IN RE: PETITION FOR SPECIAL HEARING
W/S Kenwood Avenue, 319.89' S of I-95
(5905 Kenwood Avenue)

14th Election District 6th Council District

Bob Waldhauser, Owner; Fence Masters, Inc., Contract Lessee * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-109-SPH

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* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Bob Waldhauser, and the Contract Lessee, Fence Masters, Inc., through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners request a special hearing to approve the storage of vehicles in a designated storage area and approval of an existing business identification sign as a nonconforming use. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Craig A. O'Brien, President of Fence Masters, Inc., Contract Lessee. Also present was Gary E. Lane, Registered Property Line Surveyor who prepared the site plan for their property, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present; however, the Petition was filed as the result of a complaint registered by a nearby resident with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the storage of junk vehicles on the subject property. The Petitioners were subsequently cited with a zoning violation notice for alleged dumping operations and storage of commercial vehicles on the property and advised to file the instant Petition to resolve the matter.

ORDER PERENTO FOR FILING Date 1989

OHDER RECEIVED FOR FILING By WANGER FILING Testimony and evidence presented revealed that the subject property is a roughly triangular shaped parcel located on the west side of Kenwood Avenue, adjacent to the south side of the John F. Kennedy Memorial Highway (I-95) in eastern Baltimore County. The property contains approximately 6 acres in area, split zoned M.L., D.R.16 and D.R.3.5, and has been divided into several distinct areas of use. As shown on the site plan, a small portion of the property is zoned D.R.3.5 and is improved with a single family dwelling, known as 6001 Kenwood Avenue. Apparently, this dwelling is leased and used for residential purposes. The balance of the site is leased by Fence Masters, Inc. and used in connection with that business. In this regard, Fence Masters, Inc. manufactures fences for commercial uses. In addition to that business, the site also features a wireless telecommunications tower and related infrastructure equipment.

Mr. O'Brien testified that he has owned and operated Fence Masters, Inc. since 1982, having acquired the business from his father at that time. Apparently, the business has operated on the subject property since 1971. He testified that there are seven (7) large storage pens on the property, one of which is used by Fence Masters, Inc. The other six are leased to businesses in the area. These pens are described as enclosed areas in which products, infrastructure and equipment are kept. Specifically, contractors utilize certain of the pens to store equipment and a tow truck operator uses one of the pens to temporarily store disabled vehicles. Apparently, this temporary storage is what prompted a complaint from a nearby property owner. Testimony indicated that vehicles are towed to the site and stored overnight or for a short period of time until they can be removed to a service garage for repair. There is no service garage operation on the premises. The area of the subject property that is used for this purpose is identified on the plan as Site 1.

The nature of the relief requested in the Petition is of interest in that limited relief is sought. As noted above, the Petition for Special Hearing only seeks approval of the use of a portion of the subject property for the storage of vehicles within a designated area, and the nonconforming use of an existing business identification sign.

Insofar as the sign, the site plan shows that there is a ground-mounted sign on the front portion of the site, approximately 6.5 feet tall by 8.5 feet wide. In this regard, the sign advertises

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the site as the location of the Fence Masters business and provides a phone number. Baltimore County comprehensively amended its sign regulations by the enactment of Section 450 of the B.C.Z.R. in 1997. Section 450.8.C thereof deals with nonconforming signs. Nonconforming signs are defined as signs that were erected prior to the adoption of Section 450 and are not in compliance with that Section. Section 450.6.C of the B.C.Z.R. requires that a nonconforming sign be maintained. Section 450.8.D.1 thereof requires that nonconforming signs be removed no later than 15 years from the effective date of Bill No. 89-1997. That is, those signs that do not comply with the requirements of Section 450 must be removed by the year 2013.

Based upon the testimony and evidence presented, it is my judgment that the Fence Masters' sign is nonconforming and thus, may remain, pursuant to the above-noted Sections. As is the case with all nonconforming signs, the Petitioner shall ultimately be required to remove the subject sign in the year 2013.

The second prong of the relief requested relates to a request to approve the storage of vehicles in a designated storage area. As noted above, this request is generated by the fact that Fence Masters, Inc. allows the storage of certain vehicles on the subject site. In considering this issue, the use regulations for the M.L. zone contained in Section 253 of the B.C.Z.R. are noted. Specifically, Section 253.1.B.3 of the B.C.Z.R. allows construction equipment storage yards as a use permitted by right in the M.L. zone. Moreover, the requirements of Section 103.1 of the B.C.Z.R. are of note. That Section generally relates to the effective date of the application of the B.C.Z.R. Section 103.1.B thereof is delineated in the Zoning Commissioner's Policy Manual and relates to grandfathering certain uses in the M.L. zone. That Section essentially recognizes the right to use property in an M.L. zone for certain commercial uses which were permitted prior to the amendment of the B.C.Z.R. by Bill No. 100-1970.

