IN RE: PETITION FOR ADMIN. VARIANCE N/S Princess Anne Way, 1140' E of the c/l

Cripplegate Road

(13725 Princess Anne Way)

10th Election District

3rd Council District

* OF BALTIMORE COUNTY

Stephen Femiano and Valerie Anderson Petitioners

Case No. 02-092-A

BEFORE THE

ZONING COMMISSIONER

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Stephen Femiano and Valerie Anderson. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. In this case, the Petitioners applied for an administrative variance on or about September 16, 2001. On October 13, 2001, the property was duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested can demand a public hearing provided they do so within 15 days of the sign posting. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner, upon review of the case file, can schedule the matter for a hearing. In this case, a letter of opposition was received from David Mattson, President of the Summer Hill Association, the subdivision in which the property is located. Thus, the matter was scheduled for a public hearing on October 29, 2001.

Appearing at the hearing in support of the request were Stephen Femiano and Valerie Anderson, property owners. Appearing as Protestants in the matter were numerous residents from the surrounding community, including the adjacent property owner, Ruth C. Roberts. Her son, Reid Roberts, and Mark Behm and David Marshall served as spokespersons for the group; however, the record will reflect that testimony was offered from a number of residents who appeared in opposition to the request.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, located on the south side of Princess Anne Way, between Merrymans Mill Road and Paper Mill Road in Phoenix. The property contains a gross area of .960 acres, more or less, zoned R.C.4 and is located in the residential subdivision known as Summer Hill, a community of substantial homes on relatively large lots. Presently, the property is improved with a two-story single family dwelling, in which the Petitioners have resided for the past 4 years. Apparently, at one time, the house featured an attached garage; however, the garage was converted to provide more internal living space. Thus, there is no garage at the present time. However, during a site visit to the property following the hearing, I did observe a temporary structure in the front yard of the property, near an automobile covered with a tarpaulin.

The subject of the Petition relates to a two-car garage that the Petitioners propose to construct in the front yard. Section 400.1 of the B.C.Z.R. requires that accessory structures, such as garages, sheds, swimming pools, etc., be located in the rear yard of the property. Thus, a variance is necessary. Apparently, at one time, a parking pad existed on the front portion of the lot, which is sloped with the elevation of the property rising from Princess Anne Way to the location of the house. The parking pad was actually graded into this slope and supported by railroad ties. However, the parking pad fell into a state of disrepair and was replaced by the Petitioners. The Petitioners now propose to construct a garage in the area where the old parking pad existed. Mr. Femiano indicated that the garage will be 24' x 24' in dimension, with a height no greater than 15 feet, and will contain sufficient storage space for two automobiles and small household items.

Photographs of the site show that the Petitioners recently constructed a retaining wall along the front portion of the property to support the new concrete parking pad. The retaining wall will ultimately serve as the foundation for the garage under the Petitioners' proposal. I inspected the retaining wall during my site visit, not only from the Petitioners' property, but also from the neighboring lot and the public street. Mr. Femiano indicated that the location for the proposed garage was consistent with the location of the old parking pad. He also noted the existence of a large oak tree in the front/side yard of the property. He indicated that the garage cannot be located in the rear of the property unless the oak tree is removed. He believes that the tree is an attractive feature of the lot and adds to the aesthetics of the vicinity and that its destruction would be inappropriate.

The Protestants who appeared are generally opposed to the request. They believe that it is inconsistent with other lots in the community. There was evidence of one other lot in this subdivision that contains a detached garage in the front yard. I also viewed this lot during my site visit; however, it is to be noted that most garages in the vicinity are in the rear yards of the properties or attached to the dwellings.

Testimony was also received from Reid Roberts, who is the son of the immediately adjacent property owner, Ruth Roberts. Mr. Roberts particularly noted the grade of the property and expressed concern that the garage would visually intrude upon his mother's property. He also expressed fears that the proposed landscaping would not serve as an effective buffer for the building for many years until such time as the landscaping matured.

The grant of variance relief by the Zoning Commissioner is governed by Section 307 of the B.C.Z.R. The requirements of this Section have been interpreted by the appellate Courts of this state, most notably in Cromwell v. Ward, 102 Md. App. 691 (1995). The appellate Court in Cromwell noted that variances could not be granted for the mere convenience of the property owner. Moreover, a claimed hardship, if self-imposed, cannot be the basis on which variance relief can be granted. Rather, in order for a variance to be granted, the Petitioner must satisfy three requirements. First, it must be established that the property is unique and that this uniqueness

ORDER RECEIVED FOR FILING
Date ///b /b/

drives the need for variance relief. Second, it must be shown that the Petitioner would suffer a practical difficulty (as defined by law) if relief were denied. Finally, relief can be granted only if there will be no detrimental impact on adjacent properties.

The property is unique when one considers its irregular shape, slope, and the existence of the mature oak tree. Although these are features of many lots in this subdivision, this particular combination of factors is unique to this specific lot. However, I do not find that these unique factors drive the need for the variance. During my site visit, it was evident that the existing driveway could be extended into the rear yard of the property, without destroying the oak tree. The tree is actually located in the side yard of the property, and there appears to be enough room to accommodate a single lane driveway past that tree and into the rear yard. The site plan shows a full 16 feet from the proposed corner of the garage to the property line adjoining the Roberts' property. Moreover, there is room in that rear yard to construct a garage. Also, it appears that the rear yard is flatter than the front yard.

Having determined that the property's uniqueness does not drive the need for variance, the Petition must be denied and the other tests need not be considered. However, and in passing, I would note that the proposed location for the garage, if granted, would detrimentally impact the surrounding locale. Although the building would be in compliance with the height limitations established by the B.C.Z.R., the nature of the grade in front would give the appearance of a very tall and overwhelming structure when viewed from Princess Anne Way and the Roberts' property. This visual impact is, in my judgment, detrimental to that adjacent property, and the view from the public roadway. Thus, even if I determine that the unique factors associated with this property justify the need for variance relief, it would still not be granted due to this adverse impact.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of November, 2001, that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure

(detached garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Any appeal of this decision must be filed within thirty (30) days of the date of this

Order.

AWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



November 6, 2001

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

Mr. Stephen Femiano Ms. Valerie Anderson 13725 Princess Anne Way Phoenix, Maryland 21131

PETITION FOR ADMINISTRATIVE VARIANCE RE: N/S Princess Anne Way, 1140' E of the c/l Cripplegate Road (13725 Princess Anne Way) 10th Election District – 3rd Council District Stephen Femiano and Valerie Anderson - Petitioners Case No. 02-092-A

Dear Mr. Femiano and Ms. Anderson:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bis

Ms. Ruth Roberts, 13729 Princess Anne Way, Phoenix, Md. 21131

Mr. Reid Roberts, 17230 Evna Road, Parkton, Md. 21120

Mr. Mark Behm, 13809 Princess Anne Way, Phoenix, Md. 21131

Mr. Dave Marshall, 13901 Summer Hill Drive, Phoenix, Md. 21131

Ms. Jean Smith, 13711 Princess Anne Way, Phoenix, Md. 21131

Mr. Paul Davolos, 13806 Princess Anne Way, Phoenix, Md. 21131

Ms. Sally Barker, 13707 Princess Anne Way, Phoenix, Md. 21131

Mr. & Mrs. H. Calvin Huether, 13805 Summer Hill Drive, Phoenix, Md. 21131

Mr. John T. O'Hara, 13702 Cripplegate Road, Phoenix, Md. 21131

The Craig Residence, 6 Shanneybrook Court, Phoenix, Md. 21131

Mr. & Mrs. Fred Masterman, 7 Shanneybrook Court, Phoenix, Md. 21131

Mr. & Mrs. Frank Dickison, 9 Shanneybrook Court, Phoenix, Md. 21131

Ms. Anne M. Keys, 13802 Princess Anne Way, Phoenix, Md. 21131

Ms. Lee Pribble, 6 Dunscombe Court, Phoenix, Md. 21131

Ms. Evelyn Bradley, 13800 Princess Anne Way, Phoenix, Md. 21131

Mr. & Mrs. Timothy Mead, 4 Green Peak Court, Phoenix, Md. 21131

Mr. & Mrs. Kevin Sniffen, 13714 Summer Hill Drive, Phoenix, Md. 21131 People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13725 Princess Anne Way Phoenix 21131 which is presently zoned RC4

I/We do solemnly declare and affirm, under the penalties of

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)

5028 400.1 To allow an accessory structure (detached garage) to be located in the front yard in liew of the required rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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.

		perjury, that I/we are is the subject of this I	the legal owner(s)	of the property which
Contract Purchaser/Lessee:		Legal Owner(s):		
N/A		Stephen Femiar	10	
Name - Type or Print		Name - Type or Print		
Signature		Signature		
Address City State	Telephone No.	Valerie Anders Name Type or Print Signature	on Ilrson	
Attorney For Petitioner:	•	13725 Princess	Anne Way	410 628-1407
Need waived for present r	eview	Address	D 21131	Telephone No.
Name - Type or Print		City	Sta	te Zip Code
Signature Çompany		Representative to STEPHEN FEMIA VALERIE ANDE Name (Homeowner	NO	
ž	<u> </u>			87.3525
Address	Telephone No.	Address	WORK	
City State	Zip Code	City	Stat	te Zip Code
A-Public Hearing having been formally demands day of the three thr		nis petition be set for a public	ne Zoning Commiss hearing, advertised, description of Baltimore	, as required by the zoning
ĒASE NO. <u>02-092-a</u>	Rev	iewed By JRF	Date	9-4-01
10 11 15 19 8 15 19 8		imated Posting Date _		-

