PETITION FOR ZONING VARIANCE 94-287-4 TO THE ZONING COMMERCIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Bultimore County and which is described in the description and plot attached hereto and made a part bereof, hereby position for a Variance from Section 102,5 to allow a fence six (6) feet high, instead. of the permitted three (3) foot fence within twenty-five (25) feet at the point of intersection of two (2) streets.

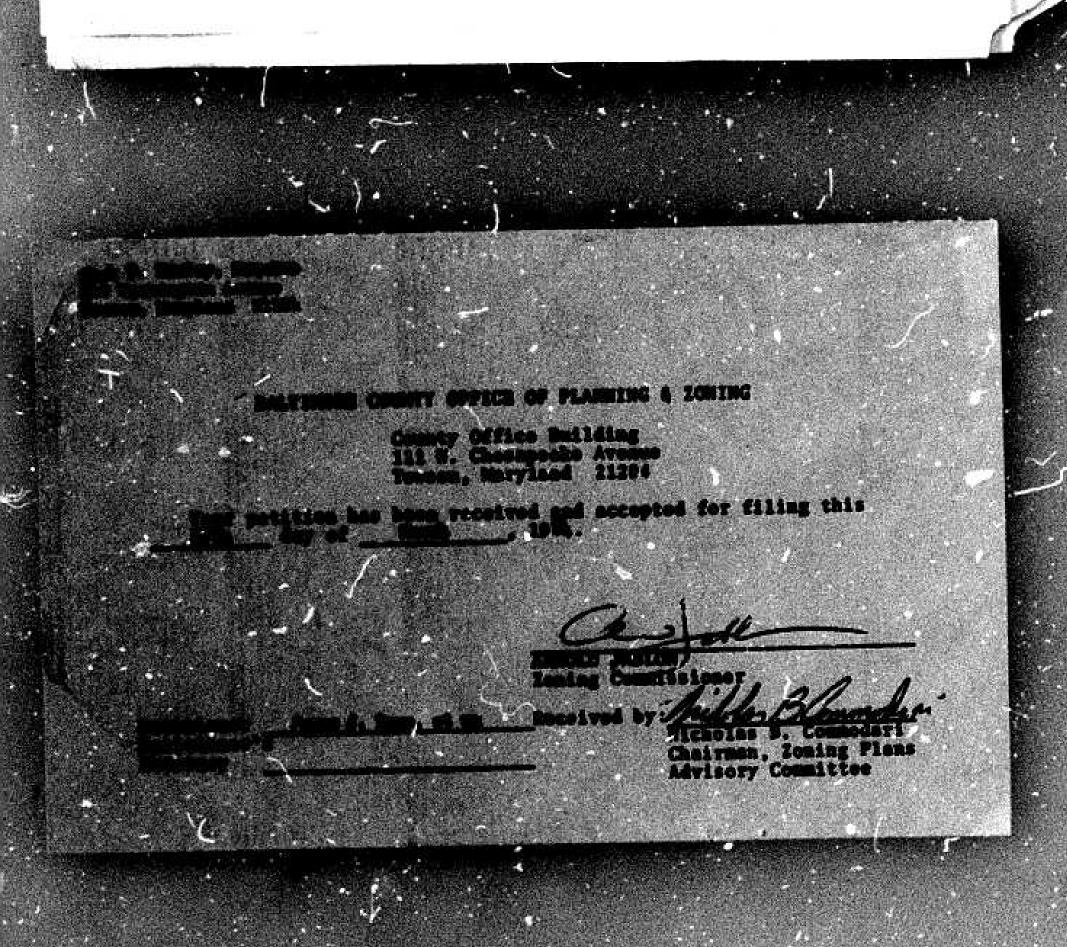
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

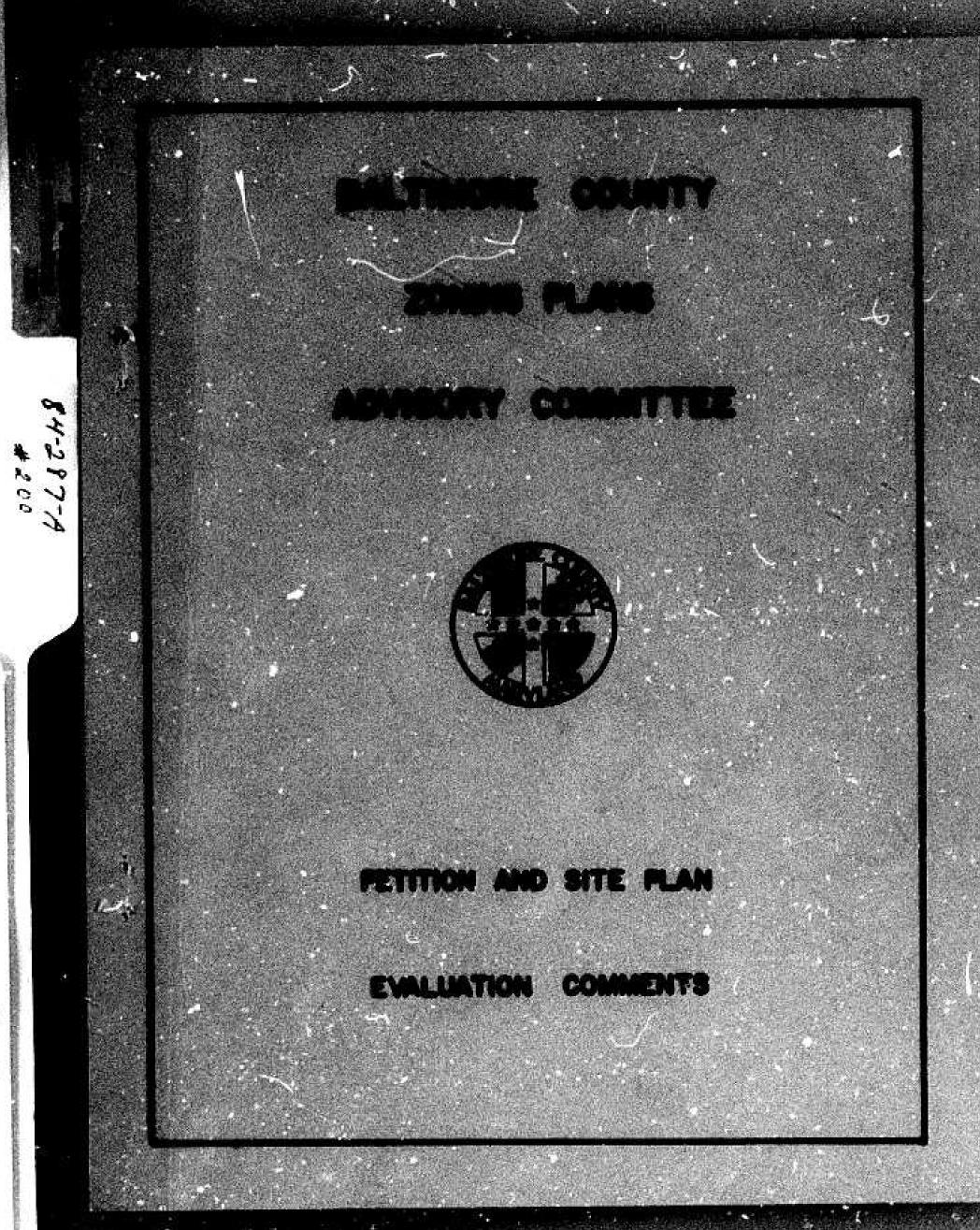
- 1. That if not granted would cause petitioner great expense to remove and replace in that permit already granted.
- That for safety reason six feet better then 3 feet for children and traffic.
- 3. For other reasons to be presented at hearing. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of shove Variance advertising, posting, etc., upon filing of this petition, and further agree to and see to be bound by the source requisitions and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solomnly deciare and affirm, under the panalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	100
	James J. Rowe	
(Type or Print Name)	(Type or Print Manne)	a.r
Spatur	Signature	
Adres	(Type or Print Name)	7.7
City and State	Signature	***
Attorney for Petitioner:		-
Mark P. Hanley (Type or Print Name)	Address Phone No.	
Tal RHVI	3039 Second Avenue, Balto., Mo	<u>d.</u>
Signature	City and State	15057
206 Washington Avenue	Name, address and phone number of legal owner, of tract purchases or representative to be contacted	<b>300</b>
TOWROD Maryland 21204	Name	
Attorney's Telephone No.: £23-117.4	Address Phase No.	727
ORDERED By The Zoning Commissioner of	Beltimore County, this28th	day
of March 10 RA, that the required by the Zoning Law of Beltimore County	e subject metter of this petition be advertised, r, in two newspapers of general circulation throu ad that the public hearing be had before the Zon 06, County Office Building in Towson, Buiting	100
County, on the 30tb day of _		ock





### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Arnold Jablon Date April 11, 1984 TO Zoning Commissioner

Norman E. Gerber, Director PROM Office of Planning and Zoning

James J. Rowe, et ux SUBJECT 84-287-A

> There are no comprehensive planning factors requiring comment on thi, petition.