In the judgment of the undersigned, special hearing relief should be granted in this case to permit the continued utilization of that area of the property identified as Site 1 for the storage of automobiles. The testimony and evidence offered was persuasive to a finding that such use is of a long-standing nature and complies with the spirit and intent of Section 103.1.B of the B.C.Z.R. In

this regard, it is to be noted that the relief granted applies only to that area of the property identified on the site plan as Site 1. The relief granted in this case is specific to the limited area of Site 1 to allow the temporary storage of vehicles and to the existing business sign, which is located within a small area of the property identified on the plan as Site 2. This Order makes no judgment, nor has any effect on the balance of the property and the relief granted is restricted only to Sites 1 and 2 as identified above.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November, 2002 that the Petition for Special Hearing seeking approval of the storage of vehicles in a designated area and the nonconforming use for an existing business identification sign, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use 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) The relief granted herein is limited to the storage of vehicles in that area designated as Site 1 on Petitioner's Exhibit 1. Moreover, the relief for the nonconforming business sign, located on Site 2 of the subject property, is granted, pursuant to the requirements of Section 450 of the B.C.Z.R.

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

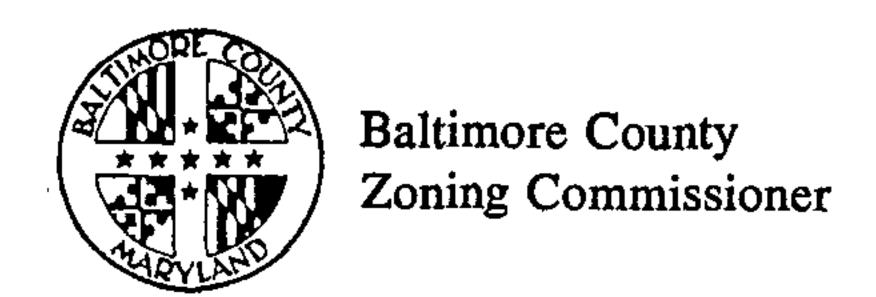
LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

ORDER

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

Fax: 410-887-3468

November 12, 2002

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue, Suite 600

Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING

W/S Kenwood Avenue, 319.89' S of JFK Memorial Hwy (I-95)

(5905 Kenwood Avenue)

14th Election District – 6th Council District

Bob Waldhauser, Legal Owner; Fence Masters, Inc., Contract Lessees - Petitioners

Case No. 03-109-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has 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. Craig O'Brien, President, Fence Masters, Inc. CC; 5905 Kenwood Avenue, Baltimore, Md. 21237

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5905 Kenwood Ave., Baltimore, MD which is presently zoned M.C. and D.R. 16 PABINY.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve storage of vehicles in designated storage area and a nonconforming use for a business identification sign.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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 Per	tition.	
Contract Purchas	er/Lessee:		Legal Owner(s):	•	
Fence Masters,	Inc.				
Name Type or Print	70/		N' 19 7 ype or Prin		
By /t			By: Downe	el hours	
	Brien, Preside	nt	Signature Bob Waldhauser	EXB.SV	
5905 Kenwood Av	enue	······································	Bob Waldnauser	; // / / ·	
Address	, WID	Telephone No.	Name - Type or Print		
Baltimore	MD	21237		·· ···································	
City	State	Zip Code	Signature		
Attorney For Petit	tioner:		5905 Kenwood Ave	enue	
1			Address		Telephone No
Francis X. Borg	erding, Jr.		Baltimore	MD	21237
Name - Type or Print	2	>	City	State	Zip Code
	1 2		Representative to	be Contacted:	
Signature					
Company			Francis X. Borge	eraing, Jr.	
	A 4600	430, 206, 6920	Name	#600	410-206-699
409 Washington	Ave., #ouu	410-296-6820 Telephone No.	409 Washington A	ve., #600	410-296-683
<u> </u>	MID	•		MD	Telephone No. 21204
or Towson	MD State	21204 Zip Code	Towson City	MD State	ZIZU4 Zip Code
CAN .	Otato	Zip Code	Oity	State	Zip Code
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C 280 9/15/98				•	
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Engineers • Surveyors • Land Planners



530 East Joppa Road Towson, Maryland 21286

e-mail: wduvali@starpower.net

Telephone: (410) 583-9571 Fax: (410) 583-1513

FENCE MASTER SITE #1

Beginning For the same at a point on south Right of Way of John F. Kennedy Memorial Highway (I-95 Corridor) and the center line of Kenwood Avenue, Thence over, through and across a parcel of land described in a deed dated December 24, 1985, between Joseph F. O'Brien and Jessie R. O'Brien, his wife, parties of the first part, and Robert C. Waldhauser, Party of the second part and being recorded among The Land Records of Baltimore County, Maryland in Liber 7062, Folio 115, South 24 Degrees 00 Minutes 52 Seconds West 410.52 feet to The Point of Beginning, Thence with same the following eighteen (18) courses and distance:

- South 31 Degrees 10 Minutes 50 Seconds West 49,38 feet to a point, Thence
- South 32 Degrees 09 Minutes 41 Seconds West 50,34 feet to a point, Thence
- South 35 Degrees 01 Minutes 40 Seconds West 25.91 feet to a point, Thence
- South 55 Degrees 20 Minutes 08 Seconds West 23.80 feet to a point, Thence
- South 74 Degrees 04 Minutes 11 Seconds West 21.71 feet to a point, Thence
- South 85 Degrees 00 Minutes 53 Seconds West 27.79 feet to a point, Thence
- South 85 Degrees 48 Minutes 01 Seconds West 31.17 feet to a point, Thence
- North 81 Degrees 56 Minutes 48 Seconds West 26.96 feet to a point, Thence 8.
- North 69 Degrees 20 Minutes 11 Seconds West 21.24 feet to a point, Thence 9.
- North 50 Degrees 49 Minutes 40 Seconds West 50.12 feet to a point, Thence
- North 55 Degrees 25 Minutes 18 Seconds East 90.69 feet to a point, Thence South 08 Degrees 02 Minutes 33 Seconds East 30.59 feet to a point, Thence
- North 85 Degrees 01 Minutes 16 Seconds East 37.44 feet to a point, Thence
- 13. North 88 Degrees 55 Minutes 48 Seconds East 21.35 feet to a point, Thence
- 14. North 10 Degrees 52 Minutes 22 Seconds East 48.49 feet to a point, Thence 15.
- North 10 Degrees 05 Minutes 00 Seconds East 29.84 feet to a point, Thence *16.*
- North 28 Degrees 17 Minutes 17 Seconds East 10.16 feet to a point, Thence
- 17. South 76 Degrees 17 Minutes 17 Seconds East 97.94 feet to the Point Of Beginning 18.

Containing 18,099.00 square feet or 0.415 acres of land mores or less.

Being a parcel of land described in a deed dated December 24, 1985 was granted and conveyed by Joseph F. O'Brien and Jessie R. O'Brien, his wife to Robert C. Waldhauser and recorded among the land records of Baltimore County, Maryland in Liber 7062, Folio 115.

W. Duvall & Associates, Inc.

LINE 50

Property Line Surveyor #574

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



530 East Joppa Road Towson, Maryland 21286

e-mail: wduvall@starpower.net

Telephone: (410) 583-9571 Fax: (410) 583-1513

FENCE MASTER SITE #2

Beginning For the same at a point on south Right of Way of John F. Kennedy Memorial Highway (I-95 Corridor) and the center line of Kenwood Avenue, Thence with said center line of Kenwood Avenue South 30 Degrees 28 Minutes 52 Seconds East 319.89 feet to a point, thence South 62 Degrees 54 Minutes 03 Seconds West 24.11 feet to The Point Of Beginning, said point being on the West side of Kenwood Avenue and binding on the seventh (7) or chord bearing South 28 Degrees 25 Minutes 08 Seconds East 297.78 foot line, 127.81 feet from the end, of a parcel of land described in a deed dated December 24, 1985, between Joseph F. O'Brien and Jessie r. O'Brien, his wife, parties of the first part, and Robert C. Waldhauser, party of the second part, and being recorded among the land records of Baltimore County, Maryland in Liber 7062, Folio 115, Thence with the same over, through and across the following four (4) courses and distances:

- 1. North 88 Degrees 04 Minutes 00 Seconds West 57.94 feet to a point, Thence
- 2. North 28 Degrees 25 Minutes 08 Seconds West 26.24 feet to a point, Thence
- 3. South 88 Degrees 04 Minutes 00 Seconds East 57.94 feet to a point, Thence
- 4. South 62 Degrees 25 Minutes 03 Seconds East 24.11 feet To The Point Of Beginning.

Containing 1,312.00 square feet or 0.03 acres of land mores or less.

Being a parcel of land described in a deed dated December 24, 1985 was granted and conveyed by Joseph F. O'Brien and Jessie R. O'Brien, his wife to Robert C. Waldhauser and recorded among the land records of Baltimore County, Maryland in Liber 7062, Folio 115.

W. Puvall & Associates, Inc.

Gary E. Lane

Property Line Surveyor #574

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· · · · · · · · · · · · · · · · · · ·		CEIPT # 194200 9/05/2002 OFLN 5 528 ZONING VERIFICATION 10. 016865
	RECEIVED FROM:	Recet Tot \$250.00 250.00 CK .00 CA Baltimore County, Maryland
: :	FOR:	
	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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CHANGE OF NOTICE OF **ZONING HEARING DATE**

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: #03-109-SPH 5905 Kenwood Avenue W/S Kenwood Avenue, 319.89' S of I-95 14th Election District 6th Councilmanic District Legal Owner: Bob Waldhauser | Contract Purchaser: Fence Masters, Inc. Special Hearing: to permit storage of vehicles in designated storage area and a nonconforming use for a business identification sign. Hearing: Thursday, Octo-ber 10, 2002 at 2:00 p.m. in Room 106, Baltimore County Office Building.

