ORDER RECEIVED FOR FILING
Date
By

100

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

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

 $(\mathbf{x}_{n}^{*})_{n}$

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.

FUEL FECTIVED FOR FILMS

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.

this ______ 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

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

* A.

Zoning Commissioner for Baltimore County

LES:bjs

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)

14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

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

7/27/01



County Board of Appeals of Baltimore County.

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

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.

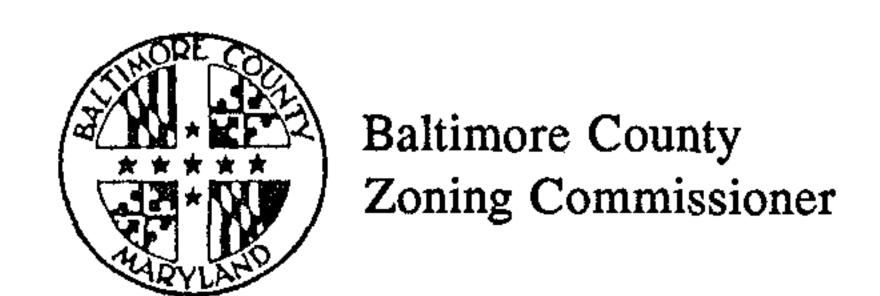
Very truly yours,

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)



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

Fax: 410-887-3468

April 17, 2001

y Lee Davis

Mr. Timothy Lee Davis 5934 Clayton Avenue Baltimore, Maryland 21206

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
Cases Nos. 01-333-A and 01-334-A

Dear Mr. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

Mr. James W. Mueller, 4525 Raspe Avenue, Baltimore, Md. 21206 Mr. Thomas F. Pawlak, 8920 Kilkenny Circle, Baltimore, Md. 21236 Ms. Kamila Pawlak, 5938 Clayton Avenue, Baltimore, Md. 21206 Office of Planning; DEPRM; People's Counsel; Case File



REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	CLAYTON	
	zoned DR	

Date

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 à part hereof, hereby petition for a Variance from Section(s)

Of the required SS feet, And to approve any other variances deemed necessary by the Zoning Commissioner, And to approve an existing undersized 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: Legal Owner(s): Name - Type or Print Name - Type or Print moti Signature Signature Address Telephone No. Name - Type or Print State Zip Code Signature **Attorney For Petitioner:** Address Telephone No. Name - Type or Print State Zip Code Representative to be Contacted: Signature Company Name Telephone No. Aggress Telephone No Zip Code Zip Code State State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Reviewed By __________

EXISTING HOUSE

Zoning Description for 5934 Clayton Ave.

Beginning at a point on the West side of Clayton Ave. which is 20 feet wide at a distance of 325 feet north of the centerline of the nearest improved intersecting street <u>Farmview Avenue</u> which is 20 feet wide. Being <u>Lot 9</u>, 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, 5934 Clayton Avenue and located in the 14th Election District, oth Councilmanic District.

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: #01-334-A 5934 Clayton Avenue W/S Clayton Avenue, 325' 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 and 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

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baitimore 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) 8873391.
JT/3/755 Mar. 27 C458918

JT/3/755 Mar. 27 C458918

CERTIFICATE OF PUBLICATION

329,2001
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on <u>327</u> ,2001.
The Jeffersonian
🖵 Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
North County News
S. Willings
LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 90093	PAID RECEIPT PAYMENT ACTUAL TIME 2/21/2001 2/21/2001 11:07:44
DATEACCOUNTAMOUNT \$	2.001-006-6150	P/21/2001 2/21/2001 11:07:44 REL MG03 CASHIER UNIL LOW DRAWER 3 SAFEETPT # 170275 OFLER DEST 5 520 ZONING VERTFICATION CR MJ. 090095 Recri Tot 59.00 A
RECEIVED TO DAVIS	- · · · · · · · · · · · · · · · · · · ·	100.00 CK .00 CA Builtimore County, Haryland
FOR: <u>Variance</u> 5934 (LATTON AUF.	(2079) 01-334.	A 01-334-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUST	OMER	CASHIER'S VALIDATION

