IN RE: PETITIONS FOR VARIANCE W/S Clayton Avenue, 375' and 325' N of the c/l Farmview Avenue (5936 and 5934 Clayton Avenue) 14th Election District 6th Council District Timothy Lee Davis Petitioner	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Cases Nos. 01-333-A and 01-334-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters came before this Zoning Commissioner at a single public hearing for consideration of separate Petitions for Variance for adjacent properties owned by the same individual. The Petitions were filed by Timothy Lee Davis, owner of the subject adjacent lots, known as 5934 and 5936 Clayton Avenue. In Case No. 01-333-A, the Petitioner requests relief for 5936 Clayton Avenue from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a lot width of 50 feet in lieu of the required 55 feet, from Section 102.4 of the B.C.Z.R. to approve a dwelling built on a less than 30-foot right-of-way (for a less than 20,000 sq.ft. lot), and to approve the subject property as an undersized lot, with any other variances deemed necessary by the Zoning Commissioner to permit development with a single family dwelling. In Case No. 01-334-A, the Petitioner requests relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a lot width of 50 feet in lieu of the required 55 feet, and to approve the subject property as an undersized lot with any other variances deemed necessary by the Zoning Commissioner for an existing dwelling on the property known as 5934 Clayton Avenue. The relief requested for the existing and proposed improvements are more particularly described on the respective site plans submitted with the Petitions filed in each case and marked into evidence as Petitioner's Exhibit 1, respectively.

Appearing at the requisite public hearing in support of the request were Timothy Lee Davis, owner of the properties, and James W. Mohler, a nearby resident. Appearing as an

ORDER RECEIVED FOR FILING
Date 9/12/01
By

interested person was Thomas F. Pawlak, who appeared on behalf of the adjacent property owner, his mother, Kamila Pawlak.

Testimony and evidence offered revealed that the properties under consideration are located in an older, established community known as Hazelwood Farms, which was platted many years ago and recorded in the Land Records of Baltimore County on May 17, 1919. As is the case with many older subdivisions that were created prior to the adoption of the first zoning regulations in Baltimore County in 1945, most of the lots in this subdivision are undersized and narrow. The subject properties, known as Lots 8 and 9 of Hazelwood Farms, are located adjacent to one another and share a common property line. Each lot is 50 feet wide and approximately 203 feet deep. As shown on the plan, Lot 9 is improved with an existing dwelling known as 5934 Clayton Avenue. The dwelling is 25' x 25' in dimension and is situated on the front portion of the lot, approximately 25 feet from the road. Lot 8 is unimproved and essentially serves as a side yard for the dwelling on Lot 9. Mr. Davis purchased both lots together in 1992 and has resided on Lot 9 since that time. He recently contracted to convey Lot 8 to Mr. Mueller who wishes to develop the property with a single family dwelling, which will be known as 5936 Clayton Avenue. Due to each lot's size and width, the requested variances are necessary for both the existing and proposed dwellings.

Testimony offered by the Petitioner was that most of the houses in the neighborhood are on 50-foot wide lots. Thus, it was argued that the subject proposal is consistent with the character and scheme of the surrounding community. In fact, Mr. Davis indicated that his property was one of the few double-wide lots presently in the neighborhood. The Petitioner also urged approval of the variance requests in that these properties are lots of record which were created in 1919, well prior to the adoption of the first set of zoning regulations.

As noted above, Mr. Pawlak appeared on behalf of his mother who resides on the adjacent Lot 7. He expressed concerns over development of the subject property and potential for storm water runoff onto his mother's property. He indicated that existing conditions in the neighborhood sometimes results in flooding of properties and he did not wish that situation to be exacerbated.

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Date 4/5/01
By

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. Although the Office of Planning has taken no position on the matter, they have requested that any variance approved be conditioned upon development of the new home consistent with the building elevation drawings submitted to and approved by that agency on March 23, 2001. Those drawings show proposed building materials as Dryvit in lieu of vinyl siding, and a larger front porch in order to maintain compatibility with existing houses in the neighborhood.

Based on the testimony and evidence offered, I am persuaded to grant the requested relief. I find that sufficient facts were presented to satisfy the requirements of Section 307 of the B.C.Z.R. for variance relief, and that the subject proposal will not be detrimental to the health, safety or general welfare of the surrounding locale. However, the Petitioner shall obtain approval from and follow any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to insure that the proposed development will not exacerbate existing conditions in the area or result in any improper discharge of stormwater onto adjacent lots.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 2001 that the Petition for Variance filed in Case No. 01-333-A seeking relief for 5936 Clayton Avenue from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a lot width of 50 feet in lieu of the required 55 feet, from Section 102.4 of the B.C.Z.R. to approve a dwelling built on a less than 30-foot right-of-way (for a less than 20,000 sq.ft. lot), and to approve the subject property as an undersized lot, with any other variances deemed necessary by the Zoning Commissioner to permit development with a single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware

ORDER RECEIVED FOR FILING
Date 4/17/01
By

that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Development of the subject property shall be in accordance with the building elevation drawings reviewed and approved by the Office of Planning on March 23, 2001.

