

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
N/S North Point Boulevard, 30' NW	*	DEPUTY ZONING COMMISSIONER
of centerline Rosebank Avenue		
15th Election District	*	OF BALTIMORE COUNTY
7th Councilmanic District		
(3706 North Point Boulevard)	*	CASE NO. 00-416-XA
Deborah A. & John T. Derwart,	*	
Legal Owners		
and	*	
Tom Warnick, Lessee		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owners of the subject property, Deborah and John Derwart. The Petitioners are requesting a Special Exception to allow the storage of inflammable liquids above ground and Variances as follows: (a) from Sections 102.2 and 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a distance of 17.5 ft. between buildings in lieu of the required 60 ft.; (b) from Section 238.2 of the B.C.Z.R., to permit side yard setbacks of 18 ft. and 24.8 ft. in lieu of the required 30 ft. respectively; and from Section 238.4 of the B.C.Z.R., to permit a 0 ft. setback for display of materials in the front yard in lieu of the required 15 ft. The hearing involves property located 3706 North Point Boulevard, which property is zoned BR. The subject property has been owned by Mr. and Mrs. Derwart for the past 25 years. The subject property consists of 0.4 acres, more or less, zoned BR and is located at the intersection of North Point Boulevard and Rosebank Avenue.

Appearing at the hearing on behalf of the special exception and variance request were John Derwart, owner of the property and Tom Warnick, the lessee of the site. There were no protestants or other citizens in attendance

ORDER RECEIVED FOR FILING

Date 5/26/00
By J. J. Jones

Testimony and evidence indicated that Mr. Derwart purchased the property in 1975 and operated an insurance business from the 1½ story structure located thereon. He operated his business for 13 years up until 1988. In 1989, Mr. Warnick leased the subject property from the owner and has operated his business at the site for the past 11 years. Mr. Warnick is in the business of selling and manufacturing lawn ornaments or statuary from the subject property.

Mr. Warnick testified that he manufactures concrete lawn ornaments in the one-story metal shed located on the property. He has various moulds on hand wherein he pours a concrete solution in order to form the different statues and lawn ornaments which are sold to members of the public. He has been doing this from the subject property for the past 11 years. There has never been any complaints regarding his business during that 11 year period.

Approximately 3 years ago, Mr. Warnick constructed the one-story metal shed building on the subject property. He proceeded through the "Development Review Committee" (DRC) process and was given permission to proceed with the installation of the metal shed. However, no permit was obtained. As a result of now attempting to get the permit for the building, the variances that are being requested, as well as the special exception, are necessary in order for his business to continue from the property.

As to the special exception request, Mr. Warnick testified that he stores approximately 15-20 gallons of a methanol solution that is used in the process of creating this concrete statuary. Apparently, the moulds that are used in creating these statues are coated with this methanol solution prior to the concrete being poured into the mould. This prevents the concrete from sticking to the mould itself, allowing the statute to be formed and the mould removed. The inflammable liquids that are stored on the property are not sold to the general public, but are used in the manufacturing of these statues. Mr. Warnick testified that his business for the past 11 years has been regularly inspected by the Fire Department who are aware of the storage of this methanol solution. The Fire

Department has no objection to the storage of the inflammable liquids so long as they are stored in a particular location on the property with which Mr. Warnick complies. He has never had a violation with the Fire Department.

In addition to manufacturing these statues, Mr. Warnick also displays various lawn ornaments on the property for sale to the general public. He also sells his statues to retailers in and around the Baltimore area and in southern Pennsylvania. The yard area in front of the subject property is covered with the various lawn ornaments that Mr. Warnick offers for sale, which is very common for this type of sales business. Mr. Warnick indicated that all of his immediate neighbors surrounding his property have never complained about his business during the past 11 years. He simply wishes to continue to operate his business from the subject property and needs the variances as well as the special exception in order to continue to do so.

Given the lack of opposition from any resident of the area, as well as the fact that he has operated from this location for the past 11 years without objection, I find that the variance request, as well as the special exception request should be granted.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permit the storage of inflammable liquids by special exception. It is equally clear that said storage would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the storage met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the storage at this particular location described by Petitioner's Exhibit No. 1 would have any adverse impact above and beyond that inherently

associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The storage will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

As to the variance requests, an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

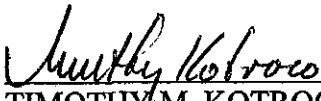
COPIES RETURNED FOR FILING
Date 5/26/00
By J. R. Gimeson

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED this 26th day of May, 2000, by this Deputy Zoning Commissioner, that the Petitioner's Special Exception Request pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the storage of inflammable liquids above ground, be and is hereby APPROVED.

IT IS FURTHER ORDERED that the Petitions for Variance: (a) from Sections 102.2 and 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a distance of 17.5 ft. between buildings in lieu of the required 60 ft.; (b) from Section 238.2 of the B.C.Z.R., to permit side yard setbacks of 18 ft. and 24.8 ft. in lieu of the required 30 ft. respectively; and from Section 238.4 of the B.C.Z.R., to permit a 0 ft. setback for display of materials in the front yard in lieu of the required 15 ft, be and are hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 5/26/00
By J. P. Jensen



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May ²⁶ 25, 2000

Mr. & Mrs. John T. Derwart
9190 Twiford Court
Ellicott City, Maryland 21042

RE: Petitions for Special Exception & Variance
Case No. 00-416-XA
Property: 3706 North Point Boulevard

Dear Mr. Derwart:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Exception and Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Ms. Bernadette L. Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road, Room 101
Towson, Maryland 21286

Mr. John Warnick
3706 North Point Boulevard
Baltimore, Maryland 21222



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at #3706 North Point Blvd

which is presently zoned BR

This Petition shall be filed with the Department of Permits and 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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

storage of inflammable liquids above
ground.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Bernadette L. Moskunas

M&H Development Engineers, Inc.

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date 4/5/00

Case No. 00-416-XA

Date 09/15/98

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #3706 North Point Blvd

which is presently zoned BR

This Petition shall be filed with the Department of Permits and 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) 102.2 and 238.1 to permit a distance of 17.5 ft. between buildings in lieu of the required 60 ft.; Section 238.2 to permit side yard setbacks of 18 ft. and 24.8 ft. in lieu of the required 30 ft. respectively; and Section 238.4 to permit a zero ft. setback for display of materials in the front yard in lieu of the required 15 ft.

- of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
1. Width of property is not wide enough to allow 60' between existing structures. The dimension would still be less than 60' if the one building was razed and relocated.
 2. The display of the merchandise needs to be displayed in the front yard because of the position of the parking lot and the existing building on the property.
 3. The location of the principle dwelling does not allow for a parking lot in the front of the property. There would be too much congestion in the area of the entrance if not located in the rear.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 00-416-XA

Date 9/15/98

Legal Owner(s):

DEBORAH A DERWAET

Name - Type or Print

Signature

JOHN T DERWAET

Name - Type or Print

Signature

9190 Twi Ford Ct 410-465-1390

Address

Telephone No.