> > Office of Planning and Zonin

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1984

COUNTY OFFICE BLDG. 111 W. Chrisbeace Ave.

206 Washington Avenue Towson, Maryland 21204

Michalas B. Cornoders Chairman

\*E\*3525 Farmau of Engineer ing

Departiant of Traffic Engineering State Roads Commissio Bureau of Fire Provention Menath Coperagent Stojeus Planni s Such the Department Spend of Ideas, or Somera waningestation RE Case No. Sh-257-A (\*tem No. 200) Petitioner - James J. Rowe, et ux

Variance Petition

Dear Mr. Hanleys

Mark P. Hanley, Esquire

The Zoning Flans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the coming action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Joning Commissioner with recommendations as to the suitability of the requested coming.

Enclosed are all comments submitted from the tembers of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

retolas is commoderfor

VICHGLAS B. COMMODARI

Chairman Toning Plans Advisory Committee

130.550

Estibules

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON MARYLAND 21204

March 21, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Yowson, Maryland 21204

> Re: Item #200 (1983-1984) Property Owner: James J. Rowe, et ut N/E cor. First Ave. and Woodland Rd. Acres: 60 X 156 District: 11th

Dear Mr. Jablor.:

HARRY LESTLE

CARLE TOR

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory committee in connection with the subject

General:

Baltimure County highway and utility improvements are not directly involved.

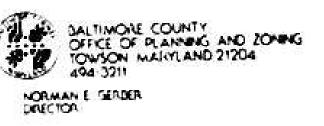
First, Woodland and 2nd Avenues, existing public roads, are proposed to be further improved in the future on 40-foot minimum, and 50-foot rights-of-way, respectively, with fillet areas for sight distance at all intersections.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee rev ew in connection with this Item 200 (1983-1984).

ROBERT A. MORTON, P.E., Chief Bureau of Public Services

RAM: EAM: FWF: 68

N-NE Key Sheet 34 NE 18 Pos. Sheet NE 9 E Topo 71 Tax Map



Mr. Arraid Jablon Zoning Commissioner County Office Building Towson, Maryland 71204

3/19/84

Re: Zoning Advisory Meeting of Property Owner: Location:

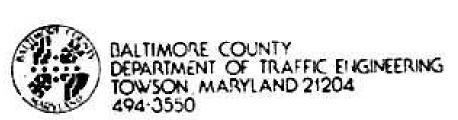
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

> There are no site planning factors requiring comment. IA County Review Group Moeting is required. )A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services. )This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract. )A record plat will be required and must be recorded prior to issuance of a building permit. The access is not satisfactory. )The circulation on this site is no satisfactory. The parking arrangement is not satisfactory. )Parking calculations must be shown on the plan-This property contains soils which are defined as wellands, and development on these soils is prohibited. )Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-99 of the Development Regulations. )Development of this site may constitute a potential conflict with

the Baltimore County Mester Plan. )The amended Development Plan was approved by the Planning Board )Landscaping should be provided on this site and shown on the plan. The property is located in a deficient service arer as defined by 8111 178-79. No building permit may be issued until a Reserve

Capacity Use Certificate has been issued. The deficient service )The property is located in a traffic area controlled by a "0" level intersection as defined by 8111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. )Additional comments:



STEPHEN E COLLINS DIRECTOR

March 9, 1984

Mr. Arnold Jablor Zoning Commissioner County Office Building Towson, Maryland 21204

> -ZAC- Meeting of February 7, 195. James J. Rove, et ux NE/Cor. First Avenue and Woodland Road Existing Zoning: U.R. 5.5

Proposed Zoning: Variance to permit a fence 6' in lieu of the required 3' within 25' at the point of intersection of two streets.

60 X 156 11th District:

Dear Mr. Jablon:

The proposed fence should be moved 10 feet from the property line of Second Avenue to improve sight distance.

Michael S. Flanigan

Traffic Engineering Assoc. II

MSF/ccm

Persuant to the edvertisement, posting of property, and public hearing on the Politica and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Potitioner(s) and the granting of the variance(s) requested will/will not edversely affect the besith, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ---day of \_\_\_\_\_\_, 19----, that the herein Petition for Variance(s) to permit

### BALTIMORE COUNTY, MARYLAND

BITER-OFFICE CORRESPONDENCE

Armold Jablon, Zoning Commissioner TO ... Office of Planning and Zoning

March 9, 1984

PROM Inn J. Porrest

SURJECT Regime Variance Items Petrony 7, 1984

> The Baltimore County Department of Health has reviewed the following soning items and does not anticipate any health hazards at this time regarding these items.

> > Item # 195 - John J. Seissen, III. et ux

Item # 196 - Richard R. Smith, et ux

Item # 197 - Denver G. Resh

Item # 199 - Joseph E. Besche

/ Item # 200 - James J. Rowe, et ux

MUMBAU OF ENVIRONMENTAL SERVICES

IJP/ftb

# BALTIMORE COUNTY FIRE DEPARTMENT TOWSON MARYLAND 21204

PAUL H REINCKE

Contlemen:

February 13, 1984

Mr. William Bangand Coning Cosmissioner Office of Planning and Zoning Beltimore County Office Building Towers, Maryland 21204

Attention: Nick Commoderi, Chairman Zoning Plans Advisory Committee

PR: Property Comer: James J. Rowe, et ux Location: First Avenue and Woodland Road

Zoning Agenda: Meeting of February 7, 1984 Itam No.: 200

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrents for the referenced property are required and shall be located at intervals or \_\_\_\_\_feet along an approved road in accordance with Beltimore County Standards as published by the Department of Public Morks.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Bdition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at thir time.

Planning Graph Holy 2.14-ry Approved: Leorge M Negomas Special Inspection Division

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Meryland - 21204

Date: February 2, 1984

Mr. Arnold Jablon Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Proposed Zoning:

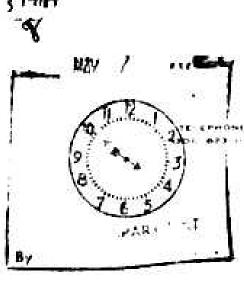
Z.A.C. Meeting of: February 7, 1984

RE: Item No: 495, 196, 197, 198, 199, 200) 201, & 202. Property Owner: Location: Present Zoning:

> District: No. Acres:

The above items have no bearing on student population.





May 4, 1984

Mr. America Connella 3017 First Avenue Baltimore, MD. 21234

RE: ROWE CONING HEARING April 30, 1984 84-287-A

Dear Mr. Connella:

Subsequent to the hearing of Monday, April 30, 1984, it is my understanding that you suggested to Mr. Jerry Rowe that if the Rowes abandon their ideas of petitioning to close Woodland Avenue, that you and the other neighbors would drop your protest concerning the six foot fence surrounding the Rowe's residence. If this is, in fact true, could you confirm by writing to me.

Very truly yours,

Mark P. Hanley, Jr.