LAWRENCE E. SCHMIDT Zoning Commissioner for

Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at

(410) 887-4386.

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

9/319 Sept. 26 C564683

CERTIFICATE OF PUBLICATION

9 26 , 2002
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 926 , 2002 .
🔀 The Jeffersonian
🖵 Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

RE Case No

Case No

O3-109-SPH

Petitioner/Developer. FENCE MASTERS ETAL

FX. BORGERDING.

Date of Hearing/Closing: 10/10/02

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

Attention: Ms. Gwendolyn Stephens & GEORGE ZAHNER

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #5905 - LENWOOD AVE

02 The sign(s) were posted on (Month, Pay, Year)

> (Signature of Sign Poster and Date) PATRICK M. O'KEEFE

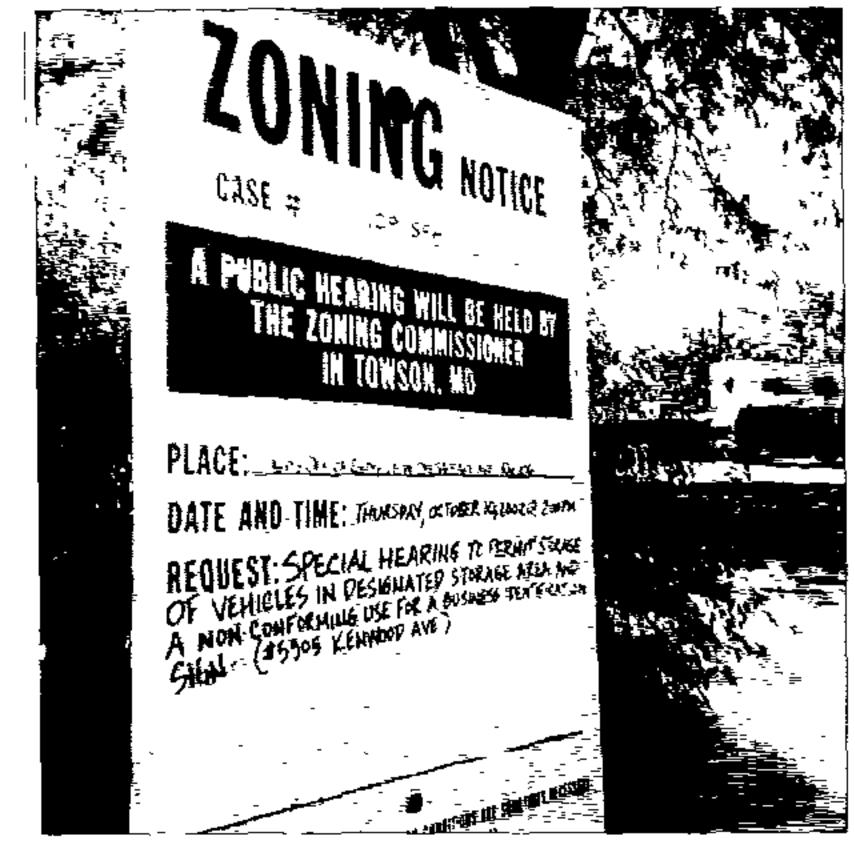
(Printed Name) 523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571 (Telephone Number)



59.05° KENWOOD AVE FENCE MAST. FOLIOLOS

and fax transmittal memo 7671

O

Post-it® Fax Note Date 7671 ≠c' Fanes ► To From Co/Dept Ca. Phone # Phore = Fax # Fax#

preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr., Esq., 409 Washington Ave., Suite 600, Towson, MD 21204 Attorney for Petitioner(s).

People's Counsel for Baltimore County

PETITION FOR SPECIAL HEARING 5905 Kenwood Avenue W/side Kenwood	*	BEFORE THE
Ave. 319.89' south of I-95	*	ZONING COMMISSIONER
District .	*	FOR
Contract Purchaser: Fence Masters Inc. Petitioner(s)	*	BALTIMORE COUNTY
	*	03-109-SPH
	5905 Kenwood Avenue W/side Kenwood Ave. 319.89' south of I-95 14 th Election District 6 th Councilmanic District Legal Owner: Robert Waldhauser Contract Purchaser: Fence Masters Inc.	5905 Kenwood Avenue W/side Kenwood Ave. 319.89' south of I-95 14 th Election District 6 th Councilmanic District Legal Owner: Robert Waldhauser Contract Purchaser: Fence Masters Inc. Petitioner(s)

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr., Esq., 409 Washington Ave., Suite 600, Towson, MD 21204 Attorney for Petitioner(s).

PÉTER MAX ZIMMERMA

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 19, 2002 Issue – Jeffersonian

Please forward billing to:

Craig O'Brien
Fence Masters Inc
5905 Kenwood Avenue
Baltimore MD 21237

410 661-8730

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: 03-109-SPH

5905 Kenwood Avenue

W/S Kenwood Avenue, 319.89' S of I-95

14th Election District – 6th Councilmanic District

Legal Owner Bob Waldhauser

Contract Purchaser: Fence Masters, Inc.

