IN RE: PETITION FOR VARIANCE
W/S McCormick Avenue, 430' N
Cynthia Terrace
14th Election District
6th Councilmanic District
(5516 McCormick Avenue)

Sheryl Denise Gardner Petitioner \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-176-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Sheryl Gardner. The Petitioner is requesting variance relief for property she owns at 5516 McCormick Avenue. The subject property is zoned D.R.5.5. The variance request is to permit a gazebo (open projection) with as close as a 12 ft. property line setback in lieu of the required 18 ft. 9 in., and to amend the Final Development Plan for "McCormick Woods", Lot #15.

Appearing at the hearing on behalf of the variance petition were Sheryl Gardner, owner of the property, Eddie Walker, and Donald Rothman, attorney at law, representing the Petitioner.

Appearing in opposition to the Petitioner's request were Mr. & Mrs. Uzell Pitts.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.28 acres, more or less, zoned D.R.5.5. The subject property is improved with a split-foyer, frame dwelling wherein Ms. Gardner and Mr. Walker reside. At issue in the case is a gazebo which was constructed in the front yard of the Petitioner's property. The gazebo itself was the subject of a prior zoning case, namely Case No. 02-283-A. Therein, Ms. Gardner came before this Deputy Zoning Commissioner for a variance to approve the location of this gazebo in her front yard. By Order dated the 12<sup>th</sup> day of March, 2002, the request to allow the gazebo to remain in the front yard was denied. Thereafter, Ms. Gardner appealed the denial to

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the Board of Appeals for Baltimore County. A new hearing was held before the Board of Appeals and by Order dated the 4<sup>th</sup> day of September, 2002, the Petitioner's request to keep the gazebo in her front yard was again denied.

Thereafter, Ms. Gardner applied for a Baltimore County building permit to construct a covered walkway from the gazebo to the front of her dwelling. The application for building permit represented that the gazebo was situated 44 ft. from the front property line. This of course is not true, given that the gazebo in question is situated approximately 13 ft. from the front property line. Therefore, the permit was issued to the property owner based on incorrect information. However, representatives of the Baltimore County Department of Permits and Development Management were unaware of the actual setback of this gazebo to the front property line. Before the setback problem was discovered, the Petitioner constructed the covered breezeway connecting the gazebo to the front of her dwelling. At this time, the Petitioner is attempting to legitimize the gazebo and attached breezeway as an open projection to her home. It should be noted that nothing has changed regarding the gazebo in its location or construction. It is situated in the exact same spot in her yard as it was at the time of the previous hearing before me. The only difference now is that this covered breezeway has been constructed connecting the gazebo to the house.

The Petitioner is proceeding for variance relief classifying the gazebo as an open projection. However, Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) applies to projections into front yards. That particular section applies to carports and/or open porches. It does not specifically apply to gazebos. Furthermore, it requires that any such carport or open porch must be open on at least 3 sides. The structure in question is fully enclosed on all 8 sides with plywood, miniblinds, and plastic. It is not the type of structure to which Section

301.1 applies. The attempt to connect the gazebo to the house does not cause it to be an open projection as contemplated by Section 301.1 of the B.C.Z.R. Therefore, the appropriate setback for this gazebo, as attached to the dwelling, is that it must maintain the full 25-ft. front yard setback. This gazebo structure is part of the principal dwelling by virtue of its connection and is not to be considered an open projection. Therefore, the variance relief requested should be amended to require a setback as close as 12 ft. to the front property line in lieu of the required 25 ft.

The testimony and evidence offered at the hearing before me today was no different than the testimony and evidence presented the last time the Petitioner appeared before me. If anything, the condition has worsened due to the fact that the Petitioner has finished the construction of the gazebo and continued with further construction attaching the gazebo to the front of her dwelling. As stated previously, Ms. Gardner appealed my decision to the Board of Appeals for Baltimore County. The Board of Appeals found that the Petitioner failed to satisfy the first prong of the test as established in the case of Cromwell v. Ward, 102 MD. App. 691 (1995), which sets forth the legal benchmark under which a variance may be granted. The Petitioner failed to establish in the case before me, that her property is in any way unique in comparison to the other properties in the neighborhood in order to qualify for the granting of this variance. The same standard applies today as applied at the time of the hearing before the Board of Appeals. Consequently, the Petitioner has failed to satisfy the test as specified in the Cromwell case. Therefore, the petition for variance shall be denied.