MPH/lrr

cc: Mr. and Mrs. Rowe

cc: Arnold Jablon, Zoning Commissioner

RE: PETITION FOR VARIANCE NE Corner First Ave. & Woodland Rd., lith District JAMES J. ROWE, et ux.

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Petitioners

: Case No. 84-287-A

2 2 2 1 1 1 1

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> thylic Cale Freduce Phyllis Cole Friedman People's Counsel for Baltimore County

Leter Hax Parmer Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 10th day of April, 1984, a copy of the foregoing Entry of Appearance was mailed to Mark : . Hanley, Esquite, 206 Washington Ave., Towson, MD 21204, Attorney for Petitioners.

Phyllis Cole Priedman

DAI TIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES TONSON, MARYLAND 21204 494-3010

Mr. Arnold Jeblon, Roming Commissioner

February 7. 1984

Office of Florming and Ioning County Office Building Tousen, Naryland 2120

Community on Item # 200 Zoning Advisory Committee Maeting are as follows: James J. Rowe, et ux NE/Cor, First Avenue and Woodland Road Existing Soming: D.R. 5.5
Proposed Zoning: Veriance to permit a fence 6' in lieu of the required

3' within 25' at the point of intersection of two streets.

The items checked below are applicable:

And All structures shall comform to the Bultimore County Building Code 1961/Council Bill 4-82 2000 1981/Council

B. A building/A other permit shall be required before beginning construction. C. Residential: Three sets of construction trawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

- E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an edjacent lot like shall be of one hour fire registive construction, no openings permitted within 3'0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.
- 7. Requested variance appears to conflict with the Bultimore County Building Code, Section/s \_\_\_\_\_
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Raryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 501.

(I.) Comments - Please see Section 518.0 of Bill 4-82 which also

establishes some fencing limitations. This does not of course take into account visibility problems with street lot lines.

mitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 V. Changooks Ave.,

ZONING DESCRIPTION

Beginning for the same on the Northeast Corner of First Avenue and Woodland Road, being Lot Numbers 344, 345 and 346 on Plat of Carney Heights and recorded among the land records for Baltimore County in W. P. C. 6 folio 158, also known as 3039 Second Avenue.

THE CONTRACTOR HAS SOME BOWN DESIGNATION OF STREET

### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 8, 1984

COUNTY OFFICE SLDG. 111 W. Chesepeake Ave. Towson, Maryland 21204

oto 2120

REMBERS

Puresu of
Engineering

Bureau of Engineering Department of Traffic Engineering State Roads Commission

Bureau of Fire Prevention Health Department Project Planning Building Department Soard of Education Soning Administration Industrial Development Mark P. Hanley, Esquire 206 Washington Avenue Towson, Maryland 21204

RE: Item No. 200
Petitioner - James J. Rowe, et ux
Variance Petition

Dear Mr. Hanley:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Mr. Charles Burnham - Permits & Licenses - 494-3987

Mr. Nick Commodari - Zoning Office - 494-3391

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

> NICHOLAS B. COMMODARI, Chairman Zoning Plans Advisory Committee

NBC:bsc

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

June 14, 1984

Mr. 5 Mrs. Donald Mealy 3008 First Avenue baltimore, Maryland 21234

Re: Petition for Variance
NE/corner of First Avenue and Woodland Road
James J. Rowe, et ux - Petitioners
Case No. 84-287-A

Dear Mr. & Mrs. Mealy:

Please be advised that an appeal has been filed by Mark P. Hanley, attorney for the petitioners, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above-referenced matter.

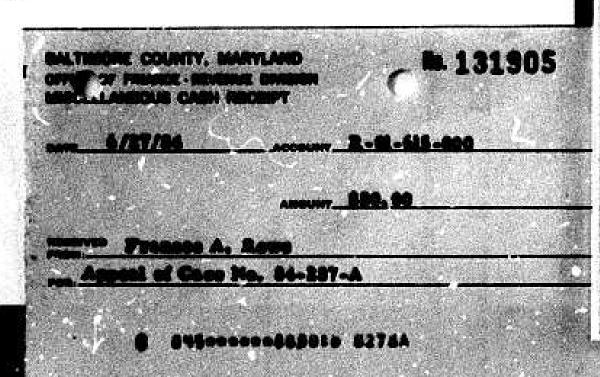
You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Apoold Jablos
Zoning Commissioner

AJ:aj

cc: Mr. Amerco Cannella 3012 First Avenue Baltimore, Maryland 21234

People's Counsel



VALIFATION OR DIGHATURE OF CASHIER

- 1A 108A

Herk P. Hanley, Esquire 206 Washington Avenue Towson, Maryland 21204

IN RE: Petition Zoning Variance
ME/corner of First Avenue and
Woodland Road - 11th Election
District
James J. Rose, et ux,
Petitioners

Case No. 84-287-A

Dear Hr. Hanleys

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

ARMOLD JABLON Zoning Commissioner

M/arl

Attachments

oc: Mr. & Mrs. Donald Harly 3008 First Avenue Baltimore, Maryland 21234

> Mr. Amerco Cannella 3012 First Avenue Baltimore, Maryland 21234

People's Counsel

April 3, 1984

Heck P. Henley, Empire 205 Washington Avenue Bowson, Maryland 21204

NOTICE OF HEARING
Pot Petition for Verlance
NEW/Corner of Piret Avenue & Modiland Read
James J. Rose, etus: - Petitioners
Case No. 84-287-A

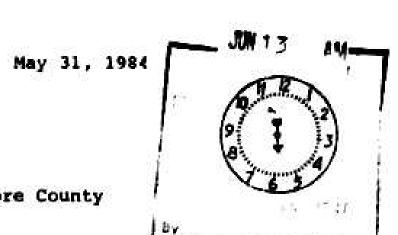
TIME: _	10:45 A.M.
DA TE:	Monday, April 30, 1984
PLACE:	Room 106, County Office Building, 111 West Chesapeake
	Avenue, Towson, Maryland

Zoning Cr. missioner of haltir 'e County

CELLANLOUS C	REVENUE DIVIDION ABH RECEIPT	#. 124099 #/-6/5~#**
· 1/-1/	ACCOUNT:	
	AMOUNT_	35.06
Filis	et P. Hou	Jey Ja 200
	8 883	100000035D01b 5278A
	VALIDATION OR SIGNATU	NE OF CASHIER

MARK P. HANLEY, JR.
FOR WASHINGTON AVENUE
P. O. BOX 5506
TOWROW, MARYLAND 6004

\*ELEPHONE



Zoning Commissioner of Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

> RE: Petition Zoning Variance N/E Corner of First Avenue and Woodland Road 11th Election District Case No. 84-287-A

Dear Sir:

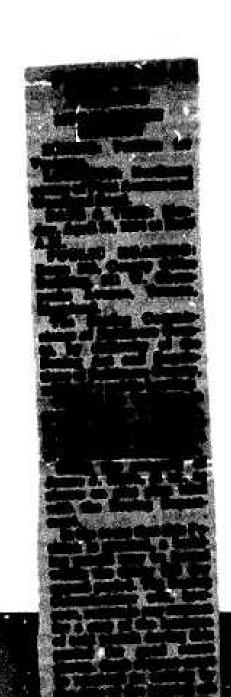
Enclosed for filing in the above entitled case please find an Order for Appeal on behalf of the Petitioners, James J. and Frances Ann Rowe.

Very truly yours,

Mark P. Hanley, Jr.

eav Enclosure

cc: Mr. and Mrs. James J. ! owe



**G**te Times

This is to Cartily, That the concred

54-287-A

SENTIFICATE OF POSTYNS
SOURCE DESARTHMENT OF SALTHMENE COUNTY

District 1/	Variance Pour et up  East are 1 modland Rd
Petition la	1/24.2016
Pested for:	A. W. W
Partitioner Vames 0	fore it up
- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	First are a revolland Rd.
Lacetten of property:	AVA LANGE LANGE LANGE CONTRACTOR
· · · · · · · · · · · · · · · · · · ·	wenty (facing text are)
Comment of Belleville State St	
	arran Date of return 4/19/84
Pested by MAN TO CO	Select of return

IN RE: PETITION ZONING VARIANCE ZONING COMMISSIONER N/E corner of First Avenue and Woodland Road - 11th Election \* District BALTIMORE COUNTY JAMES J. ROWE 3039 Second Avenue Baltimore, MD 21234 FRANCES ANN ROWE 3039 Second Avenue Case No. 84-287-A Baltimore, MD 21134 Petitioners Appellants . . . . . . . . .