3) Prior to the issuance of any permits, the Petitioner shall submit his plans for review and approval by the Department of Environmental Protection and Resource Management (DEPRM). The Petitioner shall be required to comply with any recommendations made by that agency to insure that the proposed development will not exacerbate existing drainage conditions in the area or result in any increased discharge of storm water onto adjacent lots.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 01-334-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a lot width of 50 feet in lieu of the required 55 feet, and to approve the subject property as an undersized lot with any other variances deemed necessary by the Zoning Commissioner for an existing dwelling on the property known as 5934 Clayton Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/12/01
By

IN THE MATTER OF THE APPLICATION OF TIMOTHY LEE DAVIS –LEGAL OWNER FOR A VARIANCE ON PROPERTIES LOCATED AT 5934 CLAYTON AVENUE (LOT 9) AND 5936 CLAYTON AVENUE (LOT 8)	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	CASE NO. 01-333-A & CASE NO. 01-334-A

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of appeals filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Zoning Commissioner dated April 17, 2001in which the subject Petitions for Variance were granted with restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeals filed May 23, 2001 by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, Appellants (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellants request that the appeals taken in these matters be withdrawn and dismissed as of May 23, 2001,

IT IS ORDERED this 25th day of July, 2001 by the County Board of Appeals of Baltimore County that the appeals taken in Case No. 01-333-A and Case No. 01-334-A be and the same are hereby **DISMISSED**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Lawrence M. Stahl

C. Lynn Barranger

County Board of Appeals of Baltimore County

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

July 25, 2001

Peter Max Zimmerman
People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Timothy Lee Davis* –Legal Owner
Case No. 01-333-A and Case No. 01-334-A
Order of Dismissal

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Timothy Davis
Thomas Pawlak
Kamila Pawlak
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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on Recycled Paper

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 22, 2001

01 MAY 23 PM 3:18

Lawrence S. Wescott, Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petitions for Variances
5936 and 5934 Clayton Avenue, W/S Clayton Ave,
375' and 325' N of c/l Farmview Ave,
14th Election District, 6th Councilmanic
Timothy L. Davis, Petitioner
Case Nos.: 01-333-A and 01-334-A

Dear Mr. Wescott:

Upon further consideration and review of the record, please dismiss the appeals filed by People's Counsel in the above-entitled cases.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: Mr. Timothy L. Davis, 5934 Clayton Avenue, Baltimore, MD 21206, Petitioner

Mr. Thomas Pawlak, 8920 Kilkenny Circle, Baltimore, MD 21236, Protestant

Ms. Kamila Pawlak, 5938 Clayton Avenue, Baltimore, MD 21206, Protestant

Case No. 01-333-A /01-334-A VAR --Lot width; to r/w; undersized lot (Lot 9 and Lot 8)

4/17/01 – ZC Decision in which requested variances were GRANTED.

7/16/01 --Review of file for scheduling; letter submitted 5/23/01 by People's Counsel (Appellant) withdrawing appeals filed in both cases. Order of Dismissal for 01-333 and 01-334 to be issued.

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5936 CLAYTON AVE (Lot 8)

which is presently zoned DR 5.5

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)

1B02.3 C1 to approve a lot width of 50 feet in lieu of the required 55 feet, And Section 102.4 to approve a dwelling built on a less than 30 feet right-of-way (for a less than 20,000 square feet lot), And to approve any other variances deemed necessary by the Zoning Commissioner, And to approve an undersize lot.

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

to be determined at hearing

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:

Timothy Lee Davis
Name - Type or Print

Signature

5934 Clayton Ave 866-6644
Address Telephone No.

Balto. MD 21206
City State Zip Code

Legal Owner(s):

Timothy Lee Davis
Name - Type or Print

Timothy Lee Davis
Signature

Name - Type or Print

Signature

5934 Clayton Ave 866-6644
Address Telephone No.

Balto. MD 21206
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

N/A

Company

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Timothy Lee Davis
Name

5934 Clayton Ave 21206
Address Telephone No.

Balto. MD 21206
City State Zip Code

ORDER RECEIVED FOR FILING
Date 4/10/01
By

Case No. 01-333-A

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By JNP Date 2/21/01

REV 9/15/98

PROPOSED
~~EXISTING~~ HOUSE

Zoning Description for 5936 Clayton Ave.

Beginning at a point on the West side of Clayton Ave. which is 20 feet wide at a distance of 375 feet north of the centerline of the nearest improved intersecting street Farmview Avenue which is 20 feet wide. Being Lot 8, Plan B in the subdivision of Hazelwood farms as recorded in Baltimore County Plat Book #6, Folio # 174, containing 10,000+/- square feet. Also known as, 5936 Clayton Avenue and located in the 14th Election District, 6th Councilmanic District.

01-333-A

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: #01-333-A
5936 Clayton Avenue
W/S Clayton Avenue, 375' N of Farmview Avenue
14th Election District - 6th Councilmanic District
Legal Owner(s): Timothy Lee Davis

Variance: to approve a lot width of 50 feet in lieu of the required 55 feet, to approve a dwelling built on less than 30 feet right-of-way, to approve any other variances deemed necessary by the zoning commissioner, and to approve an undersized lot.

Hearing: Tuesday, April 10, 2001 at 9:00 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/3/754 Mar 27 C458906

CERTIFICATE OF PUBLICATION

3/29/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/27/, 2001.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

APPEAL SIGN POSTING REQUEST

CASE NO. 01-333-A and 01-334-A

TIMOTHY LEE DAVIS - Petitioner

W/S Clayton Avenue, 375' and 325' N of the c/l Farmview Avenue
(5936 and 5934 Clayton Avenue)

14th Election District

Appealed 5/11/01

Attachment – (Plan to accompany Petition
- Petitioner's Exhibit No. 1)