Special Hearing to permit storage of vehicles in designated storage area and a nonconforming use for a business identification sign.

HEARING:

Monday, October 7, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley

Avenue

LAWRENCE E. SCHMIDT GOOL SOUNTY

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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 26, 2002 Issue – Jeffersonian

Please forward billing to:

Craig O'Brien Fence Masters Inc 5905 Kenwood Avenue Baltimore MD 21237

410 661-8730

CHANGE OF NOTICE OF ZONING HEARING DATE

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: 03-109-SPH

5905 Kenwood Avenue

W/S Kenwood Avenue, 319.89' S of I-95

14th Election District – 6th Councilmanic District

Legal Owner Bob Waldhauser

Contract Purchaser: Fence Masters, Inc.

Special Hearing to permit storage of vehicles in designated storage area and a nonconforming use for a business identification sign.

HEARING: Thursday, October 10, 2002 at 2:00 p.m. in Room 106, Baltimore County

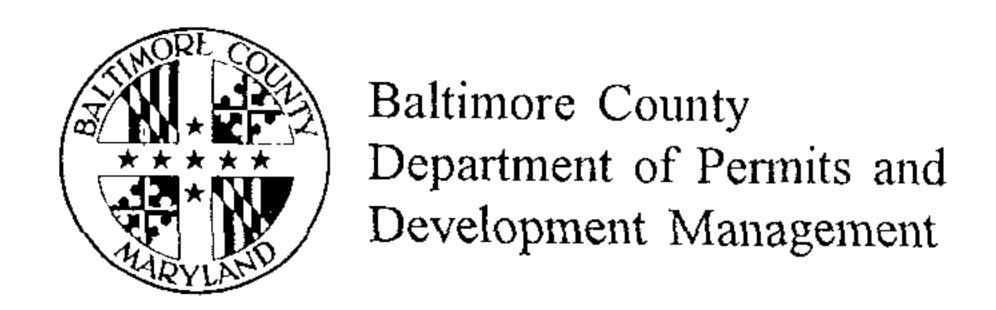
Office Building

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 600 SALTIMORE 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

September 13, 2002

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: 03-109-SPH
5905 Kenwood Avenue
W/S Kenwood Avenue, 319.89' S of I-95
14th Election District – 6th Councilmanic District
Legal Owner Bob Waldhauser
Contract Purchaser: Fence Masters, Inc

Special Hearing to permit storage of vehicles in designated storage area and a nonconforming use for a business identification sign.

HEARING: Monday, October 7, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

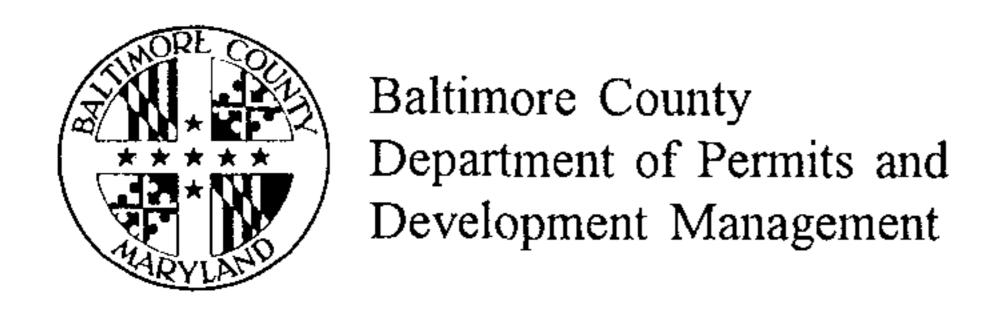
Arnold Jablon らりて Director

C: Frank X Borgerding, Jr, 409 Washington Avenue, Suite 600, Towson 21204 Bob Waldhauser, 5905 Kenwood Avenue, Baltimore 21237 Fence Masters, Craig O'Brien, President, 5905 Kenwood Ave, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 21, 2002

(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.



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

September 17, 2002

CHANGE OF NOTICE OF ZONING HEARING DATE

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: 03-109-SPH
5905 Kenwood Avenue
W/S Kenwood Avenue, 319.89' S of I-95
14th Election District – 6th Councilmanic District
Legal Owner Bob Waldhauser
Contract Purchaser: Fence Masters, Inc

Special Hearing to permit storage of vehicles in designated storage area and a nonconforming use for a business identification sign.