ELLKOTT CTY MD

City

State

Zip Code

Representative to be Contacted:

Bernadette L Moskunas

M & H Development Engineers, Inc.

Name

200 E. Joppa Road Room 101 (410) 828-9060

Address

Telephone No.

Towson, MD 21206

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By BR

Date 4/5/00

ORDER RECEIVED FOR FILING
Date 5/26/00
By [Signature]

ZONING DESCRIPTION FOR #3706 NORTH POINT BOULEVARD

BEGINNING at a point on the north side of North Point Boulevard which is 150 feet wide at the distance of 30' northwest of Rosebank Avenue which is 60 feet wide; thence running N 49 degrees 01 minutes W, 120.12 feet; thence N 39 degrees 10 minutes E, 125.00 feet; thence S 49 degrees 01 minutes E, 150.00 feet; thence S 39 degrees 10 minutes W, 6.30 feet; thence N 49 degrees 01 minutes W, 30.00 feet and thence S 39 degrees 10 minutes W, 118.70 feet to the Point of Beginning, containing 16,875 square feet, more or less. As recorded in deed Liber 5277, folio 639.

Also known as #3706 North Point Boulevard and located in the 15th. Election District, 7th. Councilmanic District.



J. Tilghman Downey, Jr.

*M&H Development Engineers, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060*

00-416-XA

416

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: # 00-416-XA

3706 North Point Boulevard

N/S North Point Boulevard, 30' NW

of centerline Rosebank Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): Deborah A. & John T. Derwart

Special Exception: for the storage of Inflammable liquids above ground. **Variance:** to permit a distance of 17.5 feet between buildings in lieu of the required 60 feet; to permit side yard setbacks of 18 feet and 24.8 feet in lieu of the required 30 feet; and to permit a zero foot setback for display of materials in lieu of the required 15 feet.

Hearing: Wednesday, May 24, 2000 at 10:00 a.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 Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/8/01 May 9

C389581

CERTIFICATE OF PUBLICATION

TOWSON, MD,

5/11, 2000

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/9, 2000.

S. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

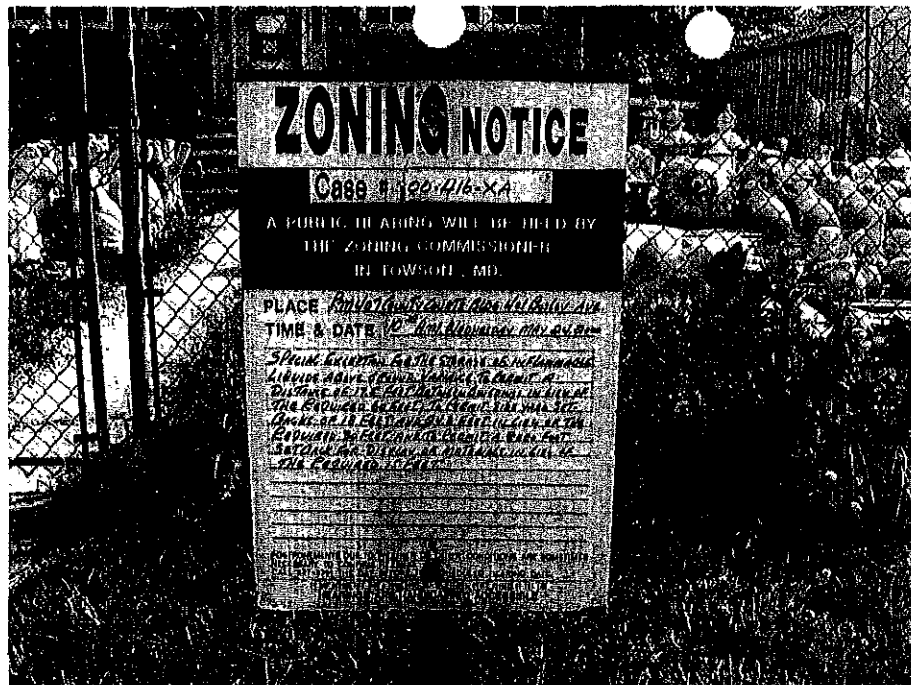
No. 079084

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

1940.00 1000 1000
 1940.00 1000 1000
 1940.00 1000 1000

00-416-XA

CASHIER'S VALIDATION

Posted at 3706 North Point Rd.

CERTIFICATE OF POSTING

**RE: CASE # 00-416-XA
PETITIONER/DEVELOPER
(John T. Derwart)
DATE OF Hearing
(5-24-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

3706 North Point Road Baltimore, Maryland 21222_____

THE SIGN(S) WERE POSTED ON_____ 5-8-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

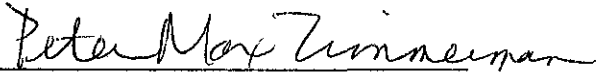
_____ 410-687-8405 _____
(TELEPHONE NUMBER)

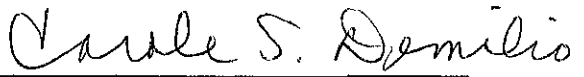
RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
3706 North Point Boulevard, N/S North Pt Blvd, 30' NW * ZONING COMMISSIONER
of c/I Rosebank Ave *
15th Election District, 7th Councilmanic * FOR
Legal Owner: John T. & Deborah A. Derwart * BALTIMORE COUNTY
Petitioner(s) *
Case No. 00-416-XA

* * * * *

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 or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 26th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Bernadette L. Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

April 27, 2000

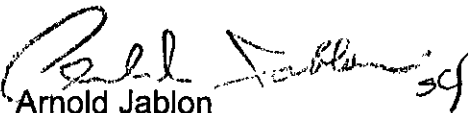
NOTICE OF ZONING HEARING

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: 00-416-XA
3706 North Point Boulevard
N/S North Point Boulevard, 30' NW of centerline Rosebank Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Deborah A. & John T. Derwart

Special Exception for the storage of inflammable liquids above ground. Variance to permit a distance of 17.5 feet between buildings in lieu of the required 60 feet; to permit side yard setbacks of 18 feet and 24.8 feet in lieu of the required 30 feet; and to permit a zero foot setback for display of materials in lieu of the required 15 feet.