T/C TO Gary Freund – Do Not Need to Post Appeal Void

Request Dismissed

RECEIVED
COUNTY BOARD OF APPEALS
01 MAY 23 PM 3:21

CERTIFICATE OF POSTING

RE: Case No.: 01-333-A

Petitioner/Developer: Timothy Lee DAVIS

Date of Hearing/Closing: 4/10/01

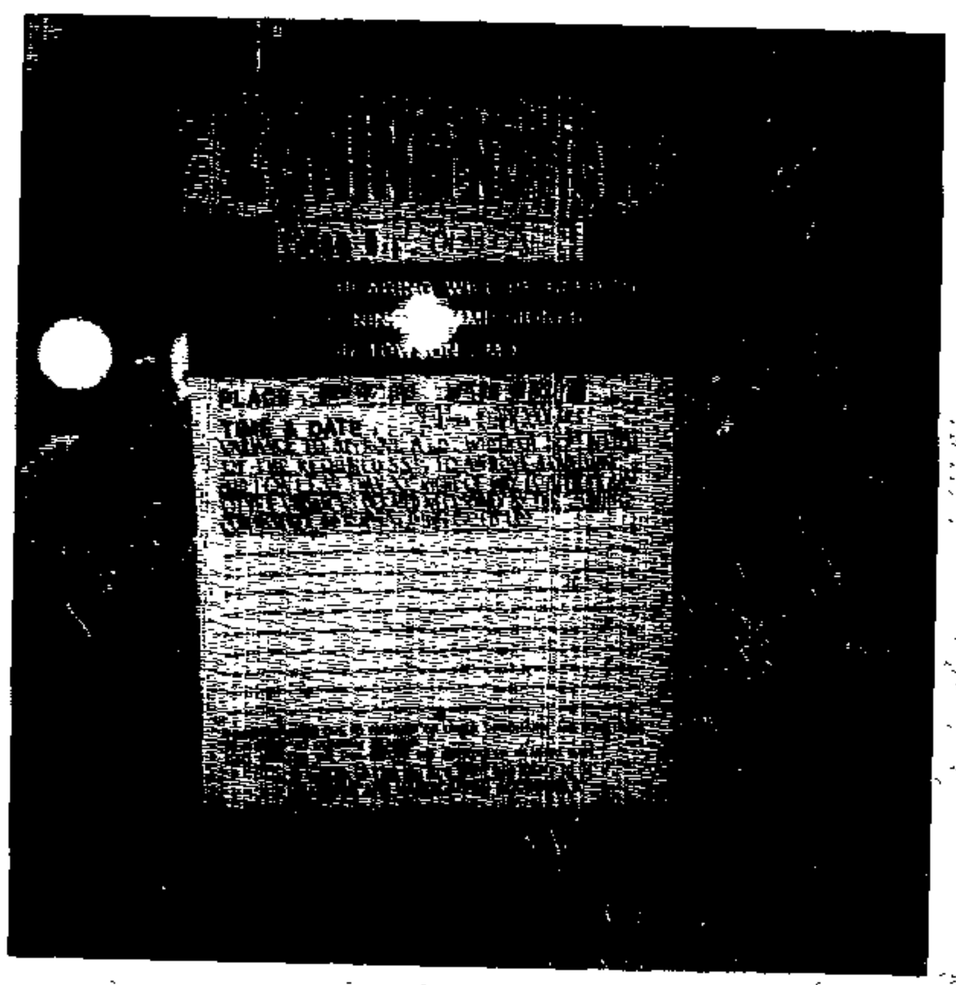
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5936 Clayton Ave

The sign(s) were posted on March 26/2001
(Month, Day, Year)



Sincerely,

SSG [signature] 3/26/01
(Signature of Sign Poster and Date)

SSG Robert Black
(Printed Name)

1508 Leslie Road
(Address)

Dundalk Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 27, 2001 Issue – Jeffersonian

Please forward billing to:
Tim Davis
5934 Clayton Avenue
Baltimore MD 21206

410 866-6644

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: 01-333-A
5936 Clayton Avenue
W/S Clayton Avenue, 375' N of Farmview Avenue
14th Election District – 6th Councilmanic District
Legal Owner: Timothy Lee Davis