HEARING: Thursday, October 10, 2002 at 2:00 p.m. in Room 106, Baltimore County Office Building

Arnold Jablon Gりて

Director

C: Frank X Borgerding, Jr, 409 Washington Avenue, Suite 600, Towson 21204 Bob Waldhauser, 5905 Kenwood Avenue, Baltimore 21237 Fence Masters, Craig O'Brien, President, 5905 Kenwood Ave, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPTEMBER 25, 2002

(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

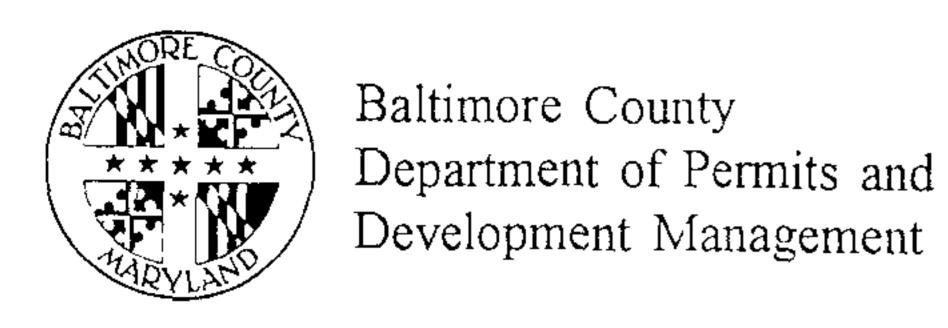
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 03 109 SP14 Petitioner: Fence Musters, Tric.
Address or Location: 5905 Kenwood ave Ba Hinsie, mb 21237
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Craig O'Brien Fence mosters, Inc.</u>
Address: 5905 Kenwood ave
Be 14min 21237
Teiephone Number: $(40/66/-8730)$

Revised 2/20/98 - SCJ



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

October 3, 2002

Francis X. Borgerding, Jr. 409 Washington Avenue #600 Towson, MD 21204

Dear Mr Borgerding:

RE: Case Number: 03-109-SPH, 5905 Kenwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 5, 2002.

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,
in Carl Rahmin

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rjc

e. Bob Waldhauser 5905 Kenwood Avenue Baltimore, MD 21237 Fence Masters, Inc. 5905 Kenwood Avenue Baltimore, MD 21237 Lois Eubank, 2417 Placid Avenue Baltimore, MD 21234 Ron Turner, Code Enforcement People's Counsel

enc.



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

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

September 16, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire-Marshal's Office has no comments at this time, in reference to the following items: 103-115

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 21, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting \

For September 16, 2002 Item Nos. 103, 104, 105, 107, 108, 109, 110, 111, 112, 114, and 115

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RS/76T

DATE:

October 7, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of September 9, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

105, 108, (109) 110-115

Sent 10/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon

Arnold Jablon, Director

DATE: September 30, 2002

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-109

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:

Section Chief:

AFK/LL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 0.16.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 109

JL

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 588° are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

4

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

PL	EAS	SEP	RINT	CLE	ARLY
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CASE NAME	
CASE NUMBER	
DATE	-

PETITIONER'S SIGN-IN SHEET

NAME			ADDRESS		CITY, ST	TATE, Z	ZIP	E- MAIL
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MERCANTILE BUILDING - SUITE 600 409 Washington Avenue Towson, Maryland 21204 (410) 296-6820 Fax (410) 296-6884

September 16, 2002

VIA FACSIMILE

Baltimore County Department of Permits and Development Management ATTN: George Zauner

RE:

Case No.: 03-109-SPH

Property: 5905 Kenwood Avenue Legal Owner: Bob Waldhauser

Contract Purchaser: Fence Masters, Inc.

Petition for Special Hearing

Date of Hearing: Monday, October 7, 2002 @ 10:00 a.m.

Dear George:

Pursuant to our recent telephone conversation I requested that you reschedule the hearing date established in relation to the above-referenced matter from Monday, October 7, 2002, at 10:00 a.m., as I am scheduled at that time to appear before the Orphans' Court for Frederick County, Maryland in relation to the estate of Kirk David Martell, Estate No.: 26017. It is my understanding that the above-referenced matter has been rescheduled for a hearing to Thursday, October 10, 2002, at 2:00 p.m., due to my scheduling conflict. Thank you very much for your cooperation with regard to this matter. If you require any additional information, please do not hesitate to contact me.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXB:bjk

Hazelwood Avenus

6423 Hazelwood Avenus

Galtimore, MD 21237

Flox:410-866-4728

200



GENERAL CONTRACTOR
CONSTRUCTION MANAGER

8707 Harford Read

bultimore, MD 21234

Phone 410/882-6191

Fax 410/882-6445

Robert Zaruha Superintendent DATE: September 16, 2002

TO: W. Carl Richards, Jr.

Zoning Review Supervisor

FROM: Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT: Item No.: 109

Legal Owner/Petitioner: Bob Waldhauser Property Address: 5905 Kenwood Avenue

Location Description: W/side Kenwood Ave 319.89 ft. south of I-95

VIOLATION INFORMATION: Case No.: 01-7867

Please be advised that the aforementioned petition is the subject of an active violation case.