HEARING: Wednesday, May 24, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Arnold Jablon
Director

C: Deborah & John Derwart, 9190 Twiford Court, Ellicott City 21043
M&H Development Engineers, Inc., 200 E. Joppa Rd., Room 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 9, 2000.**
(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
(3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 9, 2000 Issue – Jeffersonian

Please forward billing to:

Tom Warnick 410-288-6382
3706 North Point Boulevard
Dundalk, MD 21222

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:

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3706 North Point Boulevard
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HEARING: Wednesday, May 24, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt 54

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-416-XA

Petitioner: TOM WARNICK

Address or Location: #3706 NORTH POINT BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: TOM WARNICK

Address: 3706 NORTH POINT BLVD.
DUNDALK, MD. 21222

Telephone Number: 410 288-6382



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

May 19, 2000

Ms. Bernadette L. Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road, #101
Towson MD 21286

Dear Ms. Moskunas:

RE: Case Number 00-416-XA , 3706 North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 5, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

April 18, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF **APRIL 17, 2000**

ITEM NO.: 416, 423, 424,

Dear Ms. Stephens:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MB*

DATE: April 25, 2000

RECEIVED MAY 08 2000

SUBJECT: Zoning Item #416
Turtletown Gardens and Gifts

Zoning Advisory Committee Meeting of April 17, 2000

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Keith Kelley

Date: April 20, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 26, 2000

RECEIVED MAY 08 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 3706 North Point Blvd.

INFORMATION:

Item Number: 416

Petitioner: Deborah A. Derwart

Zoning: BR.

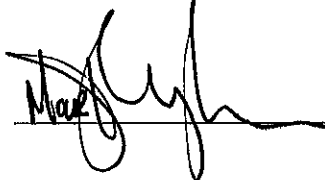
Requested Action: Special Exception/Variance

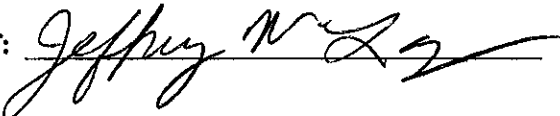
SUMMARY OF RECOMMENDATIONS:

A field inspection conducted by the Office of Planning revealed that the subject property suffers from deferred maintenance. Planning staff believes the property should be brought up to an acceptable standard. Furthermore, on October 25, 1999, inspector Jeffrey Perlow (under Violation Notice # 116647) cited the petitioner for various zoning violations. To date, the petitioner has not abated the violations noted in the citation.

The subject Special Exception/Variance was filed pursuant to the citation mentioned above. The Office Planning does not support the Special Exception/Variance request as this office has determined that such an approval would circumvent the Baltimore County Zoning Regulations, and would be detrimental to neighborhood.

If the Special Exception/Variance is approved, it should be contingent upon the abatement of all violations addressed in Violation Notice # 116647 (see attached).

Prepared by:  _____

Section Chief:  _____

AFK:MAC:

Carol



Baltimore County
Department of Permits and
Development Management

Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension 7290
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

116647

Case No.:

99-6976

Election District 15 Permit No. _____

Name (s) JOHN T. DERWART
DEBORAH A. DERWART

Address 9190 TWIFORD CT, ELLICOTT CITY, MD 21042-1822

Location of Violation (if different than address) 3706 NORTH POINT BLVD.

Vehicle License No.: _____ Vehicle ID: _____
CC: TURTLETOWN GARDENS & GIFTS
3706 NORTH POINT BLVD., BALTIMORE, MD 21222
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS.

County Code:

§§ 26-121(a)

§§ _____

Building Code (BOCA):

§§ _____

§§ _____

Investment Property Act (7-66):

§§ _____

Plumbing Code (NSPC):

§§ _____

Zoning Regulations:

§§ 101-Junk Yard, Open Dump, Building
§§ Line 102.1, 236, 238, 4, 279
502, 500, 500, 9

Livability Code (18-66):

§§ _____

§§ _____

Electrical Code (NEC):

§§ _____

Dwelling (CABO):

§§ _____

Other: §§ ZCPM: 500, 9

COMMENTS OR OTHER VIOLATIONS:

- ① STORAGE AND DISPLAY OF LAWN ORNAMENTS ARE PERMITTED IN THE FRONT YARD PROVIDED THE LAWN ORNAMENTS ARE SETBACK 25 FEET FROM THE FRONT PROPERTY LINE. REMOVE OR RELOCATE LAWN ORNAMENTS FROM THE 15 FEET SETBACK AREA OR OBTAIN SETBACK VARIANCE.
- ② STORAGE OF INFLAMMABLE LIQUIDS AND/OR GASES ABOVEGROUND WITHOUT BENEFIT OF A SPECIAL EXCEPTION. REMOVE INFLAMMABLE LIQUIDS AND/OR GASES OR FILE PETITION FOR SPECIAL EXCEPTION HEARING.
- ③ SNOWBALL STAND AND/OR ACCESSORY STRUCTURE IN FRONT YARD. REMOVE OR OBTAIN USE PERMIT AND APPROVED SITE PLAN.
- ④ OPERATION OF AN OPEN DUMP. CEASE OPERATIONS.
- ⑤ OPERATION OF A JUNK YARD. CEASE OPERATIONS.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE 11/25/99. FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 10/25/99

INSPECTOR:

Jeffrey Perlow
JEFFREY PERLOW

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____

INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY

AGENCY



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 4.17.00

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

RE: Baltimore County
Item No. 416 BR

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 151 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at lgredlein@sha.state.md.us.

Very truly yours,

10 Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

00-416-XA

**BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE**

DATE: April 14, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 416
Legal Owner/Petitioner: Deborah A. Derwart
Contract Purchaser: n/a
Property Address: 3706 North Point Blvd.
Location Description: N/S of North Point Blvd., 30' N/W of centerline of
Rosebank Ave.

VIOLATION INFORMATION: Case No.: 99-6976 & 99-5364
Defendants: John T. Derwart & Deborah A. Derwart
(Property Owner)
Turtletown Garden & Gifts (Tenant)

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Don Rascoe, PDM	M.S. 1105

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☒ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☒ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/mc

cc: Jeff Perlow, Code Enforcement Officer & Rodney Larrick, Code Inspections Officer

DATE: 10/20/99 INTAKE BY: JP CASE #: 99-6976 INSPEC: JP

COMPLAINT LOCATION: 3706 Northpoint Blvd.
Baltimore, MD ZIP CODE: 21222 DIST: 20

COMPLAINANT NAME: Planning Office (Carol McEvey) PHONE #: (H) X3480 (W)

ADDRESS: 1200 Rodney Harick Cell Phone: (410) 446-1041 ZIP CODE:

PROBLEM: Insufficient setback for outdoor sales area, junk, open dump, site Plan revision, Use Permit.
(DRC # 12026B & 10129F per Don Rascose)OWNER/TENANT INFORMATION: Surtletown Gardens & Gifts (410) 288-6382
(Sam Warnick) (Tenant is)

TAX ACCOUNT #: ZONING: BR

INSPECTION: 10/20/99 @ 2:00 - old car seats, 12 empty 5 gallon cans (flamable); chicken wire, wood pallets, metal beams/cans - many more; metal mesh for caging; 25 gallon liquid drum (flamable); broken concrete pieces; wood & lumber; hundreds of concrete lawn ornaments; old snowball stand in front yard; outside storage area more than 15 feet in front of required front bldg line (35' setback required). 8 PHOTOS TAKEN

REINSPECTION: 10/25/99 - Correction notice mailed to property owner and tenant. Copies sent to Don Rascose & Carol McEvey.
POF - ALP 11/5/99

REINSPECTION: 12/2/99 - Substantial progress made on correcting items in correction notice. Petition not filed yet. Defendant will send an extension request letter to me for additional time.