ORDER FOR APPEAL

Petitioners, James J. Rowe and Frances Ann Rowe, by Mark P. Hanley, Jr., their attorney, hereby note an appeal to the County Board of Appeals from the Order of the Zoning Commissioner of Baltimore County dated May 14, 1984 in the above entitled case.

MARK P. HANLEY, JR.
Attorney for Petitioners
206 Washington Avenue
P. O. Box 5506
Towson, Maryland 21204
823-1174

CERTIFICATE OF SERVICE

CERTIFICATE OF PUBLICATION



Li-Leank Sirestan



ARNOLD JABLON ZONING COMMISSIONER

April 20, 1984

Mask P. Hanley, Regulate 206 Washington Avenue Towner, Maryland 21284

> Be: Potition for Variance NE/curner First Avenue & Woodland Road James J. Rows, et uz - Petitioner Case No. 84-287-A

Door My. Healey:

This is to advise you that \$40.64 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

m. 130298

01-615-000

Sincerely,

PLOJABLON

BALTIMORE COUNTY, MARYLAND MINOSULANGOUS CASH RECEIPT my 4-30-84

Theree There ma alory facture . 84.287-4

8 656ee:00040648b #201A

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION ZONING VARIANCE NE/corner of First Avenue and Woodland Road - 11th Election \* District

James J. Rowe, et ux,

Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 84-287-A

. . . . . . . . . .

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to allow a fence six feet high instead of the permitted three-foot-high fence within 25 feet of the point of intersection of two streets, as show on Petitioners' Exhibit 1.

The Fatitioners appeared and Mrs. Rowe testified. They were represented by Counsel. Protestants also appeared of which Mr. and Mrs. Donald Mealy and Amerco Cannella testified.

Testimony indicated that the subject property, 20ned D.R.5.5, faces Second Avenue with its rear on First Avenue, which is unpaved and undedicated at that location. Adjacent to the Petitioner's property is Woodland Avenue, also undedicated and impaved. Woodland Avenue is a street which has never been assumed by the County although recorded in 1922. In July, 1982, the Petitioners applied for and received permission to build a swimming pool and a six-foot-high fence their property to keep children away from the pool. The fence begins on Wood and Avenue to the rear of the Petitioners' house and encircles the property ending parallel to the opposite side of the house at the inside property as more fully shown on Petitioners' Exhibit 7. Photographs introduced by h he Petitioners and the Protestants clearly show the Tence. See Patiioners' Exhibits 4 and 5 and Protestants' Exhibits 5 through 11.

Mrs. Powe testified that the fence was for privacy and for the protection an safety of neighborhood children. Additionally, traffic on Woodland and First Avenues is light because the streets are not utilized very such. She knows of no vehicle accidents nor of near misses at the juncture of Woodland and First Avenues. The Petitioners do not want to reduce the height of the fence because it would be expensive and would not be practical.

The Protestants argue that these two streets are used by local traffic and by garbage trucks and other heavy vehicles. The height of the fence causes a severe danger to such traffic because it obstructs the view of vehicles using either Woodland or First Avenues. It is a traffic hindrance. Testimony by the Protestants is that there has been at least one near miss and one accident in which a car landed in a ditch on the opposite side of Woodland Avenue although no evidence exists that the height of the fence was the cause or the effect of the accident,

Mrs. Mealy testified that without the fence, visibility from Second Avenue of First Avenue around the curve was excellent at 25 to 50 feet; with the fence, there is no visibility at all. Other arguments were raised by the Protestants, but none are applicable to the relief prayed for here.

It is relevant to take notice of the permit application, Petitioners' Exhibit 3, which seems to indicate that the height and length of the fence requested was altered. Certainly, there is no question that the Petitioners' s located on a corner, and Section 102.5 of the Baltimore County Zoning nons (BCZR) is clear that the height of a fence is restricted in such tuations. Nonetheless, the Petitioners did not personally apply for the per-Their contractor did. The pool was constructed by the contractor, and the Petitioners constructed the fence. If the height was altered after the permit was assued, a criminal offense has been committed. If not, a mistake was made Zoning Office when the permit was approved. If the former, and there is no collinect evidence other than the permit itself. the issue is moot. If the

latter, possible estoppel may be applicable to the enforcement of the BCZR at issue here. Only when the municipal agent acts in good faith within the scope of his authority, but in error, can the occasion for invocation of estoppel arise. 3 Rathkopf, Law of Zoning & Planning (4th Ed., 1982), Section 45.05 [3][d]; Jantausch v. Vernona, 131 A.2d 881 (N.J., 1957). The Petitioners would have a right to a defense of estoppel if they could factually demonstrate that the requisite components of estoppel are met.

Estoppel always requires proof that the party against whom estoppel is claimed must do or say something calculated or intended to induce another party to believe that certain facts exist and to act on that belief. The other party must also change its position in reliance on those facts, thereby causing some There must be good faith by a party acting on affirmative acts of the Saah v. D.C. Bd. of Zoning Adjustment, 433 A.2d 1114 (D.C., In municipal zoning cases, however, estoppel may be invoked only with great caution, only when special circumstances make it highly inequitable or onpressive to enforce the regulations. BA McOuillin, Municipal Corporations, Sections 25.349 and 27.56; 3 Rathkopf, supra, 45-38. The defense of estoppel is based on a substantial burden of proof, a requirement to show that the agents of Baltamore County acted to induce reliance and that such reliance was to the en's detriment to such an extent that enforcement of the regulations would be inequitable or oppressive". Zoning Commission v. Lescynski, 453 A.2d Conn., 1982).

be Petitioners have failed to satisfy this burden.

he Petitioners seek relief from Section 102.5, pursuant to Section 307,

The Petitioners maintain that the variance should be granted inasmuch as it would create a practical difficulty if it were denied and would serve no useful

- 3 -

purpose, especially in light of the reasons behind the fence. In fact, the crux of their argument is that the cost of removing the fence would be too great although no estimate of such cost was made. This argument lacks merit and any practical difficulty emanating therefrom is immaterial. The fact that the cost of the fence or the potential cost of reducing the height is great is not a factor to be considered when such facts and circumstances exist. Salisbury Bd. of Zoning Appeals v. Bonds, 240 Md. 547.

A landowner can establish a right to a variance by showing that the effect of the regulations is to burden his property with an unreasonable hardship that is unique to his property. This can be accomplished by showing that the physical or topographical features of the property are such that the property cannot be used for a permitted purpose, or by showing that the property can be arranged for such use only at a prohibitive expense. Anderson v. Bd. of Appeals of Town of Chesapeake Beach, 22 Md. App. 28 (1974); Marlowe v. Zoring Hearing Bd. of Haverford Township, 415 A.2d 946 (Pa. Cmwlth., 1980).

The Court of Special Appeals has held that a variance relating to certain "area" restrictions, as distinguished from restrictions on the use of the prop-RECEIVED FOR FILLING erty, must be judged under the "practical difficulty" test. Anderson, supra. of Adjustment, Etc. v. Kilk-Check Realty, 389 A.2d 1289 (Del. Supr., 978) As noted in Anderson, the factors to be considered under this test in ing whether a variance should be granted are:

whether strict compliance with requirement yould unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

whether the grant would do substantial injustice to applicant as well as other property owners in district or whether a lesser relaxation than that applied for would

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

give substantial relief:

The implication of the collective testimony is that the fence within 25 feet in either direction from the intersection of Woodland and First Avenues can easily be converted from six feet to three feet. It is obvious from the photographs that a clear and present danger exists by the existence of a six-foothigh fence at this intersection. Obstruction to view and therefore of traffic has resulted, and it need not be if the spirit and intent of Section 102.5 is met. The Petitioners have a choice. They can remove three feet from the fence 25 feet in each direction or they can measure 25 feet from the intersection down Woodland and First Avenues and relocate the fence at the diagonal line connecting from the terminus of each measured distance. Either is not only possible but manageable. Either is justified under the conditions described here.