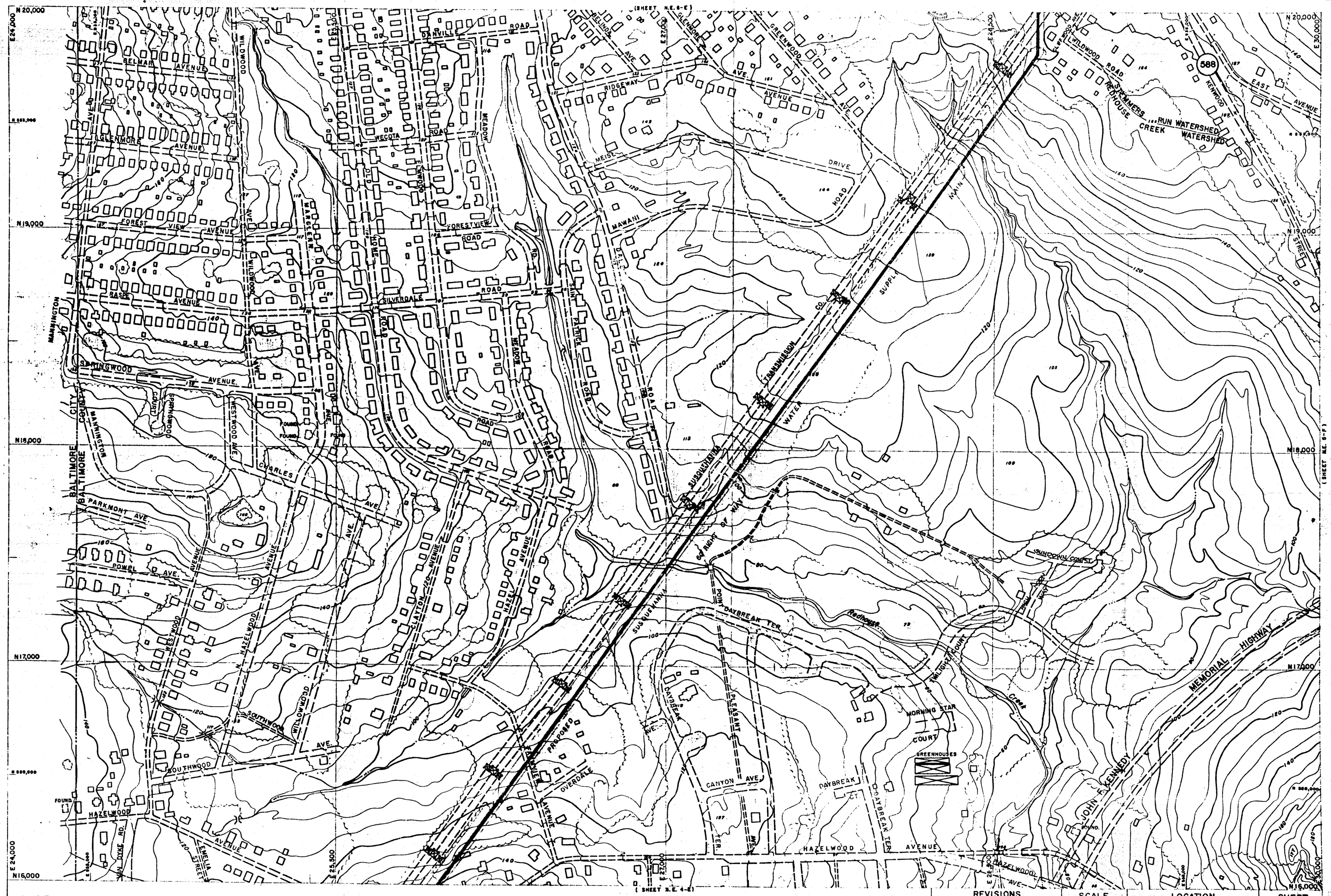
Variance to approve a lot width of 50 feet in lieu of the required 55 feet, to approve a dwelling built on less than 30 feet right-of-way, to approve any other variances deemed necessary by the zoning commissioner, and to approve an undersized lot.

HEARING: Tuesday, April 10, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt
GDZ

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.

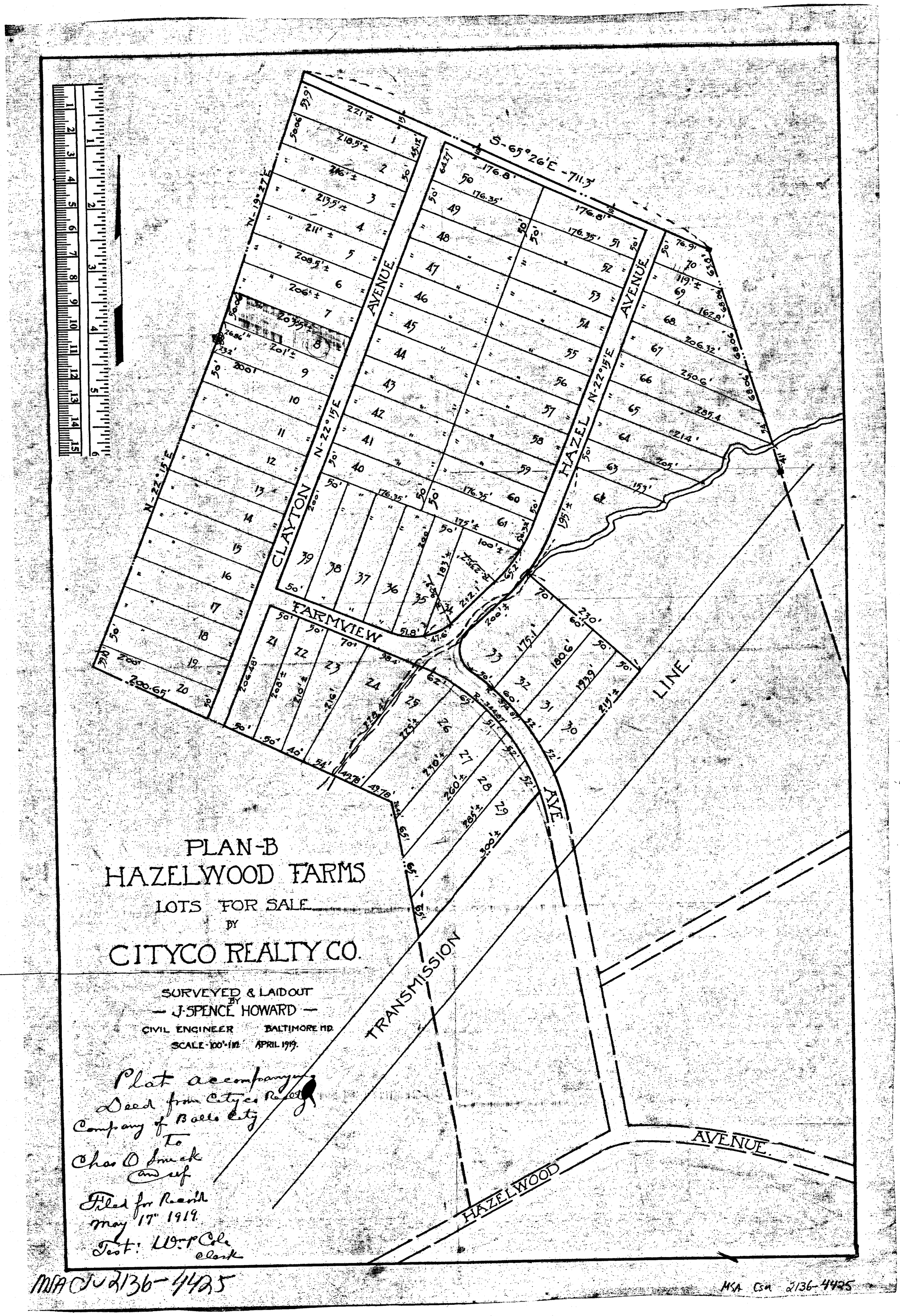


J - NE I - NW
N - SE M - SW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	OVERLEA	N.E. 5-E
	FER	12/1/83	DATE OF PHOTOGRAPHY APRIL 1953		

Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA.