REINSPECTION: 12/9/99 - Left message at Surtletown Garden & Gifts
12/20/99 - Left message with Sam Warnick to call me back with date that he needs an extension til. Spoke to Carol McEvey who was O.K. with giving them additional time. She will tell Amy

CODE ENFORCEMENT REPORT

DATE: 10/20/99 INTAKE BY: JP CASE #: 99-6976 INSPEC: JP

COMPLAINT LOCATION: 3706 Northpoint Blvd.
Baltimore, MD ZIP CODE: _____ DIST: _____

COMPLAINANT NAME: Planning Office (Carol McEwen) PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: Insufficient setback for outdoor sales area, junk yard, open dump, site plan revision, Use Permit.
(DRC # 12026B & 10129F per Don Rascoe)

OWNER/TENANT INFORMATION: Surtletown Gardens & Gifts

TAX ACCOUNT #: _____ ZONING: BR

INSPECTION: 10/20/99 @ 2:00 - old car parts, 12 empty 55 gallon cans (flammable); chicken wire, wood pallets, metal beams/cross members, mats mesh for caging; 25 gallon liquid drum (flammable); broken concrete pieces, wood & lumber, hundreds of concrete lawn ornaments; old snowball stand in front yard; Outside storage area more than 15 feet in front of required front bldg line (35' setback required). 8 PHOTOS TAKEN.

REINSPECTION: 12/30/99 - Continued; Erexell, the community planner, that we are giving them more time. Waiting call back from Sam Warnick

REINSPECTION: 12/27/99 @ 1:00 - I spoke to Sam Warnick, tenant, and granted him an extension until January 31, 2000. If he cannot meet that date he will send in a new ext. request letter. New stop date of 1/31/2000

REINSPECTION: 2/4/00 - Spoke to Pat O'Rourke about it who said a administrative hearing scheduled for Nov 29/00, but I could not find any evidence of that in our department.

REINSPECTION: 2/11/00 @ 10:11 - Left message for tenant to call back.

ATE:

E-INSPECTION SHEET CONTINU

2/17/2000 @ 1:40 - Property in same condition as prior inspection w/ addition of blue ~~Mercury~~ Mercury, no tags. He will FAX extension request today.

2/22/2000 @ 8:00 - Spoke to Tom Warnick, petitioner, who will file petition for all three issues:

ATE:

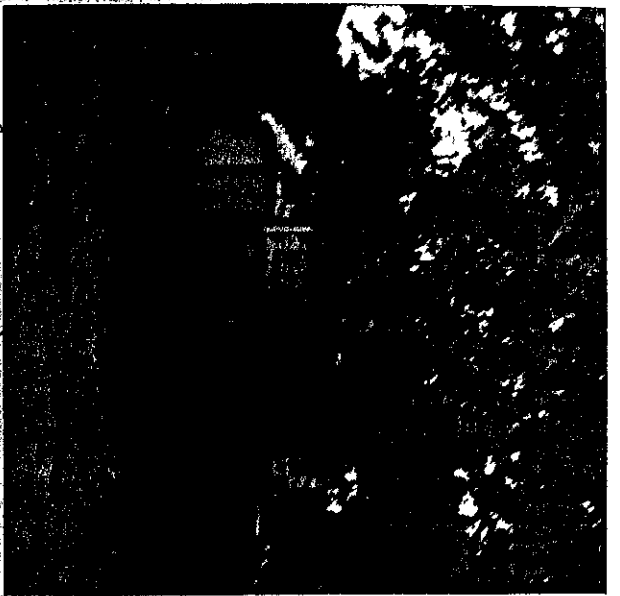
- 1.) flammable liquids,
- 2.) setbacks on lawn ornaments
- 3.) setbacks on illegally built structure (Rodney Warnick's case)

by the April 17, 2000 deadline stated in his extension request letter. New pop-up date of 4/17/2000.

ATE:

ATE:

ATE:



3706 Northpoint Blvd
10/20/99



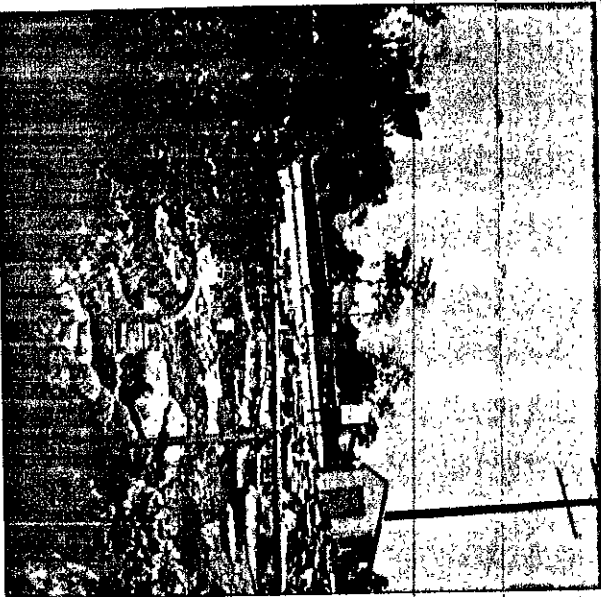
3706 Northpoint Blvd
10/20/99



3706 Northpoint Blvd
10/20/99



3706 Northpoint Blvd
10/20/99



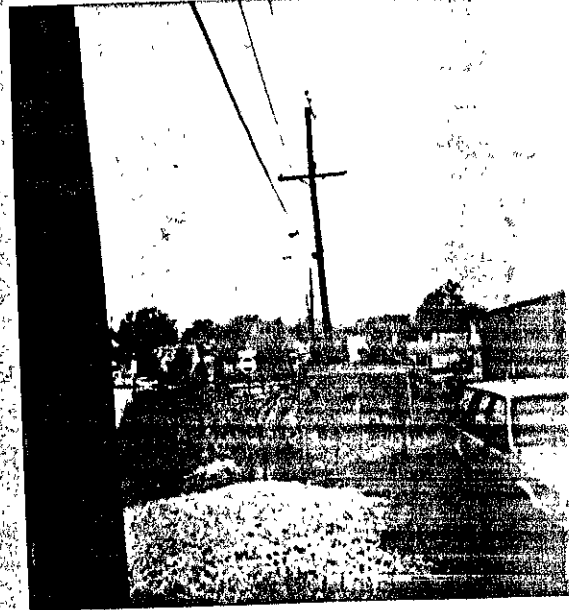
3706 Northpoint Blvd
10/20/99



3706 Northpoint Blvd
10/20/99



3706 Northpoint Blvd.
10/20/99



3706 Northpoint Blvd.
10/20/99

TO THE PERSON(S) CHARGED:

1. It is important that you read this document very carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, you could be penalized by a fine or imprisonment, or both.
3. A lawyer can give important assistance to you (a) on how to correct the violation(s) in order to avoid trial, or (b) at trial if you fail to correct the violation(s) noted. He can help to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought at the trial. A lawyer can help you by developing and presenting information which could affect how you correct the violation(s) cited.
4. You have been ordered on the reverse side to correct the violation(s) cited by a date certain. Failure to comply with the deadline stated is a misdemeanor. A conviction for each violation subjects you to potential fines of \$200, \$500, or \$1000 per day per violation, depending on the violation, or 90 days in jail, or both.
5. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
6. Upon correction of these violations, contact the inspector for a reinspection. If you have any questions, contact the inspector promptly.