The spirit and intent of the BCZR can be observed and public safety and welfare secured only if the Petitioners are in actual compliance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of May, 1984, that the Petition for Variance to allow a ence six feet high instead of the permitted three-foot-high fence within 25 et the point of intersection of two streets be and is hereby DENIED.

PETITION FOR VARIANCE

- 2 -

11th Election District

ZONING:

Petition for Variance

LOCATION:

Northeast corner of First Avenue and Woodland Road

DATE & TIME:

Monday, April 30, 1984 at 10:45 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, lowson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a fence 6 ft. high, instead of the permitted 3 ft. within 25 ft. at the point of intersection of 2 streets

Being the property of James J. Rowe, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

LAW OFFICES MARK P. HANLEY, JR. 206 WASHINGTON AVENJE P. O. BOX 5506 TOWNOR, NAMYLAND MOOS

130H 623 H76

May 10, 1984

Arnold Jablon Zoning Commissioner Baltimore County Office of Planning & Zoning Towson, Maryland 21204

SAMES S. , July RE: BOME ZONING HEARING Case Number: 84-182 April 30, 1984

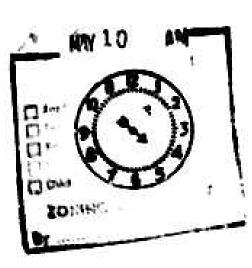
Dear Mr. Jablon:

Herewith enclosed please find a note from Hohne Pools & Spas which is self-explanatory.

Very truly yours,

Mark P. Hanley, Jr.

MPH/lrr Encl.



Anderson, supra.

- 4 -

- 5 -

We Bring You

L. C. Hohne's filed for

A 6' PRIVACY FENCE At the

Same time pool Permit was filed for.

Land Sonar

Authorized Factory Direct Dealer of

NE/our. First Avenue and Woodland Board

James J. Rearo, et ux

7/2/84 - Notified of appeal hearing scheduled for TUESDAY, OCTOBER 9, 1984 at 10 a.m.

Mark P. Hanley, Esq. James J. Rowe Donald Mealy Amerco Cannella Phyllis C. Friedman

pm 87-2327

District. //	Day - 6/13/44
Posted for: 1800 1 fr 91	, u al 1
Politica: Dana B. Roy	· · · · · · · · · · · · · · · · · · ·
Location of property: A L. JC Tex.	mals  Land Comment of 123/87  Land Comment of the Marchard All
*******************	/
Location of Stone Miles Land	genty Garage Lead (Con.)
*************************	
Personal Control of the Control of t	
Posted by Later Letter.	Dete of return 9 / A.1/54
Perber of Signer	was a return

84-287-1

RECEIVED

OFFICER

Chirtie R. Bigh Dr. Sc. D. Secretary

VAR ) 1 1785 ₽

m: ".1"5

Hearing Office Docket No. 82-M-198

Re: Eastwood Day Nurseries

Posted by Min 1 - Line Date of return

from the desk of DONALD J. ROOP, M.D. cc: Kay Drayton, Day Care Coordinator

3-1-85 Phyllis Friedman, Esq.

Harry Hughes, Governor

January 13, 1983

Dear Dr. Buck:

Charles R. Buck, Jr., Sc.D.

Baltimore, Maryland 21201

20, West Preston Stree'

Secretary of Health and Mental Hygiene

Catherine Dray t

IN RE: PETITION ZONING VARIANCE WE/Corner of First Avenue and Woodland Road - 11th Election \* BEFORE THE

COUNTY BOARD OF APPEALS FOR

BALTIMORE COUNTY

James J. Rowe, Et Ux., Case No. 84-287-A Petitioners

\*\*\*\*\*\*\*

MR. CLERK:

REQUEST FOR SUBPOENA

Please issue a subpoens commanding MR. SUILIVAN, of the Zoning Department, Baltimore County, County Office Building, Towson, Maryland, to be and appear to testify before the County Board of Appeals, Room 218, Court House, Towson, Maryland 21204, on behalf of the Petitioners in the above entitled case, on Tuesday, October 9, 1984 at 10:00 A.M.

> MARK P. HANLEY, JR. 206 Washington Avenue P. O. Box 5506 Towson, Maryland 21204 823-1174 Attorney for Petitioners

Mr. Sheriff:

1984 OCT -2 PM 3: 05 PETITION ZONING VARIANCE NE/Corner of First Avenue and Woodland Road - 11th Election \*

BEFORE THE COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

Case No. 84-287-A

James J. Rowe, Et Ux., Petitioners

2205 \*\*\*\*\*

REQUEST FOR SUBPOENA

MR. CLERK:

District

Please issue a subpoena commanding MR. SUILIVAN, of the Zoning Department, Baltimore County, County Office Building, Towson, Maryland, to be and appear to testify before the County Board of Appeals, Room 218, Court House, Towson, Maryland 21204, on behalf of the Pecitioners in the above entitled case, on Tuesday, October 9, 1984 at 10:00 A.M.

NOT SEPVED \_\_\_\_\_\_ 19

OF BALTIMORE COUNTY

A EDWARD MALCHE

206 Washington Avenue P. O. Box 5506 Towson, Maryland 21204 823-1174 Attorney for Petitioners

Mr. Sheriff:

Please issue the above summons.

Holmen, Board of Appeals



# Baltimore County, Maryland

PEOPLE'S COUNSEL RM. 223, COURT HOUSE TOWSON, MARYLAND 21204 494-2.88

PHYLLIS COLE FRIEDMAN

People's Counsel

March 4, 1985

The Honorable William T. Hackett, Chairman County Board of Appeals Room 200, Court House Towson, Maryland 21204

> RE: Gloria L. Dorsey, Petitioner Zoning Case No. 84-329-SPH

Dear Chairman Hackett:

In accordance with your instructions in the above-referenced case, please find enclosed a fully executed copy of a "Findings of Fact and Consent Order" in the matter of Eastwood Day Nurseries.

Very truly yours,

1 hylles like to down Phyllis Cole Friedman

People's Counsel for Baltimore County

Enclosure

PCF:sh

PETER MAX ZIMMERMAN

Deputy People's Council

Enclosed you will find the Proposed Finding of Fact and Consent Order that was agreed upon on the record on November 15, 1982 by the Attorney General's Office, Baltimore County Solicitor's Office, and the attorney representing Eastwood Day Nurseries.

The Eastwood Day Nurseries were represented at the hearing by counsel and present was Gloria Dorsey, Director, Eastwood Day Nurseries. At that time, a Consent Order was stipulated to by all the interested parties and this office merely was waiting for the Consent Order to be submitted for my signature. This Order was prepared by Donna P. Watts, Esquire, Baltimore County Solicitor.

OFFICE OF THE SECRETARY

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

200 WEST PRESTON STREET . BALTIMORE, MARYLAND 21201 . A-00 Code 301 . 383-2642

It was brought to my attention several weeks after the Consent Order was entered on the record that the Eastwood Day Nurseries have hired another attorney named Ann Adkins, Esquire to represent them concerning this matter. It is clear that a Consent O der was agreed upon by all interested parties and is accurately setforth in the Finding of Fact and Consent Order, prepared by Donna P. Watts, Esquire, that I have signed. This Order requires your signature for it to be implemented.