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event	that a public hearing is	scheduled in the t	luture with regard the	reto.
That the Affiant(s) does/do presently re-	ide at 13725 Pri	ncess Anne Wa	у	
		MD 21131		
and and a	City		State	Zip Code
That based upon personal knowledge, Variance at the above address (indicate	he following are the fa hardship or practical d	cts upon which I/v ifficulty):	ve base the request	for an Administrative
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B. Unreasonable hardship to seek another entra existing driveway and are met.	ce to the rest of	f the property	, but is practic	cal to keep the
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D. Will be met.				
E. Will be met.				•
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Signature / /	,	Signature		
Stephen Femiano		Valerie An	derson	
Name - Type or Print		Name - Type or Pr	int	
STATE OF MARYLAND, COUNTY OF I HEREBY CERTIFY, this HA day of Maryland, in and for the County afore Maryland	of Siglemus	,2001 red	_, before me, a Nota	ry Public of the State
the Affiant(s) herein, personally known law that the matters and facts hereinable	or satisfactorily identifi ve set forth are true ar	ed to me as such id correct to the be	Affiant(s), and made est of his/her/their kno	e oath in due form of owledge and belief.
AS WITNESS my hand and Notarial Se				
9/4/01		Palner (2 Deltram	
Date	Notar My C	y Public ommission Expire	C Destrum s_2/1/04	

REV 09/15/98

Affidavit in Support of Administrative Variance

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С.	Use of existing residency the existing house and to				ic value as is
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Ε.	Will be met.	,			
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J	ephen Femiano		Valerie And	erson	
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	BY CERTIFY, this 4 day of and, in and for the County aforesaid,	September personally appe	, <u>२००।</u> ared	, before me, a Notary	Public of the State
the Affiai	nt(s) herein, personally known or sa the matters and facts hereinabove s	atisfactorily identi et forth are true a	fied to me as such A and correct to the bes	Affiant(s), and made it of his/her/their know	oath in due form of vledge and belief.
AS WITH	NESS my hand and Notarial Seal				
9/	467		Paloui (Deteran	
Date			ary Public Commission Expires	2/1/04	

REV 09/15/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13725 Princess Anne Way Phoenix 21131 which is presently zoned RC4

I/We do solemnly declare and affirm, under the penalties of

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)

BCZR 400.1 To allow an accessory structure (detached garage) to be located in the front yard in liew of the required rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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.

		•	perjury, that is the subject	Nwe are the lega ct of this Petition.	owner(s)	of the property which
Contract Purchaser/Les	see:		<u>Legal Ow</u>	/ner(s):		
N/A			Stephen	Femiano		
Name - Type or Print			Name - Type			
Signature		~····	Signature	- Jan	<u> </u>	
Address		Telephone No.	Valerie Name-Type	Anderson or Print		
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Attorney For Petitioner:				rincess Anne	Way	410 628-1407
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Address		Telephone No.	Address		WORK -	Telephone No.
City	State	Zip Code	City		State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	TO.	at the cliniert matte	er of this petition be set for	dered by the Zoning or a public hearing, ling Commissioner o	advertised, a	s required by the zoning
CASE NO	792-A		Reviewed By	RF I	Date	9-4-01
REU 9 15 98			Estimated Posting		9-16	

ZONING DESCRIPTION

Zoning description for 13725 Princess Anne Way Phoenix MD 21131

Beginning at a point on the North side of Princess Anne Way which is 32 feet wide at the distance of 1140 feet East of the centerline of the nearest improved intersecting street Cripplegate Road which is 32 feet wide.

Being lot #30 of block "E" section # four of the subdivision of Summer Hill as recorded inBaltimore County Plat Book # 31 folio # 92 containing .960 acres.

Also, known as 13725 Princess Anne Way and located in the 10th election district 3rd councilmanic district.

#092

BALTIMORE COUNTY, MAR OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	•	No.	5724	1	PAID RECEIP!	
	ACCOUNT 00/	TANK OF THE PROPERTY.	<u>/\$0</u>	RET WE SHECE Don't	05/2001 9/04/2001 605 Cashter Wister (IPT II 23/2550 5 528 ZONTAG QG	XXXIII TOTAL
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY	YELLOW - CUSTOMER				CASHIER'S VAL	LIDATION

NOTICE OF ZONING HEARING

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

Case: #02-092-A
13725 Princess Anne Way
13725 Princess Anne Way
Sof Princess Anne Way
1140
NE centerline of Chappel Gate Rd.
10th Election District
Grat Councilmanic District
Legal Owner(s): Valerie
Anderson & Stephen Ferniano
Administrative Variance: to
allow an accessory structure (detached garage) to
be located in the front yard
in lieu of the required rear
yard.

Hearing: Monday, October 29, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT -Zoning Commissioner for — Baltimore County

Baltimore County
NOTES. (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/117 Oct. 11 C499261

CERTIFICATE OF PUBLICATION

10/11/,2001
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 10/11,2001.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
-

LEGAL ADVERTISING

POSTED 9/15/01 Phoball 2/15/01

	RE: Case No.: 02-092-A
	Petitioner/Developer:
	STEPHEN FEMILINE
	VALERIE ANDERSON
	Date of Hearing/Closing: 10/1/01
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 per	jury that the necessary sign(s) required by law
were posted conspicuously on the property local	ted at
13725 PR	UCESS ANNE WAY
The sign(s) were posted on	9 /15 /0/ Month, Day, Year)
(Month, Day, Year)
CASE # 02-092-A)	Sincerely,
VARIANCE TO STATE OF THE PARTY	(Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) FALLS TON, MO 21047 (City, State, Zip Code) (410) 879-3122 (Telephone Number)
A Comment of the Comm	• • • • • • • • • • • • • • • • • • • •
13725 PRINCESS ANNE WAY	

CERTIFICATE POSTING

196 Min 18

•	RE: Case No.: 02-092-A
	Petitioner/Developer:
	VALERIE ANDERSON & STEPHEN FEMILIAN
	Date of Hearing/Closing: 10 /19/cs
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:	
were posted conspicuously on the property /3725	PRINCESS ANNE WAY
The sign(s) were posted on	10/13/01
	(Month, Day, Year)
ZONING HOTEE APPLICATION OF THE STATE OF TH	Sincerely, (Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name)
A STATE OF THE STA	904 DELLWOOD DR.
Mark Ford	(Address)
	(City, State, Zip Code)
	(410) 879·312Z
· · · · · · · · · · · · · · · · · · ·	(Telephone Number)
3725 PRINCESS ANNE WAY	
POSTED 10/13/01	

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 11, 2001 Issue - Jeffersonian

Please forward billing to:

Stephen Femiano Valerie Anderson

13725 Princess Anne Way

Phoenix MD 21131

410 628-1407

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: 02-092-A 13725 Princess Anne Way

Lawrence E. Schmidt

S/S of Princess Anne Way, 1140' NE centerline of Chappel Gate Road

10th Election District – 3rd Councilmanic District

Legal Owners: Valerie Anderson & Stephen Femiano

Administrative Variance to allow an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard.

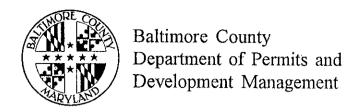
HEARING: Monday, October 29, 2001 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

Fax: 410-887-5708

October 3, 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: 02-092-A 13725 Princess Anne Way

S/S of Princess Anne Way, 1140' NE centerline of Chappel Gate Road

10th Election District – 3rd Councilmanic District

Legal Owners: Valerie Anderson & Stephen Femiano

Administrative Variance to allow an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard.

Monday, October 29, 2001 at 9:00 a.m. in Room 407, County Courts **HEARING:**

Building, 401 Bosley Avenue

Arnold Jablon Director

C: Valerie Anderson and Stephen Femiano, 13725 Princess Anne Way, Phoenix 21131 David Mattson, President, Summer Hill Association, 6 Crestmill Court,

Phoenix 21131

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 13, 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.

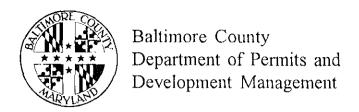
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: STEPHEN FEMIAND / VALERIE ANDERSON
Address or Location: 13725 PRINCESS ANNE WRY, PHIENK, MD 21131
PLEASE FORWARD ADVERTISING BILL TO:
Name: STEPHEN FEMIAND, VALERIE ANDERSON
Address: 13725 PRINCESS ANNE WAY
PHUENIX MD 2113)
Telephone Number: 410, 628, 1407

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 092 -A Address 13725 PRINCESS ANNE WA
Contact Person: JUN R · FERNANDO Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 9-4-0/ Posting Date: 9-16-0/ Closing Date: 10-/-0
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 02- 092 -A Address 13725 PRINCESS ANNE WAY
Petitioner's Name <u>Stephen Femiano & Valerie Anderson</u> Telephone <u>410-628-1407</u>
Posting Date: 9-16-0/ Closing Date: 10-1-0/
Wording for Sign: To Permit an accessory structure Celetached garage) to be located in the front yard in lieu of the required
to be located in the front yard in lieu of the required
rear yard.



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

October 26, 2001

Valerie Anderson Stephen Femiano 13725 Princess Anne Way Phoenix MD 21131

Dear Ms. Anderson & Mr. Femiano:

RE: Case Number: 02-092-A, 13725 Princess Anne Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 4, 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. Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

DATE: October 25, 2001

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 1, 2001

Item Nos. 086, 087, 088, 089, 090, 092, 093, 094, 095, 096, 098, and 099

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

RWB:HJO:jrb

cc: File

-22



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

September 27, 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 SEPTEMBER 24, 2001

Item No.: See Below

Dear Ms. Stephens:

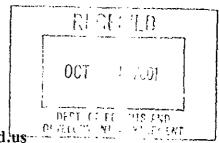
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property, $\ \ \,$

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

086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, AND 100

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

cc: File



HEARING TET PY REQUESTED PON PLA-101

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 1, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-092, 02-099, & 02-100

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: March

107 - 2

Section Chief: (

AFK/JL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari

Secretary Parker F. Williams Administrator

Date: 10.1.01

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

RE: Baltimore County

J R F Item No. 092

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 (Igredlein@sha.state.md.us).