FOLLOW UP INSPECTIONS (include date and time of each):

Recheck 6/23 Recheck 6/30 Recheck 7/30
7/30 File

DATE CLOSED:



Code Enforcement: 410-887-3351, Extension _____ Plumbing Inspection: 410-887-3620
Building Inspection: 410-887-3953 Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT/CORPORATE OFFICER (IF APPLICABLE)

Name (s) John T Derwart Citation/Case No. 99-5364
Deborah A Derwart
Address 9190 Twiford Ct Ellicott City Md
21042
Owner ☒ Occupant ☐ Related Citations _____
Location and Date (s) of Violation: 3706 North Point Blvd
4/26/99 21222

Vehicle License No.: _____ Vehicle ID: _____

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S)
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS
(CIRCLE RELEVANT ZONE BELOW, IF APPLICABLE):

§ 1B01(DR)	§ 1A01(RC2)	§ 1A02(RC3)	§ 1A03(RC4)	§ 1A04(RC5)
§ 200(RAE)	§ 202(ROA)	§ 204(RO)	§ 205(OR1)	§ 206(OR2)
§ 207(O3)	§ 210(SE)	§ 216(BMM)	§ 221(BMB)	§ 229(CB)(BLR)
§ 230(BL)	§ 233(BM)	§ 236(BR)	§ 240(MR)	§ 247(MLR)
§ 253(ML)	§ 256(MH)			

1996 BOLA
107.1
1) Permit required for 24x24 Building
2) _____
3) _____
4) _____
5) _____
6) _____
7) _____
8) _____

(Unless otherwise noted, all references are to zoning regulations.)

IMPORTANT TO READ REVERSE FOR IMPORTANT INFORMATION AND
DIRECTIONS

AGENCY

NOTICE TO DEFENDANT

1) Pursuant to Section 1-8, Baltimore County Code, a penalty has been assessed as a result of the violation cited herein in the amount indicated:

\$ 1,000.00

If you do not contest this citation, you must pay this penalty by check or money order, payable to the director of finance, Baltimore County, Maryland, and return a copy of this citation with payment to.

Director of Permits and Development Management
County Office Building, Room 111

111 West Chesapeake Avenue
Towson, Maryland 21204

2) If you contest this citation or proposed assessment of penalty, you must file a written request for a quasi-judicial hearing before the code official or designee within fifteen (15) days from the date of service of this citation. A quasi-judicial hearing has been pre-scheduled for:

October 7, 1999
Room 116 10:00 AM

December 8, 1999
9:00 AM
2-10-00

At this hearing, you are entitled to be represented by an attorney, present witnesses and evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by: (a) explaining the charges in this citation, (b) helping you at trial, and (c) helping you to get a fair penalty if found in violation.

3) This pre-scheduled hearing will be canceled if you choose to pay the assessed penalty or if you fail to request the hearing in writing within the time required. Failure to contest the citation or proposed assessment of penalty, if any, by either not paying the penalty or by not requesting the quasi-judicial hearing, shall result in the citation and its penalty becoming a non-appealable, final order of the code official. Failure to appear at the requested hearing will also result in the citation and civil penalty becoming a non-appealable, final order of the code official.

4) If you are the owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.

I do solemnly affirm that the contents stated above are correct to the best of my knowledge, information, and belief.

8/23/99

Date

Rodney Larnick

Inspector's Signature

Citation must be served by:

September 7, 1999

Detach and send the completed form below to:

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

Citation Number:

NOTICE OF INTENTION TO DEFEND

I hereby elect to stand trial before the code official or designee for the violation(s) charged in this citation.

Date

Defendant (Please Print Your Name and Sign)

Address



Baltimore County
Department of Permits and
Development Management

Code Inspr. ns and Enforcement
County Of Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension **7290**
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.
116647

Case No.:
99-6976

Election District **15** Permit No. _____

Name (s) **JOHN T. DERWART**
DEBORAH A. DERWART

Address **9190 TWIFORD CT, ELLICOTT CITY, MD 21042-1822**

Location of Violation (if different than address) **3706 NORTH POINT BLVD.**

Vehicle License No.: _____

Vehicle ID: _____

CC: TURTLETOWN GARDENS & GIFTS
3706 NORTH POINT BLVD., BALTIMORE, MD 21222

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:

§§ **26-121(a)**

§§ _____

Building Code (BOCA):

§§ _____

§§ _____

Investment Property Act (7-66):

§§ _____

Plumbing Code (NSPC):

§§ _____

Zoning Regulations:

§§ **101-Junk Yard, Open Dump, Build**

§§ **Line 102.1, 236, 238, 4, 270**

502/500.4/500.9

Livability Code (18-66):

§§ _____

§§ _____

Electrical Code (NEC):

§§ _____

Dwelling (CABO):

§§ _____

Other: §§ **ZCPM: 500.9**

COMMENTS OR OTHER VIOLATIONS:

- ① **STORAGE AND DISPLAY OF LAWN ORNAMENTS ARE PERMITTED IN THE FRONT YARD PROVIDED THE LAWN ORNAMENTS ARE SETBACK 25 FEET FROM THE FRONT PROPERTY LINE. REMOVE OR RELOCATE LAWN ORNAMENTS FROM THE 35 FEET SETBACK AREA OR OBTAIN SETBACK VARIANCE.**
- ② **STORAGE OF INFLAMMABLE LIQUIDS AND/OR GASES ABOVEGROUND WITHOUT BENEFIT OF A SPECIAL EXCEPTION, REMOVE INFLAMMABLE LIQUIDS AND/OR GASES OR FILE PETITION FOR SPECIAL EXCEPTION HEARING.**
- ③ **SNOWBALL STAND AND/OR ACCESSORY STRUCTURE IN FRONT YARD. REMOVE OR OBTAIN USE PERMIT AND APPROVED SITE PLAN.**
- ④ **OPERATION OF AN OPEN DUMP, CEASE OPERATIONS.**
- ⑤ **OPERATION OF A JUNK YARD, CEASE OPERATIONS.**

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE

11/25/99

FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON

THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: **10/25/99**

INSPECTOR:

Jeffrey Perlou
JEFFREY PERLOU

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____

INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE
PLEASE READ CAREFULLY.

AGENCY



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

108802

Case No.:

Election District

15

Permit No.

