IN THE MATTER OF * BEFORE THE

THE APPLICATION OF

STAMATIOS PAPASTEFANOU, ET UX * COUNTY BOARD OF APPEALS

-PETITIONERS FOR ZONING

VARIANCE ON PROPERTY LOCATED * OF

ON THE NORTHEAST CORNER COCO

AND AVERY ROADS (8428 COCO RD)* BALTIMORE COUNTY

14TH ELECTION DISTRICT

7TH COUNCILMANIC DISTRICT * CASE NO. 99-57-A

OPINION

This case comes before the County Board of Appeals of Baltimore County based on an appeal by the Petitioners of a decision of the Deputy Zoning Commissioner in which a Petition for Administrative Variance from Section 400.1 was denied by his Opinion and Order dated January 12, 1999. A public hearing before this Board was held on June 24, 1999. A public deliberation was held on August 31, 1999.

Ms. Papastefanou, the Petitioner, was represented by himself with assistance from Ms. Catherine Agelakis, the Petitioner's daughter, in presenting the case and assisting with translations. An opportunity with discussion was given to the possible need for an attorney. The Petitioner declined and wished to go forward. Also participating in these proceedings was Peter Max Zimmerman, People's Counsel for Baltimore County.

Opening statements were made by Ms. Agelakis as to why relief was being sought by the Petitioner from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory building in the side yard in lieu of the required rear yard location. The original attached garage was converted to a family room, the rear yard has an existing above-ground pool and small

Case No. 99-57-A Stamatios Papastefanou, et ux -Petitioners 2 shed, and the accessory shed/garage under discussion is necessary for storage of the Appellant /Petitioner's car and other equipment used for his business.

Opening statements from People's Counsel acknowledged Protestants Sandra Fisher and Jean Fervis, who were in attendance and had signed a sign-in sheet (People's Counsel Exhibit #1). Mr. Zimmerman then identified the subject property as a corner lot, consisting of 10,176 sq. ft., more or less, zoned D.R. 5.5 and located at the intersection of Coco and Avery Roads in Rossville.

Also submitted by People's Counsel were:

People's Counsel Exhibit #2 - ADC map showing the house location

People's Counsel Exhibit #3 - Maryland Department of Assessments and Taxation Real Property System map

People's Counsel Exhibit #4 - Baltimore County Office of Planning and Zoning Map of the Rossville Golden Ring Area /1":200' scale.

Mr. Zimmerman also introduced into evidence the Zoning Commissioner's Policy Manual on Section 400, Guidelines on Accessory Buildings (People's Counsel Exhibit #5). The following issues were raised by the People's Counsel: the building is already constructed, but that is not a favorable reason to grant a variance; the subject property is not unique compared to others in the area; and the building is too large and out of character with the neighborhood. Letters of several Protestants were submitted (People's Counsel Exhibits #6, #7 and #8).

Ms. Agelakis introduced into evidence for reference during her testimony the following items:

Appellant /Petitioner Exhibit #1 - 1957 partial Site Plat of High Point with Lot 27 identified;

Appellant /Petitioner Exhibit #2 - April 1991 Location Survey of 8428 Coco Road;

Appellant /Petitioner Exhibit #3 - March 1994 Location Survey of 8428 Coco Road; and

Appellant /Petitioner Exhibit #4 - Photo Packet with cover sheet from Zoning Commissioner hearing.

The Petitioner, Mr. Papastefanou, who has resided at 8428 Coco Road for 9 years, testified that the subject shed was placed in its present location in the front right side yard in June of 1998 because of his concern about the traffic danger at the original driveway access at the intersection of Coco and Avery Roads. His family needed additional space, and he decided to convert the original garage into a family room. During cross-examination, Mr. Papastefanou testified that the swimming pool, stone patio and an additional shed existed in the rear yard prior to his purchase. He needs the new shed to store his car and business equipment such as his hot dog stand.

Various neighbors, including Destana Panagiotou, Christine Tsmapous and Maria Gikas, testified in support of Petitioner, stating that they felt the shed was not bad for the neighborhood, they had no problem with its location, and the existing driveway at the corner was very dangerous, although no accidents had actually occurred.

Testimony in opposition came from neighbors Sandra Fisher and Jean Fervis, who both testified that the shed was out of character with the area and that the front side yard was an obtrusive

location for a shed.

BCZR Section 400.1 states that accessory buildings in residential zones shall be located only in the rear yard and shall not occupy more than 40 percent thereof. On corner lots, they shall be located only in the third of the lot farthest removed from any street and shall occupy no more than 50 percent of such third. Examining the building as a garage rather than an accessory building, Section 400.1 states in pertinent part:

The limitations imposed by this section shall not apply to a structure which is attached to the principle building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principle building and shall be subject to the yard requirements for such a building. [BCZR 1955; Bill No. 27, 1963]

The subject building at 8428 Coco Road does not meet these requirements. Therefore, the Appellant /Petitioner has requested a variance to Section 400.1.

The Board may grant a request for variance as per BCZR Section 307 which states in part:

"...(T)he 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.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

As well, this Board employs the guidance provided by the Court of Special Appeals in Cromwell v. Ward, 102 Md.App. 691, 651 A.2d

Case No. 99-57-A Stamatios Papastefanou, et ux -Petitioners 5
424 (1995). In requiring a prerequisite finding of "uniqueness,"
the Court defined the term and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

Based upon the testimony and evidence presented, the Board finds that the Petitioner /Appellant has given no evidence to prove that the subject property is unique, and, therefore, he has not met his burden of proof pursuant to Section 307.1 and Cromwell v. Ward. Although the variance request fails at this point, the problems with the placement of the building were not generated by the property itself, but were self-created by what the current owner has constructed on the property. Further, the building, as it exists, is disproportionate in size and the placement violates the spirit and intent of the law. It is not compatible with the aesthetics of the neighborhood. Therefore, the Board will deny the requested variance and will so order.

ORDER

THEREFORE, IT IS THIS 27th day of September, 1999 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory building in the side yard in lieu of the

Case No. 99-57-A Stamatios Papastefanou, et ux -Petitioners 6
required rear yard location at the subject property known as 8428
Coco Road, Baltimore County, Maryland be and is hereby DENIED; and it is further

ORDERED that the Appellant /Petitioner has sixty (60) days from the date of this Order to remove or relocate the subject garage /shed and to bring the subject property into compliance with the zoning laws and regulations of Baltimore County.

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 of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Lynn Barranger

Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

September 27, 1999

Mr. and Mrs. Stamatios Papastefanou 8428 Coco Road Baltimore, MD 21237

RE: In the Matter of Stamatios Papastefanou, et ux - Petitioners /Case No. 99-57-A

Dear Mr. & Mrs. Papastefanou:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the 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 and Procedure, 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,

Charlet E Laclufe for Kathleen C. Bianco

Administrator

encl.

cc: Ms. Catherine Agelakis

c/o 8428 Coco Road

Mr. & Mrs. Charles J. Kovarik

Mr. James Geiger

Mr. Richard M. Spooner

Ms. Jean D. Fervis

Mr. Russell Gray

Mr. Edward M. Roberts

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney

ORDER RECEIVED FOR FILING
By

IN RE: PETITION FOR ADMIN. VARIANCE NE/Corner Coco & Avery Roads (8428 Coco Road)

14th Election District

10th Councilmanic District

Stamatios Papastefanou, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 99-57-A

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Stamatios and Pauline Papastefanou. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12' x 10' storage shed) to be located in the side yard in lieu of the required rear yard location. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

As noted above, the Petitioners filed their request as an administrative variance. Pursuant to Section 26-127 of the Baltimore County Code, the Zoning Commissioner can grant administrative variance relief without the necessity of a public hearing. That Section allows a residential property owner to Petition for variance relief through the administrative process. In such a case, the property is posted with a sign providing public notice of the requested relief. Thereafter, within 15 days, any concerned property owner within 1,000 feet of the property at issue may request a public hearing. In this case, a request for public hearing was timely filed by Charles J. Kovarik, adjacent property owner at 1 Avery Court. Thus, pursuant to Mr. Kovarik's request, the matter was thereafter scheduled for a public hearing.

The initial public hearing was scheduled for September 30, 1998; however, on that date, it was determined that the property had not been reposted with a sign providing public

notice of a scheduled hearing date. Thus, the matter was continued, the property reposted, and a hearing held on October 27, 1998.

Appearing at that hearing in support of the request were Mr. & Mrs. Papastefanou, property owners, and Christina Tsampos, a nearby property owner who assisted the Petitioners with the presentation of their case. Appearing in opposition to the request were Charles J. Kovarik and James Geiger, immediately adjacent and nearby property owners. In addition to the evidence offered at the hearing, several letters of opposition were received from the neighbors in the community.

An examination of the site plan shows that the subject property is a corner lot, consisting of 10,176 sq.ft., more or less, zoned D.R.5.5, and is located at the intersection of Coco Road and Avery Road in Rossville. The property is improved with a single family dwelling featuring an attached garage, an inground swimming pool to the rear of the home, and a small shed which stores outdoor furniture and equipment incidental to the pool. The subject of the Petition, however, relates to a larger, 12' x 20' shed which is located in the side yard, near the front of the dwelling. This shed, which is depicted in several photographs submitted at the hearing, was apparently constructed in the early summer of 1998 without benefit of a building permit. The photographs indicate that this structure resembles a single car garage that has been placed on a concrete pad in the side yard. The pad has also been extended to provide access from the shed across the lawn to the sidewalk that runs along Coco Road.

Testimony offered by the Petitioners was that the shed was necessary to provide additional storage space. It was further indicated that the shed could not be placed in the rear yard, due to the existence of the swimming pool. It was not explained why such vast storage space was needed, in view of the existence of an attached garage, and an existing smaller shed.

Testimony offered by the Protestants and within the written correspondence submitted suggested that Mr. & Mrs. Papastefanou may store business-related materials within the shed. That is, it was suggested that the shed was being used to store a mobile food cart which is taken from the property daily for business to be conducted off-site. This assertion seems valid,

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particularly in view of the shed's size, the ramp that is attached to the front door as shown in the photographs, and the extended pad area which would provide easier access to Coco Road. Other concerns expressed by the Protestants included the claim that the shed is out of character with the neighborhood, and might reduce property values.

Based upon the testimony and evidence presented, I am persuaded to deny the Petition for Administrative Variance. In my judgment, the need for the shed is indeed questionable. In fact, it does appear that the Petitioners are attempting to use same for business purposes, which is inconsistent with the property's residential zoning classification use. Moreover, any hardship is self-created, in that the Petitioner constructed the shed without a permit. In addition, photographs submitted disclosed that a smaller shed could be constructed in the rear yard. That is, the pool does not consume the entire rear yard area. This is even assuming that additional residential storage space is needed above what could be provided in the dwelling, garage and existing rear yard shed.

Pursuant to the advertisement and posting of the property, and public hearing held thereon, and for the reasons set forth above, the requested variance shall be denied.

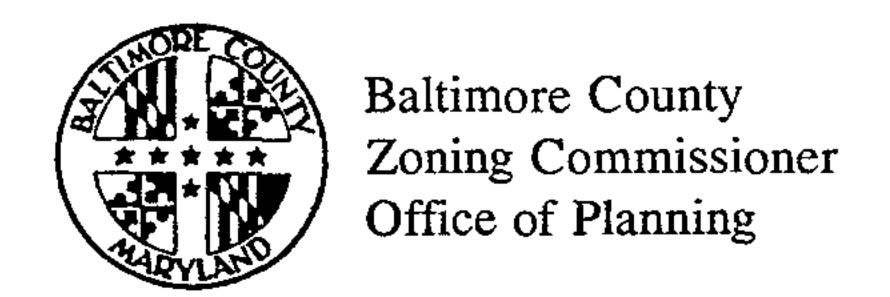
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January, 1999 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12' x 10' storage shed) to be located in the side yard in lieu of the required rear yard location, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the shed and its accompanying pad with connecting ramp to the sidewalk shall be removed by no later than May 1, 1999.

The Petitioners have thirty (30) days from the date of this Order to file an appeal of this decision.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

January 11, 1999

Mr. & Mrs. Stamatios Papastefanou 8428 Coco Road Baltimore, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/Corner Coco Road and Avery Road
(8428 Coco Road)
14th Election District – 10th Councilmanic District
Stamatios Papastefanou, et ux - Petitioners
Case No. 99-57-A

Dear Mr. & Mrs. Papastefanou:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Charles J. Kovarik, 1 Avery Court, Baltimore, Md. 21237

Mr. James Geiger, 5 Avery Court, Baltimore, Md. 21237

Mr. Richard M. Spooner, 8411 Coco Road, Baltimore, Md. 21237

Ms. Jean D. Fervis, 8425 Coco Road, Baltimore, Md. 21237

Code Enforcement Division, DPDM; People's Counsel; Case File



FOR FILING

PROFFA RECEI

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8428

8428 COCO PD.

which is presently zoned

DR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCZK) TO PEICMIT ACCESSORY STRUCTURE (STORAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD,

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

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Property is to be posted and advertised as prediction, or we, agree to pay expenses of above Variance advertises be bound by the zoning regulations and restrictions of Baltin	escribed by Zoning Regulations. sing, posting, etc., upon filing of this petition.	and further agree to and are to
	' 'We do solemnly declare and affirm unde legal owner(s) of the property which is the s	er the penalties of perjury, that I/we are the subject of this Petition.

Contract Purchaser/Lessee		Legal Owner(s)	
(Type or Print Name)	<u> </u>	Stamatios Papasti (Type or Print Name) Stomatos Popastala	ecano U
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Address		Type or Print Name)	00U
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Attorney for Petitioner		8428 Coco Rd 391-	()) -7593
(Type or Print Name)	<u> </u>	Address	Phone No
Signature	<u> </u>	City State Name, Address and phone number of representative to be con	Zipcode ntacted
	• •		
Address	Phone No	Name	
City State	Zipcode	Address	hone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _______, 19______, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation. Throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Battimore County

REVIEWED BY: 12T DATE: 8-4-98
ESTEMATED POSTING DATE: 8-16-98

parent Soybea or Recycled Parent

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. Zip Code That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. (signature) (type or print name) (type or print name) STATE OF MARYLAND, COUNTY OF BALTIMONE, to wit: Harford I HEREBY CERTIFY, this 27th day of , 19 98 , before me, a Notary Public of the State July of Maryland, in and for the County aforesaid, personally appeared Stamatios Papastefanou the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts heremabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal. July 27, 1998 date 2/1/02 My Commission Expires:

9950A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at _ That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. (elutangle) (type or print name) (type or print name) STATE OF MARYLAND, COUNTY OF KALTAMORE, to wit: Harford. 19 98, before me, a Notary Public of the State I HEREBY CERTIFY, this 27th day of July of Maryland, in and for the County aforesaid, personally appeared Stamatios Papastefanou the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal. July 27, 1998 date 2/1/02 My Commission Expires:

99.59-A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

8428 COCO ED.

which is presently zoned J

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the

DR5,5

This Petition shall be filed with the Dept. of Permits & Development. Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 4001, 2 (BCZR) TO PERMIT ACCE GSCRY STRUCTURE (STORAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF REQUIRED REAR YARD,

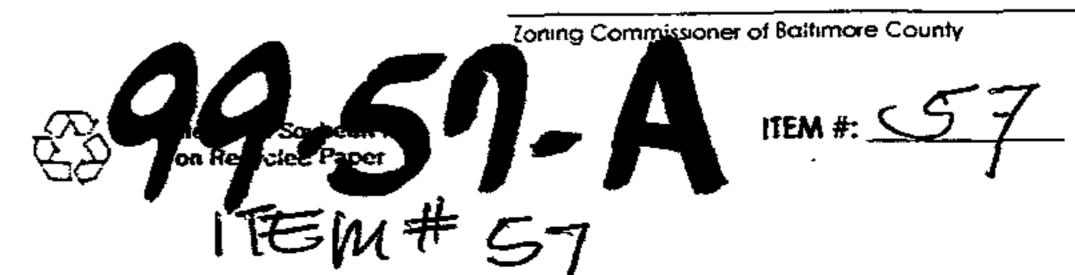
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

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Property is to be i, or we, agree to pa be bound by the zon	av expenses of abo	ve Variance advertisi	ng, posting, etc., up-	on filing of this petiti	on, and further a ning Law for Batt	gree to and a timore County	re to r.

			legal owner(s) of the property which is the	e subject of this Petition
Contract Purchaser/Lessee:			Legal Owner(s)	
			Stamatios	Papastetanou
(Type or Print Name)			(Type or Print Name)	
			Stomatios Pap	estopor
Signature			Signature	
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City	State	Zipcode	Signature	
Attorney for Petitioner			~ ~ ~ ~ ~ ~ ~	1 1000
			SUDS Coco F	2d 410091-2593 Phone No.
(Type or Print Name)			Address .	FRONE NO.
			Baltimore	State Zipcode
Signature	<u> </u>		Name, Address and phone number of rep	presentative to be contacted
			Nama	
Address	Phone N	0.	Name	
City	State	Zipcode	Address	Phone No



REVIEWED BY: 1/2 DATE 8-1-98



EXAMPLE - Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 8428 COCC RD
. (address)
Beginning at a point on the $\frac{NORIH}{EASI}$ $\frac{EASI}{COR}$ $\frac{COR}{Side}$ of (north, south, east or west)
(nonth, south, east or west) CCC PD AUERY PD which is name of street on which property fronts) (number of feet of right-of-way width
CCC (LD 3 AUERY (C) which is
name of street on which property fronts) (number of feet of right-of-way width
wide at the distance ofof the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street:
(name of street)
which iswide. *Being Lot #7, (number of feet of right-of-way width)
(number of feet of right-of-way width)
Biock,Section # in the subdivision of HIGH POINT (name of subdivision)
as recorded in Baitimore County Plat Book 24, Folio #135,
containing 10,176 SQ; FT. Also known as (property address)
and located in the 14_Election District, 10: Councilmanic District.
17=m 57

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ___, Folio ___" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

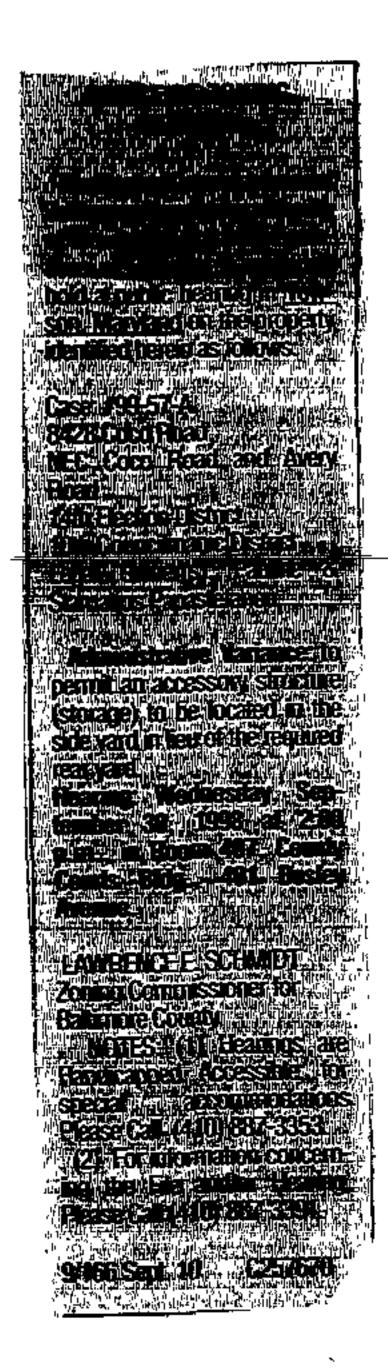
Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