THEREFORE, IT IS ORDERED this 2/3/day of November, 2002, by this Deputy Zoning Commissioner for Baltimore County, that the Petitioner's request for variance to allow a gazebo structure, which has been attached to a dwelling by way of a breezeway, to be situated as

close as 12 ft. from the front property line in lieu of the 25 ft. required, be and is hereby DENIED.

IT IS FURTHER ORDERED, that Code Enforcement Division shall proceed with the immediate removal of the subject gazebo regardless of the filing of an appeal by this property owner. The Petitioner herein has had two opportunities to gain approval for the gazebo in question and was denied on both occasions. Connecting the gazebo to the house by additional construction only exacerbated the situation.

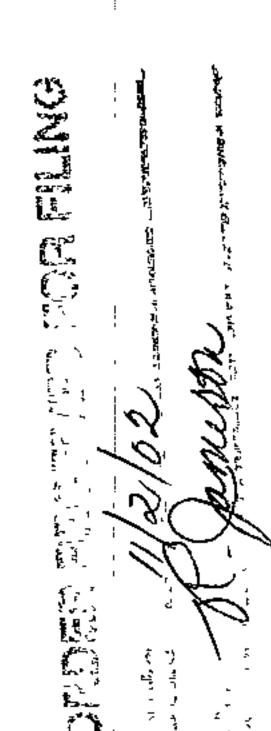
IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

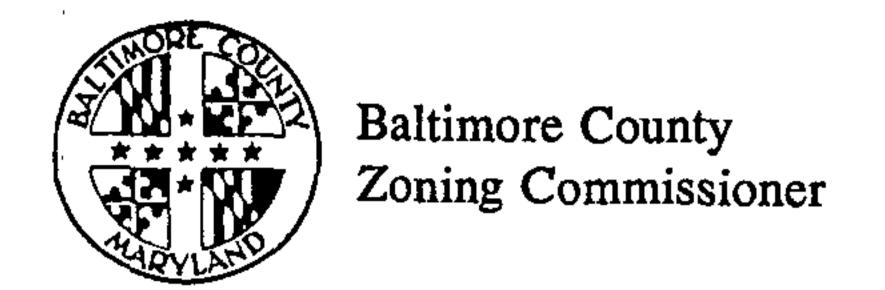
TIMOTHY'M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

November 21, 2002

Donald N. Rothman, Esquire Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC 233 E. Redwood Street Baltimore, Maryland 21202-3332

> Re: Petition for Variance Case No. 03-176-A

Property: 5516 McCormick Avenue

Dear Mr. Rothman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been denied in accordance with the enclosed Order.

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

Very truly yours,

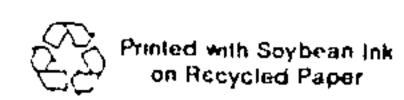
Timothy M. Kotroco

luthy lotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Ms. Sheryl Denise Gardner 5516 McCormick Avenue Baltimore, MD 21206 Mr. & Mrs. Uzell Pitts 5510 McCormick Avenue Baltimore, MD 21206





# Petition for Variance

## to the Zoning Commissioner of Baltimore County for the property located at 5516 Mc CORMICK AUE.

which is presently zoned <u>DR 5.5</u>

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, of the property situate in Baltimore County and which is described in the description and plat attached hereto an	legal owner(s) d made a part
of the property situate in Baltimore County and which is described in the description and plat attached hereto an nereof, hereby petition for a Variance from Section(s) 1802, 3, B. (1801, 2, C, 4, BILL 100, 197)  TO REPMIT A GAZEBO (DPEN) PROJECTION) WITH AS CLOSE AS A 12 FT, FOR PROJECTION WITH AS CLOSE AS A 12 FT, FOR	0) AND 301, 1
THENERGY LINE SETUBLICATION CIETTER RESOLUTION TO THE RESOLUTION TO THE RESOLUTION OF THE RESOLUTION O	ለልል ደግ ል ነ 🔿
THE FINAL DEVELOPMENT PLAN FOR ME CORMIC WOODS LOT# 15.	۶.