B-389598

Name (s)

John T and Deborah A Perwart

Address

9190 Twiford Ct Ellicott City 21042

Location of Violation (if different than address)

3706 North Point

Vehicle License No.:

1516 000 233

Vehicle ID:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:

§§

§§

Zoning Regulations:

§§

§§

Building Code (BOCA):

§§

§§

Livability Code (18-66):

§§

§§

Investment Property Act (7-66):

§§

Electrical Code (NEC):

§§

Plumbing Code (NSPC):

§§

Dwelling (CABO):

§§

Other: §§

COMMENTS OR OTHER VIOLATIONS:

Secure issued permit or
remove structure within 30 days

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
5/26/99 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED:

4/26/99

INSPECTOR:

Rodney Harris

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

DATE ISSUED:

INSPECTOR:

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

AGENCY

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

In the Matter of

Civil Citation No. 99-5364

John T. Derwart
Deborah A. Derwart

3706 North Point Blvd.

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 10 February 2000, for a hearing on a citation for violations under the Baltimore County Code for failing to obtain a building permit for a structure on property located at 3706 North Point Blvd.

Rodney Larrick, code enforcement inspector, stated that the County inspectors routinely check on all applications for permits after there has been no activity. The property was inspected on or about 26 April 1999 and the inspector found that no permit was issued for a 24' X 24' structure.

On 26 April 1999, the inspector issued a written correction notice pursuant to §1-7(c), Baltimore County Code, which described with particularity the nature of the violation and the manner of correction. The correction notice was marked in evidence as PEx1 and was served on the Respondents.

On 23 August 1999, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was marked in evidence as PEx2 and was legally served on the Respondents.

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

The citation described the violations as follows: Baltimore County Code, BOCA, (1996), §107.1, permit required for 24' X 24' building. Further, the citation proposed a civil penalty of \$1,000 to be assessed. A code enforcement hearing date was scheduled for 7 October 1999.

The Respondent, John T. Derwart appeared and testified. The tenant, Tom Warnick, also appeared and testified.

The Respondent, Mr. Derwart stated that he applied for a building permit in 1996. He was told that the permit would be issued and he assumed it would be all right to erect the structure. See the application for a permit marked in evidence as ResEx1.

The Respondent, Mr. Warnick, at the same time applied for DRC approval and subsequently received a letter from Baltimore County dated 9 December 1996 which included the following sentence, "The DRC has determined that your project meets the requirements of a limited exemption etc." He stated that he read this as an approval of his request without reading the rest of the letter. The letter was marked in evidence as ResEx2. The letter required the Respondent to submit drawings of the plan. The plan he submitted ResEx3 was not approved and therefore the permit has never been issued.

Pursuant to the correction notice and subsequent code enforcement citation issued, and hearing held, and for the reasons set forth above, it is found as a matter of law that code violations existed before 26 April 1999, and the violations are continuing.

15 THEREFORE, IT IS ORDERED by the Code Enforcement Hearing Officer, this day of February 2000, as follows:

- (1) A civil penalty is imposed in the amount of \$1000;
- (2) The civil penalty in the amount of \$1000 shall be suspended on condition the Respondents obtain a building permit for the 24' X 24' structure on or before 31 March 2000. If the Respondents fail to correct the violation in the time allotted, or any extension granted, then the civil penalty imposed shall be \$1000.

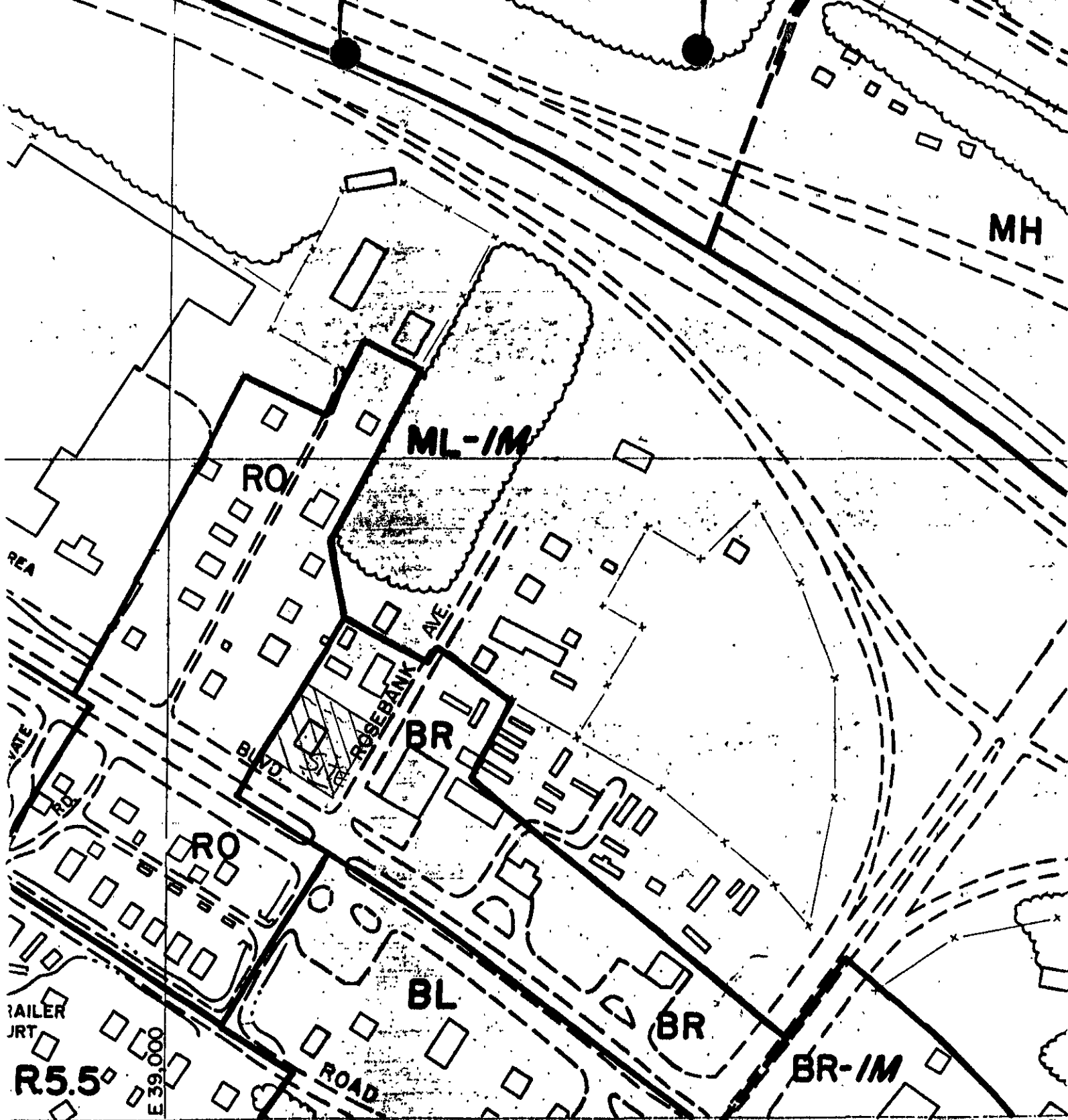
Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

IT IS FURTHER ORDERED that the inspector, monitor the property to determine whether the violations have been corrected.

