office of Policy Analysis of the Department of Legislative Services, 2009, <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/012000/012657/unrestricted/20100533e.pdf>.

“In *Bledsoe v. Bledsoe*, 294 Md. 183, 189 (1982) the Court of Appeals stated that in order to determine legislative intent, it ‘may resort to extrinsic aids such as examining the history of the passage of the law, the reports of committees and commissions, the introduction of amendments and testimony given before legislative committees.’”

of the passage of the law, the reports of committees, introduction of amendments, testimony, and any other material fundamental to the issue. This would include an editor's note drafted during the promulgation process of a county rule. While no opinions nor orders authorizing the interpretation of County Council Bills were provided, the Board's position is supported in Maryland case law, as well as reference material documented in the manual as published by the Maryland General Assembly. Since Petitioners request the Board determine the impact of Council Bill 128-2005 on the minimum lot size requirement provided in BCZR §1A04.3.B.1.a to allow a 1.21 acre unimproved parcel to be a buildable lot and grant variance relief from §1A04.3.B.1.a to allow a 1-acre lot in lieu of a 1.5-acre lot, the Board is authorized to review code, regulations, and case law relevant to the issue before the Board for the purpose of determining the disposition of Petitioners' request, including editorial notes that provide insight into the Council's legislative intent for regulations governing matters brought before the Board for consideration.

II. Impact of Council Bill 128-2005

It is undisputed that the purported Back River Neck exemption contained in Section 3 of Bill 128-2005 (and previously Section 5 of Bill 55-04), was never codified in BCZR §1A04.3 despite two opportunities to do so in 2004 and 2005. (Memorandum, p. 6) While not codified, Footnote 30 (Editor note 9) also was not removed on the same two aforementioned instances with each instance arguably being a legislative act of the County Council. The Board finds this to be especially relevant to the case at hand because the note specifically states that "it would not apply to the Back River Neck District as defined in §4A03.13 of the Baltimore County Zoning Regulations" which is the crux of the Petitioners' request.

Presuming the Board has authority to determine the impact of County Council Bill 128-2005, a review of legislative history is pertinent to this opinion. Section 2 of Baltimore County Council Bill No. 55-04³ documents the regulatory language prior to the enactment of legislation and the adopted changes. This legislation changed the minimum lot size from 1-acre to 1.5-acres and adopted performance standards for the R.C. 5 zone. (Exhibit 6) The change in lot size occurs in BCZR §1A04.3. - Height and Area Regulations and Footnote 30 documents the provisions of Section 5.⁴ (Memorandum, P. 3) Subsequently, County Council Bill No. 128-05 amended R.C. 5 zone to provide for an overall density of not less than 0.5 dwellings per acre. Section 3 of the legislation also provided: “AND IT BE FURTHER ENACTED, that this Act shall not apply to the Back River Neck District as defined in §4A03.13 of the Baltimore County Zoning Regulations.” The change in overall density is also noted in BCZR §1A04.3, and Editor footnote 31 references the provisions on Section 3. (Memorandum, p.3) In reviewing the legislative history, including council bills, related county regulations, footnotes, and editors’ notes, the Board finds the County Council intended to create an exemption from BCZR §1A04.3 for the Back River Neck area as of December 5, 2005, the effective date of the legislation.

III. Growth Management Considerations

While this is a *de novo* hearing, this panel considered ALJ Murphy’s finding of an additional factor set forth in BCZR § 4A03.11 requiring Petitioners’ property to receive a growth allocation in accordance with the Baltimore County Code and State Critical Area Law before the purported exemption applies. ALJ Murphy reasoned, pursuant to BCZR §4A03.4.A.4, only minor subdivisions were allowed within the R.C. 5 zone, and concluded that

³ Council Bill No. 55-04-(Text provided in Exhibit 6)

⁴ Baltimore County Council Bill 128-05, Section 1 amended the R.C. 5 zone to provide for an overall density of not less than 0.5 dwellings per acre.

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growth allocation for more dense development was not permitted for these lots per BCZR §4A03.11. It is undisputed that the relevant Growth Management regulations for this property are found in BCZR §4A03 and only minor subdivisions are allowed within the RC 5 zone permitting growth allocation in certain properties located in the Back River Neck District as documented in BCZR §4A03.13.A.2. However, as Petitioners argue, since the property is exempted, no growth allocation is required for Petitioners' property rendering BCZR §4A03.13 inapplicable.