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

TO BE DETERMINED AT

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

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

Contract Purchaser/Lessee	<u>.</u>	Legal Owner(s):		
Name - Type or Print	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	SHERYL DET Name - Type or Print	VISE GA	RDNER
Signature		Name - Type or Print  Signature	envee Gr	adner
Address	Telephone No.	Name - Type or Print		
City	State Zip Code	Signature	1./	
Attorney For Petitioner:		5516 MCCORM	ICK AVE	
DONALD N. COTHM	19D	Address  BALTIMORE  City	MD	Telephone No. 2-12-06
Name - Type or Print  Name - Type or Print	4Kou	Representative to be	State Contacted:	Zıp Code
Signature CFRHJH				
233 F-Redwork	(401)576 4201	Name		
Address	Telephone No.	Address	······································	Telephone No
City	State Zip Code	City	State	Zip Code
		OFFICE	USE ONLY	. /
Case No. 03-17	6 -A	ESTIMATED LENGTH O	F HEARING	1/2 HR
	Reviewed By	UNAVAILABLE FOR HE	ARING /02	, <del></del>
REV 9/15/98				

#### **Zoning Description**

Beginning at a point on the state side of McCormick Avenue, Baltimore, Maryland 21206.

Beginning at a point on the state side of McCormick Avenue which is feet wide at the Distance +/- feet state of the centerline of the nearest improved intersecting street

Cynthia Terrace which is +/- feet wide. Being Lot#15, Block, Section # one in the Subdivision of McCormick Woods as recorded in Baltimore County Plat Book #47,

Folio #105, containing 0.28 acres. Also known as 5516 McCormick Avenue

Located in the 14<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

1

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	7000 and and and and a
DATE ACCOUNT 11/11	一
* / (7), (7)	
RECEIVED FROM:	
FOR:	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

Land the state of the state of

#### 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: #03-176-A 5516 McCormick Avenue W/side McCormick Avenue, 430 feet +/- north of Cynthia Terrace 14th Election District 6th Councilmanic District Legal Owner(s): Sheryl Denise Gardner

Variance: to permit a gazebo (open projection) with as close as a 12 foot front property line setback in lieu of the required 18 feet 9 inches and to amend the final classics. nal development plan for McCormick Woods Lot #15. Hearing: Tuesday, November 19, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue. LAWRENCE E SCHMIDT

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

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

3391.

JT/11/626 Nov5 C572869

#### CERTIFICATE OF PUBLICATION

117,2002
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 115,20 <u>02</u>
The Jeffersonian  Arbutus Times  Catonsville Times  Towson Times  Owings Mills Times  NE Booster/Reporter
North County News  S. WULLINGT

LEGAL ADVERTISING

## CERTIFICATE OF POSTING

RE: Case No. 03-176-A
Petitioner/Developer:
Sheryl Denise Gardner
Hearing Date: 11/19/02

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

Attention: Mr. 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 5516 McCormick Ave.

The sign(s) were posted on 11/04/02.