Signed: Stanley J. Schapiro

Stanley J. Schapiro
Code Enforcement Hearing Officer

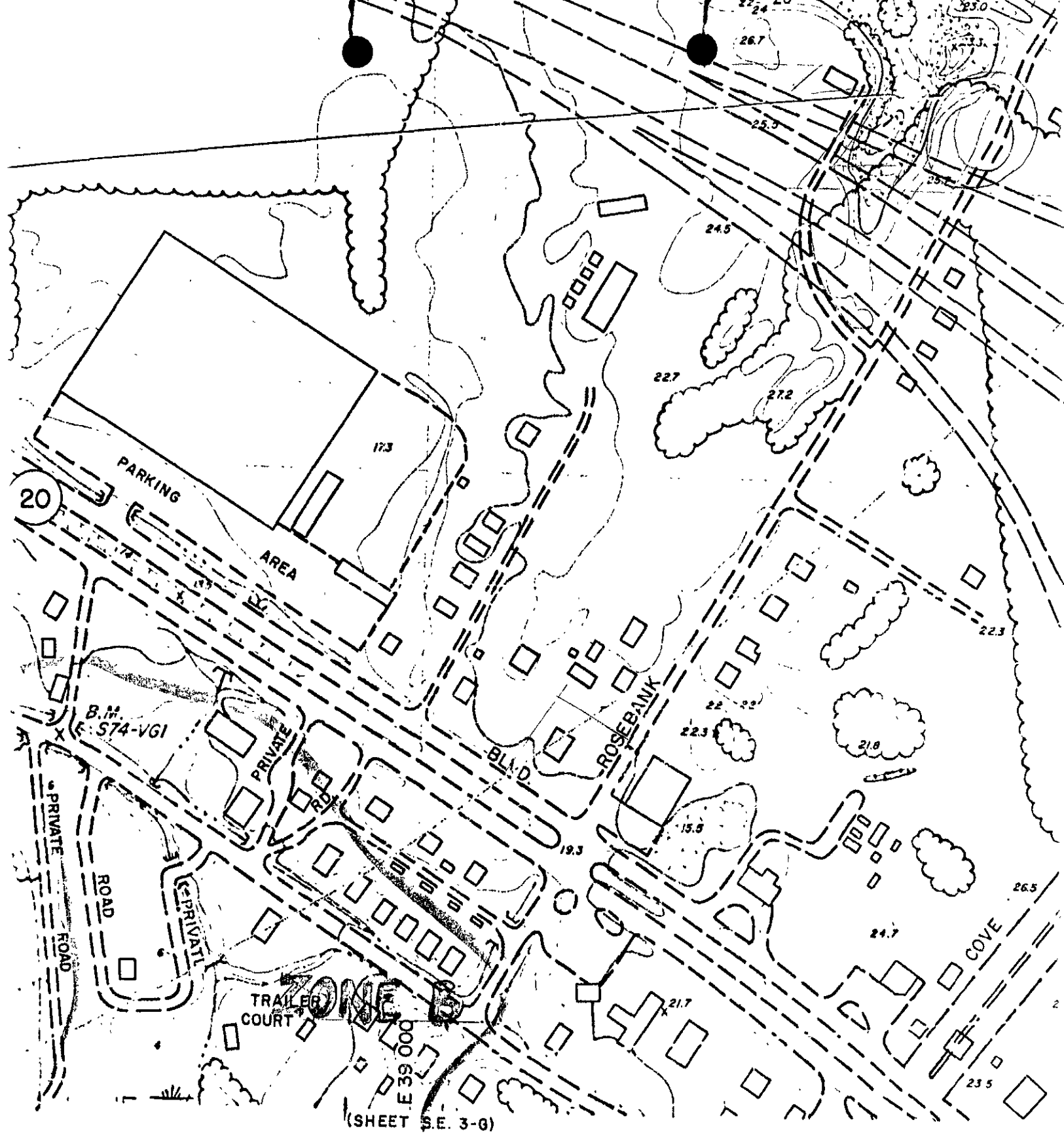
The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code (effective June 6, 1997), an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.



ZONING MAP
200' SCALE
#3706 NORTH POINT BLVD.
S.E. 2-G

00-416-XA

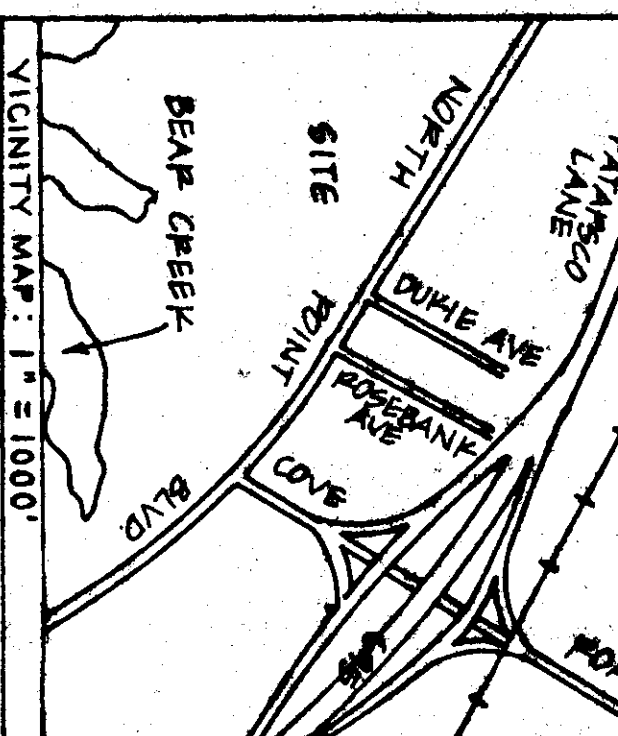
#416



PHOTOGRAMMETRIC MAP OF
RE COUNTY METROPOLITAN AREA
00-416-XA

S.E. 2-G

#416

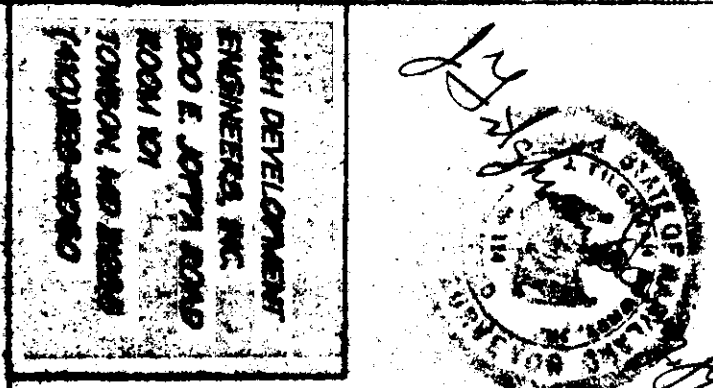


LOCATION INFORMATION

ELECTION DISTRICT : 15
 COUNCILMANIC DISTRICT : 7
 1" = 200' SCALE MAP : SE 2 G
 ZONING : BR
 LOT SIZE : 0.4 ACRES
 LOT AREA : 16,875 SQ. FT.
 PUBLIC SEWER : YES
 PUBLIC WATER : YES
 CHESAPEAKE BAY CRITICAL AREA : NO
 PRIOR ZONING HEARINGS : NONE
 (VIOLATION NOTICE ~ 116647)
 * AREA BY MD. DEPT. OF ASSESSMENTS AND TAXATION INFORMATION.