ALJ Murphy further cited the development plan for the Vandermast Property Subdivision (Case No.: 08-031-SPHA) to support the holding that a growth allocation application is required prior to development in this area of the county. While the Board granted the Property Application for Reclassification of the Growth Allocation in Vandermast approving lots smaller than 1.5 acres as part of the development process, the facts in this case are notably different than those in the latter case in that growth allocation was for a property located in an R.C. 20 zone to allow density units which were then used in the R.C. 5 area of the property with many of the lots being smaller than 1.5 acres, but greater than an acre with an overall density in the R.C. 5 area of more than 1 unit for every 2 acres. It is also notable that, as stated in Petitioner's memorandum, no growth allocation was used in the R.C. 5 portion of the Vandermast property. (Memorandum p. 5) Given the factual distinctions between these cases, including there is no planned development being contemplated for this property and other aforementioned reasons, the Board determines no growth allocation is required for this case.

In finding the existence of an applicable Back River Neck exemption and no requirement for growth allocation authorization, the Board grants the requested petition for special hearing on the minimum lot size requirement pursuant to BCZR §1A04.3.B.1.

IV. Variance Relief

In the event the Board determined that the applicability of the 1.5-acre minimum lot size requirement, Petitioners requested variance relief from BCZR §1A04.3.B.1 to allow a 1-acre lot in lieu of a 1.5-acre lot. Although the Board did not find a requirement for the 1.5-acre minimum for this property, the Board considered the legal authority for granting such variance pursuant to the provisions of BCZR §307 which gives the Board the “power to grant variances from height and area regulations.”

A. Cromwell Standard of Review

When determining whether to grant a variance request, the Board shall consider the two-pronged process outlined in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

- (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.

This property is unique in history, configuration, soil, and topography. The 6.246-acre parcel has been part of the Porter family for more than 200 years and has remained intact and unsubdivided for decades. (Memorandum, 1). The property is hatchet shaped with the blade portion of the hatchet bordering the Bay with the handle extending from the blade to Rocky Point Road. Much of the blade portion is in wetlands and conservation areas and cannot be developed leaving very little of the property left for building a dwelling without a negative environmental impact due conservation and environmental constraints. Because the site is within the Chesapeake Bay Critical Area and within an LDA area under Critical Area regulations, the waterfront side of the existing dwelling is heavily constrained by the wetlands, critical area buffer, and conservation easements.

Petitioners claim several hardships including the effect of the property's elevation which significantly decreases as it moves eastward toward the Bay. (Memorandum, p.7). The area is also heavily wooded, and any new construction would result in a significant loss of wooded area. (Exhibit 4). The handle area of the lot is narrow in width and has a development constraint permitting only 15% of the lot impervious. There also are large non-buildable buffer areas extending from the mean high tide of the Bay restricting development on the waterside of the dwelling if the variance is not granted.

Given the property's unique history, topography, and environmental constraints, if the Board was to determine a variance is required, this panel would find the Petitioners have met both prongs of the *Cromwell* test; thereby, meeting their burden of proving the property's uniqueness and the practical difficulty or hardship they would endure if the variance request is not granted, satisfying the *Cromwell* standards.

V. Cluster Development

Petitioners also cite the practice of cluster development to support its variance request. Per BCC § 33-2-207, cluster development is the preferred method for minimizing impervious surfaces and the destruction of forests and woodlands. As Petitioners stated, the Critical Area law and regulations are designed to minimize the impact of development on the resource, and when the Critical Area regulations were established, the waterfront properties such as the property at issue were all mapped LDA, and, without public sewer, the area was zoned R.C. 5. (Memorandum, p. 4) Until 2004-2005, the R.C. 5 zone permitted a 1-acre lot minimum with an overall density not to exceed 1.5 acres per lot. Baltimore County Council Bill No. 55-04, Section 2, changed the minimum lot size from 1-acre to 1.5 acres and adopted performance standards for the R.C. 5 zone. Subsequently, Baltimore County Council Bill 128-05 further amended the

R.C. 5 zone creating an overall density of not less than 0.5 dwellings per acre. Petitioners assert it is logical to cluster dwellings when possible such as retaining the old 1-acre minimum lot size for the Back River Neck District. The Board agrees that BCC § 33-2-207 states cluster development is the preferred method for minimizing impervious surfaces and the destruction of forests and woodlands and promotes only minor subdivisions as the one Petitioners are requesting.