If you have any questions concerning this matter, please feel free to

Very truly years, Hearing Examiner Office of Hearings

Enclosure .

cc: Donna P. Watts, Esquire O. James Schuck, Esquire Ann Adkins, Esquire Daniel O'Brien, Esquire

IN THE MATTER OF EASTWOOD DAY NURSERIES

BEFORE A HEARING EXAMINER STEPHEN VOGELHUT, ESCUIRE Designee of the Secretary of Health and Mental Hygiene

INDINGS OF FACT AND CONSENT ORDER

Upon receipt of unfavorable comments concerning the

Eastwood Day Nurseries, licensed to Gloria Dorsey, (nereinafter referred to as the "! cendee"), to operate as a Group Day Care Center, the Baltimore County Department of Health (hereinafter referred to as the "Health Department") initiated an investigation regarding this matter. Unannounced inspections were conducted on April 2, 1982, by the Health Department's licensing representatives and on July 22, 1982, by representatives of the Maryland State Department of Health and Mental Hygiene -- Division of Child Day Care Center Licensing and Consultation (hereinafter referred to as "DHMH"). After reviewing the reports of these investigations, Donald J. Roop, M.D., M.P.H., Baltimore County Health Officer, issued a letter in which he informed the Licensee that he was revoking the current day care license and suspending action on the application for a new license for a period of six months. The Health Officer concluded that the Licensee had violated COMAR 10.05.91.09 (Over enrollment of children) and COMAR 10.05.01.39 (Inadequate stafilng patterns). Notice of this licensing action was provided to the Licensee by letter dated August 25, 1982. This letter also notified the Licensce of her appeal rights and by letter dated August 26, 1982, the Licensee requested the Health

Officer to reconsider his decision and also requested a hearing

regarding this matter be conducted. The Licensee's request for

a hearing was referred to William Jensen, Chief, Hearing Officer, and a hearing regarding this matter was scheduled for Hovember 15, 1982.

Prior to the hearing on November 15, 1982, the Licensee and Health Officer entered into discussions regarding this license revocation and suspension decision. Following these discussions, counsel for the Licensee, Health Department and DHMH agreed to enter into the following Concent Order on behalf of their clients.

#### CONSERT ORDER

- 1. The Licensee will allow an unannounced visit by representatives of the Baltimore County Department of Health, within the next thirty (30) days. Two additional unannounced visits will be allowed during the next twelve (12) months.
- 2. Should the Licensee be found to be in compliance, on the first unannounced visit, with COMAR, regarding Group Day Care Centers, the Health Department shall issue the Licensee a Conditional Licensee to continue operating Eastwood Day Nurseries.
- 3. Upon issuance of a Conditional License, the Health Department shall begin the process of issuing a Permanent License. The Licensee shall allow all necessary visits and inspections as are required in this licensing procedure.
- 4. Should the Licensee be found to be in violation of any of the following sections of COMAR, the Conditional Licensee will be revoked immediately, action on the Permanent Licensee will terminate and 'the Licensee will not be eligible to apply for a new license for a period of six (6) months. Violation of the following sections of COMAR will result in immediate revocation of the Conditional License:

-2-

10 05.01.040 10.05.01.09 10.05.01.14 10.05.01.15A to F 10.05.01.16 10.05.01.17 10.05.01.19C & D 10.05.01.20 10.05.01.22 a, b & e 10.05.01.24 10.05.01.31 10.05.01.32 10.05.01.37a 10.05.01.38b 10.05.01.39a 10.05.01.40 10.05.01.43 10.05.01.44 10.05.01.45 10.05.01.46 10.05.01.50 to .59 10.05.01.65Ь

5. The Licensee waives her rights to appeal the actions of the Health Department should the Conditional Licensee be revoked. The Licensee will have the right to a conference with the Health Department should revocation occur.

Following consultation with counsel, the above order is agreed to and the liens and conditions with said order consented to without reservation.

Approved as to form by:

Stephen Vogelhut, Equire
Hearing Examiner
ONice of Hearings
300 Mr. Preston Street
Room #104
Baltimore, Maryland 21204
(301) 383-2642

Approved as to form by:

Donna P. Watts, Attorney
Assistant County Solicitor
Counsel for Baltimore County
Department of Health

Charles R 13uch Charles R. Buck, Jr., Sc.D. Secretary of Health and Mental Hygiene 201 West Preston Street Baltimore, Maryland 2120:

Daniel J. O'Brien
Assistant Attorney General
Counsel for State Department of
Health and Mental Hygiene

### County Board of Appeals of Baltimore County Room 200 Court Nonce Cotoon, Maryland 21294 (301) 494-3100

March 7, 1985

Mark P. Hanley, Esq. 206 Washington Ave. Towson, Md. 21204

Dear Mr. Hanley:

Re: Case No. 84-287-A James J. Rowe, et ux

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Juste Holmen, Secretar

Encl.
cc: James J. Rowe, et ux
Donald Mealy, et ux
Amerco Cannella
Phyllis C. Friedman
Norman Gerber
James Hoswell
Arnold Jablon
Jear. Jung
James Dyer

IN THE MATTER OF THE APPLICATION OF JAMES J. ROWE, ET UX FOR VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER FIRST AVE. AND WOODLAND RD. 11th DISTRICT

COUNTY DOARD OF APPEALS

BALTIMORE COUNTY

No. 84-287-A

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying the requested variance to permit a six foot high privacy fence within 25 feet of the intersection of two streets, said intersection being First Avenue and Woodland Road. Case was heard this day in its entirety.

Mr. John Sullivan, Baltimore County Zoning Inspector, inspected property and noted that the existing fence was not in compliance with the Baltimore County Zoning Regulations, Section 102.5. He agreed that Woodland Avenue was not a county maintained roadway, but fell that the actual intersection of these two roads existed and was used by residents of the area. He also testified that no site plan is required for a fence permit, but that compliance with Baltimore County Regulations is the Department of Buildings Inspection's responsibility.

Mr. Mahmoud Albassi, First Avenue and Thornwood Drive, one block away, testified that Woodland Avenue was sort of an alternate or emergency route for neighborhood use and that he had no objections to the existing fence.

Mr. Americo Cannella, 3017 First Avenue, also testified that he had no objections to the existing fence. He noted that ten (10) homes could use Woodland Avenue and also testified that the existing fence does not completely obstruct the view at the intersection.

Mr. James Rowe, Petitioner, next testified. He stated that Hahn Contractors built the pool and the fence. He noted that the corner of the fence is already angled to provide site distance. He also testified that the turn or Woodland

### James J. Rowe, et ux Case No. 84-287-A

Avenue is encroaching upon his property and that the county road is also encroaching upon his property, both allegations supported by the survey done when he purchased the property. He testified that to his knowledge, there had been no accidents on this intersection. He also stated that his reasons for requesting this variance were the cost of relocating or revising the fence configuration and the fact that reducing the fence height from six feet to three feet would completely destroy the privacy necessary to the normal enjoyment of the pool. This concluded Petitioner's case.

Assistant Traffic Engineer for Baltimore County. He noted that he wrote the official comment for Baltimore County requesting the fence be moved back to increase the site distance. He also testified that the county right-of-way does exist on Woodland Avenue and that an eight foot sewer main already exists in this right-of-way. He admitted on cross examination that this fence is only a very minor problem today because of the lack of traffic, but should either road be improved, could become a more serious problem.

restimony this day indicates clearly that there exists a six foot high privacy fence situated only three feet from an intersection. This intersection is of two roads deeded to Baltimore Courty, but roads that the county has not seen lit to assume the maintenance of and are therefore unimproved roadways used sparingly by the neighborhood. Section 102.5 is very clear on this type of situation. This is a corner lot in a residential zone and states that no obstruction to vision more than three feet in height shall be placed within 25 feet of the subject intersection. Section 307 of the Baltimore County Zoning Regulations gives this Board the authority to grant a variance only where denial of said variance would result in practical difficulty or unreasonable hardship. To reduce the height of this fence to three feet high for a distance of 25 feet from the intersection does not meet the test of practical difficulty or unreasonable hardship.

James J. Rowe, et ux Case No. 84-287-A

The Board realizes that this lowering of the fence will destroy some degree of privacy, but to maintain this privacy at the expense of creating less than necessary site distance at the intersection is not the answer. The Board is of the opinion that the requested variance should be denied and will so order.

### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 7th day of March, 1985, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby DENIED, and it is

FURTHER ORDERED that the subject fence be reduced from six (6) feet high to three (3) feet high for a distance of 25 feet from the intersection as required by the Baltimore County Zoning Regulations, Section 102.5, this to be completed within sixty (60) days from the date of this Order.

Any appeal from this decision must be in accordance with Rules 3-1 through B-13 of the Maryland Rules of Procedure.

William T. Hackett, Chairman

Patricia Phinese

COUNTY BOARD OF APPEALS

IN THE MATTER OF
THE APPLICATION OF
JAMES J. ROWE, ET UX
FOR VARIANCE FROM
\$102.5 OF THE BALTIMORE
COUNTY ZONING
REGULATIONS
NE corner FIRST AVENUE &
WOODLAND ROAD
11th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

NO. 84-287-A

DISSENTING OPINION

objection of Baltimore County appears to be speculative in nature.

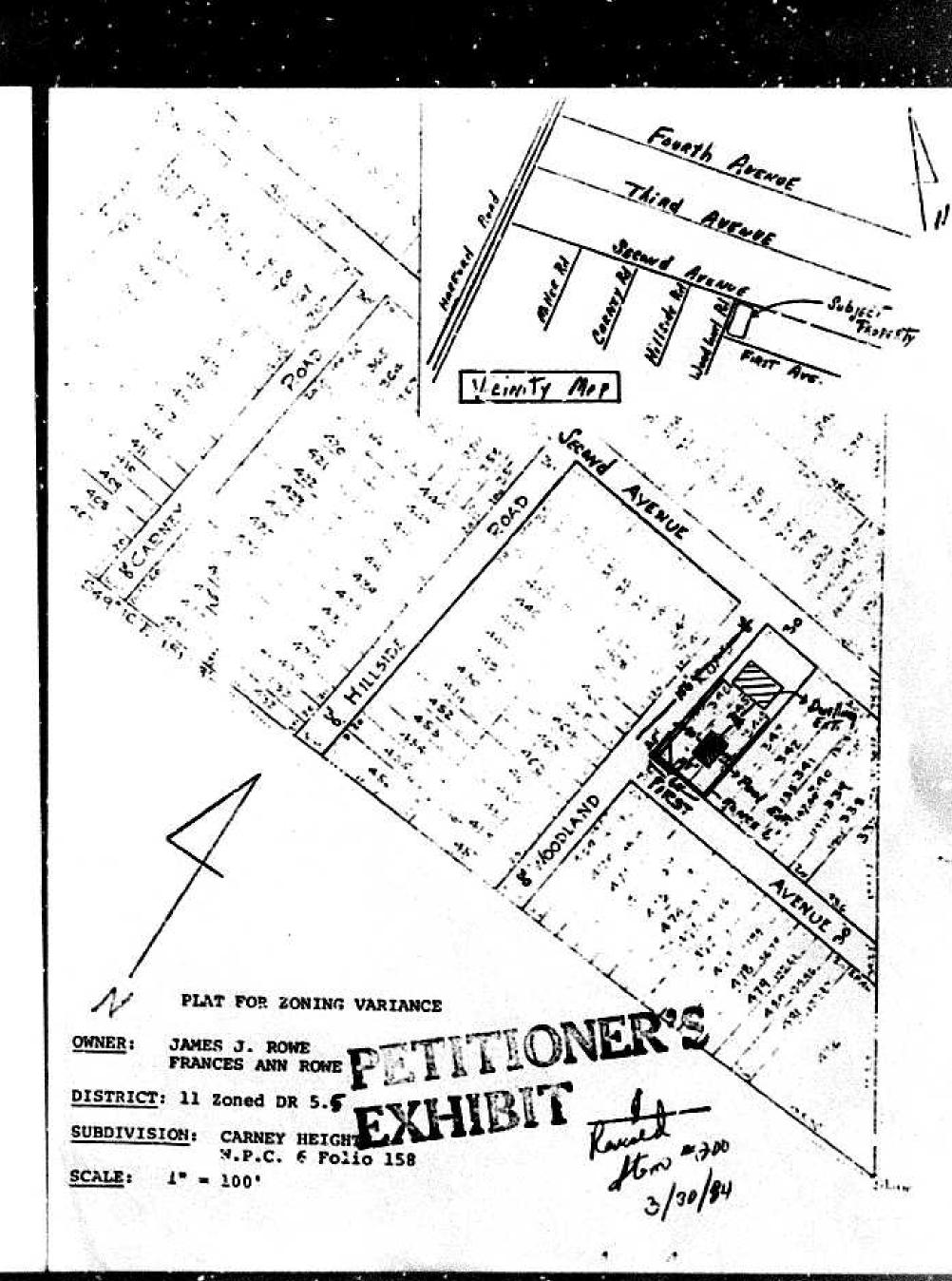
I most respectfully dissent to the Opinion of the Majority.

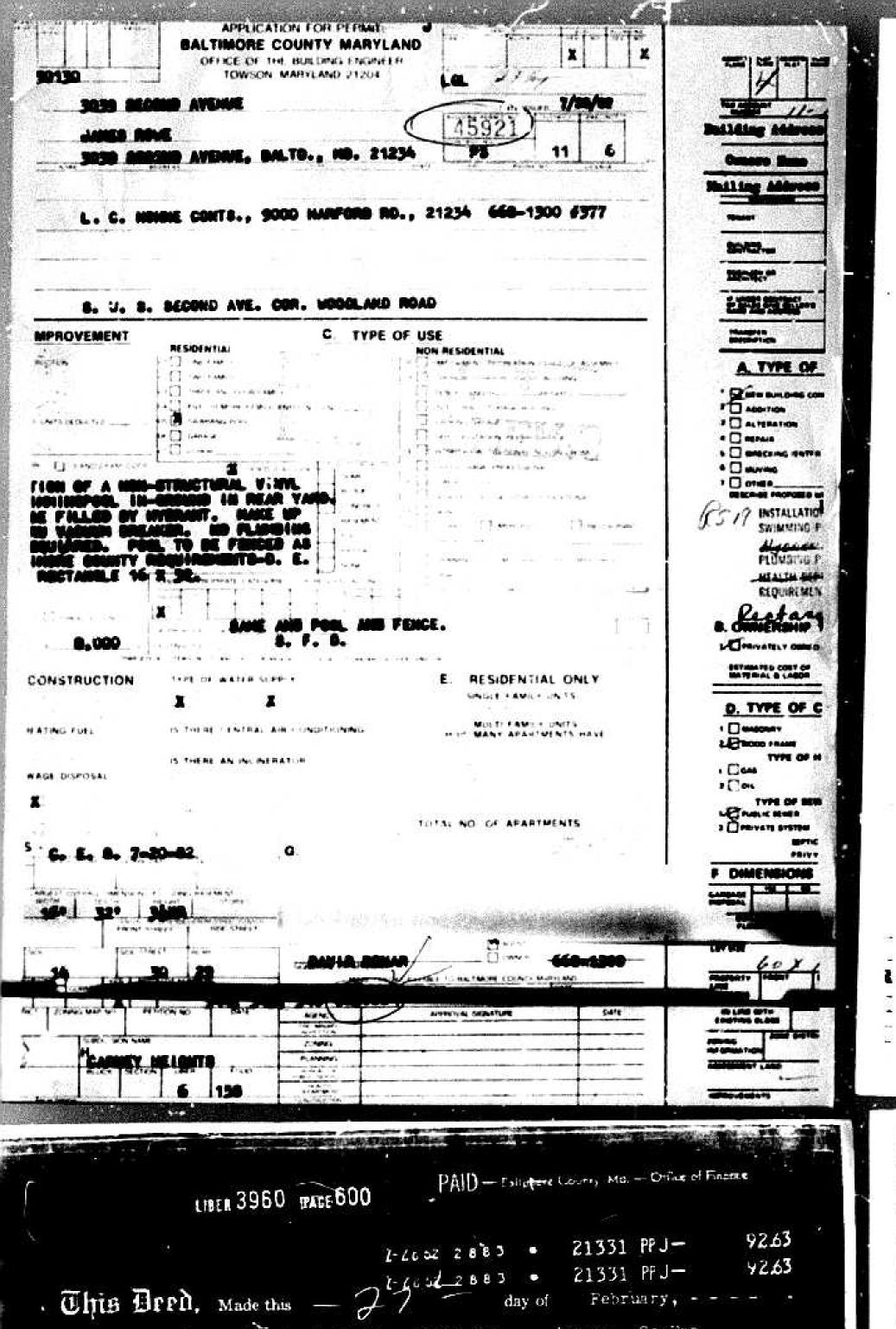
In this Board member's opinion, the Petitioner clearly demonstrated a practical difficulty or unreasonable hardship. On the other hand, Baltimore County's objection to the subject fence, though buttressed by the applicable statute, demonstrates no difficulty with it at the present time. Indeed, the primary