DRC # 12026 B

PLAT TO ACCOMPANY APPLICATION FOR
 SPECIAL EXCEPTION AND VARIANCE
 #3706 NORTH POINT BOULEVARD
 "TURTLE TOWN GARDENS AND GIFTS"
 15TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
 SCALE: 1" = 20' MARCH 31, 2000



- * NOTES**
1. PROPERTY ZONED : BR
 2. PROPERTY : 0.4 AC.
 3. BR NET AREA : 0.4 AC.
 4. BR GROSS AREA : 0.6 AC.
 5. F.A.R. : 0.1 F.A.R. ALLOWED = 2.0
 6. A.O.S. : NONE REQUIRED
- * PARKING DATA**
- RETAIL USE
 BUILDING : 1190.09 SQ. FT.
 (5 SP. PER 1,000 SQ. FT.)
 1.71 x 5 = 8.55 SPACES REQUIRED - 7 PROVIDED
 TYPICAL SPACE : SIZE 8.5' X 18.75' x 21'
 PAVING TYPE : (TO BE PAVED) DUSTLESS SURFACE.

OWNER INFORMATION

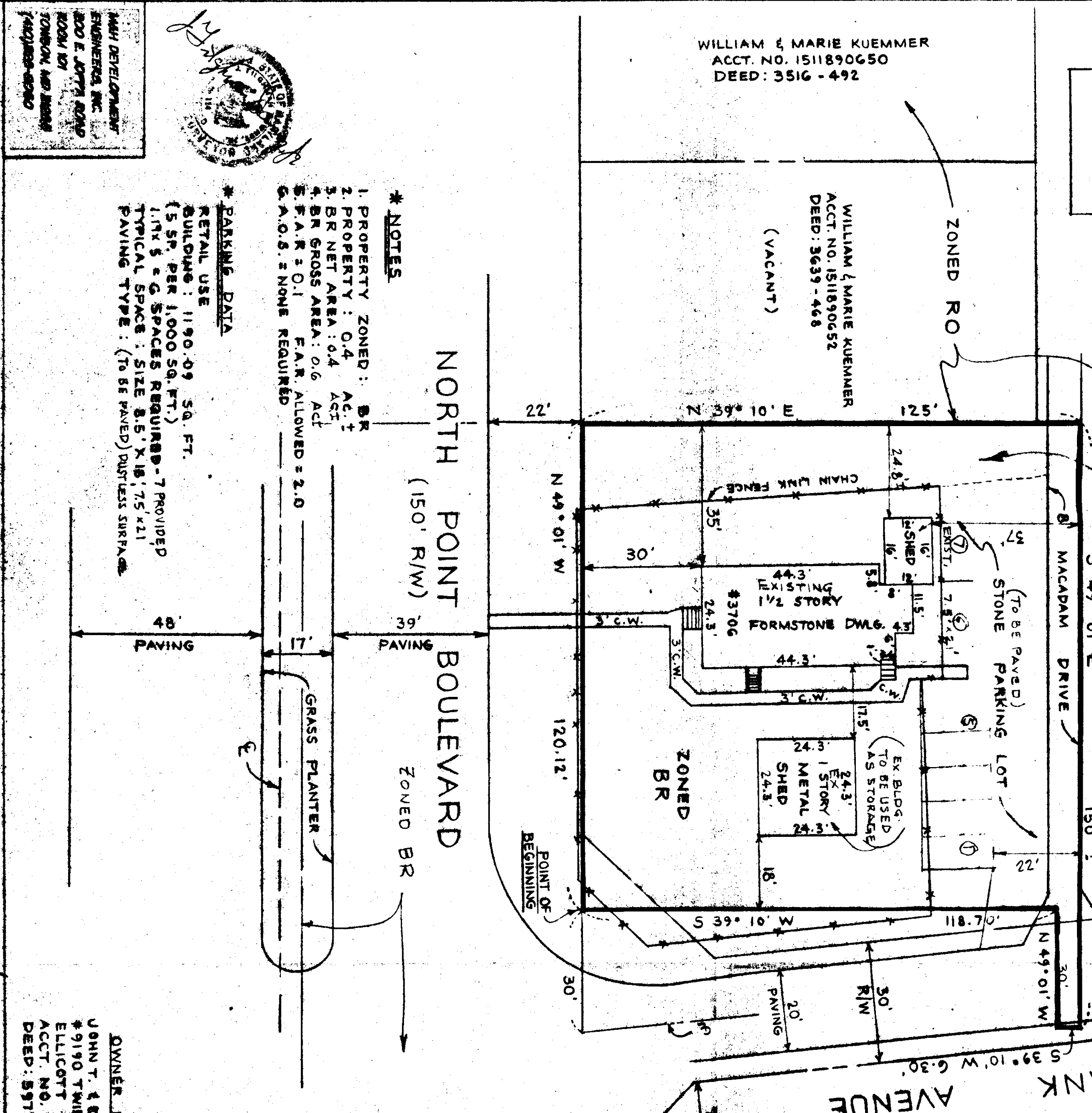
JOHN T. & DEBORAH A. DERWART
 #9190 TWIFORD COURT
 ELLICOTT CITY, MD. 21042-1822
 ACCT. NO. 1516000233
 DEED: 5977-682

CONTACT PERSON

THOMAS WARNICK
 (410) 268-6382
 (410) 238-2085

ZONING OFFICE USE ONLY!
 REVIEWED BY JTEM #
 CASE #

#00-4353



EX. DWLG. #8101

1 STORY FRAME DWELLING #8100A

1 STORY GARAGE

EX. 2 STY. DWLG. #8100

DAVID & PATRICIA WILSON
 ACCT. NO. 1516001113
 DEED: 4614-3

WILLIAM & MARIE KUEMMER
 ACCT. NO. 1511890652
 DEED: 3516-492

WILLIAM & MARIE KUEMMER
 ACCT. NO. 1511890652
 DEED: 3639-468

ZONED RO

NORTH POINT BOULEVARD
 (150' R/W)

ZONED BR

ROSEBANK AVENUE

ZONED BR

MADISON LLC
 ACCT. NO. 1516100020
 DEED: 14310-143

EX. BUILDING #3800

30'