99.57-A13-

BALTIMORE COUNTY, MARY ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	PROCESS ACTUAL THE 2/08/1999 2/05/1999 16:07:34 RECEIPT
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RECEIVED Catherine Agelakis	
FOR: APPEAL	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION
BALTIMORE COUNTY, MA: ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT MISCELLANEOUS RECEIPT	PAID RECEIPT PROCESS ACTUAL TIME 8/04/1998 8/04/1998 09:59:06
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FOR: ADM: VAR, 8428 COCO RD	Baltimore County, Maryland
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CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/0 . 1998
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
n Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on $9/0$, 1998.
THE JEFFERSONIAN,
a. Henrelson
LEGAL AD TOWSON

REQUEST FOR HEARING

TO T	HE ZONING COMMIS	SIONER FOR B	ALTIMORE COUNT	ry:	
Re:	Case Number:	99-	-57A		
	Petitioner(s):		PAPASTE	FANOU	
	Location:	8428	coco.	ROAP	
		*	****		
I/WE	CHARLE	S J. KC	SVARIK		
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(X)	Legal Owners {	} Residents,	of		
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	AVERY O	LOURT		- 	
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	BALTIMOR	EMI	21237	-74	57
Ci	ty/State/Zip Code		•	P	hone
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requ	est that a publi	c hearing be	set in this r	matter.	
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Signal	ture (7		Date	<u> </u>
Signat	ture	<u> </u>		Date	

RTIFICATE OF POSTING

ADMIN, VAR. RE: Case No.: 99-67-A

Petitioner/Developer: PAPASTEFANOU, ETAL

Date of Hearing/Closing

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the pena- were posted conspicuously on the pre-	alties of perjury that operty located at _	t the necessary sign	(s) required by	law P.
				···································
The sign(s) were posted on	(Month.	1/98 Day, Year)		<u></u> -

Sincerely,

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

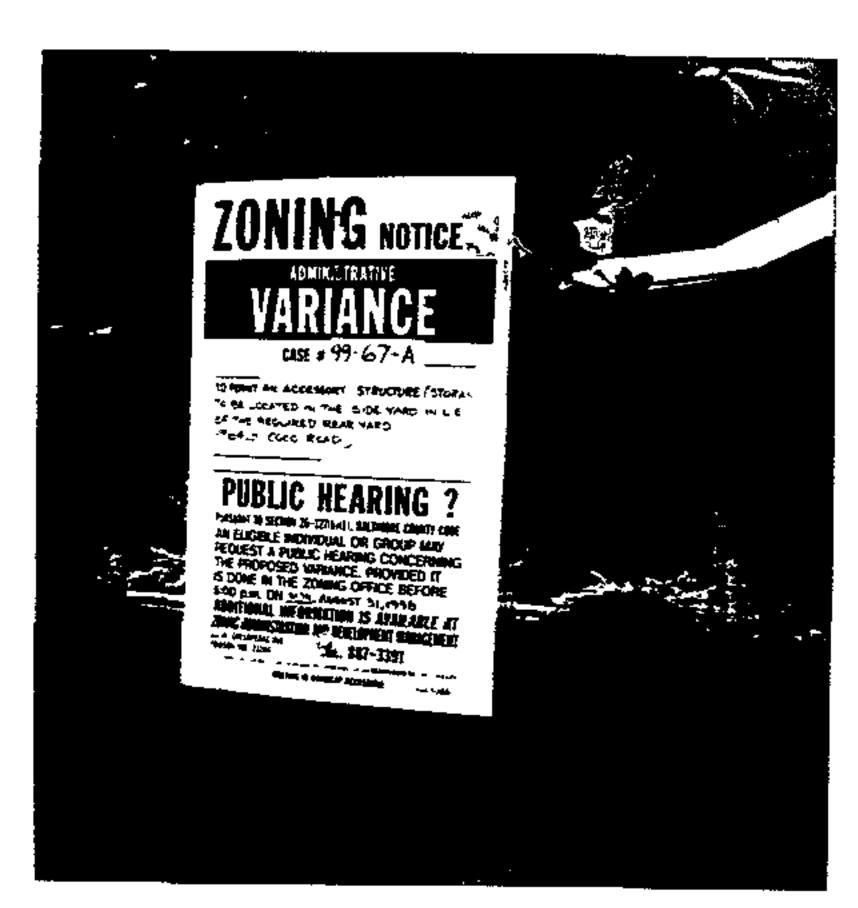
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



#8428 COCO RD. S. PAPASTEFANO CU-8/31/98

11/27

CERTIFICATE OF POSTING

. . .

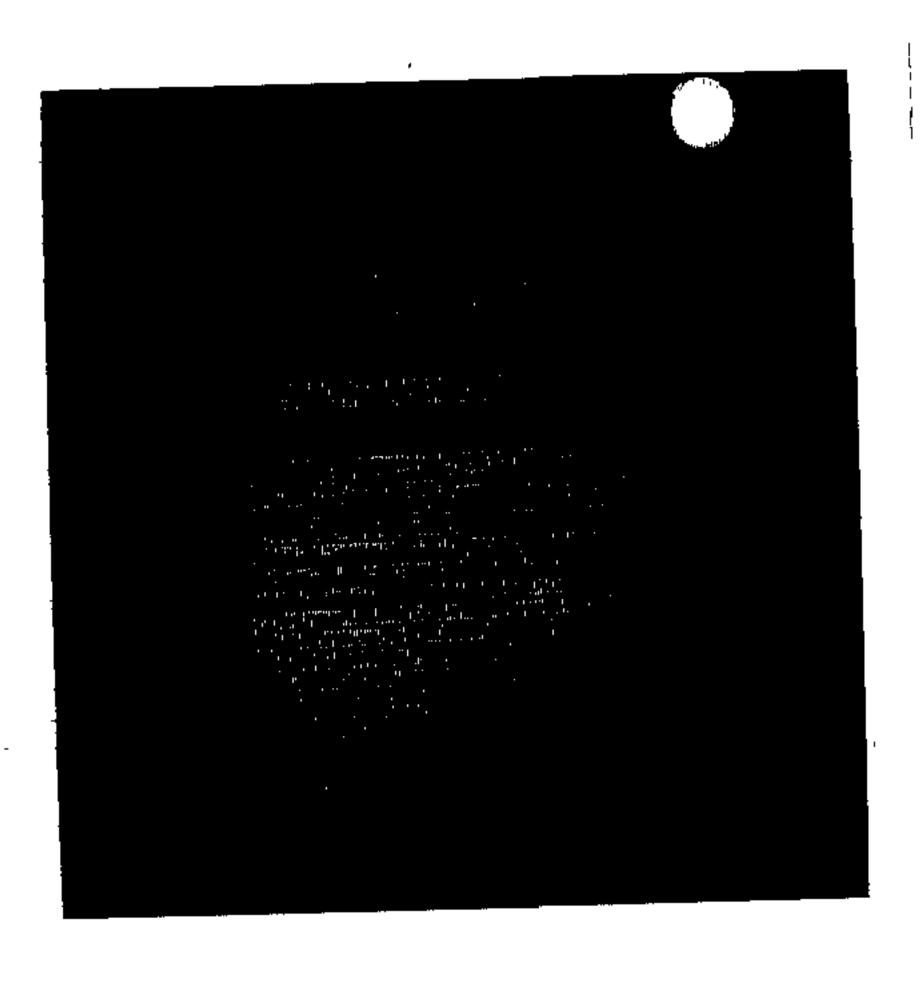
RE: Case # 99-57-A Petitioner/Developer: (Stamatios Papastefanou) Date of Hearing/Closing: (Oct. 27, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at_ 8428 Coco Road Baltimore, Maryland 21237_____ The sign(s) were posted on_____Oct. 9, 1998_____ (Month, Day, Year)



Sincerely, (Signature of Sign Poster & Date) Thomas P. Ogle, Sr._____ _325 Nicholson Road_____ Baltimore, Maryland 21221____ (410)-687-8405_ (Telephone Number)

A 30

INVOICE

THOMAS P. OGLE SR.
325 NICHOLSON ROAD
BALTIMORE, MARYLAND 21221
(410) 687-8405
(410) 687-4381(FAX)

DATE: 10-9-98

SERVICE NUMBÉR: 99-57-A

SERVICE FOR: STAMATIOS PAPASTEFANOU

COCO ROAD

BALTIMORE, MARYLAND 21237

BILL TO: LARRY SCHMIDT, ZONING COMMISSIONER

SUITE 112, COURTHOUSE 400 WASHINGTON AVE.

TOWSON, MARYLAND 21204

CONTACT PERSON: LARRY SCHMIDT

INVOICE NUMBER: 31616

TOTAL COST: \$40.00

COMMENTS: THIS SIGN WAS RE-POSTED ON 10-9-98

THIS SIGN WILL BE REMOVED ON 10-27-98

THANK YOU

Jom O.



•	RE: Case No.: $99-57-4$
	Petitioner/Developer:
	STAMATIOS PAPASTEFANOU
	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perwere posted conspicuously on the property locations.	
The sign(s) were posted on $3/(2-)$	Month, Day, Year)
	Sincerely, Say & Jew - 3/12/99
	(Signature of Sign Poster and Date)
	GARY C. FREUND
	(Printed Name)
	(Address)
	(City, State, Zip Code)
	(Telephone Number)
9/96 cert.doc	······································

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number 99-	57	-A	Address	8128	coco	PP,
Conta	ct Person: _	REGULZ Planner	Please Print You		P	hone Number	: 410-887-3391
Filing	Date:	3-4-98	•		8-16-98	Closing Da	ate: 8-3/-9
Any c	ontact made h the contac	with this off t person (plan	fice regardii ner) using t	ng the status he case num	s of the admir ber.	nistrative varia	ance should be
1.	reverse side reposting mais again res	of this form) ust be done o ponsible for a	and the pend one of all associate	etitioner is resolved the sign point of the sign	sponsible for a esters on the appetice	Il printing/pos pproved list and sign must b	oved list (on the ting costs. Any hd the petitioner e visible on the bugh the closing
2.	file a formal	request for a	public hea	ring. Please	an occupant of understand the chapter on the chapter on the chapter on the chapter of the chapte	nat even if the	n 1,000 feet 0to ere is no formal
	commission order that to (typically with	er. He may: he matter be hin 7 to 10 da	(a) grant the set in for any of the class of	ne requested a public hea osing date) a	relief; (b) den aring. You wi	y the request il receive wri ne petition has	deputy zoning ted relief; or (c) ten notification s been granted, ss mail.
	(whether du commissione changed giv	e to a neigh er), notificatio ing notice of t	bor's formal n will be for he hearing o	i request or orwarded to date, time an	by order of to you. The sign d location. As	he zoning or In on the pro when the sig	deputy zoning perty must be n was originally be forwarded to
		·	(Deta	ach Along Dotted Li	ne)		
Petitio	ner: This P	art of the For	m is for the	Sign Poste	r Only		
		USE THE A	DMINISTRA	ATIVE VARIA	ANCE SIGN FO	DRMAT	
Case N	Number 99-[Addı	ress		<u> </u>	
Petitior	ner's Name _			· · · · · · · · · · · · · · · · · · ·	Tele	ohone	
Postin	g Date:			Clo	sing Date:		
Wordin	g for Sign: _	To Permit -	44 ACC	ESTR	1 STRUC	TURE (STORAGE
10	BELE	CATED	IN THE	E SIDE	YARD	IN LIE	407
		QUIRED					
	<u> </u>	·-··	· · · · · · · · · · · · · · · · · · ·	<u> </u>			•

TO: PATUXENT PUBLISHING COMPANY
September 10, 1998 Issue - Jeffersonian

Please forward billing to:

Pauline & Stamatios Papastefanou

8428 Coco Road Baltimore, MD 21237

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-57-A

8428 Coco Road

NEC Coco Road and Avery Road

14th Election District - 10th Councilmanic District Legal Owner: Pauline & Stamatios Papastefanou

Administrative Variance to permit an accessory structure (storage) to be located in the side yard in lieu of the required rear yard.

HEARING:

Wednesday, September 30, 1998 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 28, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-57-A

8428 Coco Road

NEC Coco Road and Avery Road

14th Election District - 10th Councilmanic District Legal Owner: Pauline & Stamatios Papastefanou

Administrative Variance to permit an accessory structure (storage) to be located in the side

yard in lieu of the required rear yard.

The solve $|o|z^2/98$ $z^2 = 00 p.m$.

HEARING:

Wednesday, September 20, 4906 at 2,00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon_

Director

c: Pauline & Stamatios Papastefanou

Charles J. Kovarik
Code Enforcement

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 45-1998.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 12, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-57-A

IN THE MATTER OF: STAMATIOS PAPASTEFANOU, ET UX - Petitioners 8428 Coco Road

14th Election District; 7th Councilmanic

(Petition for Variance DENIED by Z.C.)

ASSIGNED FOR:

THURSDAY, JUNE 24, 1999 at 1:00 p.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco Administrator

cc: Appellants /Petitioners

: Mr. & Mrs. Stamatios Papastefanou

Mr. & Mrs. Charles J. Kovarik

Mr. James Geiger

Mr. Richard M. Spooner

Ms. Jean D. Fervis

Mr. Russell Gray

Mr. Edward M. Roberts

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

June 25, 1999

NOTICE OF DELIBERATION:

IN THE MATTER OF:

STAMATIOS PAPASTEFANOU, ET UX -Petitioners Case No. 99-57-A

The subject matter, having been heard by the Board of Appeals on June 24, 1999, has been assigned the following date and time for public deliberation:

Tuesday, August 31, 1999 at 9:30 a.m. DATE AND TIME

Room 48, Basement, Old Courthouse LOCATION

> Kathleen C. Bianco Administrator

Appellants / Petitioners : Mr. & Mrs. Stamatios Papastefanou CC:

Mr. & Mrs. Charles J. Kovarik

Mr. James Geiger

Mr. Richard M. Spooner

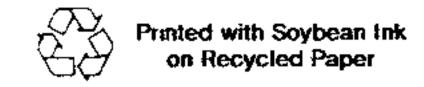
Ms. Jean D. Fervis

Mr. Russell Gray

Mr. Edward M. Roberts

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director / PDM Virginia W. Barnhart, County Attorney

Copies to: L.B.W.



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 21, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August <u>24</u>, 1998

Item Nos. (057) 059, 060, 062, 063,

064, 065, 066, and 067

Revised plans (with no review) for

Case #99-24-SPHXA (6350 Frederick Road)

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

RWB:HJO:jrb

cc: File



Partis N. Glendening Governor David L. Winstead Secretary Parker F. Williams Administrator

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

RE: Baltimore County g.14.9YItem No. a.5.9

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

1. J. Hell for Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

To:

POM

DATE:

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Mesting Date: (Lui 17

The Department of Environmental Protection & Resource Management has no Comments for the following Zoning Advisory Committee Items:

Item #¹s:

RBS:sp

BRUCEZ/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 21, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August 24, 1998

Item Nos. (057) 059, 060, 062, 063,

064, 065, 066, and 067

Revised plans (with no review) for

Case #99-24-SPHXA (6350 Frederick Road)

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

RWB:HJO:jrb

cc: File



Partis N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 8.14.9 Y

Item No. 057

RT

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

1. J. Breell.

Ronald Burns, Chief

Engineering Access Permits

Division

LG

RE: PETITION FOR VARIANCE								* BEFORE THE				
8428 Coco Road, NE corner Coca and Avery Rds, 14th Election District, 7th Councilmanic							*		COUNTY BOARD OF APPEALS			
Legal	Legal Owners: Stamatios and Pauline Papastefanou						*		FOR			
Petitioner(s)							*		BALTIMORE COUNTY			
							*		Case Number: 99-57- A			
							*					N BOR
*	*	*	*	*	*	*	*	*	*	*	*	* CO
ENTRY OF APPEARANCE												

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

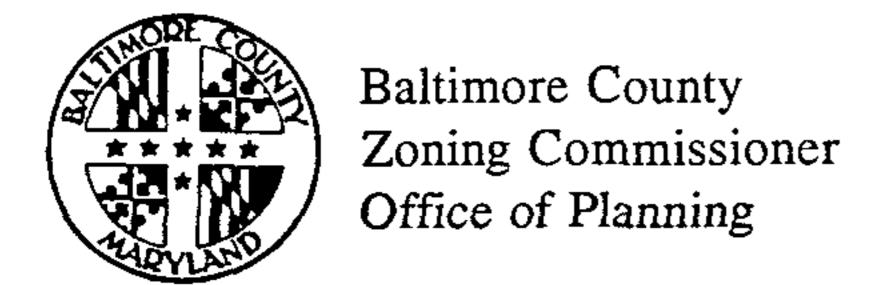
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of June, 1999, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Stamatios Papastefanou, 8428 Coco Road, Baltimore, MD 21237, Petitioners, to Mr. and Mrs. Charles J. Kovarik, 1 Avery Court, Baltimore, MD 21237, Protestants, and to Mr. James Geiger, 5 Avery Court, Baltimore, MD 21237, Protestant.

PETER MAX ZIMMERMAN

Peter Nax Zimmeiman



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

October 7, 1998

Mr. and Mrs. Stamatios Papastefanou 8428 Coco Road Baltimore, Maryland 21237

RE: Petition for Variance

Location: 8824 Coco Road

Case No. 99-57-A

Dear Mr. and Mrs. Papastefanou:

Please be advised that the above captioned matter has been continued for hearing on October 27, 1998 at 2:00 P.M. in Room 407 of the County Courts Building, 401 Bosley Avenue in Towson.

I have arranged for a sign to be posted on the property no later than October 12, 1998 advertising the new date and time. I will advise at the hearing about the costs associated with the sign.