Very truly yours,

P. J. Double

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





SFP 19

County Council of Baltimore County

Court House, Towson, Maryland 21204 410-887-3196 Fax 410-887-5791

S. G. Samuel Moxley FIRST DISTRICT

> Kevin Kamenetz SECOND DISTRICT

T. Bryan McIntire THIRD DISTRICT

Wayne M. Skinner FOURTH DISTRICT Vincent J. Gardina FIFTH DISTRICT

Joseph Bartenfelder SIXTH DISTRICT

John Olszewski, Sr. SEVENTH DISTRICT

Thomas J. Peddicord, Jr. LEGISLATIVE COUNSEL SECRETARY

September 18, 2001

Mr. Lawrence E. Schmidt Zoning Commissioner 401 Bosley Avenue - Room 405 Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 111-01 concerning the public disclosure of Stephen Femiano and Valerie Anderson, employees of the Baltimore County Board of Education who have applied for a zoning variance to construct a garage at their residence at 13725 Princess Anne Way, Phoenix, Maryland 21131.

This Resolution was approved by the County Council at its September 17, 2001 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr. Legislative Counsel/Secretary

Thums I (eadered)

TJP:dp Enclosure

cc: Stephen Femiano & Valerie Anderson

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2001, Legislative Day No. 17

Resolution No. 111-01

Mr. T. Bryan McIntire, Councilman

By the County Council, September 17, 2001

A RESOLUTION concerning the public disclosure of Stephen Femiano and Valerie

Anderson, employees of the Baltimore County Board of Education.

WHEREAS, Stephen Femiano and Valerie Anderson, employees of the Baltimore County Board of Education, have applied for a zoning variance to construct a garage at their residence at 13725 Princess Anne Way, Phoenix, Maryland 21131; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 26-3(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a zoning variance filed by Stephen Femiano and Valerie Anderson, does not contravene the public welfare and is hereby authorized.

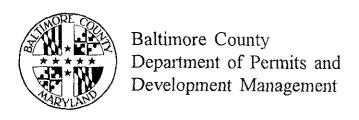
READ AND PASSED this 17th day of September, 2001.

BY ORDER

Thomas J. Peddicord, Jr.

Secretary

ITEM: Resolution 111-01



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

October 2, 2001

Valerie Anderson Stephen Famiano 13715 Princess Anne Way Phoenix MD 21131

Dear Mr. Famiano Ms. Anderson:

RE: Demand for Public Hearing, Administrative Variance, Case Number 02-092-A

The purpose of this letter is to officially notify you that a Demand for Formal Hearing by David Mattson, President Summer Hill Association has resulted in a timely demand for a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

As a result of the above, the property must be reposted with the hearing date. time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. らうこ

W. Carl Richard, Is.

Supervisor Zoning Review

WCR: gdz

C: David Mattson, President, Summer Hill Association, 6 Crestmill Court, Phoenix 21131



Printed with Soybean Ink

on Recycled Paper











Robert and Paulette Kirkpatrick 13724 Princess Anne Way Phoenix, MD 21131

Mr. Zahner Zoning Administration Management Department 111 W. Chesapeake Ave. Towson, MD 21204

October 25, 2001

Dear Mr. Zahner,

Steve Femiano and Val Anderson, our neighbors directly across the street from us in Summer Hill, have asked for a zoning variance in order to build a garage. They have shared their plans with us as they have taken each step in the process.

They have a 200-year-old oak tree in the area of their plot appropriate for a garage. In order to save this valuable and historic tree, Val and Steve are asking to build somewhat in front of their home but well back from the street. My husband and I are comfortable with this option. The have already worked at landscaping the foundation to make the garage as unobtrusive as possible. The doorways will face the driveway rather than the street that will make the garage appear to be a forward extension of the house.

Steve and Val have made numerous improvements to their property, few of which are visible from the street because of the elevation of their home. These improvements have dramatically increased the value of their home. We are confident that Steve and Val will use discretion and taste in building their garage and will continue to enhance their home. We have no objections to the zoning variance.

Sincerely

Robert C. Kirkpatrick

Paulette A. Kirkpatrick

Zoning Administration Management Department 111 West Chesaneake Avenue Towson, MD 21204 Mr. George Zahner Ref: Case number 02-092-A 9/28/01

Dear Mr. Zahner.

I'm writing on behalf of the Summer Hill Association, which comprises over 300 homes. The existing homeowner had a small cement pad, large enough to park an automobile. They have expanded that pad far beyond the size of the existing pad and has begun construction of the foundation of the garage (before zoning approval). Since many of the neighbors are against the location of the garage, we are formally requesting that the administrative hearing move to a public hearing. I know you have spoken to Sally Barker on two separate occasions and have indicated our request has been filed but thought it would be helpful to send a fax for your files.

If necessary, the association would be happy to outline specific issues prior to the public The association would appreciate it if you would let us know the dates scheduled for this public hearing, either by a telephone call to me directly or by responding to our address.

We appreciate your help in this matter.

Sincerely,

Dave Mattson

President Summer Hill Association

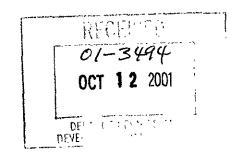
SHA
P.O. BOX 325
phoevix MD
21751
410-666-7925

October 11,2001

Anne M. Keys 13802 Princess Anne Way Phoenix, MD 21131 Ph: 410-666-0088

Mr. George Zahner Zoning Administration and Development Management Baltimore County, MD 111 W. Chesapeake Avenue Baltimore, MD 21204 or ble aluin streams?

By the solution streams?



Re: Case # 02-092-A - Variance for Detached Garage at 13727 Princess Anne Way

Dear Mr. Zahner:

I have been a resident of Summer Hill for 33 years and live across the road, 2 houses east of the property seeking this variance. Like a number of Summer Hill residents, I am extremely upset that any owner of property in this community would so blatantly disregard the goodwill, tranquility and ambiance of the great majority of homeowners here, to say nothing of diminishing the property values of others throughout the area.

The present owners have lived here about 4 years and have done nothing to improve their crumbling driveway or enhance their property on the street side. They have parked their vehicles helter-skelter across their lawn and, about 2 years ago, erected a poor excuse for a tent on their existing parking pad as a garage of sorts. During the summer this tent was partially hidden by mature shrubs and a magnificent tree. Early this spring, that tree was removed. Without any warning (no permit appeared where it could be seen from the road) the owners began constructing a new "pad", much larger than the present one, placed downhill and closer to the road. This "pad" is actually the foundation for a garage.

I will digress with a little history here: the original house had a one-car garage, later converted into a room with sliding glass doors opening to the driveway, and an unnoticeable parking pad was constructed to the side and front of the original garage. That pad is still there, and apparently still in use as you can see from **Photo #1**. The railroad ties which bordered the pad have been removed and white stone poured in their place, but you can see that the original pad was built close to the existing terrain and with the former tree to the street-side, was virtually hidden from view of passersby. The other properties in Summer Hill do not have detached structures which are forward of the main building with one exception: 13606 Summer Hill Drive. This was approved by the Association because it is right next to the house and is hidden downhill from road view. Due to the terrain there was no other area to construct a garage on this property. The few properties without garages have inconspicuous parking pads which are just large enough to accommodate their cars.

This spring the owners had a very large, mature tree removed from their side lawn. Shortly after, and long before any notice of variance appeared, a very tall and large concrete block edifice began to rise (Photo #2). The structure is at least 24 feet long and 7 feet tall on the side facing the neighbor's home at 13729 (Photo #3). This view will greet everyone driving on Princess Anne Way, and will surely lower property values in the immediate area, no doubt with a fallout effect throughout Summer Hill.

With the foundation reaching as high as this one does, a garage on top will obliterate the landscape and remove any sense of continuity or congruity in the community. This garage could have been added to the original garage, or be attached to the house at a right angle, even moved forward but still attached to the house in order to save what the owners deem to be a precious tree..

Photo #4 shows the proximity of foundation to the house at 13729 Princess Anne Way. No information has been forthcoming as to what materials this building will be made of, what shape it will take, or what type of roof it will have. Based on the tent and the lawn parking the community has witnessed, we are frightened by what the owner may have in store.

As you may surmise from my letter, the time put into taking photos and writing to you, my phone calls to your department, and after talking with many residents, among them people who live on streets other than Princess Anne Way, I am greatly concerned what a garage like this, as well as the new "pad", will do to property values.

I urge you to consider the impact on the neighborhood, if permission is granted to erect the proposed garage, and I further plead with you to exact an arrangement for the owners to reduce the size of their "pad", or at least try to disguise it by planting appropriate trees and shrubs, and please do not allow another temporary structure to be erected, such as the tent which existed there previous to the start of construction this spring.

To recap the salient points in my letter:

- The owners could have extended the original garage, even moving it several feet forward, thereby ecologically saving greenspace and most likely saving the tree they don't wish to remove. In doing so they'd have saved a similar mature tree which was removed to construct a new pad - - on which the garage (if approved) will stand.
- The owner could have truly replaced the present parking pad, unnoticed from the
 road, thereby saving the mature tree they removed, and avoiding disharmony with
 nature and the community.
- The newly constructed "pad" is out of scale, placed much nearer the road, and protrudes high into the air, making an unsightly and discordant element visible by all who pass.
- A garage (about which the community has no knowledge concerning material or style) will cause a major distraction and disturbance to the ambience of the community, and adversely affect the appeal of not only the owners' property, but the property of other Summer Hill owners as well.