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i -

* CERTIFICATE OF POSTING THE TOTAL STATE OF THE STATE OF

	RE: Case No.: <u>O/-334-A</u>
	Petitioner/Developer: 77mothy Le
	Davis
	Date of Hearing/Closing: 4/10/0/
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:	
	erty located at 5934 CLay ton AVC
rue sign(s) were bosted ou	(Month, Day, Year)
	Sincerely,
	SSL MM 3/26/01 (Signature of Sign Poster and Date)
	SSG Robert Black
	SSG Robert Black (Printed Name)
	SSG Robert Black (Printed Name) 1508 Leslie Road
	SSG Robert Black (Printed Name) 1508 Leslie Road (Address)
	SSG Robert Black (Printed Name) 1508 Leslie Road
	SSG Robert Black (Printed Name) 1508 Leslie Road (Address) Dundalk Maryland 21222

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: 01-334-A
5934 Clayton Avenue
W/S Clayton Avenue, 325' N of Farmview Avenue
14th Election District — 6th Councilmanic District
Legal Owner: Timothy Lee Davis

<u>Variance</u> to approve a lot width of 50 feet in lieu of the required 55 feet and 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

GDZ

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

Lawrence E. Schmidt

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.



Baltimore County
Department of Permits and
Development Management

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

March 7, 2001

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: 01-334-A
5934 Clayton Avenue
W/S Clayton Avenue, 325' N of Farmview Avenue
14th Election District – 6th Councilmanic District
Legal Owner: Timothy Lee Davis

<u>Variance</u> to approve a lot width of 50 feet in lieu of the required 55 feet and 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

Arnold Jablon

Director

C: Timothy L Davis 5934 Clayton Avenue, Baltimore 21206

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 26, 2001.

(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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

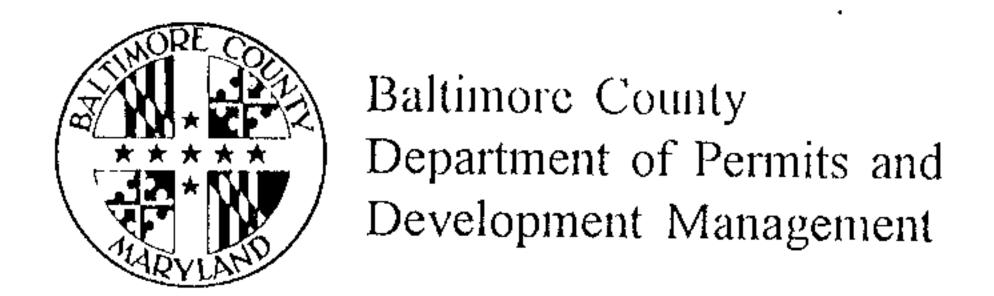
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 01-334-A Petitioner: PAUIS
Address or Location: 5434 CLAYTON AUE (LOT 9)
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 5934 CLAYTON AUE
BALT, MO 21266
Telephone Number:866-6644/



Permits and Licenses
County Office Building
III 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: 01-334-A, 5934 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. Caré Ruchmeds Jr.

W. Carl Richards, Jr. GDで Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 26, 2001

Department of Permits and Development Management

Development I

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:

Section Chief:

AFK: MAC:



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 19, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 12, 2001

Item Nos. 332, 334, 335, 337, 340 and

341

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

RWB:HJO:jrb

cc: File



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.

334

JNT

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,

10

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

My telephone number is ___

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley My

DATE:

March 19, 2001

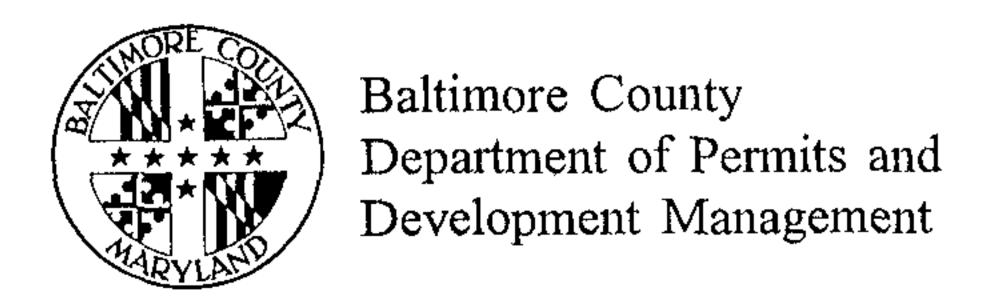
SUBJECT:

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 49 th Street
341	9308 Snyder Lane



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

Fax: 410-887-5708

May 16, 2001

Kamila Pawlak 5938 Clayton Avenue Baltimore MD 21206

Dear Mrs. Pawlak:

RE: Case No. 01-334-A, Address 5934 Clayton Avenue Lot 9

Please be advised that an appeal of the above-referenced case was filed in this office on May 11, 2001 by People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

Arnold Jabton GDZ

Director

AJ: gdz

c: Thomas F Pawlak, 8920 Kilkenny Circle, Baltimore 21236 Tim Davis, 5934 Clayton Avenue, Baltimore 21206 People's Counsel

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

People's Counsel

May 11, 2001

CAROLE S. DEMILIO
Deputy People's Counsel

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 I. Davis Potitioner

Timothy L. Davis, Petitioner

Case Nos.: 01-333-A 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

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

O D

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
5934 Clayton Avenue (Lot 9)
W/S Clayton Avenue, 325' N of Farmview Avenue
14th Election District – 6th Councilmanic District
Timothy Lee Davis - Legal Owner
Case No.: 01-334-A

Petition for Variance (dated 2/21/01) Zoning Description of Property Motice 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 (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: Plat to Accompany Petition for Zoning Variance Protestants' Exhibits: (None Miscellarieous (Not Marked as Exhibits): Plan-B Hazelwood Farms Lots for Sale by Cityco Realty Co Zoning Commissioner's Order (4/17/01 - GRANTED)

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

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

KE

Case No. 01-333-A /01-334-A	Case N	o. 01	-3333-	A / 01	I-334-A
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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.

64 App-2001

FILE#:

01-334-A

NAME:

Davis, Titthy Lee

STREET:

Clayton Ave., W/s, 325' N of Farmview Avenue VAR / undersized lot 50' ilo 55'; proposed SFD

TYPE: DISTRICT:

14;6

DATE APPEALED: 5/11/2001

HRG. DATE:

ORDER DATE:

DECISION:

CLOSED: UP:

Riding w/ 01-333-A

SIGNS Requested Lir both.

TO Be DISMISSED

Dockes

set Envelopes.

RECOMMENDATION FORM it or Case No. _0/-333-A TO: Director, Office of Planning & Contemplity Conservation Attention: Jeffrey Long County Courts Building, Room 406 401 Bosley Avenue Towson, MD 21204 Residential Processing Fee Paid (\$50.00)FROM: Arnold Jablon, Director Department of Permits & Development Management Accepted by 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: Tim of hy Lee Davis 5934 Claylon Ave Ballo, MD 21206 866-6644

Print Name of Applicant Address Telephone Number

Lot Address 5936 CLAYTON AVE (Lot 8) Election District 14 Councilmanic District 7 Square Feet 10,000 Lot Location: NES Miside Corner of CIAYTON AVE , 375 (feet from NESW corner of FARMVIEW AVENUE) Land Owner: Timothy Lee Davis Tax Account Number 14-15-074125 Address: 5934 Clay Ton 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? 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: TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY! **RECOMMENDATIONS / COMMENTS:** Approval conditioned on required modifications of the application to conform with the following recommendations Approval

ion

EGE VE

Date 3/28/0/

Revised 2/25/99





RE: PETITION FOR VARIANCE 5934 Clayton Avenue, W/S Clayton Ave, 325' 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. 01-334-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

People's Counsel for Baltimore County

Mars Timmerman

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





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel May 22, 2001

CAROLE S. DEMILIO
Deputy People's Counsel

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

People's Counsel for Baltimore County

Carole S, Danilio

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

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

June 13, 2006

Ms. Louise Fritz
Carter-Burgess
National Transaction Services
10001 North Broadway Extension
Oklahoma City, OK 73114

Dear Ms.Fritz:

Re: Zoning verification of ezStorage Ruxton, 7401 Old Pimlico Road, Baltimore Maryland 21209 ED 3

Your letter to the Director of Permits and Development Management has been referred to me for reply. Based on the information contained in the <u>Baltimore County Zoning Regulations</u> (BCZR) the following has been determined.

The property known as 7401 Old Pimlico Road is currently zoned ML and MLR, (light manufacturing and restricted light manufacturing) as shown on the official Baltimore County Zoning Map # 069 A-3 (a copy of map is enclosed). This site is not a Planned Unit Development. There are no special, restrictive or overlay districts for this property. A zoning variance for the property, case # 01-134-A, is enclosed. A Development Plan is not currently available.