By a copy of this letter, all interested parties have been notified of this new hearing date. If you have any questions, please do not hesitate to call the Zoning Commissioner's office.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

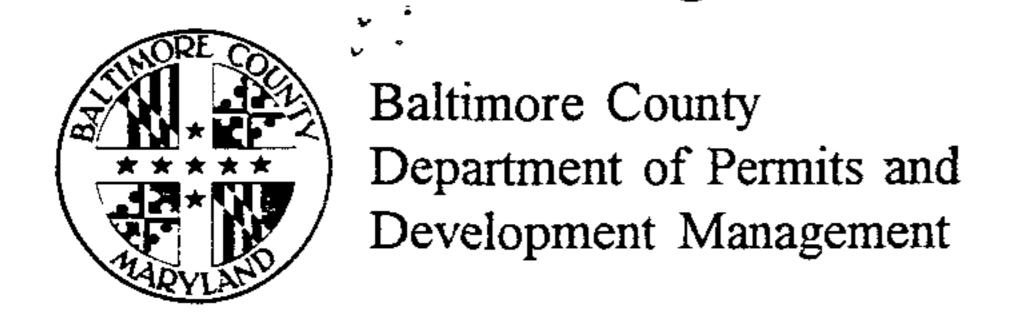
LES:mmn

Ms. Christina Tsampos, 6 Avery Court, 21237

Ms. D. Panagiotou, 8430 Coco Road, 21237

Mr. Charles J. Kovarik, 1 Avery Court, 21237

Mr. James Geiger, 5 Avery Court, 21237



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

February 5, 1999

Mr. & Mrs. Charles J. Kovarik 1 Avery Court Baltimore, Maryland 21237

Dear Mr. & Mrs. Kovarik:

RE: Petition for Administrative Variance, Case No. 99-57-A:,8428 Coco Road, 14th Election District, Mr. & Mrs. Stamatios Papastefanou - Petitioner

Please be advised that an appeal of the above referenced case was filed in this office on February 4, 1999 by Ms. Catherine Agelakis on behalf of Mr. & Mrs. Stamatios Papastefanou. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablen Director

AJ:cjs

c: People's Counsel

Mr. James Geiger, 5 Avery Court, Baltimore, Maryland 21237

Mr. Richard M. Spooner, 8411 Coco Road, Baltimore, Maryland 21237

Ms. Jean D. Farvis, 8425 Coco Road, Baltimore, Maryland 21237

APPEAL

Petition for Administrative Variance NE/c Coco & Avery Roads (8428 Coco Road) 14th Election District - 7th Councilman District (10th Precinct) Stamatios Papastefanou, et ux Case Number: 99-57-A

Petitions for Administrative Variance

Description of Property

Certificates of Posting - August 14, 1998 and October 9, 1998

Certification of Publication

Zoning Advisory Committee Comments

Request for Hearing filed by Charles J. Kovarik on 8/26/98

Letter to Baltimore County Zoning Administration and Development Management from Charles J. Kovarik dated 8/18/98

Petition from residents and property owners dated 9/1/99

Letter to Baltimore County Zoning Commissioner from Elizabeth Kovarik dated 9/16/98

Letter to Baltimore County Zoning Commissioner from Elizabeth Kovarik dated 9/23/98

Letter to Baltimore County Zoning Commissioner from Elizabeth Kovarik dated 9/28/98

Letter to Baltimore County Zoning Commissioner from Russell W. Gray dated 9/30/98

Letter to Mr. & Mrs. Stamatios Papastefanou from Lawrence E. Schmidt dated 10/7/98 advising continuation of hearing

Petitioner(s) Sign-In Sheets

Protestant(s) Sign-In Sheets

17 Photographs Not Marked as Exhibits

√Plat to accompany Petition for Variance

Findings of Facts and Conclusions of law from Zoning Commissioner dated January 12, 1 (Denied)

Notice of Appeal received on February 4, 1999 from Catherine Agelakis (Daughter for appeal -- Note: the Papaste foron will be back from Greece on Z-15-99 to proceed with case)

People's Counsel of Baltimore County, MS #2010 Lawrence Schmidt, Zoning Commissioner

Arnold Jablon, Director of PDM

* Mr. & Mrs. Stamatios Papastefanou, 8428 Coco Road, Baltimore, Maryland 2123 Mr. & Mrs. Charles J. Kovarik, 1 Avery Court, Baltimore, Maryland 21237

Mr. James Geiger, 5 Avery Court, Baltimore, Maryland 21237

Mr. Richard M. Spooner, 8411 Coco Road, Baltimore, Maryland 21237

Ms. Jean D. Fervis, 8425 Coco Road, Baltimore, Maryland 21237 Russill Stray 8416 avery Rd 21237

Requested addition to file; letter to follow: Balto, MD 21237

Mr. Edward M. Roberts 8413 Coco Road Case No. 99-57-A

VAR -To permit an accessory structure (12' x 10' storage shed) to be located in the side yard ilo required rear yard location.

1/12/99 -Z.C.'s Order in which Petition for Variance was DENIED.

NOTE: All documents received from PDM incorrectly reflect the "10th Councilmanic District" --

2/12/99 -T/C (CER) to Jun Fernando /PDM; Jun reviewed the records and confirmed that this property is in the 7th Councilmanic District (10th precinct).

- All documentation produced at this level will show correct information as to councilmanic district.

4/12/99 -Notice of Assignment for hearing scheduled for Thursday, June 24, 1999 at 1:00 p.m. sent to following:

Mr. & Mrs. Stamatios Papastefanou (appeal filed by Catherine Agelakis /daughter of Petitioners; M/M Papastefanou are in Greece; will return in time to proceed with appeal hearing)

Mr. & Mrs. Charles J. Kovarik

Mr. James Geiger

Mr. Richard M. Spooner

Ms. Jean D. Fervis

Mr. Russell Gray

Mr. Edward M. Roberts

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director / PDM

Virginia W. Barnhart, County Attorney

- 6/18/99 -Letter from M/M Kovarik will not be in attendance at hearing on 6/24/99 out of town (copy of letter to P. Zimmerman).
 -Entry of Appearance filed by Office of People's Counsel.
- 6/23/99 -Letter from R Spooner will be out of town on 6/24/99 and not in attendance at hearing; copy provided to P Zimmerman.
- 6/24/99 -Hearing concluded; deliberation to be scheduled and notice sent to parties. (Stahl, Barranger, Worrall) NO MEMOS IN THIS CASE
- 6/25/99 -Notice of Deliberation sent to parties; scheduled for Tuesday, August 31, 1999 at 9:30 a.m. Copy to L.B.W.
- 8/31/99 -Deliberation concluded; variance denied (Stahl, Barranger, Worrall)
 Written Opinion /Order to be issued; appellate period to run from date
 of written Order.
- 9/01/99 -When final Order is issued, copy to be FAXed to Dick Rohlfs FAX # 8081 Code Inspection pertelephone request 9/01/99.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY MINUTES OF DELIBERATION

IN THE MATTER OF: Stamatios Papastefanou, et ux -Petitioners

Case No. 99-57-A

DATE : August 31, 1999

BOARD / PANEL : Lawrence M. Stahl (LMS)

Lynn Barranger (LB)
Margaret Worrall (MW)

SECRETARY: Kathleen C. Bianco

Administrator

PURPOSE: To deliberate Case No. 99-57-A /Petition for Variance

/Accessory shed /garage in D.R. 5.5 zone; hearing held

before the Board on June 24, 1999.

The Board, having convened this date for public deliberation, reached the following decision:

At issue is a variance request -- appealed to this Board by the Petitioner. Under 400.1 - Accessory shed /garage in D.R. 5.5 zone, 12' x 20'. Administrative Variance denied by Zoning Commissioner; shed to be located in side yard in lieu of required rear yard.

Reviewed requirements under 400.1. Also review file which indicates that a pool exists in the yard; examined site plat and so forth - variance would fail; does not meet 400.1; does not meet setbacks and one wall is not in common. Also review variance criteria under Cromwell v. Ward.

It's typical corner lot in neighborhood; nothing unique. Assuming further, however, - it was built without a permit; self-inflicted hardship. Can only fit so much in a space; pool and structure (changing room, etc.) in rear yard; existing garage converted to family room. Cannot fit all this on lot and stay within the law.

As to spirit and intent under <u>Cromwell</u>, compatibility with neighborhood comes into question -- reason for regulations - would not meet spirit and intent. Cannot be varied; does not meet criteria.

Noted that there was nothing wrong with the shed itself but it must be in a location according to the law. For rules to be varied, criteria must be met.

Board's final decision is that:

Stahl: Denied Barranger: Denied Worrall: Denied

Stamatios Papastefanou, et ux ~Petitioners Case No. 99-57-A /Deliberation

Petition for variance relief is therefore DENIED. Written Opinion and Order to be issued by the Board; appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.

NOTE: This document confirms for the file that public deliberation was held this date in the subject matter and a final decision rendered in which the requested variance relief was denied.

Respectfully submitted,

Kathleen C. Bianco

Administrator

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE:

June 5, 2000

TO:

Arnold Jablon, Director

Permits & Development Management

FROM:

Charlotte E. Radcliffe

Board of Appeals

SUBJECT: CLOSED FILES:

99-11-SPH -Robert F. Webbert, et ux

99-54-SPHXA -David M. Coleman-LO; Francis Honeywell-CP

99-57-A - Stamatios Papastefanou, et ux

99-73-SPHXA -Donald E. Warrener, Jr.

99-113-A - Emil A. Budnitz, Jr. -LO; Jeff Budnitz-CP

99-215-SPH – Ida A & Benjamin A. Petrilli

99-242-XA -Ernest Diegert-LO; Eller Media Co.-CP

99-279-A - Ruth Phillips & Andrew Erdman

99-291-SPH -Schoolden's Automotive Repair, Inc.

99-310-X - Eastern Boulevard Center, Inc. (Famous Pawn, Inc.)

99-318 -Roddick Realty Partnership I-LO;

and Cloverland Farms Dairy, Inc.-CP

99-359-A - Shirley & David Morrison-LO; David Waldhauser-CP

99-492-SPH -William A. and Mary H. Kraft

99-504-SPHXA -Estate of Sol Goldman-LO; Eller Media-CP

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 99-11-SPH; 99-54-SPHXA; 99-57-A; 99-73-SPHXA w/ large exhibit box; 99-113-A; 99-215-SPH w/ large exhibit; 99-242-XA; 99-279-A; 99-291-SPH; 99-310-X; 99-318-X; 99-359-A; 99-492-SPH; and 99-504-SPHXA

RECEIVED POST-APPEAL

One Avery Court Baltimore MD 21237

County Board of Appeals of Baltimore County

Old Courthouse, Room 49 400 Washington Avenue Towson MD 21204

Ref: Case #99-57-A (8428 Coco Road)

Dear Sirs:

15 June 1999

AFPEALS

We are the original challengers to the above-referenced Petition for Variance. We testified in person before Commissioner Schmidt on both hearing dates for the original appeal in this case. Having carefully read the Board's Rules of Procedure & Practice, Appendix C of the Baltimore County Code, and in particular Rule 2(b), we expect to be absent from your hearing on Thursday June 24, as we will be out of state on a vacation planned and reserved early in the year.

In lieu of appearing, we ask that the Board accept this letter as a summary of the facts as we know them, and testimony that we continue to believe that the proposed variance does not meet the requirements of the Baltimore County Code. We further ask that all of our testimony and exhibits be taken from the Appeal hearing file and resubmitted for the Board's consideration at the planned hearing on June 24. The exhibits include our letter of 16 Sept 1998 (copy enclosed), our photographs which were submitted in person on the 27 Oct 1998 hearing date, and the 1 Sept 1998 notarized petition of 21 neighbors who supported our challenge to granting of the variance. We have been advised that other qualified property owners will be present for the Board's hearing who will concur with our challenge.

We hereby reiterate these facts regarding the request for variance:

- o The plat submitted with the Petition for Administrative Variance dated 28 July 1998 is wholly inaccurate and does not represent the actual size and position of the house, pool, and existing accessory buildings to fairly demonstrate that the proposed (now erected) accessory building could not be positioned as required by the Building Code.
- o Granting of the Petition for Variance will erode property values, because it presents a congested use of the property not in keeping with the requirements of the existing 5.5 zoning, and as the first such variance, will inevitably provide an entre for other property owners to obtain similar variances which will have a cumulative, downgrading effect on the overall assessed value of the neighborhood. We wish to point out that we have previously had our property assessments lowered by the State because of the poor condition of the Petitioner's property; we will continue to do so should the Petition for Variance be granted.

RECEIVED POST-APPEAL

- o Most importantly, we want the Board to examine the testimony record from Commissioner Schmidt's hearing regarding the use of the building. In uncontroverted testimony, the Petitioners admitted that the new accessory shed, the subject of their Petition for Variance, was (in October of 1998), being used to house their vending trailer along with food supplies that were sold at retail as part of their business. Commissioner Schmidt admonished them that such activity violated the Baltimore County Zoning Code. Such activity has continued, and we have personally witnessed the storage, not only of packaged foods and drinks, such as sodas, but also that of fresh fruits such as bags of oranges. The ramp into the accessory building was widened this spring, after Commissioner Schmidt's denied their petition, to improve movement of the vending trailer into and out of the building. This egregious activity, in direct defiance of the Zoning Commissioner's directive, should not be permitted to continue in an accessory shed erected expressly for the purpose of garaging and warehousing a commercial activity.
- o At the Commissioner's hearing, we stated that the Petitioners had verbally threatened us because of our challenge to their petition. Their threat to create some new issue against us, with our adjacent property, has not abated. We ask the Board, as did Commissioner Schmidt, to reiterate to the Petitioners the legal right of property owners to challenge variance requests under the Baltimore County Code, and that such rights do not in themselves cause a denial of a petition for variance, but rather the facts of the case under the law as determined by the Board.

Once again, as an affected property owner, we ask, for the reasons above and others that may become evident in the Board's Hearing on 24 June 1999, that the Petition for Administrative Variance, Case No. 99-57-A, be denied by the Board. The facts testified to above are true to the best of our belief and knowledge.

Respectfully submitted,

Chordes J. Kovarile Elizabeth M. Kovarile

Elizabeth M. Kovarik

Notarized

State of Maryland County of Baltimore

On this 17th day of June 1999 appeared before me Charles J. Kovarik and Elizabeth M. Kovorik a Notary Public.

Robin E. Stevens

My commission expires 11-1-2001

B1,4

8/19/18

Baltimore County

Zoning Admin. & Development Management 111 West Chesapeake Avenue Towson MD 21204

Ref: Case #99-57A (8428 Coco Road)

Code Inspection & Enforcement 111 West Chesapeake Avenue Towson MD 21204

Ref: Case #98-4040

Gentlemen/Ladies:

I am writing this letter to confirm the information I received in telephone conversations with your offices last week. A Notice of Administrative Variance (Case #99-57A) has been posted as of August 6 on the property at 8428 Coco Road "To permit an accessory structure (storage) to be located in the side yard in lieu of the required rear yard." I understand this administrative variance requires objectors to file a request for a hearing and pay a \$40 fee, which would be due on or before August 31. I further understand that the posted case number, 99-67A is incorrect and applies to a property on Reisterstown Road.

Because the accessory storage structure has already been erected in the side yard without a building permit displayed, I was referred to the Code Enforcement & Inspection office. There I was told that a Building Inspector has observed the property and that a Notice of Violation, #98-4040, for failure to obtain a permit was issued. Further, it was my understanding that a Notice of Violation automatically requires a hearing, and that protesting parties do not have to request a hearing or pay a fee to have one held.

As of this date, only the original Administrative Variance Notice remains posted; no Notice of Violation or Hearing date has been posted.

I and several neighbors have discussed this matter and plan to protest the erection of the accessory structure without a permit, and further expect to protest any administrative variance being issued to allow a variance that would permit such a structure to remain erected. Please advise in writing what procedures must be followed by objectors; do we need to file protests for each case, or will Baltimore County combine the hearings so that both the Violation and the Variance will be heard at the same time? We want to protect all of our rights as neighborhood residents so that we will not lose any opportunity to bring the reasons for our objections to the proper authorities in the Baltimore County government. To expedite your responses, I may be reached at 410-687-9457.

One Avery Court
Baltimore MD 21237
August 18, 1998

POM

Yours truly,

Charles J. Kovarik

One Avery Court Baltimore MD 21237 16 September 1998

Baltimore County Zoning Commissioner

Zoning Admin. & Development Management 111 West Chesapeake Avenue Towson MD 21204

Attention: Hearing Officer

Ref: Case #99-57A (8428 Coco Road)

Dear Sir/Madam:

On 26Aug98 I filed a challenge of Case #99-57A requesting an Administrative Variance for the above Coco Road property to permit an accessory structure (storage building) to be located in the side yard in lieu of the required rear yard. I have received a Notice of Zoning Hearing indicating that a public hearing of the Request will be held on 30Sep98. I am hereby requesting that the contents of this letter be introduced into the record of the public hearing as partial justification of my challenge to the requested administrative variance. I wish to also retain the right to speak at the public hearing in support of my challenge.

Petition & Plat: I have reviewed the petition and wish to state that the inground swimming pool does not use all of the available rear yard area, and thus it is not necessary to locate the storage building in the side yard. It should be noted further, that the 8428 Coco Road property is a corner lot, and that under Baltimore County Zoning Regulations (BCZR) Section 400.1, such corner lots permit accessory buildings to be "located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third." Thus, the Petitioner's statement as to the wording of the BCZR that the structure would be in variance from is incomplete and misleading to potential and actual challenges to the Petition.

Furthermore, my review of the Plat accompanying the Petition revealed that the Plat does not accurately depict the properties and is not properly drawn to scale from survey data. The front dimension of the dwelling is shown as 46 feet, while the length of the sidewalk in front of the house is shown as 42 feet, 6 inches. The existing dwelling at 8428 Coco Road is not square in shape nor does it directly face Coco Road; the dwelling is rectangular in shape and is oriented at an angle to both Coco Road and Avery Road. The dwelling representation does not identify that there is a full-sized garage in the southwest portion of the building, and a driveway from the garage to the corner of Coco and Avery Roads. The swimming pool does not take up the entire rear yard area, is oval in shape, and is oriented parallel to Avery Road, not Coco Road. The setback of the proposed storage building from the east property line is much less than the 8 feet

indicated and was not confirmed by a registered survey of the property lines. The dwelling on the adjacent property on the east side is not accurately represented, it being the same size and shape as that at 8428 Coco Road, nor is the set-back distance of that dwelling to its west property line accurately depicted. In addition, the area allowance for an accessory building on the corner property cannot be calculated since the area of the third of the property farthest from any street is not identified by accurate measurements on the Plat. Alone, based upon the lack of clear and accurate Plat information for the Hearing, the Petition for Variance should not be granted.

Loss of Property Values: The proposed (and already constructed) storage building presents a congested use of the property that is not consistent or in uniformity with the intent of the BCZR or other residences in the neighborhood, all of which were constructed by two builders to meet Baltimore County Zoning Regulations that were in effect in the late 1950's and early 1960's. No other residence in the neighborhood has been permitted to be congested by such improper use of set-back requirements, property frontage, and percent of total property area. If the Variance is permitted, the owners of the neighboring residences will suffer unrecoverable loss of property and dwelling values, with the likelihood that further erosion of BCZR would follow, ending forty years of well-maintained, high value residences that benefit both property owners and the County.

Failure to Obtain a Building Permit: The property owners's Petition is dated August 4, 1998, after the storage building was erected hurriedly during the two weeks prior to that date. I would disagree with any finding that the property owners should not be held responsible for attempting to avoid the need to obtain a building permit, or any sympathy asked to not require the storage building to be removed, relocated, or otherwise modified to meet zoning requirements.

Building Use: I believe that the storage building will not meet the definition of an "accessory building" as defined in the BCZR, which states that such a building "is subordinate to and on the same lot with a main building." By that definition, an accessory building must not have a purpose or use independent of the main building. It is my belief that the storage building will be used to store supplies and inventories for a commercial business conducted by the property owners in violation of residential zoning requirements, and as such would constitute its classification as a "warehouse" permitted only to be located in manufacturing zones under the BCZR. In this regard, the large size of the storage structure (some 240 square feet), must be questioned when the dwelling already includes a full-sized car garage, and other outbuildings exist on the property for the storage of swimming pool equipment and outdoor furniture.