I urge your careful and prudent consideration of this proposed building.

Sincerely.

Anne M. Kevs

enclosures

KON MARYAN BROWN Oct 26, 2001 2420 STANWICK RD Re CASE #02-092-A PHOGNIX, VAD 21131 Mr. Lahner, I am a Nieghbar of the Ferrianos and our writing in support of their permit request to build a garage on the eficting They are trying to save a beautiful 200+ year old red Oak tree cohech is the preferred location of the garage. a garage would not change or abstract the Views of their neghbors non charge sur property Values. elt seems to many of see who have seen the plans that it is appropriate to have a slace to have and protect their case Cais from the weather. Il hope you will approve their request. Brown

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
STEPHEN FEMIAND	13725 PRINCESS ANNE WAY
VALERIE ANDERSON	13725 PRINCESS ANNE WHY PHOENIX, MD 211

Case N	lumber			 	
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PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

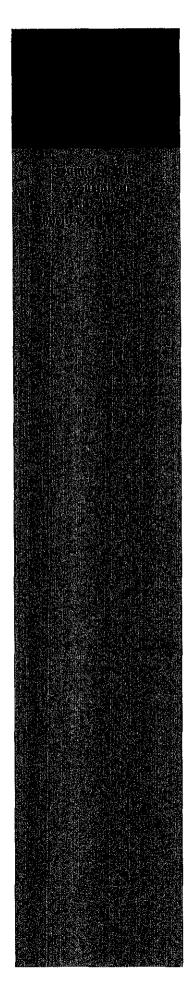
Name	Address	City, State	Zip Code	
Mark Behm	13809 Princess Anne Way	Phoenix MD	21131	
Jean Smith	137/1 Princess Annewa	I ~ ′ I	21131	
	13901 Summer Hill B	l l		
Paul Davolos	13 806 Princesstanely		(r	
Stelly Barker	13707 Broncess anne W.	U A	2//3/	
Ruch Huether	13805 Summer Hile DR	l(21131	
H. Calun Heeshar	13805 Summer 14.11 DR.	",	21131	
LOHNT-O HARA	13702 COLPREYARE	2(4	Ų	
Loigasy Crazi	6 SHANNEYSZIALCE	Elplank.	2113/	
the flastefina.	? Shanneyburk &	Phreney	21/3/	
TRANK DICKISON	9 sharry Brook	Phoerix	2//3/	
Burbara Dickison	9 Shanneybrook	Phaenix	21/31	
Patricia Maxles	man 7 & Ranneyty		21131	
ane M. Keys	13802 Princice and Way	Phrenie	21131	
Las Prichbles	6 Dunscombe Ct	Phoenix	21131	
Texta C Roberto	13729 Princes legre	Phoenex	21131	
EVELYN BRADLEY	13 800 PRINCESS Anne WAY	Phoenix	21131	
CINDY MEAD	4 GREEN PEAK CT.	PHOENIX	2/13/	
TIM MEAD	· · · ·	u	u	
	Revised 4/17/00			

Case Number	
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PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
CHRIS ANN SNIFFEN	13714 SUMMER HILL DRIVE	PHOENIX, MO	21131
Keuin SNIFFEN	13714 Summer Hill Dr. 17230 EUNA RD.	Phoenix UD	21131
REID ROBERTS	17230 EUNA RD.	PARKTON, MO.	21120
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	:		
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**************************************		Revised 4	/17/00



October 23, 2001

Arnold Jablon Director **Baltimore County Department of Permits** & Development Mgmt. County Office Building 111 West Chesapeake Avenue Towson, MD 21201

Re: Case Number 02-092-A, 13725 Princess Anne Way

Dear Mr. Jablon:

As president of the Summer Hill Association, I am writing to represent the 300 homes that are within our community.

Summer Hill had, at one time, strict bylaws regarding the construction/development of properties. All the homes in the development were built at or around the same time and were built to conform to the standards detailed in the development bylaws. Because Summer Hill is a development all the homes have the same building specifications.

We have received numerous calls expressing concern from homeowners in the community. As a community we are concerned about aesthetic looks of our community as well as the resale value of our homes should the zoning petition be granted.

Pursuant to the above, we are requesting that the zoning petition be denied.

Should you have any questions, please feel free to contact me at (410) 666-7925. Mos

Sincerely,

Dave Mattson

Tave Matten

President

Summer Hill Association

FOOTB (1110 LYCE 188

SUMMER HILL

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SECTION TWO

RESTRICTIONS

ARTICLE I.

The land included in said tract, except as hereinafter provided shall be used for private residence purposes only and no building of any kind whatsoever, shall be erected or maintained thereon except private dwelling houses, each dwelling being designed for occupation by not more than one family, and private garages for the sole use of the respective owners or occupents of the plots, upon which such garages are erected; there shall not be erected or maintained on said tract of land an apertment house, or any house designed, or altered, for occupation by more than one family. This prohibition shall include the renting of rooms for any purpose to other than members of family of occupent. Garages if built must be integral parts of dwellings. No lot as shown on the plat shall be subdivided so as to accomodate more than one dwelling.

ARTICLE II.

FREE SPACES

The front line of an interior lot shall be the line abutting the street. The front line of a corner lot shall be the shorter side of the lot abutting a street.

The front yard of every lot shall be 75 feet; the side yard of a corner lot abutting the side street shall be twenty-five feet wide, and all other side yards shall be twenty feet wide.

No part of any building shall project into the front or side yard of any lot, except as follows:

- 1. Open entrance porches may project into the front yard not more than eight feet.
- 2. Cornices may project into the front and/or side yard not more than three feet.

ARTICLE III.

APPROVAL OF PLANS, ETC.

. No building, fence, wall or other structure shall be

The same

commenced, erected, or maintained, nor shall any addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, and location of such structure and the grading plan of the plot to be built upon shall have been submitted to and approved in writing by Developer, and a copy thereof, as finally approved, lodged permanently with Developer.

No roadway shall be constructed or maintained into a lot from a street until the plan and specification therefore shall have been submitted to, and approved in writing by Developer, and a copy thereof, as finally approved lodged permanently with Developer.

Developer shall have the right to refuse to approve any such plans or specifications or grading plan, which are not suitable or desirable, in its opinion, for esthetic or other reasons; and in so passing upon such plans, specifications and grading plan, it shall have the right to take into consideration the suitability of the proposed building or other structure and of the materials of which it is to be built to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of the building or other structure or the roadway, as planned, on the outlook from the adjacent or neighboring property in Section Two, Summer Hill.

Plans so submitted shall have incorporated into them a complete grading plan showing existing grades and finished grades of the lot relative to the finished road elevations, the location of Septic Tank and Well dimensions from dwelling and property lines.

All four elevations of house or dwelling shall show exterior material to be used; where mosonry such as brick or stone is called for, it shall start at finish grade and run the full height of the wall, however, where frame dwelling is to be constructed, foundation material shall be of stone, brick or block stucco.

All exterior roof covering and meterial shall be submitted to the Developer with the plans for the proposed dwelling to be erected.

All plans shall be accompanied by a complete color scheme of exterior woodwork and samples of exterior masonry walls to be submitted. And in the repair or replacement of any part of a dwelling or garage no change from original structure or design shall be permitted without the prior written approval of Developer. Developer may, when in its sole discretion it may deem such action necessary, submit for its approval or disapproval, any and all plans and specifications as herein provided to a competent architect of its own selection; and the expense incident to such examination and approval or disapproval, which shall not exceed forty dollars (\$40.00) for any one examination, shall be paid by the person or persons submitting such plans or specifications. It is recommended that preliminary plans or sketches be submitted before proceeding with final plans and specifications.

ARTICLE IV.

WATER AND SEWAGE FACILITIES

- All wells shall be sunk to a depth of not less than 100 feet.
- 2. Drill holes from ground surface to the rock shall be 4 inches larger in diameter than that for the well casing. The annular space between the casing and the drill hole shall be filled with concrete grout from the ground surface to the rock.
- 3. The well casing shall penetrate not less than 10 feet into the rock and shall extend above ground surface not less than 1 foot.
- 4. The grout shall be mixed with as little water as practical, using not more than 5 gallons of water per sack of cement.
- 5. The grout shall be placed in the bottom of the annular space and be filled to the ground surface.
- 6. Tile fields or seepage pits shall be not less than 100 feet in all directions from each well.

ARTICLE V.

WELL8

All rules and regulations of the Maryland Department of Geology, Mines and Water Resources shall be complied with.

ARTICLE VI.

MCDIFICATION OF RESTRICTIONS

The Developer hereby expressly reserves the right in its absolute discretion at any time to change or modify any of the restrictions, conditions, covenants, agreements, or provisions contained in Articles I, II, III, hereof, as to any part of said tract then owned by Developer.

ARTICLE VII.

EASEMENTS, ETC.

Developer reserves the right to trim or prune, at the expense of the owner maintaining the same, any hedge or other planting that, in Developer's opinion, by reason of its location on the lot or the height to which it is permitted to grow, is unreasonably detrimental to the adjoining property, or obscuree the view in street traffic or is unattractive in appearance.

The right and essement are reserved to construct and maintain on the rear portion of any lot shown on said plat the anchors and guys, with their attachments, that may be reasonably necessary in the construction and maintenance of the pole lines erected in furnishing electric current, telephone and other public utility services to the occupants of said tract, provided that, if any anchor, guy or attachment shall interfere with any building that may hereafter properly be erected on said tract, the anchor, guy or attachment shall be relocated without expense to the owner of the lot, on which it is located. The right is reserved to prune or trim any tree or shrub on any lot that interferes with the construction, maintenance or efficiency of said electric current, telephore or other public utility service.