When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

Lois Eubank 2714 Placid Avenue Baltimore, MD 21234

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

Email Complaint

Code Enforcement Report

Tax Assessment Inquiry w/ Attachments

Photos (8)

Correction Notice(1-3)
Proposal to Fence Masters

Photos(9)

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

RSW/lrs

c: Code Enforcement Ron Turner

PDM Development Review - Email From Website

From:

<LouEubank@aol.com>

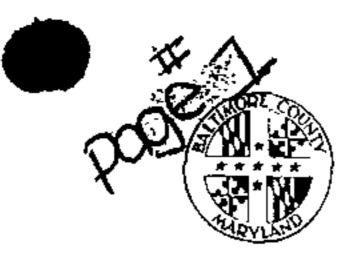
To:

<pdmdevrvw@co.ba.md.us>

Date: 11/19/2001 12:32 PM

Subject: Email From Website

Hi LOuis Eubank 2714 Placid Ave Balto.Md 21234. My question:I have made two trips from Best Buy and I came across Kenwood Ave and in the 6100 block I noticed twice two trucks towing old autos in to a Fence Co. in that hundred blk a nd I would like to know if they have a permit for and auto junk yard and if not as a citizen of Baltimore county I would like to have this checked out. Thanks in advance :Lou Eubank.



were County Вэ D. cment of Permits and Development Management

Ned Posted
Code Inspections and Enforcement County Office ling 111 West Chesapeake Avenue Towson, MD 21204

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etment of Permits and Development Management Code Inspection and Enforcement County Office .ding 111 West Chesapeake Avenue

Towson, MD 21204 Code Enforcement: 410-887-3351 Plumbing Inspection: 410-887-3620 **Building Inspection:** 410-887-3953 Electrical Inspection: 410-887-3960 RAI TIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE Case No# Zoning: Property No. 01-7867 Name(s): Address: Violation Location: DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS: Droof OF $G \subset$ heck <u>order</u> ermits. ransitina omercial a Zunina 4th crize CONH YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE-Next On or Refore: Date Issued. Paye FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH. Print Name INSPECTOR.

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P 'imore County
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Development Management

Code Inspection and Enforcement
County Offic Alding
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: Building Inspection: 410-887-3351

Plumbing Inspection:

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RA1001B

DATE: 12/11/2001 STANDARD ASSESSMENT INQUIRY (1)

TIME: 09:25:20

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE 14 15 143000 14 1-2 07-00 N NO 09/25/01

WALDHAUSER ROBERT C

DESC-1.. IMPS4.47 AC PT LT 70-7

DESC-2.. KENWOOD PARK

6231 KENWOOD AV

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ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

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RA1001C

DATE: 12/11/2001 STANDA TIME: 09:25:45	RD ASSESSMENT INQUIRY (2)
PROPERTY NO. DIST GROUP CLASS 14 15 143000 14 1-2 07-00 LOT 70 BOOK 0001 BLOCK FOLIO 0323 SECTION PLAT	N NO 09/25/01 MAP 0081 LOT WIDTH00 GRID 0023 LOT DEPTH00
TRANSFER DATA	EXEMPT DATA
NUMBER 048087	STATUS
DATE 12/26/85	CLASS CODE
PURCHASE PRICE 0	STATE EXEMPT CODE
GROUND RENT 0	COUNTY EXEMPT CODE
DEED REF LIBER 07062	CURR STATE EX ASMT
DEED REF FOLIO 0115	PRIOR STATE EX ASMT ()
CONVEYED IND 9	CURR COUNTY EX ASMT
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RA1001D

DATE: 12/11/2001

STANDARD ASSESSMENT INQUIRY (3)

TIME: 09:25:49

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC 14 15 143000 14 1-2 07-00 N NO

DEL LOAD DATE 09/25/01

PEC CREATE DATE.. 10/23/92

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DELETE CODE....

DATE DELETED....

LAST FM DATE.... 08/30/01

LAST FM TYPE.... B

PREV FM DATE....

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LAST LOAD DATE... 09/25/01

PRIOR LOAD DATE.. 12/22/00

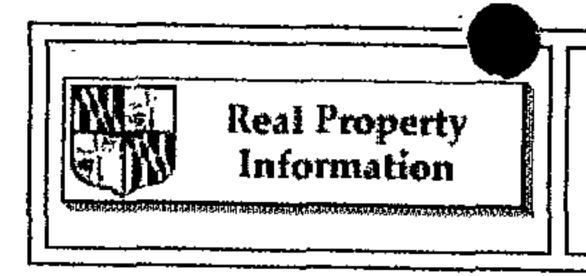
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01/02 ASSESS: 720,826

00/01 ASSESS: 161,640

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF



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

[Go Back]

BALTIMORE COUNTY

[Start Over]

DISTRICT: 14 ACCT NO: 1415143000

Owner Information

Owner Name:

WALDHAUSER ROBERT C

Use: INDUSTRIAL

Mailing Address:

6231 KENWOOD AV

BALTIMORE MD 21237

Principal Residence:NO

Transferred

From: OBRIEN JOSEPH F

Date: 12/26/1985

Price: \$0

Deed Reference:

1) / 7062/ 115

Special Tax Recapture:

* NONE *

Tax Exempt: NO

Location Information [View Map]