Furthermore, the Baltimore County Council only this spring debated a revision in zoning regulations to liberalize uses of residential property to permit the conduct of business from homes. Of particular importance to this Petition, the zoning regulations were not relaxed with respect to allowing residential property use for storage of business supplies and inventories. I urge the Hearing Officer to not allow the proposed storage building at 8428 Coco Road be used for such purposes contrary to BCZR and the intent of recently-enacted zoning amendments.

In addition, I question the nature of the supplies and materials that would be stored in the building. Of particular concern would be flammable or hazardous materials, such as oils, propane, gasoline and other fuel-type substances, perishable foodstuffs, and even ordinary combustibles such as paper and boxed goods. It would be my expectation that the County Building Code would prohibit commercial storage of fire-prone materials in an unprotected (by fire suppression system) building in close proximity to residential buildings, and that foodstuffs would be restricted because of the potential for rodent infestation.

Thus, it is my belief that in addition to petitioning for a variance with respect to the location of the storage building, the property owners should have petitioned for a variance with respect to the nature and uses of the materials and goods to be stored in the building. Absent information with regard to the proposed uses of the structure, the Petition for Variance should not be granted.

In summary, as an affected property owner, I hereby ask, for the reasons above and others that may become evident in the Public Hearing, that the Petition for Zoning Variance Case #99-57A be denied by the Hearing Officer.

Yours truly,

Elizabeth Mr. Kovarile Estezabeth M. Kovarile

Chithrony Clocusa 9/1/00

The undersigned parties, all residents and property owners within 1000 feet of the property at 8428 Coco Road, have read the letter of Elizabeth M. Kovarik dated 16Sept98 with regard to Case #99-57A requesting an Administrative Variance for the Coco Road property, are in general agreement with its comments, support the challege to the Petition for Variance, and reserve the right to comment at the Public Hearing scheduled for 30Sept98.

Signatures, Addresses & Dates

	,	e J
Onthony Oversa	8418 AVETY Rd. 21237	9/18/98
Louis Agyres	8418 Avery Rd. 21237	9/18/98
Jana Fronz Las	8423 Aveny RO 2123)	9-19-98
Day Cara Torsytt	8423 Avery Kd 21237	9-19-98
travil wohn	344 Hariy 1 21137	92195
James Jones	/ 1/	9-/21-/98
Louann Janes	8417 Every Rd 21237	9-21-98
Stellam Roll	8 413 avery 21 2123	
Charles In Solk	8 4 13 avery ld 2123	
Charles Typicas	8 4 11 averes Rd 2123	
Dandy Lishu	2 avery CH 2437	9-27-58
Robert M. Tole	8479 Avery 12 31237	9-27-98
antonin Lo La	9 Avery Ct. 21237	9-27-98
Dame Bertin	5 aven et 2+237	9-28-98
Hald Kachley	7 avery Cf. 2/237	9-28-98
Land Haghatus	8426 COCO 20 21237	9/29/98
Con C. Mamatera	8426 Coco 3 21237	9-29-98
Elwood & Bucher	8433 COCO Rd 21237	9-29-98
Marc Wengerd	8434 Colo Rd 21237	9/29/98
Julia Jumphini	_	
Freducile Worre	3 Menn St 21237 8437 Coco RD 21237	9/30/98
Notarized: 9/1/99		

8416 Avery Road Baltimore MD 21237 Sept. 30, 1998

Baltimore County Zoning Commissioner

Zoning Admin. & Development Management 111 West Chesapeake Avenue Towson MD 21204

Attention: Hearing Officer

Ref: Case #99-57A (8428 Coco Road)

Dear Sir/Madam:

I live within 1000 feet of the property at 8428 Coco Road that, I understand, will today be the subject of a Public Hearing regarding a request for a zoning variance. I am a homebound disabled senior citizen, and thus will be unable to attend the hearing and express myself regarding the request. Please accept this letter in lieu of my personal participation at the hearing.

I am opposed to permitting the owners a variance with respect to the storage building they have erected on the property. In addition to its improper location, I expect that the storage building will be used to support their business of operating a mobile lunch wagon, which would be a flagrant abuse of residentially-zoned property. The main house already has a garage, a basement, and an original outbuilding. With only two people living in the house, what do they need another building for that is as large as a garage?

I ask that the hearing determine the uses expected of the building, and allow only what is permitted by the residential zoning code. No other home in this Rosedale community has an outbuilding facing the street with the same setback as the main building. It looks poorly and devalues the property of those people who have taken care of their homes and properties.

Please advise me of any decision made with regard to this hearing; phone 410-682-4691.

Yours truly,

Eussell W. Gray

anthony avena 9/1/99

One Avery Court Baltimore MD 21237 28 September 1998

Baltimore County Zoning Commissioner

Zoning Admin. & Development Management 111 West Chesapeake Avenue Towson MD 21204

Attention: Hearing Officer

Ref: Case #99-57A (8428 Coco Road)

Dear Sir/Madam:

I hereby designate my husband, Charles J. Kovarik, to represent me as the owner of property within 1000 feet of the 8428 Coco Road property which is the subject of the Petition for Zoning Variance referenced above. His representation includes all matters regarding a challenge of the Petition, the Public Hearing scheduled for 30 Sept 98, and any appeals that may result therefrom.

Yours truly,

Elizabeth M. Kovarik

Elizaleth M. Kovarick

410-687-9457

Notarized:

arthony aversa 9/1/29

One Avery Court
Baltimore MD 21237
23 September 1998

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wck

Baltimore County Zoning Commissioner

Zoning Admin. & Development Management
111 West Chesapeake Avenue

Towson MD 21204

Attention: Hearing Officer

Ref: Case #99-57A (8428 Coco Road)

Dear Sir/Madam:

Having filed a challenge to the zoning variance requested for the above-referenced case, I am in receipt of your department's Notice of Zoning Hearing that a public hearing will be held at 2 P.M. on 30 Sept 98 for the petitioner and myself to speak to the issues concerning the variance request. The Notice also states that a zoning notice sign must be posted on the property by 15 Sept 98.

On 16 Sept 98 I called your offices and indicated that the required sign had not been posted on the property, and that the original sign posted in advance of my challenge had been removed. I was told that the sign contractor probably had not gotten to the property because of the Election Day holiday. I have been waiting.

As of the close of business yesterday, 22 Sept 98, I wish to again inform you that no sign has been posted on the property. In effect, the public has no knowledge of either my challenge to the variance request or that a hearing has been scheduled less than a week from today.

Please advise if the lack of the notice sign constitutes a lack of due process in this matter, whether the meeting will be held as noticed to me, or whether the notice sign requirement will be enforced and the meeting will be rescheduled following a proper notice period.

Needless to say, I am appalled by the lack of due process in this matter, particularly in view of the fact that the accessory building has already been erected and no penalty has been applied against the property owners. The failure to place a Notice sign of the public hearing indicates again that the property owners have no intention of following the procedural rules, and allow a fair and equitable opportunity for neighboring property owners to voice their rightful concerns regarding the requested variance.

Yours truly,

Elizabeth M. Kovarik
Elizabeth M. Kovarik

410-687-9457

9-28-98

NO =

S PER JERRY CHEN IN

2 5 1998 198-4004 PDM

RECEIVED POST-APPEAL

8411 Coco Rd. Baltimore, MD 21237 21 June 1999

County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue, Towson, MD 21204

Ref:#99-57-A [8428 Coco Road]

Dear Sirs:

I testified in person before Commissioner Schmidt at the second hearing for the original appeal in this case. In accordance with the Board's Rules of Procedure and Practice, Appendix C of the Baltimore County Code—especially Rule 2[b], I will be in Massachusetts and, therefore, will be unable to attend the hearing.

In lieu of appearing, I ask that the Board accept this letter requesting that the Petition for Administrative Variance [Case #99-57-A] be denied by the Board. In my opinion, the proposed variance does not meet the requirements of the Baltimore County Code. I also request that all testimony and exhibits from the Appeal hearings be submitted for the Board's consideration at the planned hearing on June 24.

In spite of Commissioner Schmidt's admonition that the petitioner's use of the new accessory shed to house vending supplies violated the Baltimore County Zoning Code, the activity has continued blatantly in defiance of the ruling, and the ramp to this building has been widened for easier access.

As a property owner on Coco Road, in view of its negative appearance as well as the commercial warehouse usage, I urgently request this denial.

Respectfully submitted,

Richard M. Spooner

meso 4/1/00)

RECEIVED POST-APPEAL

88 7NN S3 bW S: #8

RECEIVED STAUS Y THUOS

Feb 4, 1999 l'Catherine Agelakis, daughter et Staniation and tailine tapastetanou, am representing my parent in regard of appealing this case My parents are away, in Greece, So I need to represent them. They need the New Storage/Garage Decause they are going to enlarge the living room, by Breaking the Existing garage wal down and Replacing the garage door with French doors or a bay window. That is why the bought the Storage/Garage on the side of the house They were unaware of the need for a permit first. They need The new garage for their automonile items Storage and lawn materials that is why the ramp and little walk way is their They were doing one project at a time, They had the Storage garage first w/platform So that they could move everything into it from the existing garage so they can begin right as soon as the come back from Greece. When they come back they are going to check for a need of a permit to begin enlarging the livingroom and a new driveway to the new garage. They need access to it from the tranfoffhe house

There is no way that it could be in the back because it wouldn't be easily accessed. The house at 2811 CoCo Rd is not within 1000 feet from our dwelling to complain, but it is akay. The little shed in the back is too. Small for the pool supplies, storage, paint supplies and lawn supplies. The is a dire need for the new building, and thatis why we are appealing.

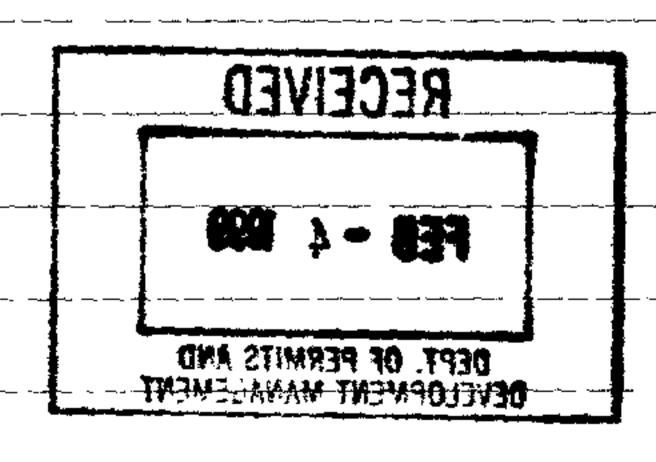
Thank You truly

Thank You truly Catherine Haelakis 410-866-7683

PS.

From Greece to proceed.

8428 CoCo Rd Baltimore MD 21237 410 391-7593 Case # 99-57-A



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Choule & Kovorich	1 AverA Court
Charles J. Kovarik	Baltimore MD 21234
James Gei Gyr	Baltimore MD 21234 5 Avery et MD 2123,
	
	
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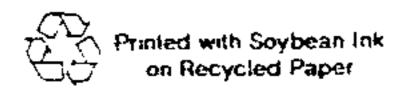
CITIZEN SIGN-IN SHEET

	NAME	ADDRESS
KI	HARD M. SPONER	8A11 Coco KOAD 21237-184
<i>(</i>)\ .	Jonn D. Horris	8425 Coco-Rd. 21237
Servel -	Chasles J. Kovarik	1 Avery C+ 21237
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71V -		
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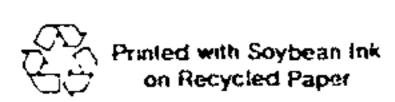
PETITIONER(S) SIGN-IN SHEET

	NAME ,	ADDRESS
	Stamontios Papastellinga	W 8428 Coco Rd. 2123
	CHRISTINA TSAMPOS	6 AVERY CT. 2123
	Despinations	2430 Cara D2237
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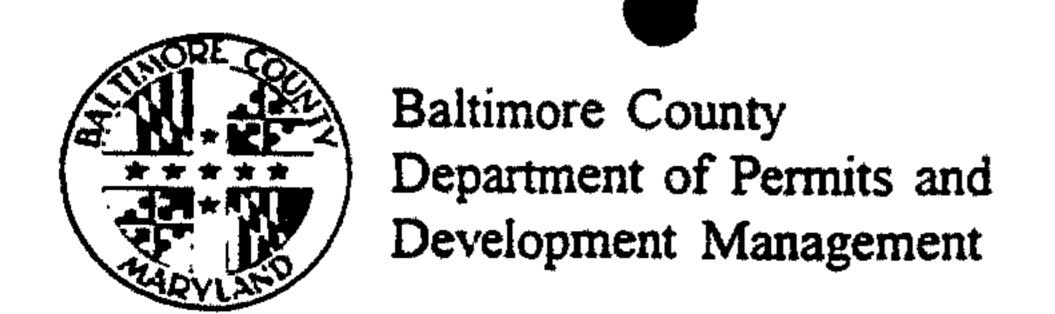


PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Christina 15ampos	G Avery Ct. 2/237
1876 wabowan	2430 Coco RD 21237
PAULINE PARASTERANON	80158 COCO BD 3133
PAULINE PARASTEFANOU STAMATIOS PAPASTEFANOU	8428 COCO RD 2/237
	
	
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Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:	North North date: 128/48 Scale of Drawing: 1"= 50"	בֿ מַ
g Hearings:		······································
Chesapeake Bay Critical Area:	Coco Ro	
` `		1
Lot size: acreage square feet		
1'-200' scale map#: 1'- 500'	46 For nows	
Councilmanic District:	10 20 20 V	" "
LOCATION INFORMATION	38	
North Scale: 1"-1000"	So Proper	
	Stanleythousinge	
Coco to		
Section of the sectio		······································
	OWNER: Standards Part Routing Rapastesource	
	plat book# ,tolio# 135 lot# 21, section#	
Ce Special Hearing	PROPERTY ADDRESS: BUSSIOCO ROLLON TOT ZONING X Variance	70



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

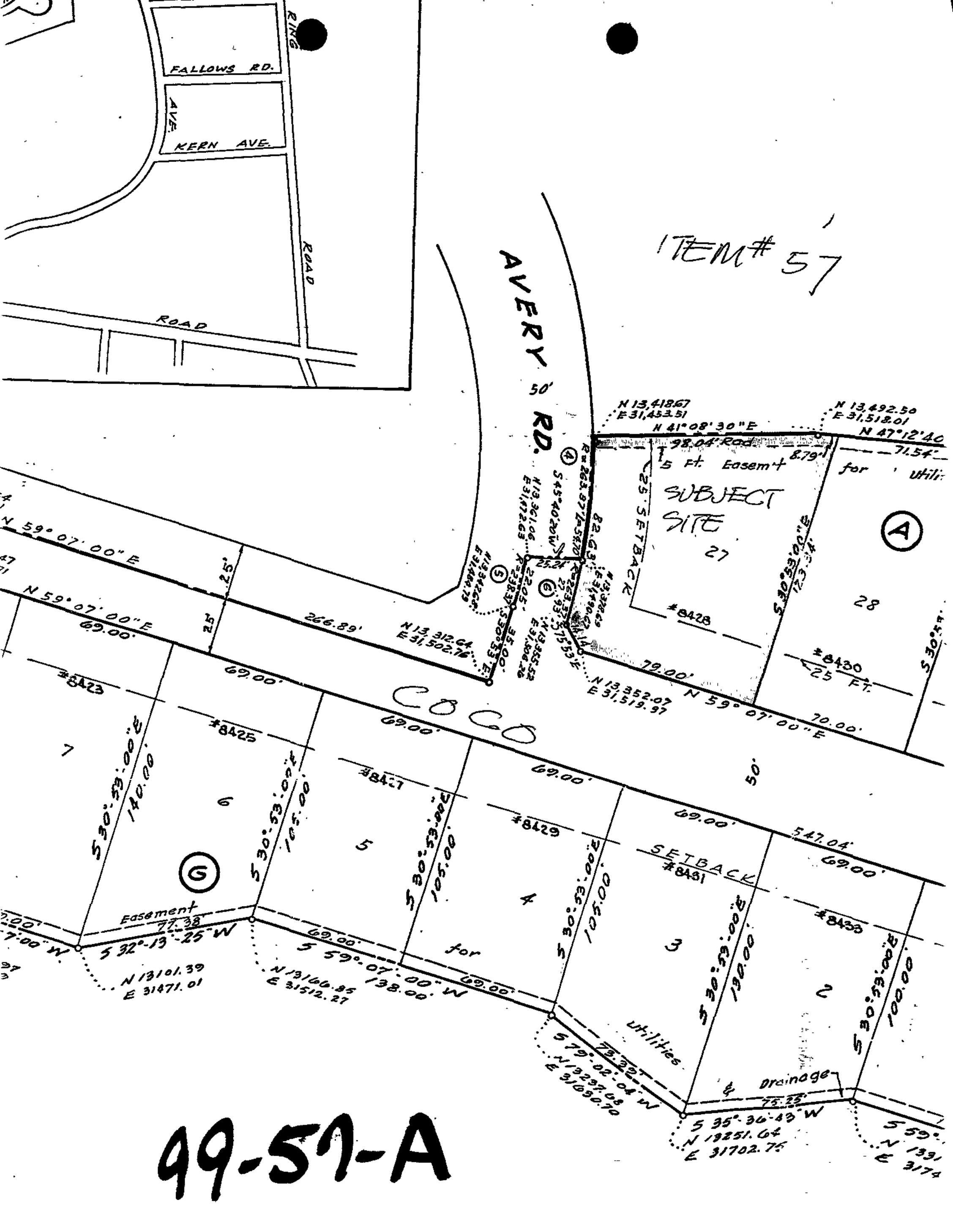
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