Said easements and rights of way in and over said strips

of land extending five feet, unless otherwise specified on Plat, on either or both sides of back line of any lot shall be for the following purposes:

- 1. For the erection, construction and maintenance of poles, wires, and conduits, and the necessary or proper attachments in connection therewith for the transmission of electricity and the telephone and other public utility services.
- 2. For the construction and maintenance of storm water drains, lend drains, sewers, pipe lines for supplying gas, water and heat, and for any other public or quasi-public utility or function conducted, maintained, furnished, or performed by or in any method beneath the surface of the ground.

Developer or its representative shall have the right to enter upon said reserved strips of land for any of the purposes for which said easements and rights of way are reserved.

Developer reserves the right at the time of, or after, grading any street, or any part thereof, to enter upon any abutting lot and grade the portion of such lot adjacent to such street to a slope of 2 to 1, but Developer shall not be obligated to do such grading or to maintain the slope.

ARTICLE VIII.

STREETS

It is hereby expressly stated and provided that nothing herein contained shall constitute a dedication of any street shown on Plat, or hereafter laid out in said tract, the title to all of such streets being hereby expressly reserved to Developer; nor shall any deed from the Developer hereafter made, conveying any part of the land included in said tract, be held to convey the title to or to dedicate the bed of any street, except where expressly so conveyed or dedicated in the deed.

If any public authority shall condemn for public uses any street included in said tract and in the condemnation proceedings damages shall be awarded to Developer for the taking of such street, Developer agrees to apply the amount received by it as damages in each condemnation proceeding, or so much thereof as may be necessary for the purpose, to reimburse the owners of any land included in said tract, against whom in such

proceedings benefits may have been assessed in excess of the damages awarded them.

Developer hereby gives and grants to each owner, hereafter acquiring title to any of the land included in said tract, the right to such use of the streets shown on Plat as may be necessary for reasonable and convenient ingress and egrees to and from the land belonging to such owner; but, subject to such use by said owners, Developer expressly reserves to itself the title to both the surface and beds of all said streets, and the right to use and occupy the same or to allow others to do so in any manner that does not materially interfere with said use of ingress or egress, and they further expressly reserve the exclusive right to grade, change the grade of, regrade, change the location of, close or partly close any street shown on Plat, or Plats, but no change of location or closing shall be made that will prevent reasonable convenient ingress and egress to and from, or take any portion of, any lot sold or conveyed by Developer prior to such change of location or closing.

Developer reserves, however, the right to dedicate to public use and the right to convey to any public authority or to any corporation having power to acquire the same, all their right, title and interest in and to any street shown on Flat or hereafter laid out in said tract, subject to the rights of property owners as hereinbefore granted.

ARTICLE IX.

CORRECTION OF VIOLATIONS

Violations of any restriction or condition or breach of any covenant or agreement herein contained shall give the Developer, in addition to all other remedies, the right to enter upon the land, upon or as to which such violation or breach exists, and summarily to abave and remove, at the expense of the owner thereof, any erection, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof; and

Developer shall not thereby be deemed guilty of any menner of trespass for such entry, abstement or removal.

ARTICLE X.

ENFORCEMENT

The provisions herein contained shall run with and bind the land and shall inure to the benefit of and be enforceable by Developer or the owner of any land included in said tract, their respective legal representatives, heirs, successors and assigns, and failure by Developer or any land owner to enforce any restriction, condition, covenant or agreement herein contained shall in no event be deemed a waiver of the right to do so theresfter as to the same breach or as to one occurring prior or subsequently thereto.

ARTICLE XI.

DURATION, ETC.

All of the restrictions, conditions, covenants, charges, essements and agreements contained herein shall be in perpetuity, provided, however, that in the year 1986 and in each twenty-fifth year thereafter (that is, in the year 2013, in the year 2038, etc.) any or all of the provisions contained herein may be cancelled, annulled or abrogated, in whole or in part, by the recording in the proper public Lend Records of appropriate instruments, in writing, executed by the then owner (not including mertagees) of a majority in the area of the land included in said tract, exclusive of etreets, parks, playgrounds and other land then devoted to public use or the general use of the occupants of said tract, which instruments shall specifically set out the provisions of this deed and agreement that are thereby cancelled, annulled, or abrogated.

Any or all of the powers and duties (including discretionary powers and duties), obligations, rights, titles, essements and estates reserved or given to Developer in this deed may be assigned to any one or more corporations or associations that will agree to assume the assigned rights, powers, duties, and

- 8 -

obligations and carry out and perform the same. Any such assignment or transfer shall be made by appropriate instrument in writing, in which the assignee or transferee shall join for the purpose of evidencing its consent to the acceptance of such rights and powers; and such assignee or transferee shall thereupon have the same rights as are herein given to and assumed by Developer, Developer thereupon being released therefrom.

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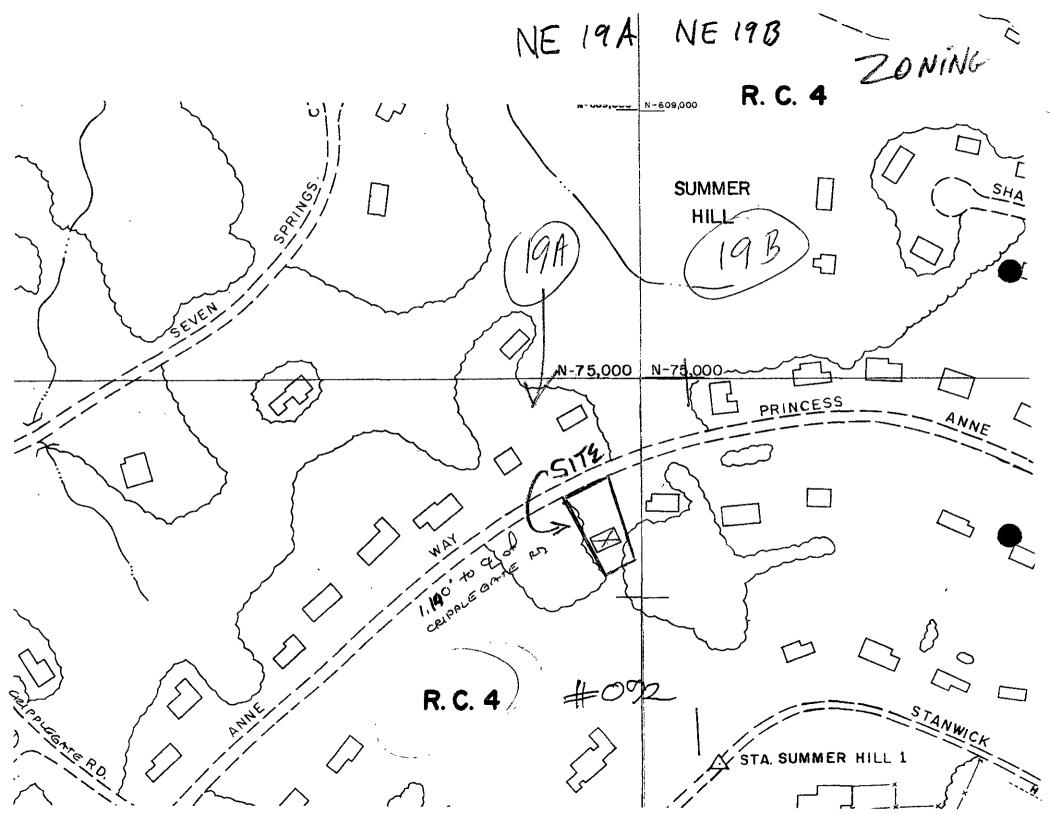
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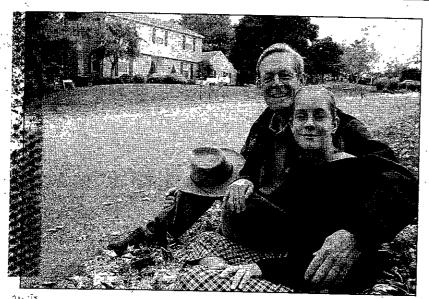
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Contented: Education was a primary consideration for Randy Javins, shown with his daughter, Lauren, 11.

Jacksonville

ZIP code: 21131

Commute to downtown Baltimore: 30 minutes

Public schools: Carroll Manor Elementary, Jacksonville Elementary, Cockeysville Middle, Dulaney High

Shopping: Hunt Valley Centre, Manot Shopping Center, Paper Mill Village Shopping Center, Towson Town Center

Homes on market: 44

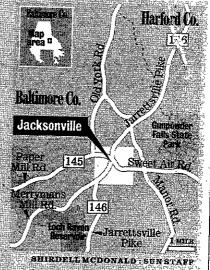
Average listing price: \$439,395*

Average sale price: \$425,317*

Average days on market: 86*

Sale price as percentage of listing price: 96.8%

*Based on 102 sales in the past



12 months, compiled by Metropolitan Regional Information Systems Inc.

Jacksonville — rural with upper-class homes

people bought their land as an investment or as a retirement, and as they have gotten older they've sold it off," Albright said. "But I o' den't think there will be much el more development because of the reommitment of the people. They a don't want it, and there are not a belot of open spaces left."

But even with the commitment to preserve Jacksonville, many things have changed, he said.

Teveryone here is still very thoughtful about caring for one another. But it's a different area than it was years ago. When I was growing up it was a working-class community, and it has since become much more of an upper-class area. We are actually one of the few remaining people in the area that still farms."

Baltimore County near the Harford County line, the community is known for its rolling acres, beautiathhomes and country charm.

The homes are a good combination of styles including ranchers, bungalows, Cape Cods and Colonials, located along the rural roads on large lots. There are also several developments, some new and some dating back 30 years, that offer mostly split-levels and Colonials on 1-, 2-and 3-acre lots.