Please be advised that provided the property was developed and occupied in accordance with Baltimore County approved permit plans and all current uses adhere to the requirements of the BCZR, the present use of the site is not nonconforming, and does not violate applicable zoning ordinances.

Pursuant to Section 104 of the BCZR, any structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction. In the event that the building is nonconforming, the structure may be rebuilt to the original size, but may not be enlarged.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

John R. Alexander

Planner II

Sincerela

Zoning Review

Enclosure



Visit the County's Website at www.baltimorecountyonline.info



NATIONAL TRANSACTION SERVICES

10001 N. Broadway Extension Oklahoma City, OK 73114 Phone 888-988-2227

Fax (800) 558-1074

June 1, 2006

Via FedEX

Mr. Timothy Kotroco Dir. of Permits Development Mgt./Zoning Review Baltimore County 111 W. Chesapeake Av, Rm 111 Towson, MD 21204

RE: EZ Storage - Ruxton, 7401 Old Pimlico Road, Baltimore County, Maryland; Parcel No. 2200014516

Dear Mr. Kotroco:

I am preparing a Zoning Assessment for the EZ Storage - Ruxton at 7401 Old Pimlico Road in Baltimore County. I would appreciate your assistance in obtaining a Zoning Verification Letter regarding the subject property. I understand the fee for this service is \$50.00, a check for which

Please answer the following questions on your municipal letterhead, to the best of your

- 1. What is the current zoning designation for the subject property? Is the use permitted in the current zoning district? What are the zoning designations of the adjacent properties?
- 2. Is the property located in any special or restrictive overlay district?
- 3. Is the property part of any Planned Development? If so, could we obtain a copy of the Planned Development stipulations or property development documents? If there is an additional fee for these documents, please let me know.
- 4. Is the property subject to any variances, special/conditional use permits, and/or parking easements/agreements? If so, could you please provide us with copies of the related
- 5. Are you aware of any outstanding zoning or building code violations affecting the subject property? Please see the following letter. Please incorporate this form onto your letterhead, complete, and return to my attention with your letter.

Timothy Kotroco Baltimore County

RE: EZ Storage - Ruxton, 7401 Old Pimlico Road, Baltimore County

June 13, 2006

Page 2

- 6. Are you aware of any Legal Nonconforming issues affecting the subject property? If so, could you please address these issues?
- 7. Was the property developed with Site Plan approval? If so, would you be able to provide me with a copy of the approved plan?

I would also appreciate your assistance in obtaining copies of the Certificates of Occupancy for the subject property. Could you please copy the attached form letter onto your letterhead and answer the questions to the best of your ability? We may have requested this information in the past, but prefer to keep our records current due to the fact that many municipalities do change their procedures from time to time.

If you are unable to address any of the above information, please contact me as soon as possible at 1-888-988-2227, extension 4634. Upon completion of the letter, if you could please fax a copy to my attention at 1-800-558-1074 and mail the original letter and the related attachments to the address shown above, I would appreciate it. Thank you for your time and quick response!

Respectfully,

Louise Fritz

Analyst

louise.fritz@c-b.com

LLF

Cc: File 419000.322.8401

Enclosure:

Three Zoning Information Forms

Check for \$50.00

(PLEASE INCORPORATE ONTO YOUR LETTERHEAD)

Date:
Louise Fritz
Carter Burgess
National Transaction Services
10001 Broadway Extensions
Oklahoma City, OK 73114
RE: EZ Storage - Ruxton, 7401 Old Pimlico Road, Baltimore County, Maryland Parcel No. 2200014516
Dear Ms. Fritz:
Please be advised that there are currently:
No Open Cases regarding the subject property
————— Open Cases regarding the subject property
Please specify the Zoning and/or Building Code Violations:
Comments:
Print Name:
Title:
Phone Number:
Toma ména
ignature:



(PLEASE INCORPORATE ONTO YOUR MUNICIPAL LETTERHEAD)

Date:

Louise Fritz
Carter Burgess
National Transaction Services
10001 Broadway Extensions
Oklahoma City, OK 73114

RE: EZ Storage - Ruxton, 7401 Old Pimlico Road, Baltimore County, Maryland Parcel No. 2200014516

In addition, could you please take the time to answer the following questions? This information is entered in our database for future reference in case we work in your jurisdiction again. How are Certificates of Occupancy issued? (Please check all that apply) ____Shell of the Building ____Tenant Other (Please explain) Under which circumstance would you require a new Certificate of Occupancy to be issued? (Please check all that apply) ____ Change of Use ____ Change of Tenant ____ Change of Owner ____ Tenant Improvements _____Remodeling ____ Other (Please explain) _ Can you please provide the approximate year of available Certificate of Occupancy records? Year:__

Do you periodically purge your documents? Yes____ No__

If answered yes, how often are records purged?