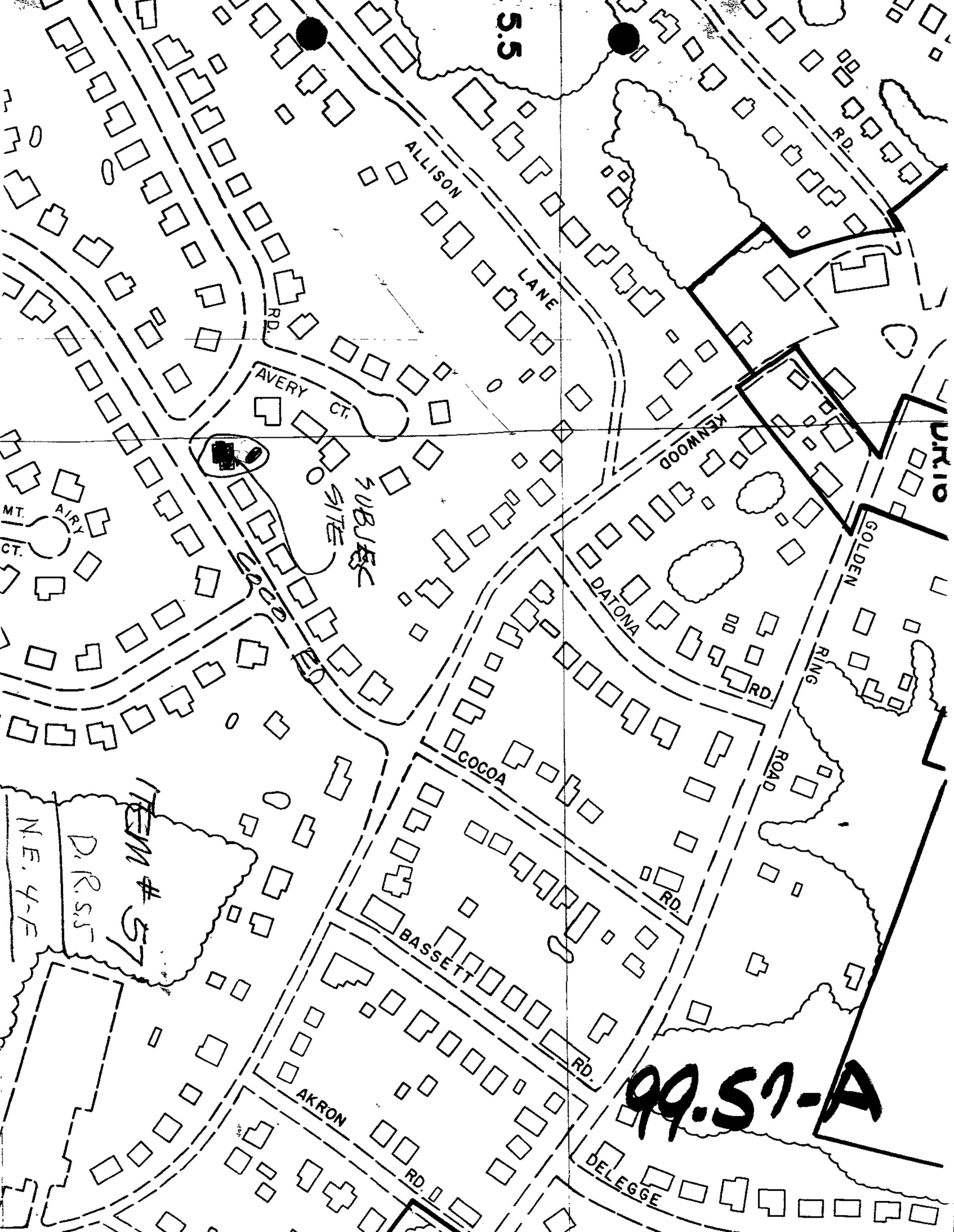
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

•	ARNOLD JABLON, DIRECTOR
For newspaper advertising	g:
Item No.: 57	
Petitioner: 54	lue
Location: 8428	Coco RD
PLEASE FORWARD ADVERTISIN	NG BILL TO:
NAME: STAMATI	OS PAPASTEFANOU
ADDRESS: <u>8428</u> C	
BACTO. ME	0. 71237
PHONE NUMBER: 4/0	- 341-75R3

AJ:ggs

(Revised 09/24/96)





P.C. #1

DATE:	6/24/99

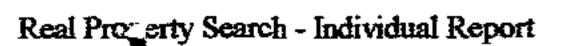
PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: PAPASTEFANOU 99-57-A

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
· ·	SANDRA FISHER 2 AVERY CT BALTO 21237	
	SANDRA FISHER 2 AVERY 67-594-8821237 UEAN FERRIS 410.687.4799 8425 COCO RN 21237	
<u> </u>		
		
<u> </u>		
		









Real Property

Information



Maryland Department of Assessments and Taxation **Real Property System**

[Go Back]

BALTIMORE COUNTY

[Start Over]

DISTRICT: 14 ACCT NO: 1418013481

Owner Information

Owner Name:

PAPASTEFANOU STAMATIOS IOANNIS

PAPASTEFANOU PAULINE S

Use: RESIDENTIAL

Mailing Address:

BALTIMORE MD 21237-1842

Principal Residence: YES

Transferred

From: RIZAS JOHN

Date: 05/03/1991

Price: \$122,500

Deed Reference:

1) / 8777/ 340

Special Tax Recapture:

2)

8428 COCO RD

* NONE *

Tax Exempt: NO

Location Information [View Map]

Premises Address:

Zoning:

Legal Description:

8428 COCO RD

NE COR AVERY RD

HIGH POINT

Map Grid Parcel Subdiv Sect Block Lot Group Plat No:

591 89 11

27

Plat Ref: 24/135

Special Tax Areas

Ad Valorem:

Town:

82

Primary Structure Data

Year Built:

Enclosed Area:

Property Land Area: County Use:

1958

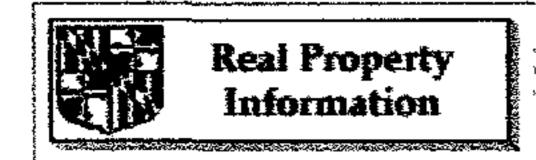
1,898 SF

10,176.00 SF

04

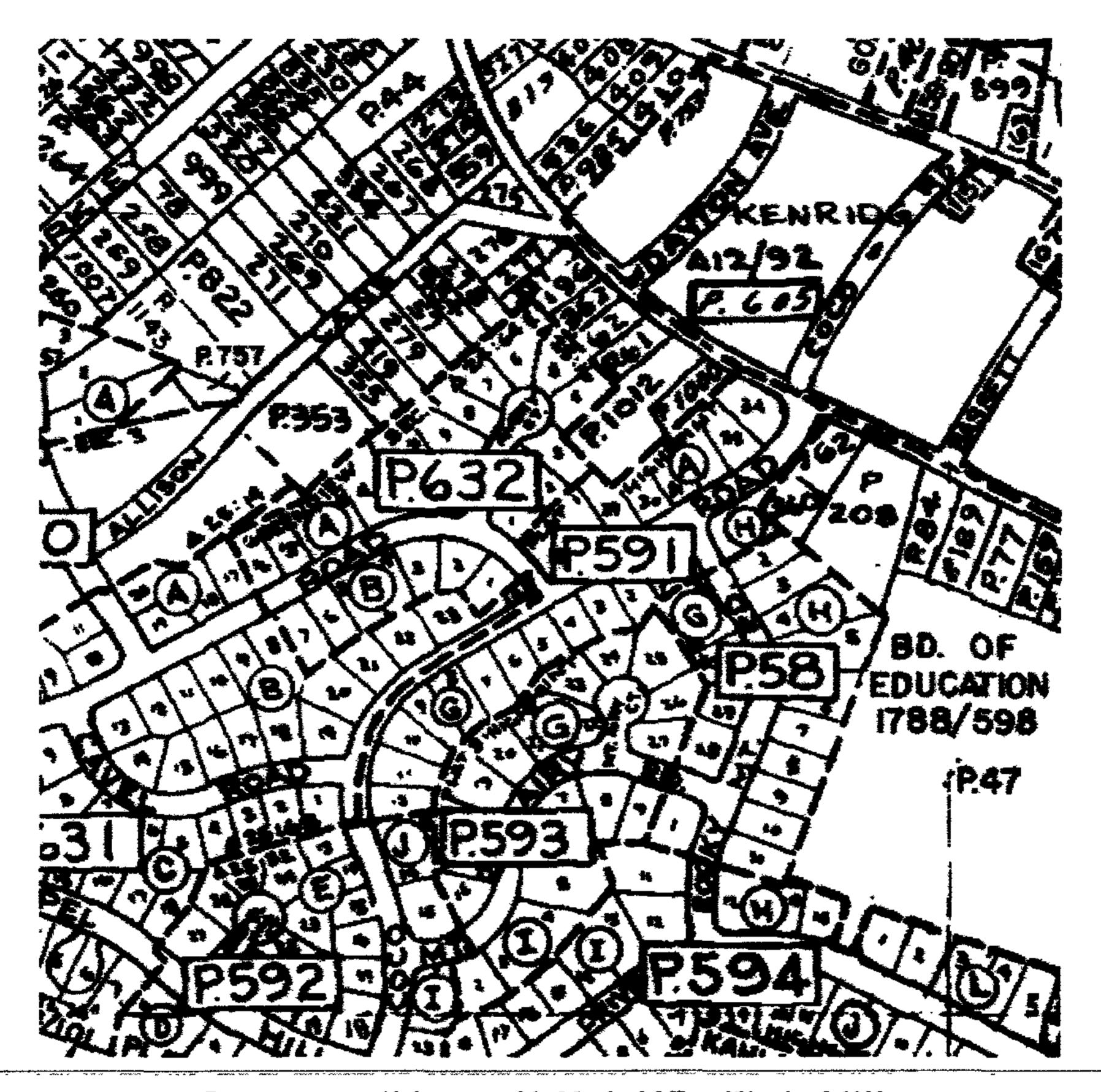
Value information

	Base Value	Current Value	Phase-in Value	Phase-in	Assessments
		As Of	As Of	As Of	As Of
		01/01/1997	07/01/1999	07/01/1998	07/01/1999
Land:	37,290	37,290			
Impts:	81,120	87,200			
Total:	118,410	124,490	124,490	48,980	49,790
Pref Land:	0	0	0	0	0



Maryland Department of Assessments and Taxation Real Property System

[Go Back] Account ID: 04141418013481 [Zoom In]



Property maps provided courtesy of the Maryland Office of Planning © 1998.

For more information on electronic mapping applications, visit the Maryland Office of Planning web site at www.op.state.md.us.

1 of 1

ZONING COMMISSIONER'S POLICY MANUAL

P, C. #5

SECTION A400 - SPECIAL REGULATIONS

The Maryland Court of Special Appeals in Hofmeister, et al v.

Frank Realty Company, dealing with Baltimore County Zoning Regulations ruled that both "Use Permits" and "Section 502 Special Exceptions" are all classified within the board category of special exceptions:

"Notwithstanding this differentiation between the species, we think it preeminently clear that the singling out of certain conditional uses for special treatment in Art. 4 of the BCZR did not in any fashion denigrate from their credentials as members in continued good standing of the genus "Special Exceptions." Art. 4, in its Statement of Purpose, makes the reason for the distinct treatment quite clear:

"Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations." (Emphasis supplied)

SECTION 400.1.a - ACCESSORY BUILDINGS - Waterfront Property - When determining the placement of accessory structures on waterfront lots, the following factors will be considered:

- (1) The orientation of the existing dwelling and other buildings on the lot.
- (2) The orientation of other houses and accessory buildings on other nearby waterfront lots.
- (3) An inspection of the property is usually made to determine the existing conditions.
- (4) See the following cases: 84-275-A

85-106-SPH

89-100-SPH Pier Rights

Waterfront construction (piers, mooring piles, bulkheads) can be built on unimproved lots, under Section 417, provided that no accessory buildings/structures are constructed.

SECTION

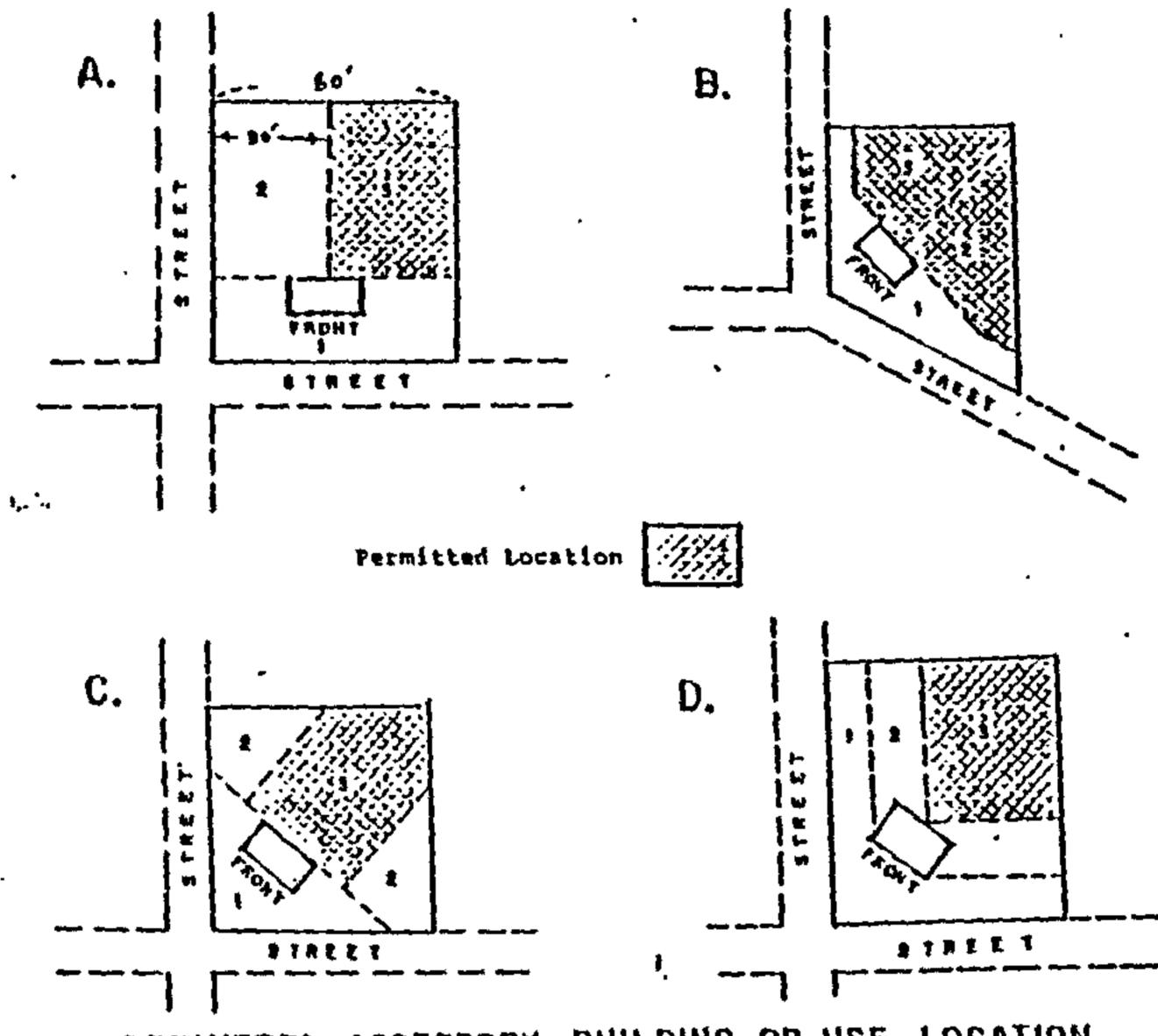
- 400.1.b ACCESSORY STRUCTURES/USES-Vacant Property- If two or more lots are under the same ownership and one lot is improved with a dwelling and an accessory structure is proposed on an adjacent lot, this may be accomplished by:
 - (1) Straddling the joint property line; or
 - (2) Combining the vacant lot with the dwelling lot under one metes and bounds description, with one tax account number, if possible.
 - (3) When two lots are combined for the purpose of building an accessory structure, the owner must have exclusive use of all of the property between the dwelling and the accessory structure, with no easements or rights-of-way between the lots.
 - (4) You cannot variance an accessory structure on a vacant lot.
 - (5) See the following case: 88-206-SPH
- 400.1.c ACCESSORY STRUCTURES/USES R.C. Zoned Property
 - (1) Is subject to the provisions of Section 400 B.C.Z.R. & Z.C.P.M.
 - (2) Farms or farmette structures are only subject to Section 404.2 B.C.Z.R. & Z.C.P.M. (Page 4-6) except for swimming pools which are subject to Section 400 BCZR & ZCPM (See Case #88-206-SPH).

ZONING COMMISSIONER'S POLICY MANUAL

SECTION

400.1.d ACCESSORY STRUCTURES/USES

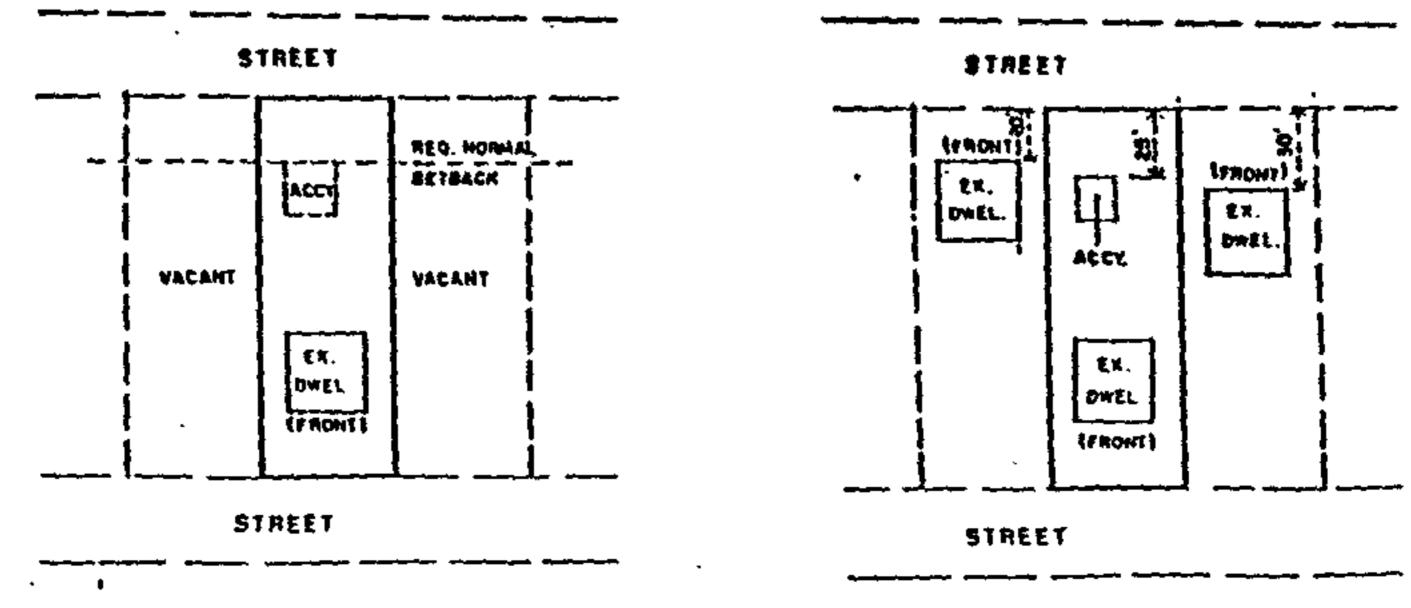
(1) Corner Lots - Location Diagrams:



PERMITTED ACCESSORY BUILDING OR USE LOCATION

(2) Double Frontage Lots

- (A) Accessory structures/uses on double-frontage lots shall not be closer to a street right-of-way line than the setback required for a principal dwelling.
- (B) Where street selbacks have been established by existing dwellings on adjoining properties, Section 303.1 shall be utilized to determine the average setback.



ACCESSORY BUILDINGS - SPECIAL USES/STRUCTURES subject to the 400.1.e provisions of Section 400 BCZR.

- BARBEQUE PITS (PERMANENT)

-CARNIVALS

- (1) Temporary carnivals may be permitted on certain sites not zoned commercial or industrial as a continuing yearly occurrence, including but not necessarily limited to the following:
 - a. public land
 - b. volunteer fire company
 - community building or hall
 - private school or recreation facility
 - churches e.
 - f. fraternal organizations
- Any carnival proposed in a new location, may require a special hearing at the discretion of the Zoning Commissioner.