"The housing in Jacksonville is really very varied," said Dave Marshall, an agent with the Hunt Valley office of O'Conor. Piper and 1888 and was referred to then as the Jacksonville post office. It stayed in operation for 17 years. When it closed, the mail was sent to neighboring Phoenix, about 10 miles west of Jacksonville. In the 1970s, the Phoenix post office was moved back to Jacksonville. But because it kept the Phoenix name, the two areas seemed to merge.

"Jacksonville usually refers to the [business] area," said Betsy Lehmann, president of the Greater Jacksonville Community Association.

Although there are no defined boundaries, the association uses about a three-mile radius around the Four Corners intersection as the main Jacksonville area.

To preserve what Jacksonville residents love about the area, the community association decided to develop a community plan. The plan was adopted by the Baltimore County Council last year and will be used by the county's Office of Planning to assist in development issues. The plan attempts to preserve the area as a small rural center by controlling commercial growth.

"I didn't want to see Jacksonville become anymore commercialized than it has to be," said Lehmann, a resident for 31 years. "I didn't want to see a proliferation of more housing. I wanted to try to preserve some of the rural existence, which is what I love about Jacksonville, and try to keep it from becoming just another bedroom community full of fields and houses and strip businesses."

This commitment to preserve the area is one of the factors that have attracted young families to the area. Jim and Susanne Kauffman moved to Jacksonville last year after becoming familiar with the area while visiting friends.

"We tell people we really feel like we are on the edge of development," Jim Kauffman said. "We are far enough out that we have deer standing out in our yard at night, but close enough that we can be downtown in 25 minutes."

He also likes the idea of his 4-year-old son, Bennett, growing up in a rural area.

"I thought back to my childhood and how much I liked running through the fields and building tree cabins in the woods and playing in the creeks and streams. And I want that same thing for our son," Kauffman said.

Flynn ERA and a resident of Jacksonville. "It's really got a bit of everything, and occasionally even a farmhouse with 10 or so acres will come on the market."

Many homes can be found in

the mid-\$200,000 range. However, for a Colonial-style home in a new development such as Locksley Conserve, the asking price is likely to be in the high-\$400,000 to mid-\$500,000 range. There are also \$1 million-plus houses that dot the area.

The attraction is simple, Marshall said.

"It's the best of both worlds. It's not quite the country, but there's the sense that you are away from the crowd. There's a nice buffer provided by Loch Raven Reservoir, but yet you can be in Towson within 10 minutes. People like Jacksonville because it is a little further out, and there are larger lots available. I love living there."

If residents don't want to travel for everyday needs, most can be met right in Jacksonville. There are two shopping centers, Paper Mill Village Shopping Center and Manor Shopping Center, that sit on opposite corners of the Four Corners intersection. There are several businesses, including a grocery store, seafood store, bagel shop and card store.

Randy and Debra Javins, who noved to Jacksonville 10 years ago, agree that the attraction was the country atmosphere only a few

influtes from the Beltway.

"The best way to describe it is you are only six miles from the Beltway, but you really feel like you are way out in the country," Randy Javins said. "It's an ideal spot."

They also were interested in providing a good location for their

daughter, Lauren, now 11.

"The schools offer a great education. Jacksonville Elementary School is wonderful. It's almost like going to a private school, Randy Javins said. "And the recreational activities are very strong. The parents are all oriented to making sure the programs run well. There are a lot of extracircular activities, and it makes the area have a nice sense of community."

Jacksonville traces its history to the late 18th century and tobacco farming. The area also was on the Jarrettsville Pike route from

Baltimore to York, Pa.

The Jacksonville name can be confusing; it's sometimes used interchangeably with Phoenix. Uusally, people think of the center of town, where Paper Mill and Sweet Air roads intersect with Jarrettsville Pike, as downtown Jacksonville or Four Corners.

However, the Phoenix post office is in downtown Jacksonville. which is where some of the confu-

The post office was first established at the intersection of Sweet Air Road and Jarrettsville Pike in

In search of a more town-like suburbia

Development offers urban design amid protest in Howard

By Jamie Smith Hopkins SUNSTAFF

A fresh vision of suburbia is headed for the Baltimore re-

Small lots. Narrow streets. Condominiums near townhouses near houses, each looking a little different from the one next door. Garages tucked discreetly out of view. facing alleys. Stores, offices, parks and a field filled with schools just a stroll away.

No cul-de-sacs. Not one.

If it sounds more like a city on than the suburbs, that's because its planners are taking their cue not from post-World War II living but from older places such as Roland Park and Annapolis.

Smart Growth advocates say this is the way suburban developments should look in the future. But to suburban traditionalists, it's an urban mess on a turkey farm.

Either way, it's coming soon on the 507-acre Maple Lawn Farms tract in southern Howard County, which is about to become a home designed for 3,000 residents and as many as 4,000 retail and office workers. Construction is set to begin next year.

"This is the wave of the fu-Stewart ture." said Greenebaum, whose Baltimore firm is developing the community. "This is an improvement on Columbia.

Maryland has about a halfdozen communities built in [See Suburbia, 3B] this

star Oscar winner Hagerstown officials nope film will boost

orofile, economy

million, Ted Turner-funded But another story is unnity that took a calculated fi nancial risk to land the \$51 **Nestern Maryland commu**

By JEFF BARKER

able the city to cash in on the Local officials are hoping that the movie — filmed in a ormer Lowe's warehouse area's storied Civil War past and at sites nearby — will en

ploring, "Quiet please on the set!" and actors in Civil War-

nouse, a movie director is im

outfoxed Gettysburg, Pa., and other potential locations by lending [See Film, 48] Washington County, which and elevate its profile.

It's the opening of a scene

ern home, circa 1862

places in the elegantly re-created piano room of a South ceriod garb are taking their

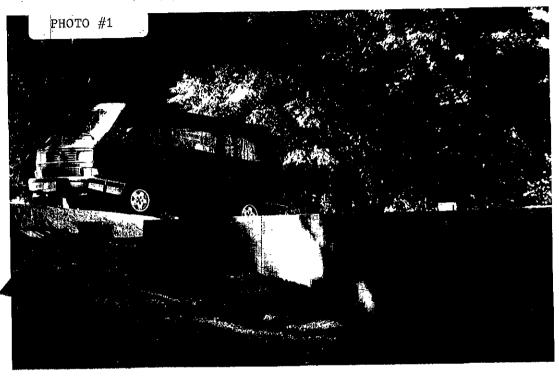
On the set: Director Ron Maxwell (bottom right) directs the cast and crew of "Gods and Generals'