FER BURGESS

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JAMES WMUCHER	4525 RASPE AUE
Timothy Lee DAVIS	5934 CLAYTON AUE
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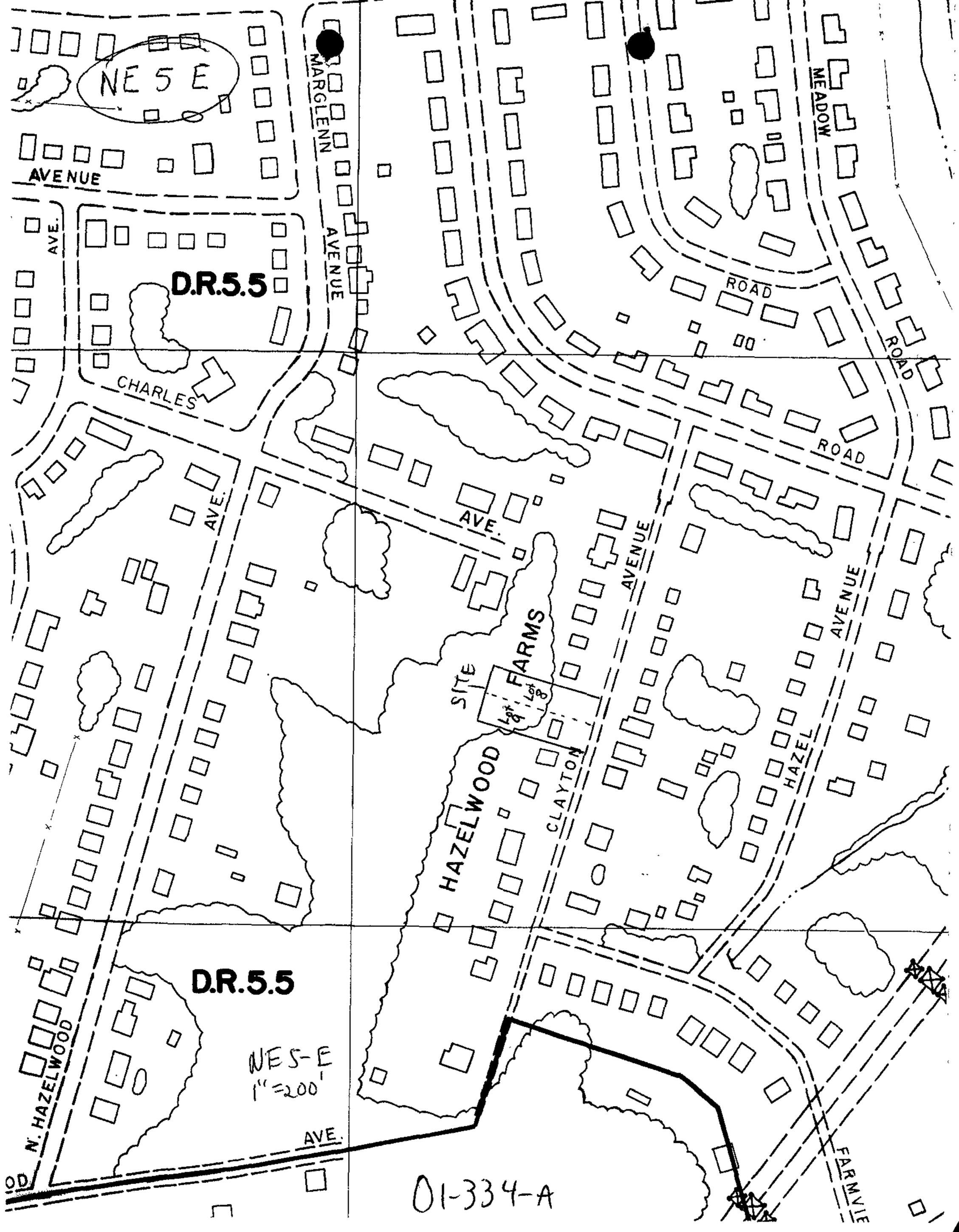
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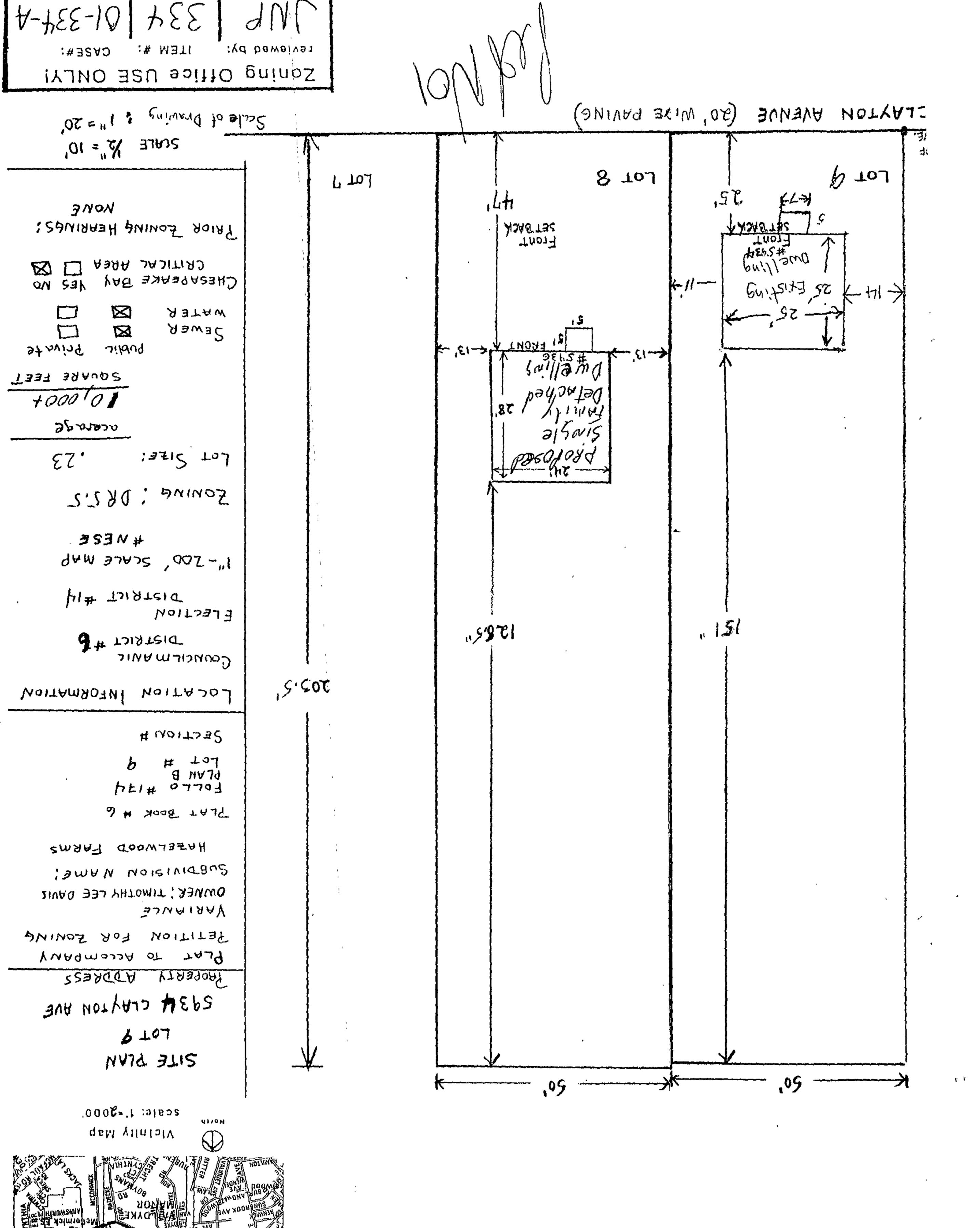
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PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
OMAS F. PAWZAK	8920 KILKENNY CIR	BALTO ME	212
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HAZELWOOD FARMS LOTS FOR SALE CITYCO REALTY CO. SURVEYED & LAIDOUT J-SPENCE HOWARD -CIVIL ENGINEER BALTIMORE HD SCALL 100'-1112 APRIL 1919. Deed from Cityes Roles, Company of Balls City

9-1-334-9