Sincerely

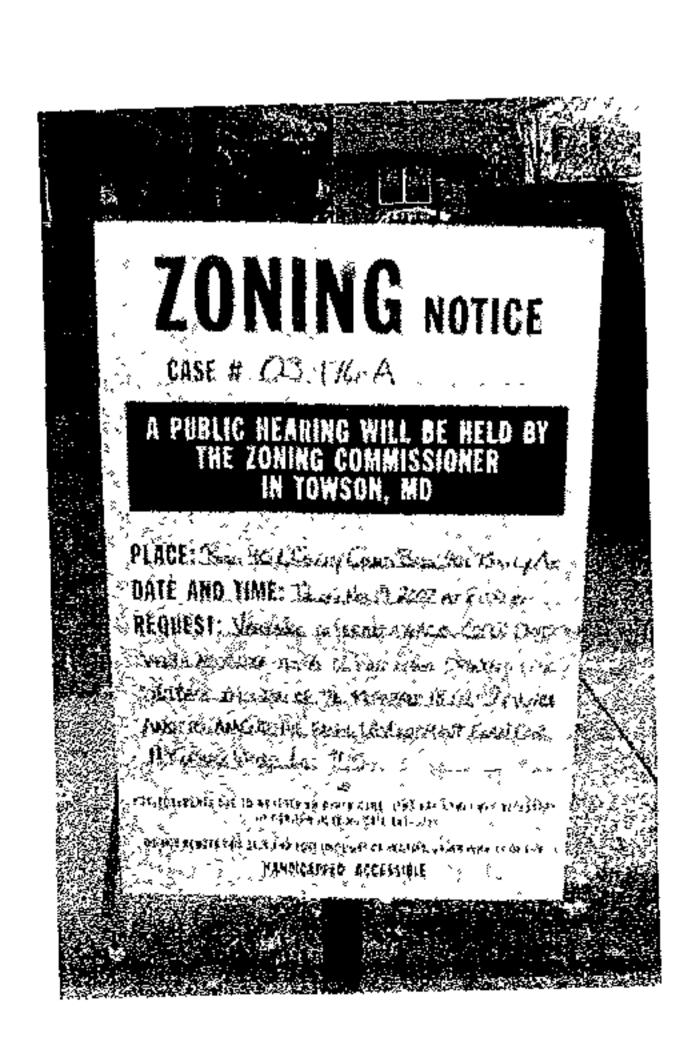
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



RE: PETITION FOR VARIANCE
5516 McCormick Avenue 430' +/north of Cynthia Terrace
14<sup>th</sup> Election District 6<sup>th</sup> Councilmanic
District
Legal Owner: Sheryl Denise Gardner

Petitioner(s)

\* ZONING COMMISSIONER\* FOR

\* BALTIMORE COUNTY

BEFORE THE

\* 03-176-A

#### 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 22<sup>nd</sup> day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Donald Rothman, Esquire, 233 E. Redwood Street, Baltimore, MD 21209 Attorney for Petitioner(s).

DECEIVED L. Py

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 5, 2002 Issue - Jeffersonian

Please forward billing to:

Sheryl Denise Gardner 5516 McCormick Ave. Baltimore, MD 21206

410-866-9411

#### **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: 03-176-A 5516 McCormick Avenue

W/side McCormick Avenue, 430 feet +/- north of Cynthia Terrace

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Sheryl Denise Gardner

<u>Variance</u> to permit a gazebo (open projection) with as close as a 12 foot front property line setback in lieu of the required 18 feet 9 inches and to amend the final development plan for McCormick Woods Lot # 15.

HEARING: Tuesday, November 19, 2002 at 2:00 p.m. in Room 407, County Courts

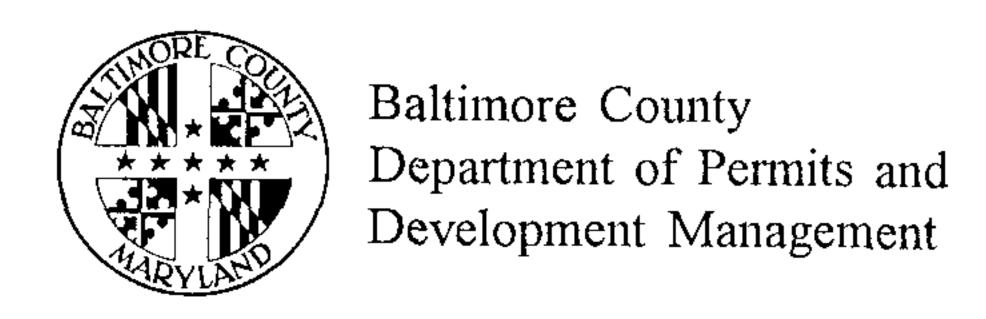
Building, 401 Bosley Avenue

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.



