

IN THE MATTER OF	*	BEFORE THE
HAMPTON POOL ASSOCIATION, INC.-LEGAL	*	BOARD OF APPEALS
OWNERS AND OF THE PROPERTY LOCATED	*	
AT 705 HAMPTON LANE	*	OF
TOWSON, MARYLAND 21286	*	
Re: Appeal of Director letter restricting parking on	*	BALTIMORE COUNTY
Sleepy Dell Court bordering the Club's property line.	*	CASE NO. CBA-18-032

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter was originally presented to the Board of Appeals as an appeal from a Director's Letter of May 3, 2018, regarding parking restrictions on Sleepy Dell Court which borders the Hampton Pool Association, Inc. property. At the hearing before the Board on August 8, 2018, it was represented to the Board that a settlement had been reached between the parties. The terms of the settlement were recited to the Board by counsel for the County and agreed to by counsel for the Protestants. The parties indicated that they would forward a written recital of the settlement terms. The parties requested that upon its receipt of the formal settlement document, the Board would dismiss the matter. As the hearing was concluding, one of the Protestants indicated to the Board that the settlement was to include a term that all existing parking restrictions were to remain in effect and that the agreement was not intended to alter existing parking restrictions. That particular point had not been mentioned when counsel was presenting the settlement terms to the Board. Counsel for both parties indicated on the record that the Protestant was correct and that all parking restrictions then in place were to remain in place.

On or about December 10, 2019, some 16 months after the Board hearing, Michael D. Mallinoff, Director of Permits, Approvals, and Inspections issued a letter (hereinafter "the Mallinoff letter") to counsel for Hampton Pool Association, Inc., which recited the terms of the settlement. That letter indicated, in pertinent part, that:

“ . . .the County will implement the following parking restrictions and permissions along Sleepy Dell Court:

1. No parking will be permitted along the east side of Sleepy Dell Court within thirty (30) feet of Hampton Lane;
2. No parking will be permitted along the west side of Sleepy Dell Court within thirty (30) feet of Hampton Lane [sic]
3. Members and guests of Hampton Pool are permitted to park upon the County’s right-of-way located beyond the eastern curb of Sleepy Dell Court as the right-of-way stretches across the fee-simply [sic] property of Hampton Pool, and across no other fee [sic], provided that:
 - i. all vehicles are parked at an angle;
 - ii. no portion of any vehicle protrudes over any paved area of Sleepy Dell Court;
 - iii. no portion of the County’s right-of-way may be paved without the written consent of the County;
4. Parking is permitted along all of the other areas of Sleepy Dell Court not otherwise described in this letter.”

The Mallinoff letter also indicated that the County could revisit any of the parking issues in the event that public safety so required.

On December 12, 2019, the Board, having received a copy of the Mallinoff letter and pursuant to the understanding that the matter was to be dismissed once the agreement between the parties was formalized, issued an order dismissing the matter. On or about December 13, 2019, Alma McCann, the spouse of the Protestant who had raised the issue regarding the continuation of existing parking restrictions at the Board hearing of August 8, 2018, contacted the Board regarding the absence of any mention of pre-existing parking restrictions in the Mallinoff letter. The Mallinoff letter did not explicitly indicate that all existing parking restrictions were to remain in effect. The Board treated Ms. McCann’s communication as a Motion for Reconsideration. The matter was set for a public deliberation on the Motion for February 6, 2020. No response was submitted by the County or by counsel for Hampton Pool.

The Board held its public deliberation on the scheduled date. The Board had reviewed the recording of the August 8, 2018 hearing and confirmed that Mr. McCann had raised the issue of the continuation of existing parking restrictions and that counsel for the parties had agreed that the settlement agreement included the continuation of the then existing parking restrictions. Accordingly, the Board granted the Motion for Reconsideration, struck its prior Order of Dismissal, and found that the settlement agreement should indicate that all parking restrictions in effect at the time of the settlement on August 8, 2018 should remain in full force and effect, subject to the County's public safety obligations as reserved in the Mallinoff letter.

ACCORDINGLY, IT IS THIS 21st day of February,
2020 by the Board of Appeals of Baltimore County

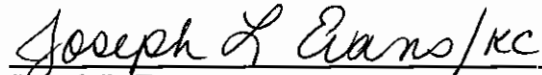
ORDERED, that this Board's Order of Dismissal dated December 12, 2019 is hereby rescinded; and it is further

ORDERED, though the settlement terms in the Mallinoff letter, as recited in this order are ratified, the settlement between the parties is hereby amended to add a provision that all parking restrictions in effect at the time of the settlement on August 8, 2018, shall continue in full force and effect, subject only to the County's public safety obligations as indicated in the Mallinoff letter.

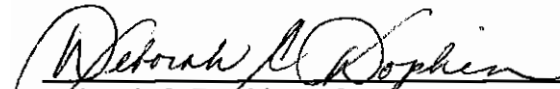
In the matter of: Hampton Pool Association, Inc.
Case No: CBA-18-032

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**



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February 21, 2020

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Re: In the Matter of: *Hampton Pool Association, Inc.*
Case No.: CBA-18-032

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,


Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Robert A. Vaughan, Resident Agent/Hampton Pool Association, Inc.
Alma McCann
Gregory W. Carski/Department of Public Works
Edward C. Reed, Jr./Department of Public Works
Steven A. Walsh, Director/Department of Public Works
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law