MSA CSA 2136-4425

01-333-A

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

April 6, 2001

Timothy Lee Davis
5934 Clayton Avenue
Baltimore MD 21206

Dear Mr. Davis:

RE: Case Number: 01-333-A, 5936 Clayton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 21, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

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on Recycled Paper

Res 4/10/01

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 2001

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

SUBJECT: 5934 & 5936 Clayton Avenue

INFORMATION:

Item Number: 01-333 & 01-334

Petitioner: Timothy Lee Davis

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

It is incumbent upon the petitioner to demonstrate that the requirements stated in Section 304.1 of the BCZR are met.

Notwithstanding the aforementioned, if the petitioner's request is approved, the proposed structures should be in accordance with the elevation drawings submitted to this office on March 23, 2001. Said drawings show the proposed building materials as dryvit in lieu of vinyl siding, and a larger front porch in order to maintain compatibility with the existing houses in the surrounding neighborhood.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W Long

AFK: MAC:

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\01-333 & 334.doc

Baltimore County
Fire Department

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

March 14, 2001

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 March 5, 2001

Item No.: See Below

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

332, 333, 334, 335, 336, 338, 339, 340, and 341

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

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 19, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2001
Item No. 333

The Bureau of Development Plans Review has reviewed the subject zoning item.

Clayton Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

ZAC-3-12-2001-ITEM 333-3192001.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.7.01

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

RE: Baltimore County
Item No. 333 JNP

Dear. Ms. Jackson:

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.

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,

L. J. Gredlein

for 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: March 19, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of March 5, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
333	5936 Clayton Avenue
334	5934 Clayton Avenue
340	544 South 49th Street
341	9308 Snyder Lane

RE: PETITION FOR VARIANCE 5936 Clayton Avenue, W/S Clayton Ave, 375' N of Farmview Ave 14th Election District, 6th Councilmanic Legal Owner: Timothy L. Davis Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No. 01-333-A

* * * * * * * * * * * * * *

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 14th day of March, 2001 a copy of the foregoing Entry of Appearance was mailed to Timothy L. Davis, 5934 Clayton Avenue, Baltimore, MD 21206, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 11, 2001

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Hand-delivered

Re: PETITION FOR VARIANCES
5934 & 5936 Clayton Avenue, W/S Clayton Ave,
325' & 375' N of Farmview Ave
14th Election Dist., 6th Councilmanic
Timothy L. Davis, Petitioner
Case Nos.: [redacted] and 01-334-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 17, 2001 of the Baltimore County Zoning Commissioner in the above-entitled cases.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

RECEIVED
MAY 11 2001
By GDZ

PMZ/CSD/caf

cc: Timothy L. Davis, 5934 Clayton Avenue, Baltimore, MD 21206, Petitioner

Thomas & Kamila Pawlak, 5938 Clayton Avenue, Baltimore, MD 21206, Protestants

APPEAL

Petition For Variance
5936 Clayton Avenue (Lot 8)
W/S Clayton Avenue, 375 N centerline Farmview Avenue
14th Election District – 6th Councilmanic District
Timothy Lee Davis - Legal Owner
Case No.: 01-333-A

Petition for Variance (dated 2/21/01)

Zoning Description of Property

Notice of Zoning Hearing (dated 3/7/01)

Certification of Publication (The Jeffersonian issue 3/27/01)

Certificate of Posting (SSG Robert Black posted 3/26/01)

Entry of Appearance by People's Counsel (dated 3/14/01)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet (1 page)

Citizen(s) Sign-In Sheet (none)

Zoning Advisory Committee Comments

Petitioners' Exhibits:
1. Plat to accompany Petition for Zoning Variance

Protestants' Exhibits:
(none)

Miscellaneous (Not Marked as Exhibits):
1. Plan-B Hazelwood Farms Lots for Sale by Cityco Realty Co
2. Baltimore County Soil Conservation District

Zoning Commissioner's Order (dated 4/17/01 – GRANTED)

Notice of Appeal received on 5/11/01 from People's Counsel for Baltimore County

c: Timothy Davis 5934 Clayton Avenue, Baltimore 21206
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: December 21, 2001

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: W. Carl Richard, Jr.

FROM: Theresa R. Shelton trs
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILE(S)**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file that is attached herewith.