Premises Address:

Zoning: Legal Description:

5905 KENWOOD AVE

ML

4.47 AC PT LT 70-71

1050 NW SHADY SPRING AV

KENWOOD PARK

Grid Parcel

23

Subdiv Sect Block Lot Group Plat No:

70 80

Plat Ref: 1/323

Special Tax Areas

23

81

Town:

Ad Valorem:

Tax Class:

Primary Structure Data

Year Built:

Enclosed Area: Property Land Area: County Use:

0000

4.47 AC

Value Information

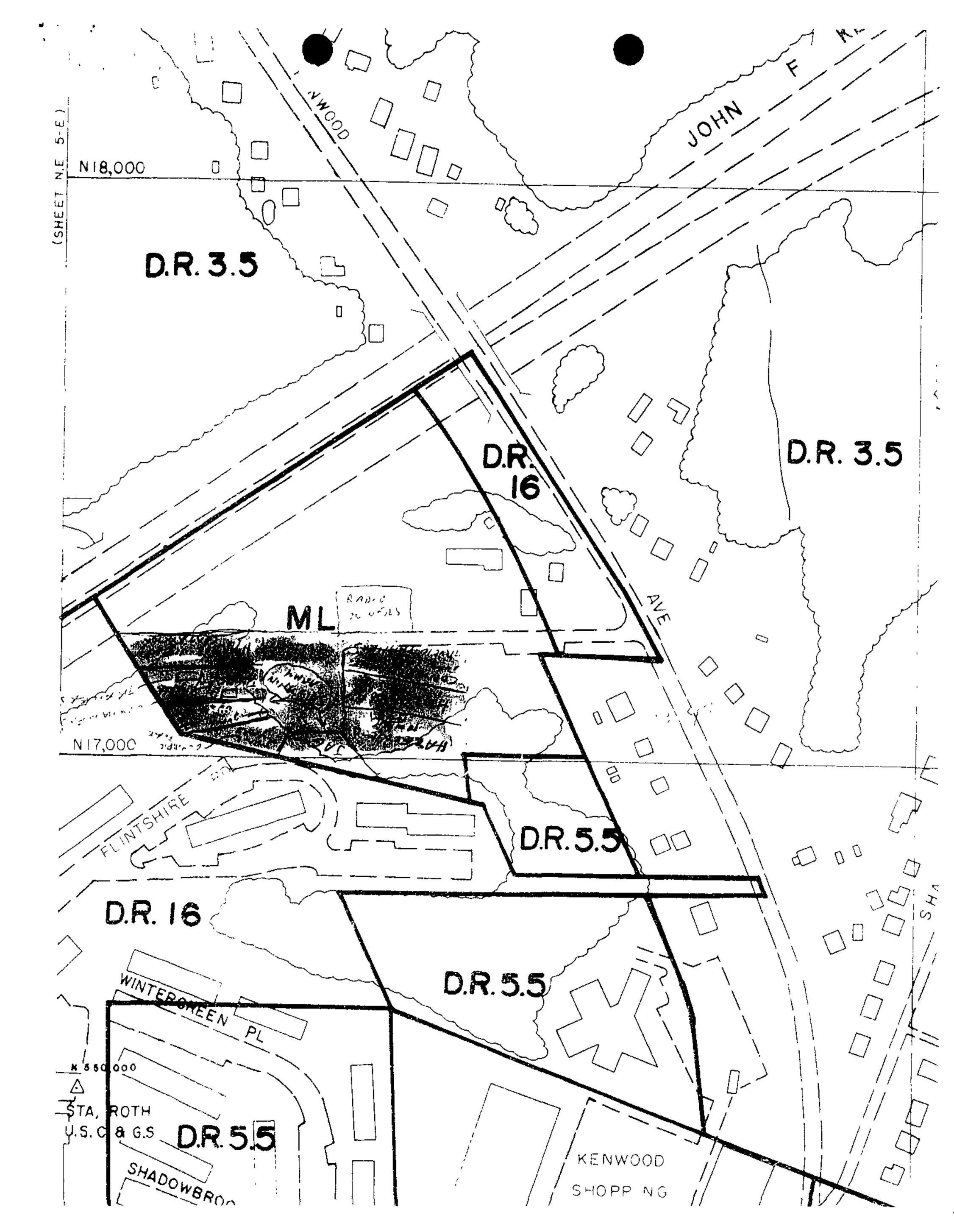
Base Value Current Value Phase-In Value Phase-in Assessments

As Of	As Of	As Of	As Of
01/01/2001	07/01/2002	07/01/2001	07/01/2002

Land: 285,280 275,200

Impts: 428,660 459,400 Total: 713,940 734,600

727,712 720,826 727,712 Pref Land:



PHOTOGRAPHIC RECORD

Citation/Case No 01-7867	
Date of Photographs 12/6/01	

I HEREBY CÉRTIFY that I tock the Support photograchs set out above, and that these photograchs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above

Enforcement Officer