Therefore, if the Board was to consider Petitioners' variance request, the variance would be granted due to the uniqueness of the property and the aforesaid reasons regarding cluster development.

CONCLUSION

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). Special hearing relief is properly granted if it is within the spirit and intent of the zoning regulations and will not harm the public health, safety, or welfare. The site has been zoned R.C. 5 at least since the Critical Area regulations were adopted in the mid-1980's. Up until 2004-2005, the R.C.5 zone permitted a minimum lot size of 1-acre with an overall density not to exceed 1.5-acres per lot.⁵ Baltimore County Council Bill No. 55-04 in Section 2 shows both the regulations existing prior to the enactment of legislation and the adopted changes. This legislation changed the minimum lot size from 1-acre to 1.5-acres and adopted performance standards for the R.C. 5 zone. (Exhibit 6)

⁵ ALJ Murphy below found the property did not meet the lot of record definition. Since Petitioners did not argue lot of record on appeal, the Board is not making a lot of record determination.

Subsequently, Baltimore County Council Bill 128-05 further amended the R.C. 5 zone to provide in Section 1 of the legislation for an overall density of not less than 0.5 dwellings per acre. Section 3 of the legislation also provided: "AND IT BE FURTHER ENACTED, that this Act shall not apply to the Back River Neck District as defined in BCZR §1A04.3 of the Baltimore County Zoning Regulations." Although Editor Footnote 9 was not incorporated in the body of the statute, the County Council had the opportunity to remove the note from the bill and subsequent bills. The County Council's act of not deleting the note is a demonstration of its legislative intent to provide clarity of its actions and exempt the Back River Neck area from the constraints set forth in the body of the statute. In reading the statute and considering Editor's Note 9, the Board finds the County Council intended to create an exemption from BCZR §1A04.3 for the Back River Neck area where this property is located.

Furthermore, if required to make a determination on whether to grant a variance, this panel would grant the request due to Petitioners' presentation of evidence including expert testimony from Mr. Dallas noting the LDA's allowance for density of up to 4-units per acre, the Council's intent to minimize impervious surfaces and destruction of forest and woodland vegetation with cluster development, and the uniqueness of the site meeting the prongs of the *Cromwell* test.

For these aforementioned reasons, as provided in BCZR §500.7, the Petition for Special Hearing relief will be granted to determine the impact of Council Bill 128-2005 on the minimum lot size requirement provided in BCZR §1A04.3.B.1.a on their request to allow a 1.21 acre unimproved parcel to be a buildable lot, and the Board further finds Petitioners would be granted their request for a variance relief from §1A04.3.B.1.a to allow a 1-acre lot in lieu of a 1.5-acre lot if such variance would be required.

ORDER

THEREFORE, IT IS THIS 13th day of February, 2025, by the Board of Appeals of Baltimore County, hereby:

ORDERED, that the Petition for Special Hearing pursuant to BCZR §1A04.3.B.1.a seeking a determination for the impact of Council Bill 128-2005 on the minimum lot size requirement is hereby, **GRANTED**; and it is further

ORDERED, that Variance relief from §1A04.3.B.1.a to allow a 1-acre lot in lieu of a 1.5-acre lot is hereby, **GRANTED**.

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

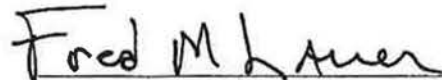
**BOARD OF APPEALS OF
BALTIMORE COUNTY**



Sharonne R. Bonardi, Chair



Michael J. Stelmack



Fred M. Lauer



Board of Appeals of Baltimore County

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

February 13, 2025

John B. Gontrum, Esquire
Christopher M. DeCarlo, Esquire
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: In the Matter of: *Michael Norbert Porter and Sandra Porter*
Case No.: 24-060-SPHA

Dear Counsel:

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, appearing to read "Sunny Cannington".

Krysundra "Sunny" Cannington
Executive Secretary

KLC/taz
Enclosures

c: Michael Norbert Porter and Sandra Porter
Office of People's Counsel
Maureen E. Murphy, Chief Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law