CASE NUMBER	NAME	LOCATION
01-333-A	Timothy Lee Davis	5936 Clayton Avenue W/S Clayton Avenue, 375 N centerline Farmview Avenue
01-334-A	Timothy Lee Davis	5934 Clayton Avenue W/S Clayton Avenue, 375 N centerline Farmview Avenue

Attachments: SUBJECT FILES ATTACHED

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

Permit or Case No. 01-333-A

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Residential Processing Fee Paid
($50.00)
Accepted by JNP
Date 2/21/01

FROM: Arnold Jablon, Director
Department of Permits & Development Management

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Timothy Lee Davis — Print Name of Applicant
5934 Clayton Ave Balto, MD 21206 — Address
866-6644 — Telephone Number

Lot Address 5936 CLAYTON AVE (LOT 8) Election District 14 Councilmanic District 7 Square Feet 10,000

Lot Location: N E S W side corner of CLAYTON AVE (street), 375 feet from N E S W corner of FARMVIEW AVENUE (street)

Land Owner: Timothy Lee Davis Tax Account Number 14-15-074125

Address: 5934 Clayton Ave Telephone Number (410) 866-6644

CHECKLIST OF MATERIALS-. (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED? YES	NO
1. This Recommendation Form (3 copies)	✓	
2. Permit Application		✓
3. Site Plan Property (3 copies)	✓	
Topo Map (2 copies): *available* in Room 206, County Office Building - ***(please label site clearly)***	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly) Adjoining Buildings	✓	
Surrounding Neighborhood	✓	

6. Current Zoning Classification: DR 5.5

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☒ Approval conditioned on required modifications of the application to conform with the following recommendations:

See attached

Signed by: Jeffrey W. Long
for the Director, Office of Planning and Community Conservation

Date: 3/28/01

RECEIVED
FEB 22 2001
OFFICE OF PLANNING

Revised 2/25/99

SCHEDULED DATES CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avevnue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by Jeffrey Perlow (name of planner) on 2/22/01 (Date) (A).

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is $50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE N/A D (15 Days Before C)

DATE POSTED N/A

HEARING REQUESTED? YES_____ NO_____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

_____

Posted by: N/A (Signature) Date of Posting: _____

Number of Signs: _____

Revised 2/25/99

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 2001

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

SUBJECT: 5934 & 5936 Clayton Avenue

INFORMATION:

Item Number: 01-333 & 01-334

Petitioner: Timothy Lee Davis

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

It is incumbent upon the petitioner to demonstrate that the requirements stated in Section 304.1 of the BCZR are met.

Notwithstanding the aforementioned, if the petitioner's request is approved, the proposed structures should be in accordance with the elevation drawings submitted to this office on March 23, 2001. Said drawings show the proposed building materials as dryvit in lieu of vinyl siding, and a larger front porch in order to maintain compatibility with the existing houses in the surrounding neighborhood.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W Long

AFK: MAC:

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12/19/00

J-1

BALTIMORE COUNTY SOIL CONSERVATION DISTRICT
SEDIMENT AND EROSION CONTROL STANDARD PLAN
FOR AREAS NOT TO EXCEED 20,000 SQUARE FEET

LANDOWNER: TIM DAVIS

ADDRESS: 5934 CLAYTON AVE

_____, hereby requests a Standard Plan for Sediment and Erosion Control to be used for construction of A Residence located at 5936 (Lot 8).

Map Coordinates: D.R.5.5

Precinct: _____ District: 14

"I hereby certify that all requirements for this Plan will be met and that all grading and construction will be done according to the requirements and guidelines for this plan.

Signature of Landowner/Agent: Tim Davis _____ (DATE)

Printed name of landowner/agent: TIM DAVIS

BALTIMORE COUNTY SOIL CONSERVATION DISTRICT

APPROVED FOR SEDIMENT CONTROL

296-COUNTY-00
Plan Number

Vernon R. Foster
DISTRICT OFFICIAL

Technical review for the District by:

USDA NATURAL RESOURCES CONSERVATION SERVICE

Approved by the Baltimore County SCD, to be issued by Baltimore County.

Completed copy sent to SCD. Date _____

This plan is not valid for issue after 12-31-01.

IF ANY OF THE LIMITATIONS FOR THE USE OF THIS PLAN CANNOT BE MET, THIS PLAN CANNOT BE USED, AN INDIVIDUAL SEDIMENT CONTROL PLAN MUST BE SUBMITTED TO THE DISTRICT. IN ADDITION, THIS PERMIT MAY BE TERMINATED AT ANYTIME BY THE DISTRICT WITH SIXTY (60) DAYS ADVANCE NOTICE.