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

October 23, 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:** 03-176-A 5516 McCormick Avenue

W/side McCormick Avenue, 430 feet +/- north of Cynthia Terrace

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Sheryl Denise Gardner

<u>Variance</u> to permit a gazebo (open projection) with as close as a 12 foot front property line setback in lieu of the required 18 feet 9 inches and to amend the final development plan for McCormick Woods Lot # 15.

HEARING: Tuesday, November 19, 2002 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Donald N. Rothman, CFRH & H, 233 E. Redwood, Baltimore 21209 Sheryl Denise Gardner, 5516 McCormick Avenue, Baltimore 21206

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 4, 2002.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPÉCIAL 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

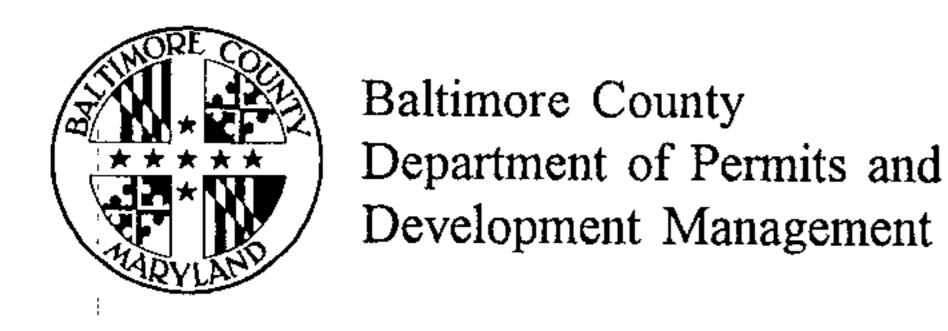
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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:
Address or Location: x 5516 MCCORMICK AVE., BALTO, MD 21206
PLEASE FORWARD ADVERTISING BILL TO:
Name: SHERYC DENISE GARDNER  Address: 5516 MCCORMICK AVE.
BALTIMORE, MO 21206
Telephone Number: 410-866-9411

Revised 2/20/98 - SCJ



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

November 14, 2002

Donald N. Rothman CRFH & H 233 E. Redwood Baltimore, MD 21209

Dear Mr. Rothman:

RE: Case Number: 03-176-A, 5516 McCormick Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 8, 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,

U. Callibal)

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel Sheryl Denise Gardner, 5516 McCormick Avenue, Baltimore 21206



#### Baltimore County Fire Department

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

October 22, 2002

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

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: 171-179, 181

174

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

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director
Department of Permits &
Development Management

DATE: November 14, 2002

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting For October 28, 2002 Item Nos.171, 173, 174, 175, 176, 177, 180, and 181

and

Item No. marked: "Use Permit Posting" (111 Hanover Pike)

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 RBS / TGT

DATE:

November 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of October 21, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

171, 174, 175, (76,)178, 179, 180

Sen 11/19

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** October 28, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

5515 McCormick Avenue

**INFORMATION:** 

Item Number:

03-176

**Petitioner:** 

Sheryl Denise Gardner

Zoning:

DR 5.5

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided the exterior materials of the gazebo are compatible with that of the existing dwelling.

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: 10.22.02

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

RE: Baltimore County

Item No. 176

JL

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

W

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



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Re:

Roy W., Kienitz Secretary Mary Abrams Deputy Secretary

October 22, 2002

Mr. George Zahner
111 West Chesapeake Avenue
County Office Building, Room 111
Mail Stop # 1105
Towson MD 21204

Zoning Advisory Committee Agenda, October 28, 2002

Case numbers 03-171-A, 03-173-SPH, 03-174-SPHA, 03-175-A (03-176-A, 03-177-A, 03-178-A, 03-179-SPH, 03-180-SPHA, 03-181-SPH, and 111 Hanover Pike Property