-CHILDREN'S TREEHOUSE/PLAYHOUSE

-CONTROLLED ENVIRONMENT VAULT (CEV) for underground digital Oelectronic communication terminals on private property are considered minor public utility uses under Section 306 B.C.Z.R. and an underground conduit, that the above-ground equipment is accessory to; therefore they are permitted in all zones as of right and are exempt from the area requirements in the zoning regulations and C.M.D.P. provided:

- The aboveground equipment does not exceed 7 ft. x 6 ft. in area by 3 ft. in height.
- A landscaping plan has been approved for each site.
- (3) See the following cases: 83-140-XA 83-234-XSPHA

-CHRISTMAS TREE SALES, See Roadside Stands below (also see Section 230.9 BCZR, and ZCPM Page 2-35)

-DAY CARE FACILITIES

- (1) A family child day care home is permitted as an accessory use to the dwelling in any zone, without a use permit, provided that it may not adjoin a property that already has family day care home, a group child care center or nursery school. (see Sections 101, 424.1.C, 424.3, 424.6.A.1, B.C.Z.R.)
- (2) A class "A" group child care center (up to 12 children) is allowed as an accessory use in single family detached dwellings in all residential zones except R.C. 4, in all industrial zones, and R.O. and O.T. zones but it may not adjoin another group day care, family day care, or nursery school property, and a use permit is granted by the Zoning Commissioner. (see Sections 424.1.C, 424.2, B.C.Z.R.)
- (3) Day care is permitted as an accessory use in a church building exempt from the R.T.A. and use permit requirements if it is church sponsored and church run, but it may not adjoin a property that has an existing family day care, a group day care, or nursery school. (see Sections 424.1.C, 424.2, B.C.Z.R.)

ZONING COMMISSIONER'S POLICY MANUAL

-DOX: RUNS - Freestanding dog runs (unottached to the dwelling) are considered accessory structures/uses

-FLEA MARKETS & SIDEWALK SALES

- Sales by homeowners/residents on private property (see garage and yard sales).
- (2) Flea markets, craft, artist or baked goods sales as part of a temporary carnival or fair, or as a separate function, may be permitted (see CARNIVALS aforementioned) provided that it is a charitable function and that there are no fees being charged for the exhibition of merchandise.
- (3) Commercial fles markets in residential zones including sales for non-charitable purposes, sales where there is a fee charged to exhibit, and sales at locations other than those listed (see CARNIVALS aforementioned) are not permitted, unless:
 - a. in the judgement of the Zoning Commissioner, the use could be permitted as an adjunct to a principal use permitted by right or by special exception and
 - b. that in either case, that a special hearing or special exception be petitioned for and successfully obtained prior to any zoning approvals.
 - c. See the following case: 74-36-X
- (4) Charitable flea markets, with no exhibition fee, at locations not listed (see CARNIVALS aforementioned) may be approved with restrictions as part of a notarized letter of intent or a special hearing before the Zoning Commissioner.
- -FLOWER SALES, See Roadside Stand below (also see Section 230.9 BCZR, and ZCPM Page 2-35)
- -FUEL/GAS TANKS other than tanks directly and exclusively connected for permanent heating or cooking are prohibited except that a farm may store fuel for farm equipment only.
- (1) A notarized letter of intent may be required before a permit is issued for a tank.
- (2) See the following cases: 79-135 B-79-597-9
- -GARAGE AND YARD SALES- A private home owner/resident may have one private garage or lawn sale per year as an accessory use to the dwelling in residential zones provided:
- (1) That the sale would not be longer than two consecutive weekends; and
- (2) That there are no other exhibitors of sale items on the property other than the owner/resident; and
- (3) That there is no traffic congestion caused by the sale.
- If there are any complaints filed with the zoning office concerning any of the above, then a notarized letter from the owner of the property that they understand these requirements, or a special hearing may be required before the zoning commissioner prior to any future sales or to modify any of these policies.

ZONING COMMISSIONER'S POLICY MANUAL

-INCINERATORS will be considered as an accessory structure, provided that it is incidental to the principal use, and meets Section 400 of the B.C.Z.R. requirements in residential zones and principal building requirements in commercial and industrial zones. (this does not apply to dumpsters)

-PIT BEEF STANDS - See Roadside Stands below. It must meet commercial site plan requirements.

-ROADSIDE STANDS

- (1) On public land, zoning has no authority or jurisdiction over any sales carried on within the public right-of-way which usually is both the street and the adjacent sidewalk.
- (2) Vendors or Hucksters are not regulated by zoning if they remain permanent or moving in the public right-of-way.
- (3) On private property, zoning does not permit roadside stands or sales temporary or permanent on residential property unless:
 - It is a garage or yard sale (see Garage and Yard Sales (above)
 - It is a farmer's roadside stand (See Section 404.2 B.C.Z.R. & Z.C.P.H., Page 4-6)

-SATELLITE DISHES

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- (1) Satellite television dish systems are permitted on residential property as an accessory use, only, and must comply with all of the provisions of Section 400, except that attaching the dish to the dwelling would not supplant the need for a variance hearing, if the requirements cannot be met.
- See the following cases: C-84-735 B5-347-A
- (3) Dishes are permitted on commercial and manufacturing buildings (no height limitation) i.e., a dish on a building in a B.L. zone may extend above 40' building limit.

-SNOWBALL STANDS - See Roadside Stands above. It must meet commercial site plan requirements.

-SWIMMING POOLS AND TENNIS COURTS

- (1) Swimming pools and Lennis courts are considered accessory structures/uses.
- (2) Community pools or tennis courts not located in the rear areas behind the subdivision dwellings are to be considered other principal bulldings and subject to the standards in the C.M.D.P. If located in a residential transition area, these standards will also have to be met. See also TENNIS FACILITIES Section 406A, Page 4-24
- (3) See the following cases: 82-270-A 88-206-SPH

-TANNING AND NOT TUB FACILITIES - are not specifically listed in the Zoning Regulations, but may be permitted as an accessory use to but not li mited to the following uses:

> Beauty Salons Burber Shops Racquet Ball

Realth Spas Tennis Darns Country Clubs

ZONING COMMISSIONER'S POLICY MANUAL

-TENTS - are permitted on a temporary basis for periods not exceeding 30 days for religious, educational or recreational uses.

-TRAILERS/TRUCKS - If originally constructed, fitted, designed, or used as a trailer, shipping container, truck body, or other similar vehicle are not permitted on residential property as principal or accessory structures such as sheds, garages, storage buildings or otherwise.

-UNUSUAL AND/OR LARGE STRUCTURES/USES not listed above or specifically exempted in 400.1.d below may be subject to a special hearing before the Zoning Commissioner:

(1) See the following cases:

83-259 (outdoor model train layout) 85-62-SPH (large greenhouse)

- 400.1.f THINGS NOT CONSIDERED AS ACCESSORY and therefore not subject to the provisions of Section 400 B.C.Z.R.
 - Air conditioning/heating units
 - Bird baths
 - Children's play equipment (not including treehouses/playhouses)
 - Flag poles
 - Handicapped access ramps
 - Lawn furniture (moveable)

SECTION 400.2.8 - ACCESSORY BUILDINGS - WATERFRONT SETBACKS

- (1) On all waterfront, when the proposed house fronts on the water, use the water as the front property line.
- (2) In U.R. zones the same maximum average setback requirements apply on waterfront.
- (3) In R.C. zones, the front yard requirement on the water would be the same as the street property line requirements based on a 50 it. street.

SECTION 400.2.b - ACCESSORY BUILDINGS - SETBACKS FROM PAPER STREETS/ALLEYS

for the purposes of determining required setbacks, unimproved (paper) streets or alleys shall be considered the same as existing (improved) streets. The same shall apply to corner lots regarding the placement of accessory buildings. The applicant has the option of either petitioning for a variance or a toad closing. To initiate a road closing procedure, a person should contact:

Low Office 807-4420 Bureau of Land Acquisition 887-3252

P.C.# 7

PCST-APPEAL

One Avery Court
Baltimore MD 21237

15 June 1999

COUNTY BOX

County Board of Appeals of Baltimore County

Old Courthouse, Room 49 400 Washington Avenue Towson MD 21204

Ref: Case #99-57-A (8428 Coco Road)

Dear Sirs:

We are the original challengers to the above-referenced Petition for Variance. We testified in person before Commissioner Schmidt on both hearing dates for the original appeal in this case. Having carefully read the Board's Rules of Procedure & Practice, Appendix C of the <u>Baltimore County Code</u>, and in particular Rule 2(b), we expect to be absent from your hearing on Thursday June 24, as we will be out of state on a vacation planned and reserved early in the year.

In lieu of appearing, we ask that the Board accept this letter as a summary of the facts as we know them, and testimony that we continue to believe that the proposed variance does not meet the requirements of the Baltimore County Code. We further ask that all of our testimony and exhibits be taken from the Appeal hearing file and resubmitted for the Board's consideration at the planned hearing on June 24. The exhibits include our letter of 16 Sept 1998 (copy enclosed), our photographs which were submitted in person on the 27 Oct 1998 hearing date, and the 1 Sept 1998 notarized petition of 21 neighbors who supported our challenge to granting of the variance. We have been advised that other qualified property owners will be present for the Board's hearing who will concur with our challenge.

We hereby reiterate these facts regarding the request for variance:

- o The plat submitted with the Petition for Administrative Variance dated 28 July 1998 is wholly inaccurate and does not represent the actual size and position of the house, pool, and existing accessory buildings to fairly demonstrate that the proposed (now erected) accessory building could not be positioned as required by the Building Code.
- o Granting of the Petition for Variance will erode property values, because it presents a congested use of the property not in keeping with the requirements of the existing 5.5 zoning, and as the first such variance, will inevitably provide an entre for other property owners to obtain similar variances which will have a cumulative, downgrading effect on the overall assessed value of the neighborhood. We wish to point out that we have previously had our property assessments lowered by the State because of the poor condition of the Petitioner's property; we will continue to do so should the Petition for Variance be granted.

- O Most importantly, we want the Board to examine the testimony record from Commissioner Schmidt's hearing regarding the use of the building. In uncontroverted testimony, the Petitioners admitted that the new accessory shed, the subject of their Petition for Variance, was (in October of 1998), being used to house their vending trailer along with food supplies that were sold at retail as part of their business. Commissioner Schmidt admonished them that such activity violated the Baltimore County Zoning Code. Such activity has continued, and we have personally witnessed the storage, not only of packaged foods and drinks, such as sodas, but also that of fresh fruits such as bags of oranges. The ramp into the accessory building was widened this spring, after Commissioner Schmidt's denied their petition, to improve movement of the vending trailer into and out of the building. This egregious activity, in direct defiance of the Zoning Commissioner's directive, should not be permitted to continue in an accessory shed erected expressly for the purpose of garaging and warehousing a commercial activity.
- o At the Commissioner's hearing, we stated that the Petitioners had verbally threatened us because of our challenge to their petition. Their threat to create some new issue against us, with our adjacent property, has not abated. We ask the Board, as did Commissioner Schmidt, to reiterate to the Petitioners the legal right of property owners to challenge variance requests under the Baltimore County Code, and that such rights do not in themselves cause a denial of a petition for variance, but rather the facts of the case under the law as determined by the Board.

Once again, as an affected property owner, we ask, for the reasons above and others that may become evident in the Board's Hearing on 24 June 1999, that the Petition for Administrative Variance, Case No. 99-57-A, be denied by the Board. The facts testified to above are true to the best of our belief and knowledge.

Respectfully submitted,

Chordes J. Kovarik
Charles J. Kovarik

Elizabeth M. Kovarik

Notarized

State of Maryland County of Baltimore

On this 17th day of June 1999 appeared before me Charles J. Kovarik and Elizabeth M. Kovorik a Notary Public.

Robin E. Stevens

My commission expires 11-1-2001

P.C. 48

RECEIVED POST-APPEAL

8411 Coco Rd. Baltimore, MD 21237 21 June 1999

County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue, Towson, MD 21204

Ref:#99-57-A [8428 Coco Road]

Dear Sirs:

I testified in person before Commissioner Schmidt at the second hearing for the original appeal in this case. In accordance with the Board's Rules of Procedure and Practice, Appendix C of the Baltimore County Code—especially Rule 2[b], I will be in Massachusetts and, therefore, will be unable to attend the hearing.

In lieu of appearing, I ask that the Board accept this letter requesting that the Petition for Administrative Variance [Case #99-57-A] be denied by the Board. In my opinion, the proposed variance does not meet the requirements of the Baltimore County Code. I also request that all testimony and exhibits from the Appeal hearings be submitted for the Board's consideration at the planned hearing on June 24.

In spite of Commissioner Schmidt's admonition that the petitioner's use of the new accessory shed to house vending supplies violated the Baltimore County Zoning Code, the activity has continued blatantly in defiance of the ruling, and the ramp to this building has been widened for easier access.

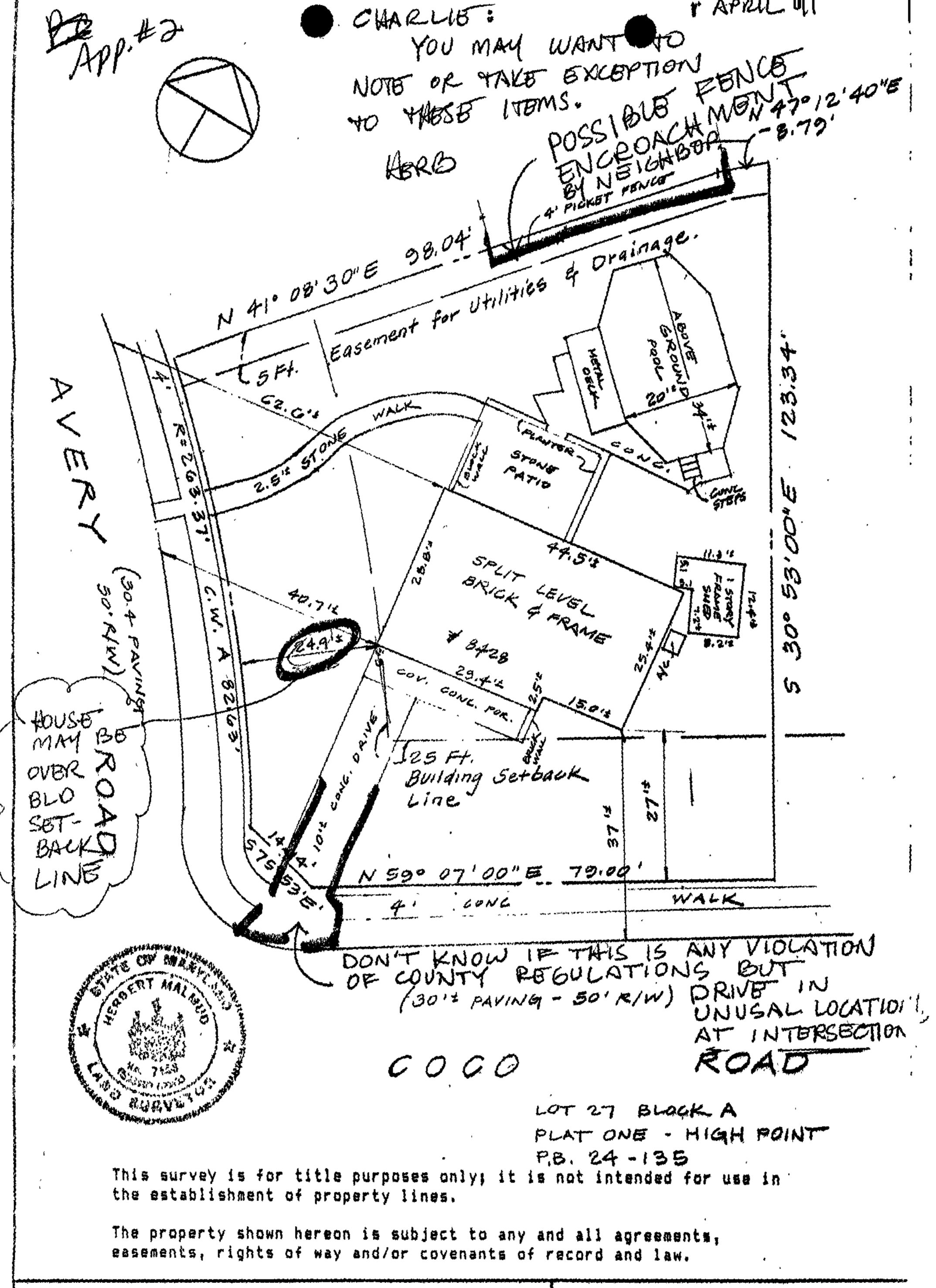
As a property owner on Coco Road, in view of its negative appearance as well as the commercial warehouse usage, I urgently request this denial.

Respectfully submitted,

Richard M. Spooner

Com exp 4/1/00

RECEIVED POST-APPEAL



SURVEYOR'S CERTIFICATE

I hereby certify that the position of all the existing improvements shown on the above described property has been carefully established by field survey and are apcated as apown.

Herbert Malmud Professional Land Surveyor Maryland # 7558 BALTIMORE COUNTY, MO.