01-333-A

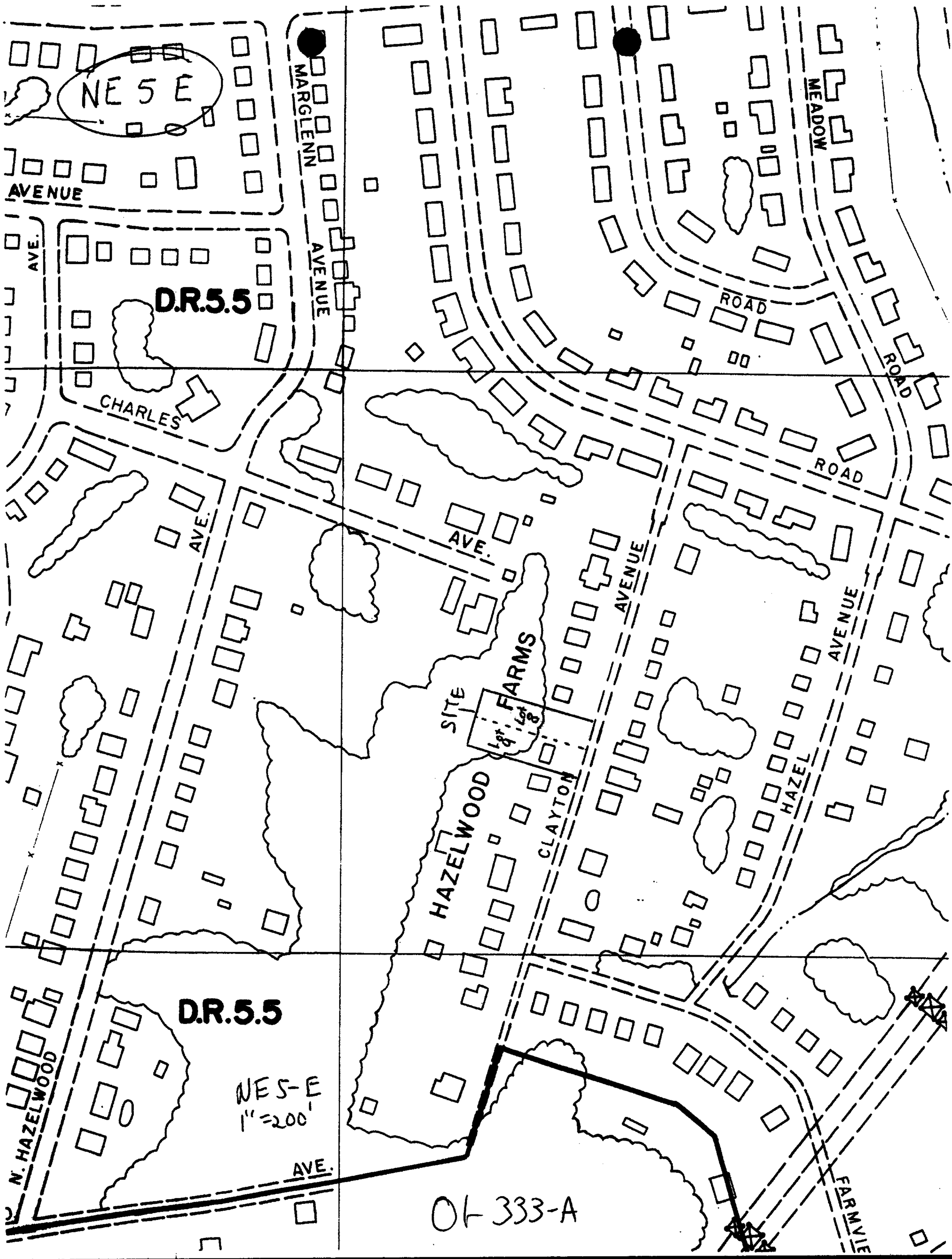
PLAN LIMITATIONS

This Plan for areas not to exceed 20,000 square feet may be issued only when the following limitations are met.

1. Total disturbed area shall no exceed 20,000 square feet.
2. Total volume of earth disturbance shall not exceed 1,000 cubic yards of cut or fill material.
3. Cut or fills will not exceed 10 feet in depth after final grading.
4. No slope shall be steeper than 3:1 after final grading.
5. No grading or construction shall take place within 75 feet or greater as may be required of a water body, stream and/or wetlands as designated by Baltimore County or State of Maryland.
6. No concurrent construction may exist or be undertaken on adjoining lots, unless there is no drainage from one lot to the other. The inspector shall make this determination before a permit is issued for an adjoining lot. Appropriate conditions for the use of permits on adjoining lots shall be noted on the permit.
7. Plan is valid for the term of the building permit [one (1) year and a maximum one (1) year extension if the work is not completed in the first 12 month period].
8. Proposed construction will not include any forest removal within the Chesapeake Bay designated critical area.