For the foregoing reasons, this Board member would permit the variance, subject to removal when and if Woodland Avenue and/or First Avenue is improved.

William R. Evans

Date: March 7, 1385





in the year one thousand nine hundred and sixty-two between Co-Par

of ---- the State of Maryland of the first part, and

That in consideration of the sum of Five Dollars, and other good and valuable

considerations, the receipt whereof is hereby acknowledged,

James J. nowe and Frances Ann Rowe, his wife, of Baltimore County, State

do es grant and convey unto the said Janes J. Howe and Frances Ann Rowe, his

wife, as temants by the entireties, their assigns, the surviyor of them,

personal representatives and assigns all those lots - - of ground situate

lying and being in/Battanors - - - - - , State of Maryland, the improvements thereon

being now known as Number 3039 Second Avenue -------

BEING known as lots Numbers Three Hundred Forty-four (344), Three

BELNO the same lot of ground described in a Lease from Henry E.

Hundred Forty-five (345) and Three Eundred Forty-six (346) on the Plat of Carmey English, which plat is recorded among the Land Records of Balti-more County in Plat Book W.P.C. Number 6, colio 158.

Langenfelder and wife to Co-Par Holding Corporation, dated of even date herewith and recorded or intended to be recorded among the Land Records

the Eleventh Election District of Baltimore County

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER 11.11. 652 130 \_ MM GD-000 ( Status ... LITTE \*\*\*\*\*\*\*\* A TYPE OF IMPROVEMENT C. TYPE OF USE Lifer among contraction GREET PARKET | O C MARGINE MCGNISH, PAGE OF ARRIVE. THE PARTY T 4 0 100 1101- 200 men J AL MANTON - 1----First OR MORE FAMILY divines no wife. D south a security security THE COMMENT OF THE PARTY OF THE -MAN AS COMAN ----- The section of the MARK UTHERY SWIMMING PICE C SC-COL COLLEGE OF STATE PRICE T-COLOR CONCRETE JUM BREAKER NO □ 1-00 ----HEALTH-BEFF POLL IS IS IN ICEU AS PER BALTO, COUNTY REQUIREMENTS SAND AN WAR () " L. Ifer -----HOMESON STONE STONE TERRITORIES · 2003\_ 1 ..... MANAGEMENT OF THE PARTY OF THE D. TYPE OF CONSTRUCTION E. RESIDENTIAL ONLY 3 CO STRUCTURE STREET Descript Dies Description SPECE FAMILY CONTY 4 C Mark CONCENTS WALTH PARKET WHITE TYPE OF HEATING PUBL IS THERE CONTRAL AIR CONSTTUNION HOW MANY APARTMENTS HAVE 3 O GLECTOLOTT O-28 2 O 40 4 🗍 🗆 16 THERS AN INCHES ATOM TYPE OF COMMON CHIPTES VA The state of the second of the O THE BETWEET WE POLICE OR CONTROL ---sermite in the fact to several mouth TOTAL NO OF PERSONS 94710099 \_\_\_\_ OUTDOOMS \_\_\_ . TOTAL NO OF APARTMENTS

Together with the buildings and haprovements thereupon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

To have and to hold the said described lot of ground and premises, unto and to the use of the said James J. Rowe and Frances Ann Rowe, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her - - - personal representatives and assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever; subject to the payment of the annual rent of One Hundred Twenty (\$120.00) Dollars, payable in equal semi-annual installments on the 27th days of February and August in each and every year.

And the said Co-Par Holding Corporation - - - - - - - - - - - ------ hereby covenants that it has --- done no act, to encumber said land hereby conveyed; that 1t - - - - will warrant specially the property hereby conveyed; and that it will execute such further assurances of said land as may

WITNESS the corporate seal of Co-Far Holding, Corporation and the signature of its Vice President.
WITNESS the kunch and send said grants.

By: Cocherine V. Kelly 15001 Vice President

Co-Far Holding Corporation

STATE OF MARYLAND, BALTIMORE CITY, to wit:

I hereby certify, that on this \_\_\_\_\_ day of February, - - - in the year one thousand nine hundred and sixty-two, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County / personally appeared Catherine V. Kelly, who acknowledged herself to be the Vice President of Co-Far Holding Corporation, a corporation, and that she, as such Vice President being authorized so to do, executed the aforegoing instru-ment for the purposes therein contained by signing the name of the corpora-roing Deed to be mix the act of said body corporate.

Is witness my hand and Notarial Scal. IT Down how loved

My commission expires May 6, 1963

 $\frac{\varepsilon}{L}7$ Mac Worken die Black top Thannewood Chouse.

April 25, 1984

I Mike Abbasi have been resident and owner of 9308 Thornewood Dr. (Corner of Thornewood brive and First Avenue) since April, 1958.

I oppose the request by the residents of 3039 2nd Ave., for a change in the Bultimore County Zoning Regulations at Woodland and First Ave. As requested under Case Number C84-182.

The current 6 foot fence almost caused me a head on collision with another vehicle recently. It obstruct completely the view of vehicles in both

Any change to the current zoning regulations will be hazardous and impose immediate danger on the inhabitants of First Avenue.

Any individual or individuals authorize any change to the current zoning regulations bear the responsibility of any bodily or property changes.

Mike Abbas.

Sectionalis and comme to before me a noting ligne 27/919 intill In Fraction.

County bring which La Ma Charles parte l'Avenue - Balt die, Wryland 2 204

3000 First Avenue Maltimore, "aryland 2 234

April 2 / 984

Res (o. 4-2) A

To Whom It May Concern

I have been a resident at 100% First Ave us, alti ore County for approximately five years. Last year, my neighbor, James love, of 3039 Second Avenue, erected a sir foot fence around the back portion of his property to enclose an in-ground swirmin; ool which he had had installed the year before. Although I for 't believe he obtained a permit before erecting he fence, I think his intention was to comply with BOCA regulation 42". 4 which requires that a pool me enclosed by a fence at least 4%" nich with no opening which would allow a ball %" i diameter to pass through it. "r. Hove's fence does not comply with the Building Code, in that an openion to the fence of approximately ter foot in width still exists.

A further problem with the fence is that in his attempt to comply with BOTA regulations, 'tr. Fowe has violated \$ 02.5 of the Contest ode which requires that the fence be twenty-five feet off the road. The lence is only about three fect off of First Aver e and only inches off of the unimproved road which connects First and Second Avenues. Decause of the proximity to these two roads, the fence poses a very real danger to pedestrian, bicycle, and motor traffic as it attempts to negotiate this blind corner. In the past several months there have twen several Pear accidents at the corner.

It is my understanding that wr. Powe has applied for a variance from the Zoning Commission to sersit the fence to remain in its present location. I would like to go or record as opposing the granting of such a variance as I feel that it would adversely affect the safety and welfare of the community at large.

Sincerely.

Marilyn L. Blimline















and described as follows, that is to say:

of the second part, witnesseth