To: Mr. George Zahner

RE: Photos related to Case #02-092-A --

Variance for Detached Garage at 13727 Princess Anne Way



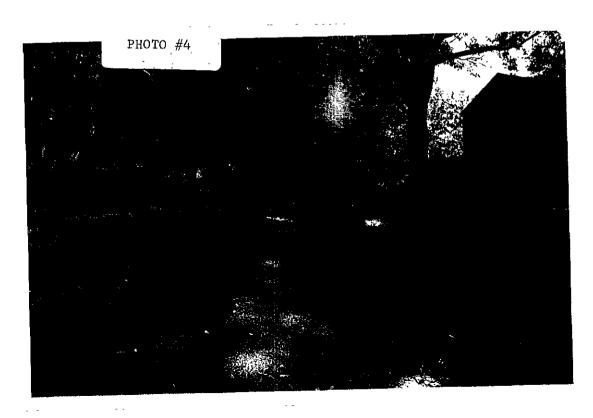


РНОТО #2

RE: Photos related to Case #02-092-A --

Variance for Detached Garage at 13727 Princess Anne Way

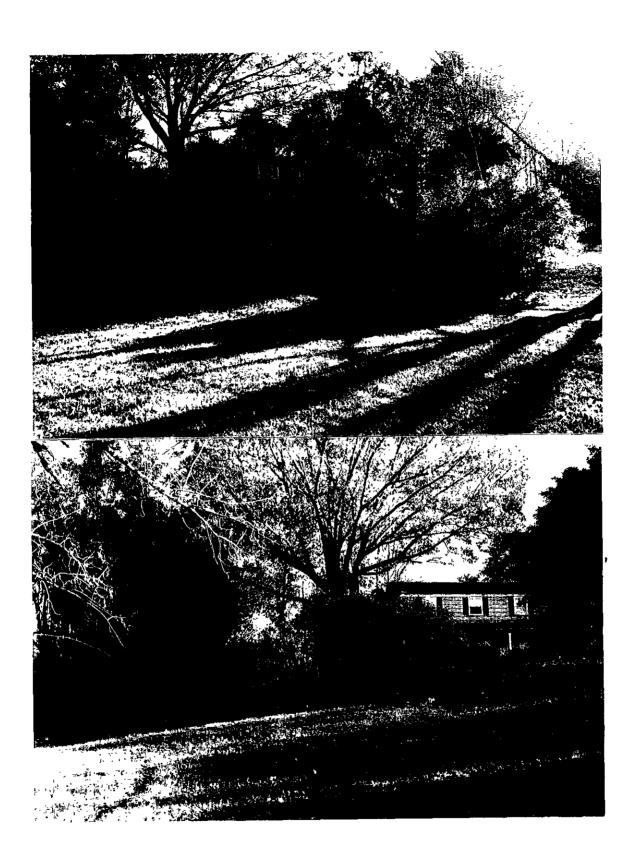




Maryan Brown 2420 Stanwick Rd Phoenix MD 21131

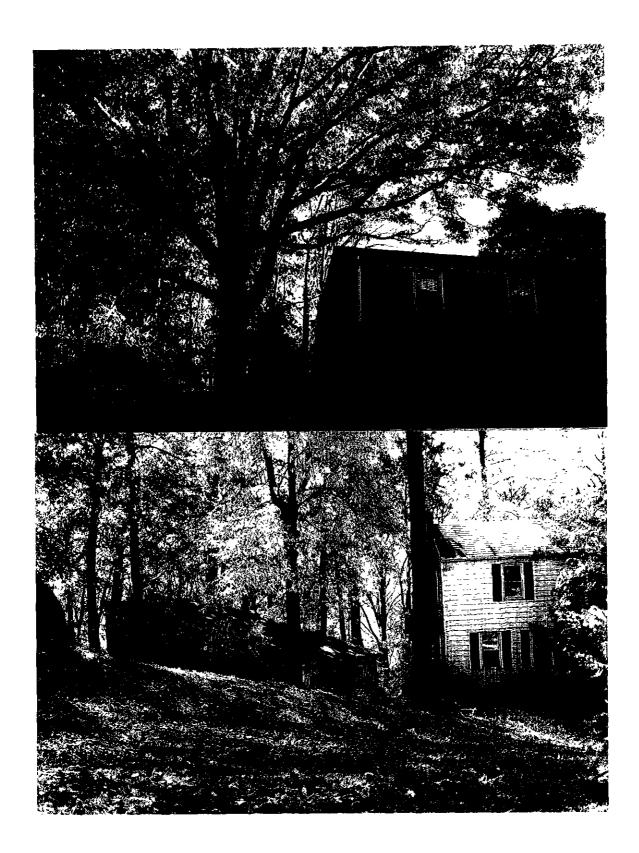
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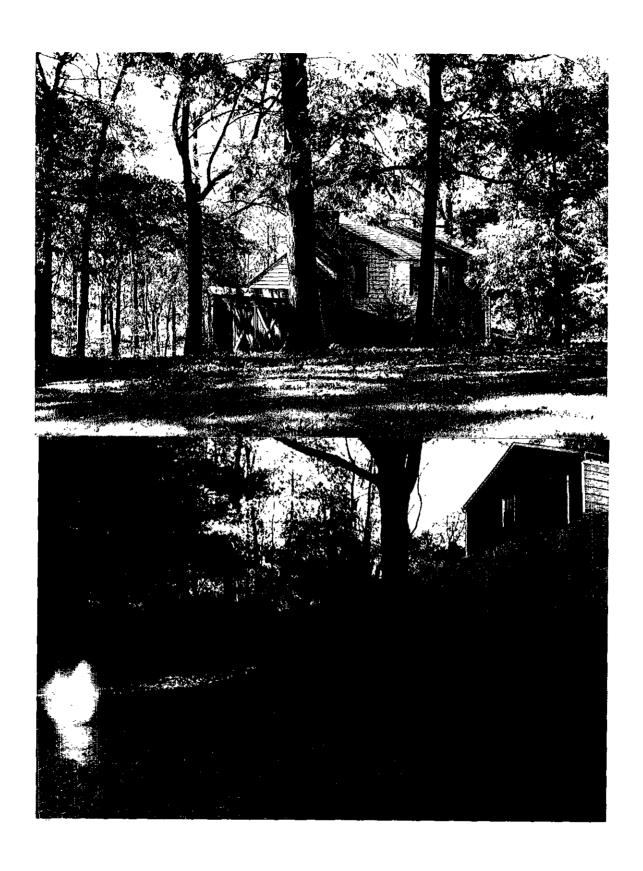




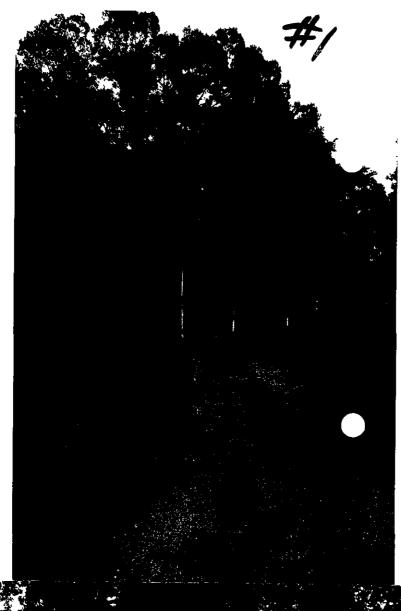




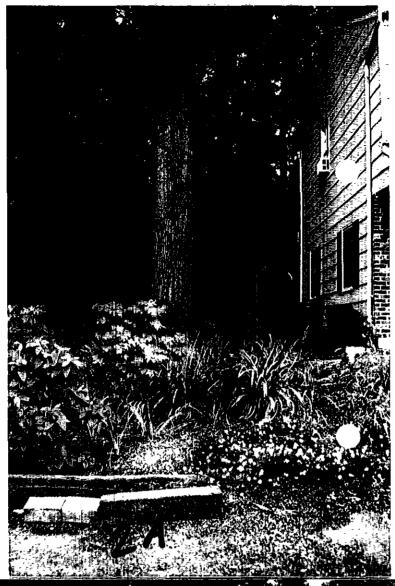


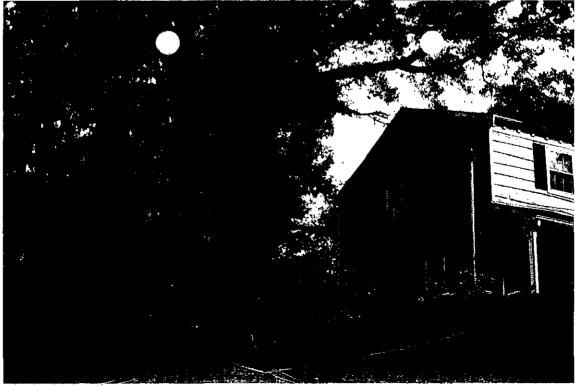










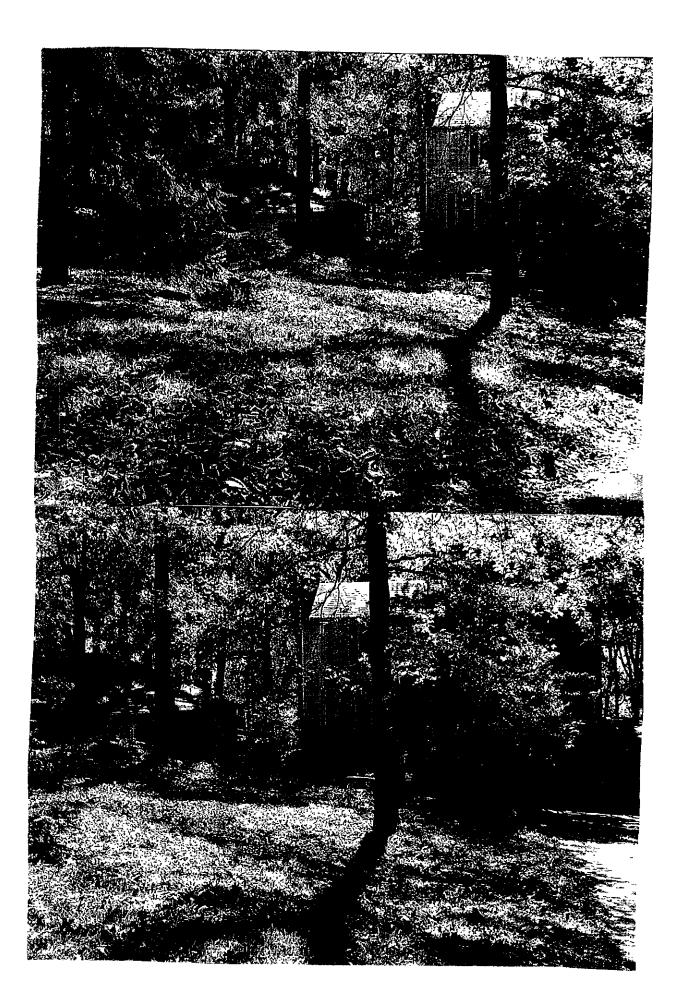






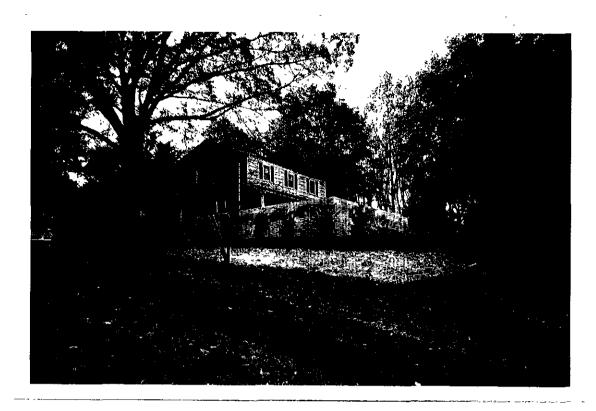














































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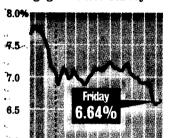
Basement odor in living room prompts ventilation worries. Page 5L

Couple find a perfect fit — and more work than they bargained for — in Roland Park. Page 61

30-year mortgage rate

AT SHOW IN PUR Wind is proper with the property of

Freddie Mac Primary **Mortgage Market Survey**



2000 2001

SOURCE: Bloomberg News SUN STAFF

REAL ESTATE WATCH

Remodeling gauge continues decline into third quarter

Home remodeling spending continued to decline in the third quarter of this year, but Harvard University's Joint Center for Housing Studies said that it's still too early to determine the impact of the events of Sept. 11 on the remodeling market.

The Joint Center releases cator each quarter, which tracks the pace of homeowner remodeling activity.