SEDIMENT CONTROL REQUIREMENTS

A. All sediment control practices will be based on criteria from the 1994 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL or as amended by the District. (Mountable berm in conjunction with the stabilized construction entrance F-17-3 and super silt fence H-26-3 have been amended.)
B. Stormwater management must be in accordance with the Baltimore County Stormwater Management Policy & Design manual.
C. Following initial soil disturbance or redisturbances, permanent or temporary stabilization shall be completed within 7 working days.
D. A stabilized construction entrance will be installed and maintained for each site. More than one may be required.
E. Topsoil will be stockpiled within the limits of the site and the area down slope protected by straw bale, dikes or silt fence.
F. All clearing and grading shall be completed in the following sequence:
   1. Clear and grub for the installation of construction entrance, silt fence, straw bale dike and other sediment control practices.
   2. Install silt fence, straw bale dike, stabilized construction entrance and any other sediment control practices required by inspector.
   3. Grade and site and/or construct any structures, paving and/or utilities.
   4. Stabilize the site according to the seeding or sodding specs.
   5. After site has been stabilized (minimum stabilization by seeding and mulching), with the permission of the sediment control Inspector, remove sediment control practices and stabilize remaining disturbed areas.
G. Access to the site will be available at all times to the District and Baltimore County personnel.
H. A site plan must be provided showing all information such as location, type of sediment control devices, etc.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HAZELWOOD
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D.R.5.5
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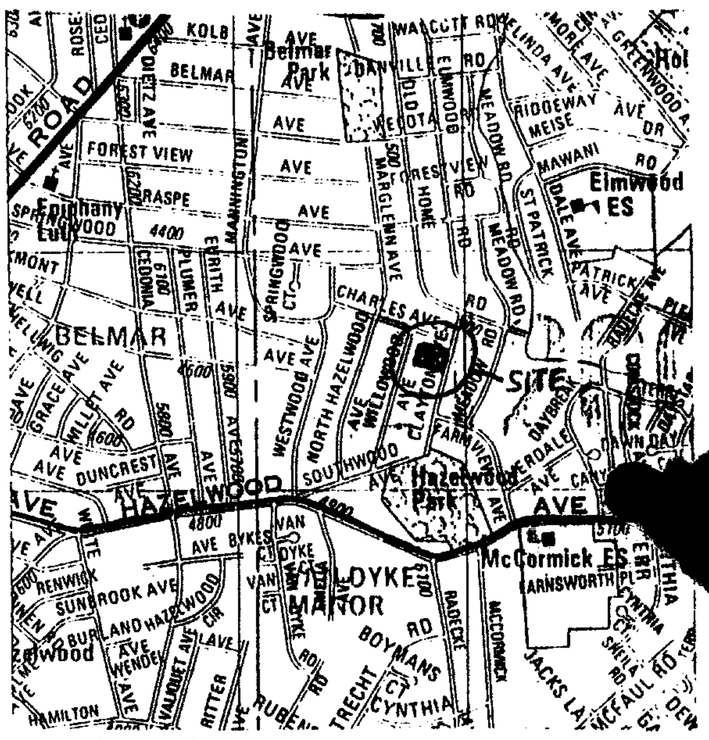
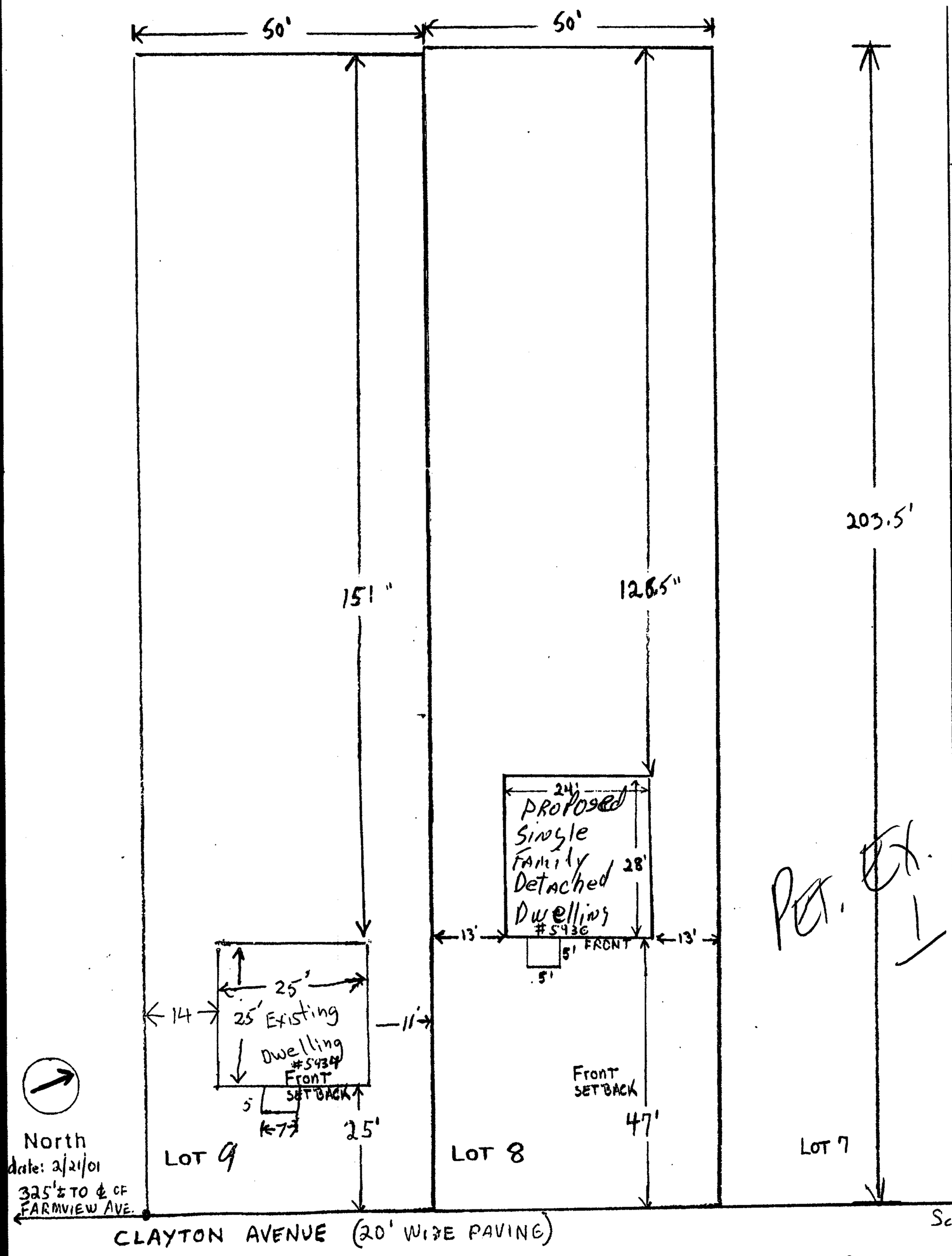
AVE.
FARMVIE
01-333-A



North

Vicinity Map
scale: 1" = 2000'



SITE PLAN
LOT 8
5936 CLAYTON AVE
PROPERTY ADDRESS

PLAT TO ACCOMPANY
PETITION FOR ZONING
VARIANCE
OWNER: TIMOTHY LEE DAVIS
SUBDIVISION NAME:
HAZELWOOD FARMS

PLAT BOOK # 6
FOLIO #174
PLAN B
LOT #8
SECTION #

LOCATION INFORMATION

COUNCILMANIC DISTRICT #6
ELECTION DISTRICT #14
1"-200' SCALE MAP #NESE

ZONING: DR 5.5
LOT SIZE: .23 acerage
10,000+ SQUARE FEET

	public	Private
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA	YES	NO
	☐	☒

PRIOR ZONING HEARINGS: NONE

SCALE 1/2" = 10'
Scale of Drawing: 1" = 20'

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
JNP	333	01-333-A