Date MAR 28,1491:

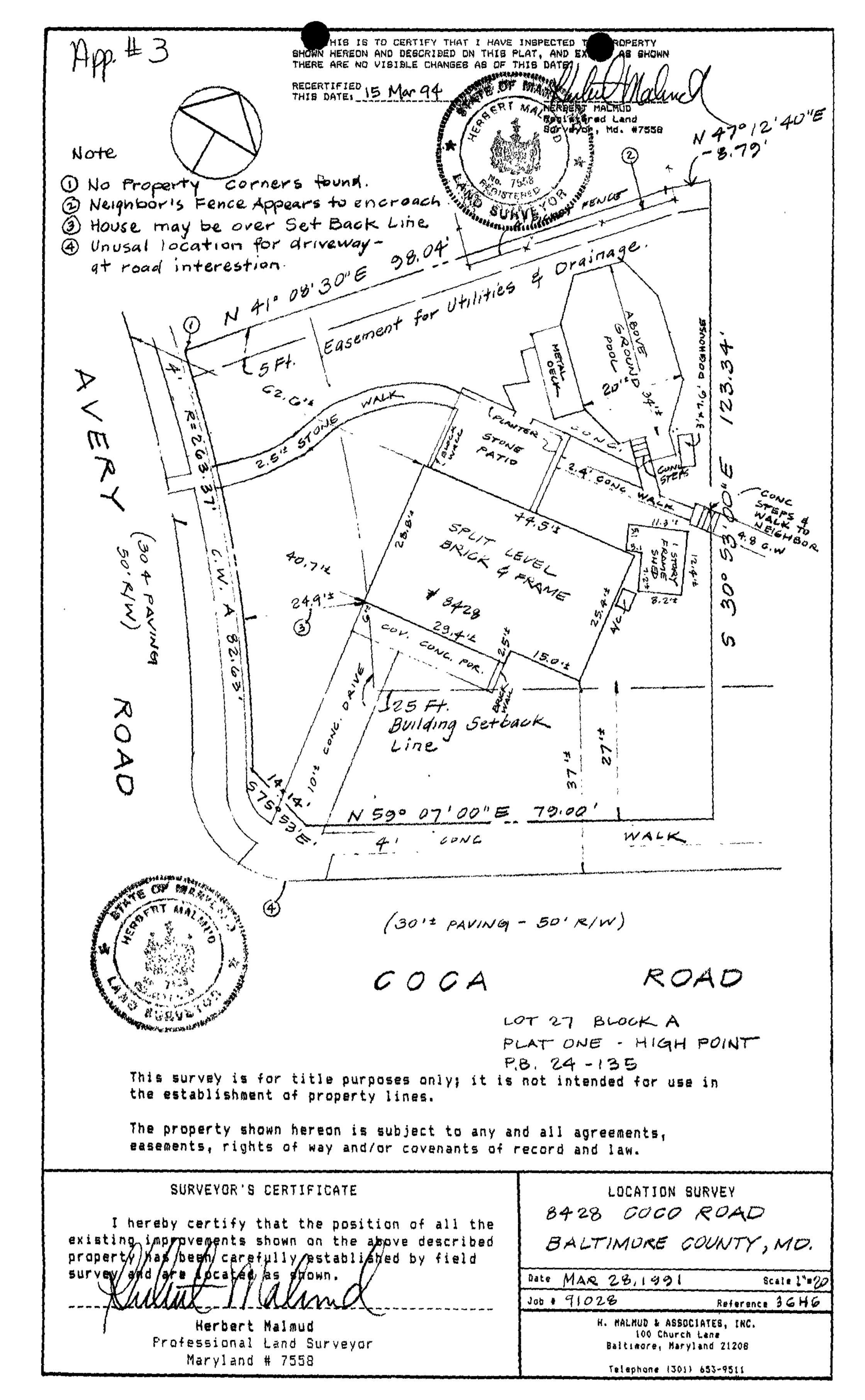
Scale 1"=20

Job : 91028

Reference 3646

H. HALHUD & ASSOCIATES, INC. 100 Church Lang Baltimore, Maryland 21208

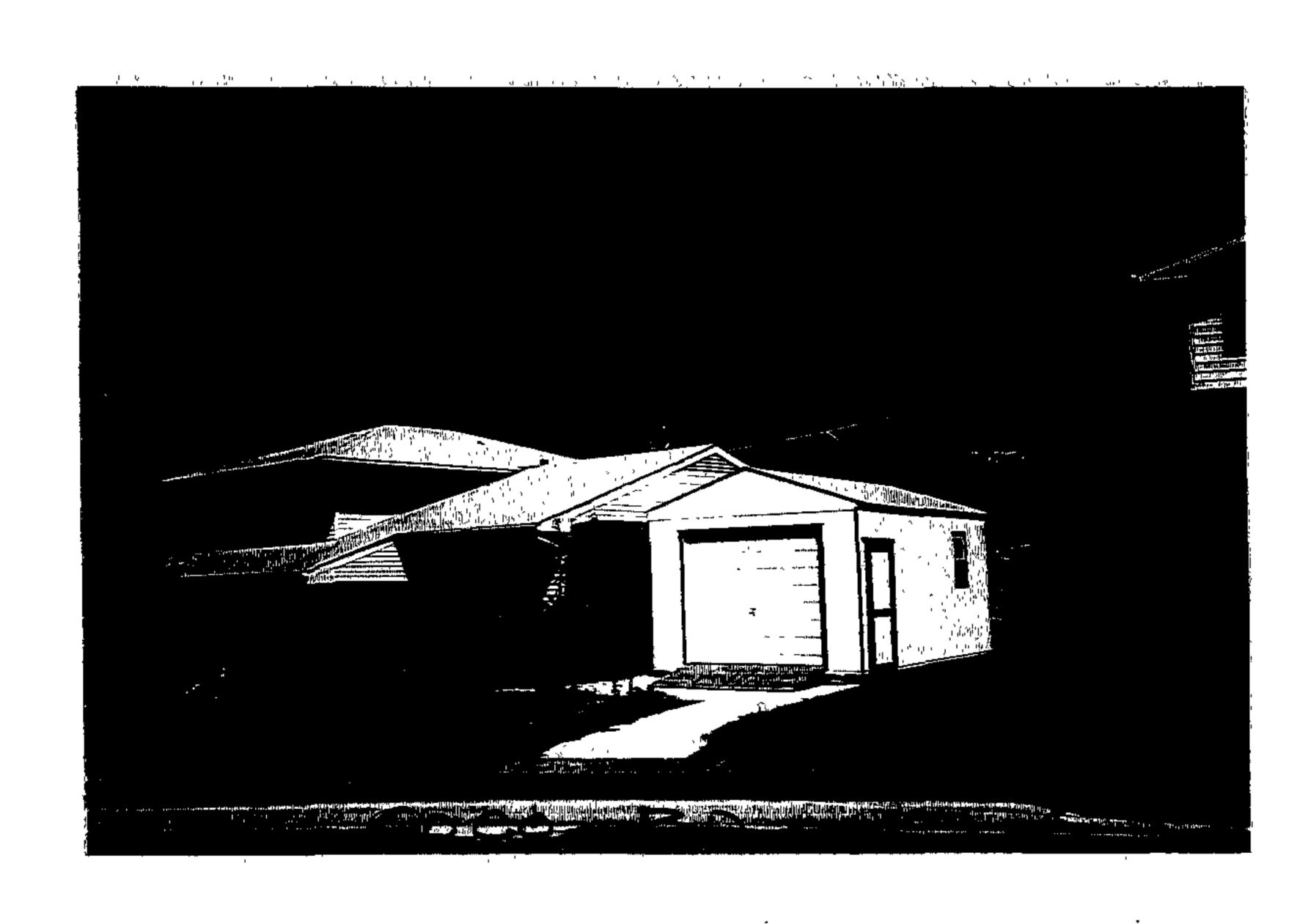
Telephone (301) 653-9511



App, #4

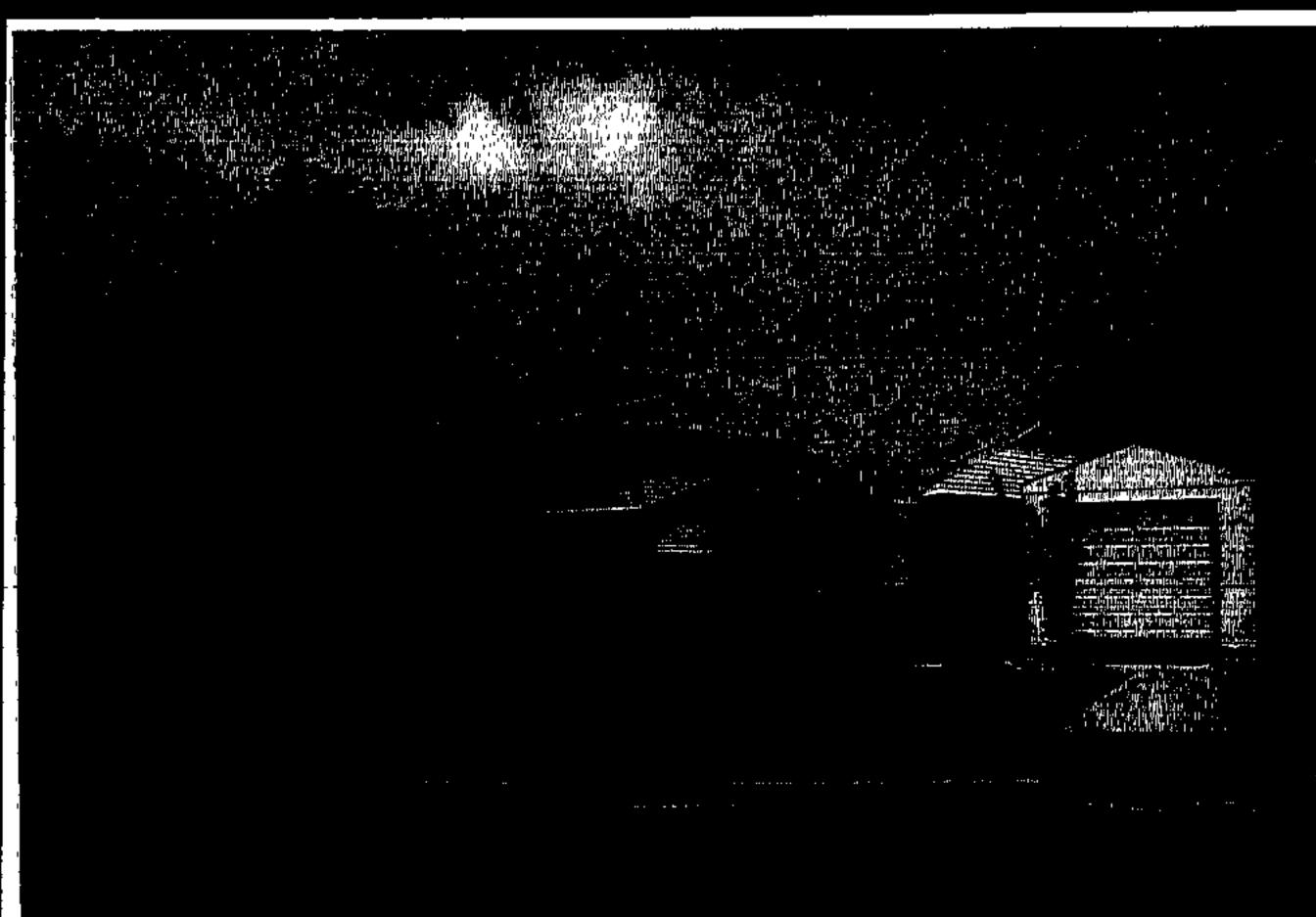
Log of Photographs - Case #99-57A (8428 Coco Road)

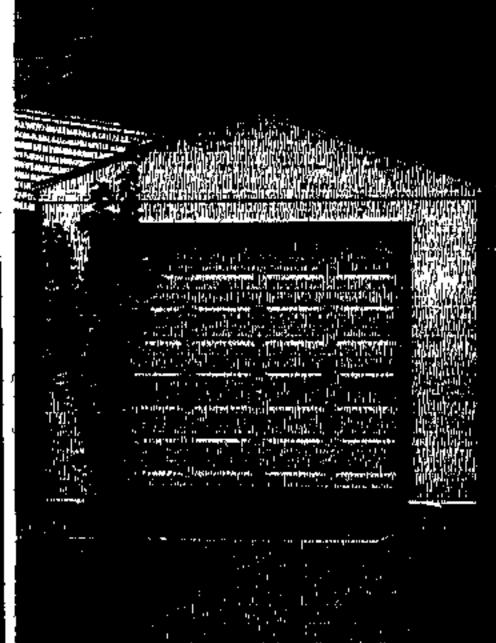
<u>No.</u>	Description
1	Front view of 8428 Coco Road from intersection of Coco Road and Avery Road. Note angular orientation of house.
2	Side view of house and new storage building from Coco Road.
3	New storage bldg. showing clearance to house at 8430 Coco Road.
4	New storage building with window, garage & side doors, ramp, and wide walkway to sidewalk.
5	Front view of house showing full-sized garage and driveway.
6	Side view of house and property from Avery Road.
7	Close-up of Avery Road side yard with pool at far end.
8	Rear corner of property showing pool, house, pre-existing storage (accessory) building and new storage building in distance.
9	Rear corner of property showing area toward Avery Road.
10	Close-up of pre-existing storage building with new storage building in distance in view toward Coco Road.
11	View from rear of property toward Coco Road showing clearance to house at 8430 Coco Road.
12	Close-up of side and rear yard with patio viewed from Avery Road.