In the third quarter, remodeling spending slipped 0.3 percent when compared with the third quarter last year to \$103.6 billion on an angual basis. In the second quarter, spending stood at an

anrualized \$104 billion. Kermit Baker, director of the Remodeling Future Progran at the center, said that th significant downturn in ecmomic outlook and consumer confidence will probably offset positives, such as

failing interest rates. The indicator is a cumulative 12-month figure released quarterly and based on manufacturers' shipments of floor and wall tile products, retail sales at building supply stores, sales of existing single-family homes and the prime loan rate.

Neighborhood profile

apper coppendents, discolarios estado.

majoration ship Rocking by their

Rural feel lingers as new folks arrive

Upper-class trend doesn't cramp Jacksonville's style

By Nancy Jones-Bonbrest SPECIAL TO THE SUN

At 7 years old, Thomas Albright started selling fruits and vegetables in front of his father's house in Jackson-

Thirty years later, not much has changed for Albright. He can still be seen selling produce in front of his father's house, which sits across from the Jacksonville Volunteer Fire Company. In fact, Albright says, the family produce stand might be Jacksonville's oldest busi-

"We've been here for 30 years, in basically the same location," Albright said.

Albright, who has "two young sons, wanted to make sure the family farm would be around if they decided to stay in the farming business. So he placed about 140 acres of farmland into an agricultural preservation program.

"We want our land to be there for the next generation. Our land will be preserved," Albright said.

Although many farmers in the Jacksonville community have sold their land, making way for new homes on large individual lots, the rural feel of the area is omnipresent. And not only are longtime residents hoping to preserve the country feel, but so are many of its newcomers.

"It's sad to see all of the development happening, but a [See Neighbor, 7L]

Taking note: Touring the Rodgers Forge area are Fat Keller (left), director of Baltimore County's Office of Planning, and Jackie MacMillan, who heads the office's Quality Community Survey. Seven town hall meetings will discuss the survey.

Vhat's an ideal home? Let the people choose

Survey: To help guide suburban development, Balti-day "McMansion." A dominating. more County planners asked a group of residents to rate slide images of house styles.

By ROBERT NUSGART SUN REAL ESTATE EDITOR CONTRACTOR

It was a simple exercise. Either

you liked it, or you didn't. There was the slide image of a simple cottage home. An American flag hanging from the awning over the wooden front porch. A home of stone and shingle, mellowed by age and surrounded by Academy, officials from the Office trees and shrubs. A warm fuzzy feeling — home, sweet home.

How they scored

architectural feature and projects

facade and contains gables that

porch presents an inviting

appearance from the street.

soften the look of the house. An open

Garage placement

Give that one a thumbs up. Now the slide of the modernprotruding front-entry three-car garage. A home situated on a cul-

Walter War and the last the last

streetscape.

Couldn't they do better than

de-sac that overpowers the

this? Thumbs down.

And so it went last month when about 120 Baltimore County resi-*** "dents took part in a visual study and survey sponsored by the county's Office of Planning and the Maryland Transit Administration to begin a process of how planners and designers will guide suburban development and rede-

velopment. Tomorrow night at Milford Mill of Planning will hold the first of seven town hall meetings -- one

m each council district -to discuss the findings of the survey and gather additional opinions on how neighborhoods should look and work.

The survey, conducted by Anton Nelessen, a professor of urban planning at Rutgers University who operates his own planning firm in Princeton, N.J., asked participants to rate slides from plus 10 to minus 10. The slides showed various types of buildings, streets, lots and open spaces.

A written survey also asked residents about their neighborhoods and the quality of community design within Baltimore

Why we are having the followup meetings is to try to engage people in discussion. It is a learning process for everybody," said Jackle MacMillan, who is in charge of the Quality Community

Survey for the planning office.
"We want to start talking about quality communities and what kinds of factors are in quality communities. ... We did the Quality Community Survey to try and get people to look and respond to images ... what do you like about it and what don't you like. Hopefully, we as design professionals have some expertise and can help point out things to people."

Last July, the County Council adopted a set of performance standards for nonrural areas submitted by the Office of Planning. The survey and the town hall meetings are intended to refine those guidelines — addressing such design [See Planning, 2L]

Letting more people take tax deduction on mortgages

A ASSESSMENT THE REAL PROPERTY OF THE PARTY ing daily, new tax proposals are emerging here that could touch millions of American homeowners. Last week, the most influ-

ential trade group representing home-mortgage lenders, the Mortgage Bankers Association of America, unveiled a housing-oriented economic stimulus plan that includes broadened deductibility for interest payments on home

The association called for an amendment to the federal tax code that would allow all homeowners with mortgages -not just those who itemize — to write off their annual home mortgage interest.

Under the current tax code, homeowners who opt for the standard deduction on their income-tax filings are not permitted to write off mortgage interest as a separate item. The mortgage bankers say that prohibition is inequitable and hurts the national economy because it takes money out of the pockets of millions of Americans. Deductions by those who

Nation's housing

itemize - estimated to number about 33 million of the nation's 70 million tax-filing homeowners — represent a huge financial benefit.

This year alone, according to federal budget projections, nomeowners will write off and pocket a record \$65.7 billion in mortgage interest payments. The savings are uncollected federal taxes on the regular income that they'd otherwise have to pay if they didn't have a home mort-

The mortgage bankers offered no estimates of how much larger the total writeoffs would be if those who don't itemize were allowed to claim the mortgage interest deduction. But a real estate economist estimated that about 11.1 [See Harney, 41]

Streetscape scaling



Urban planner Anton Nelessen asked Baltimore County residents to rate images on a scale of plus 10 to minus 10. Here are

3. Numerous gabled peaks and windows present an intimidating appearance.



+2: Simple, more proportional facade presents a more human-scale appearance The garages are see, allowing the warm facade to

Use of greenery

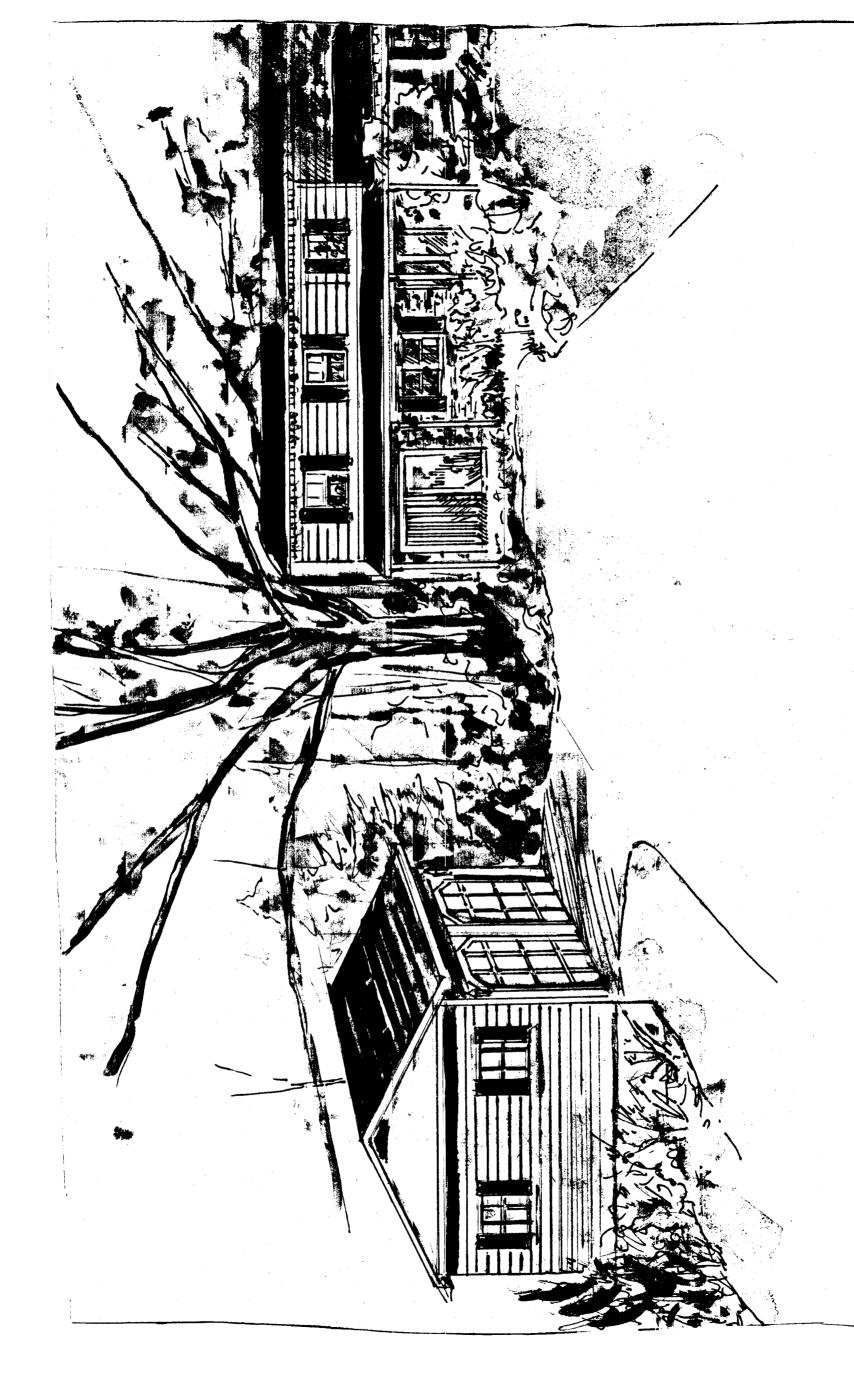


The lack of vegetation creates a stark look; parking is perpendicular in front of houses, and street lighting is not at human scale.



+2: Trees have been added to line the street and parking removed from the front of the houses to the rear.

SOURCE: Baltimore County Office of Planning



FOR - 13725 PRINCESS FINNE WAY PROPOSED GARAGE