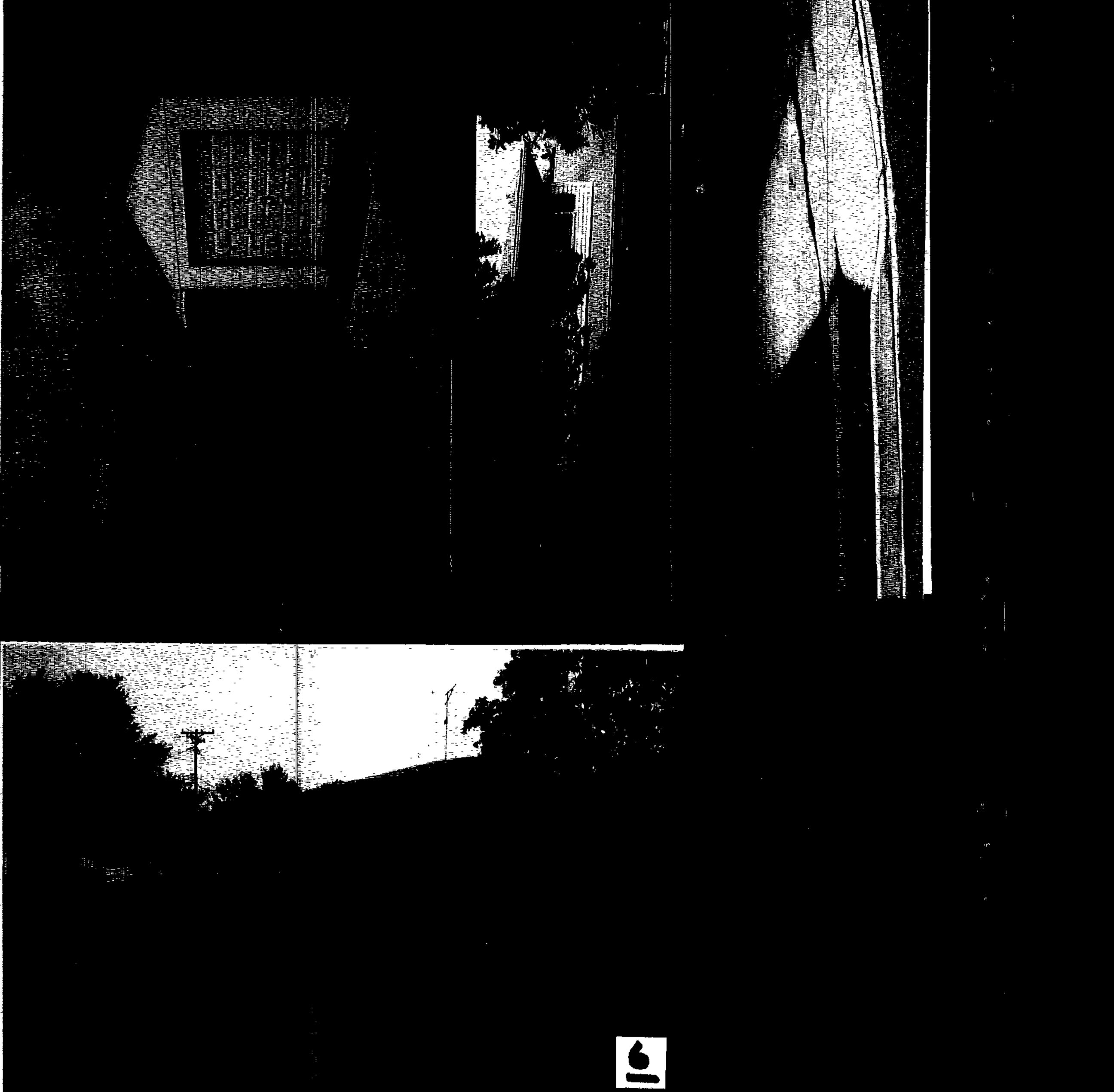


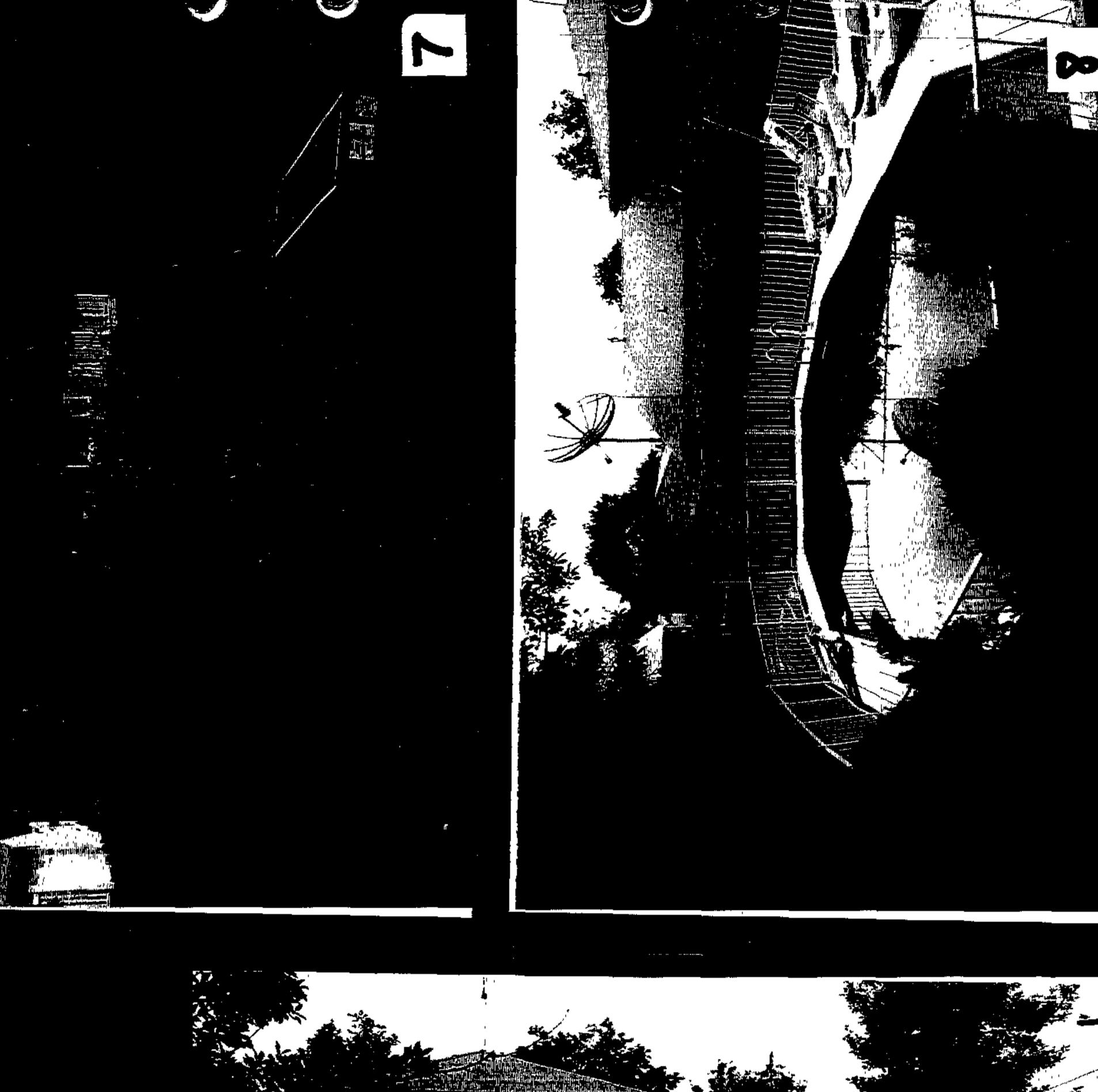
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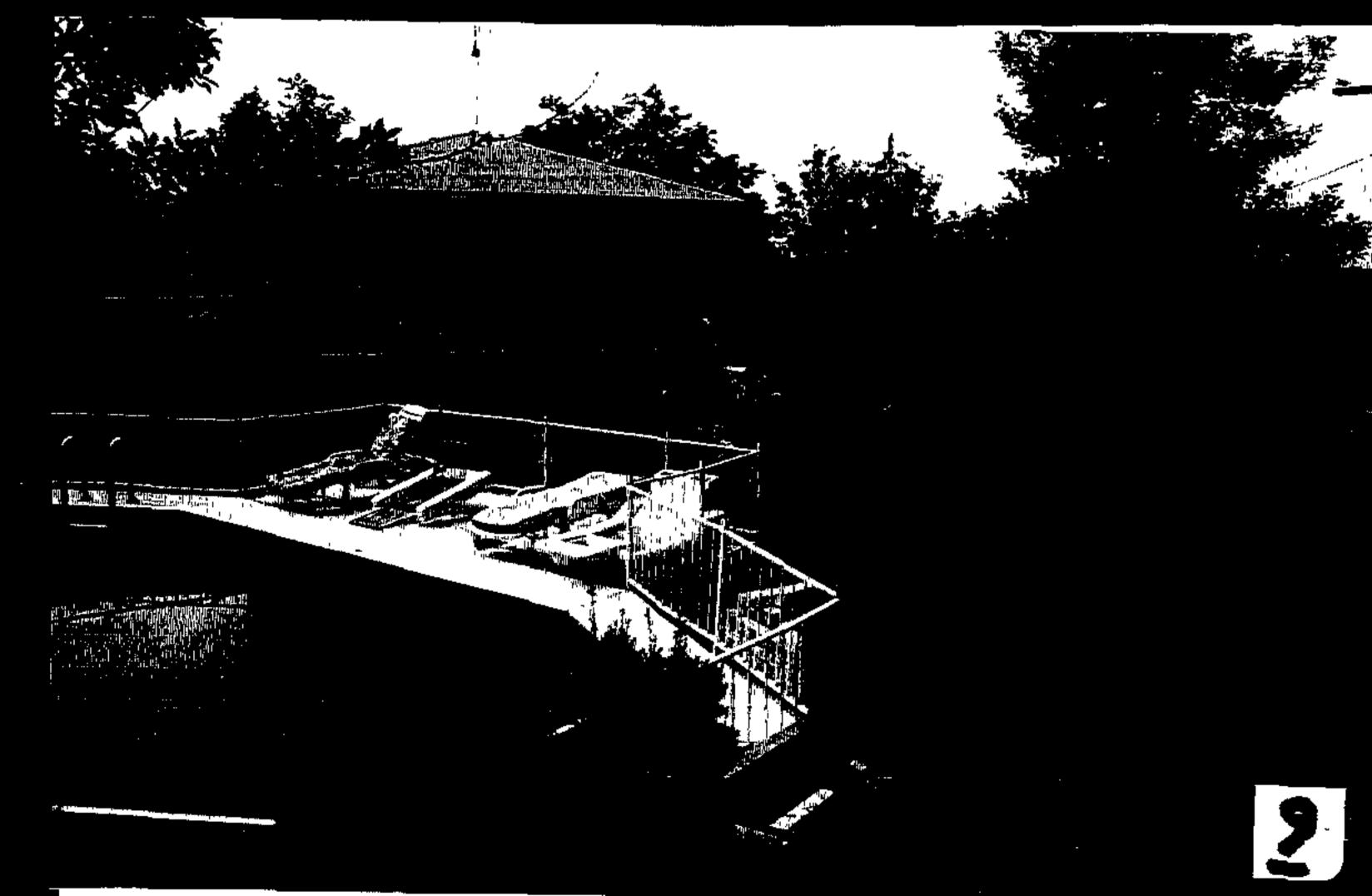




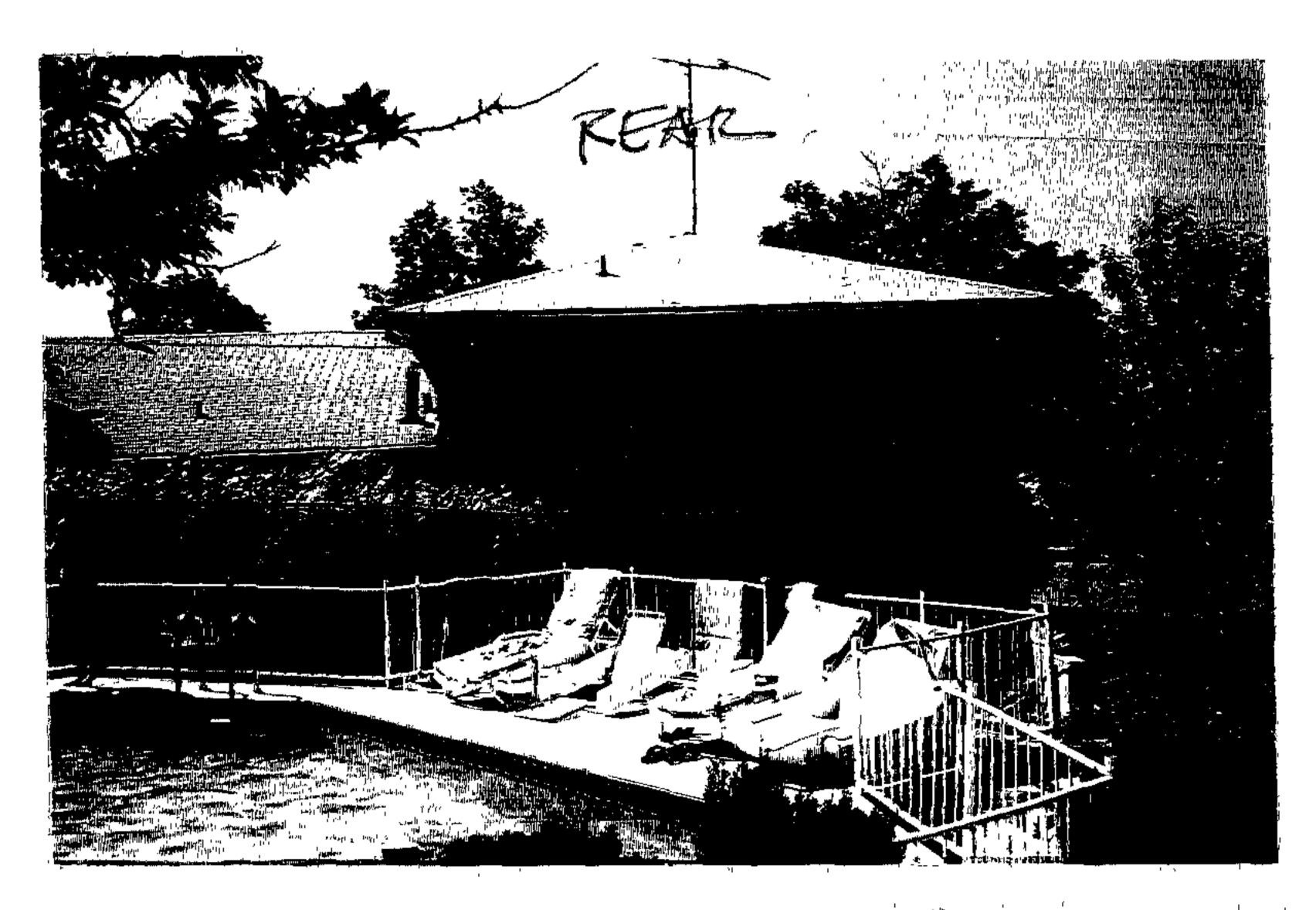


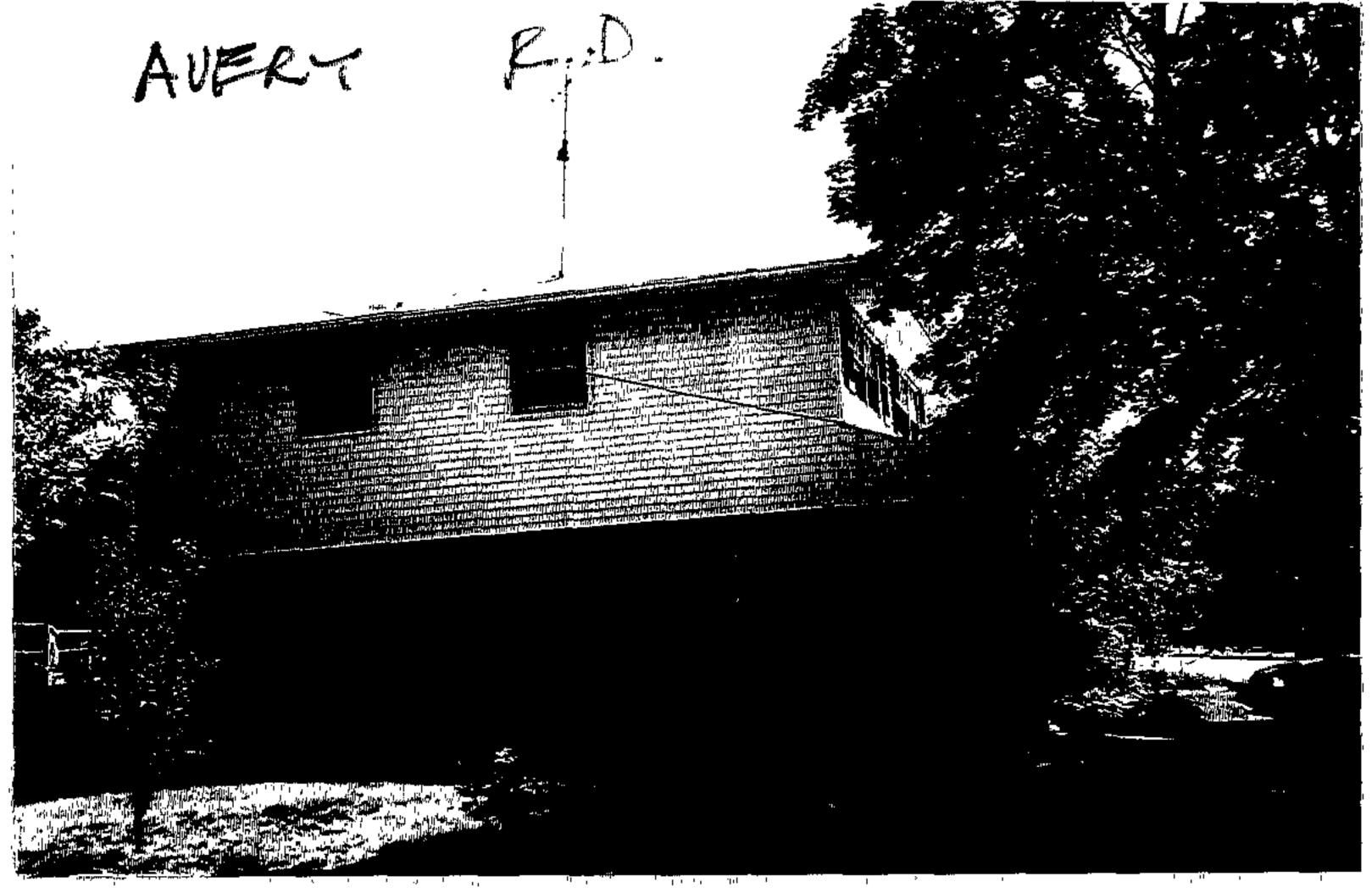




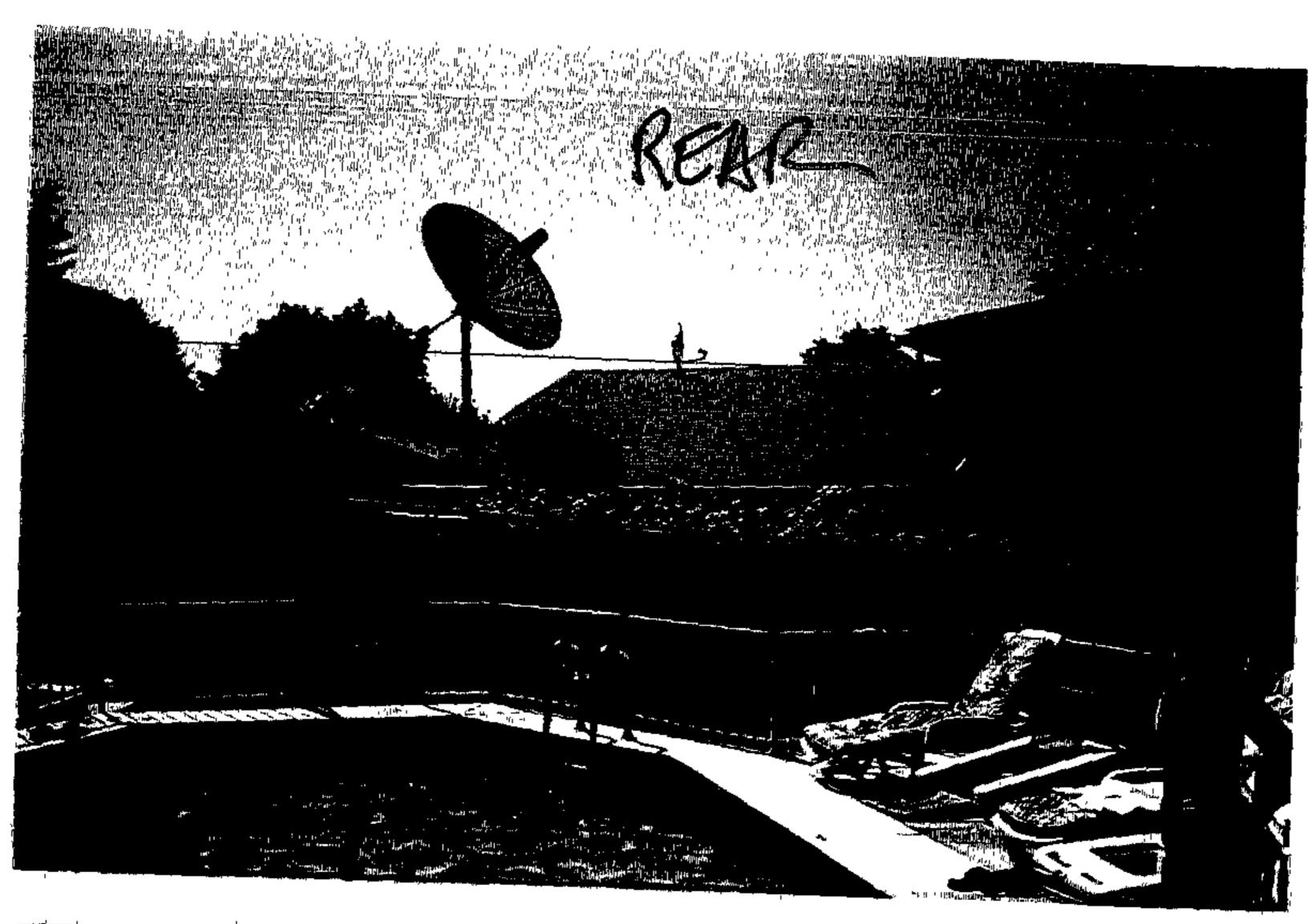


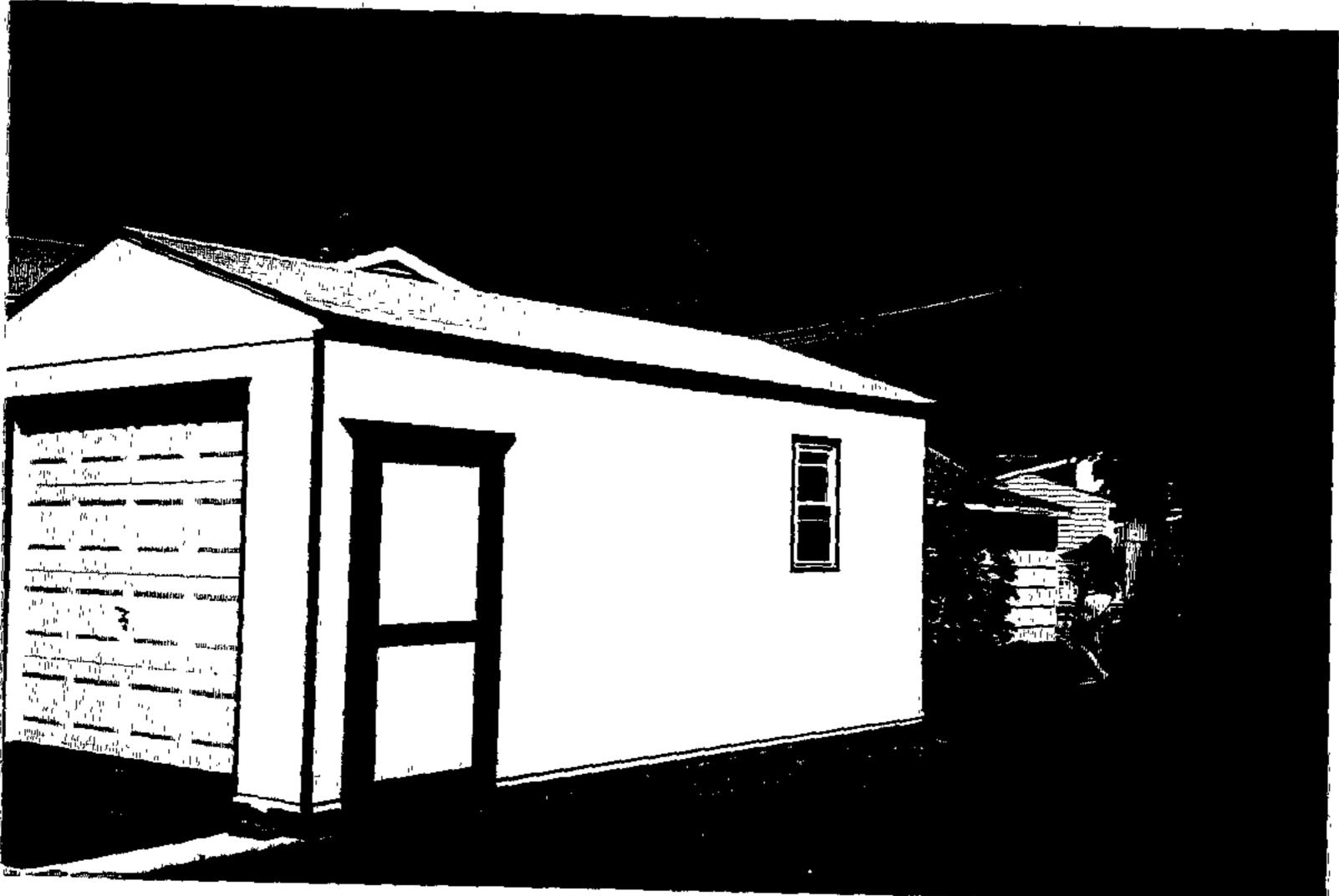







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