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 10/21/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

OCT 2 4 2002

DEPT. OF PERMITS AND DEVELOPMENT MAINLAGEMENT

JOHN F. OWINGS ENTERPRICED REAL ESTATE DEVELOPMENT
P. O. BOX 295
OWINGS MILLS, MARYLAND 21117
410-833-1187
FAX 410-833-7277

TO: THE COURT OF APPEALS
OF BALTIMORE COUNTY
REF: CASE NO. 02-283-A

MCORMICK WOODS WAS ESTABLISHED WITH A DECLARATION OF COVENANTS AND RESTRICTIONS TO INSURE THE BEST USE AND APPROPRIATE DEVELOPMENT AND IMPROVEMENT OF EACH BUILDING SITE. "MCCORMICK WOODS " SECTION 1 IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK E.H.K.,JR 47 FOLIO 105. THE RESTRICTIONS AND COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PRESENT AND FUTURE OWNERS AND OCCUPANTS FOR A PERIOD OF TWENTY-FIVE YEARS FROM THE DATE OF RECORDATION OF THESE COVENANTS WHICH WAS RECEIVED FOR RECORD ON NOV. 8th 1981.

THE COVENANT WAS DEVELOPED TO PROTECT THE OWNERS OF THE PROPERTY AGAINST CONDITIONS THAT WILL DEPRECIATE THE VALUE OF THEIR PROPERTY SUCH AS:

- -OFFENSIVE TRADE OR ACTIVITY
- -BUSINEBS ENTERPRISE INVOLVING THE USE OF ANIMALS
- -HOMESITES USED AS DUMPING GROUNDS OR STORAGE OF JUNKED CARS
- -THE ERECTION OF INAPPROPIATE AND UN-PROPORTIONED STRUCTURES

THE ARCHITECTUAL COMMITTEE OF McCORMICK WOODS HAS THE RIGHT TO DISAPPROVE THE BUILDING OF THE GAZEBO AT 5616 McCORMICK AVE. I AM IN AGREEMENT WITH THE DENIAL IBSUED MARCH 12th 2002 BY DEPUTY ZONING COMMISSIONER TIMOTHY M. KOTROCO, PERMITTING THE GAZEBO TO BE LOCATED IN THE FRONT YARD OF THE PETITIONER'S PROPERTY WOULD IN FACT HAVE A DETRIMENTAL IMPACT ON THE PROPERTIES OF OTHER HOMEOWNERS. THE ARCHITECTUAL COMMITTEE HAS NOT AND WILL NOT APPROVE THE ERECTION OF A GAZEBO IN THE FRONT YARD OF ANY HOME IN McCORMICK WOODS.

4108337277

DATE: October 25, 2002

TO: W. Carl Richards, Jr.

Zoning Review Supervisor

FROM: Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT: Item No.:

Legal Owner/Petitioner Sheryl Denise Gardner

Contract Purchaser: N/A

Property Address: 5516 McCormick Rd.

Location Description: W/side McCormick Ave, 430' +/- N of

Cynthia Terrace

VIIOLATION INFORMATION: Case No. 01-7834

Defendants: Sheryl Denise Gardner

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

NAME ADDRESS

Curtis Pitts 410-866-2990

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:

X 1. Complaint letter/memo/email/fax (if applicable)

X 2. Complaint Intake Form/Code Enforcement Officer's report and notes

X 3. State Tax Assessment printout

☐ 4. State Tax Parcel Map (if applicable)

5. MVA Registration printout (if applicable)

6. Deed (if applicable)

☐ 7. Lease-Residential or Commercial (if applicable)

X 8. Photographs including dates taken

X 9. Correction Notice/Code Violation Notice

X 10. Citation and Proof of Service (if applicable)

☐ 11. Certified Mail Receipt (if applicable)

12. Final Order of the Code Official/Hearing Officer (if applicable)

☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)

X 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

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

RSW/gk

C: Code Enforcement Officer

## PHOTOGRAPHIC RECORD

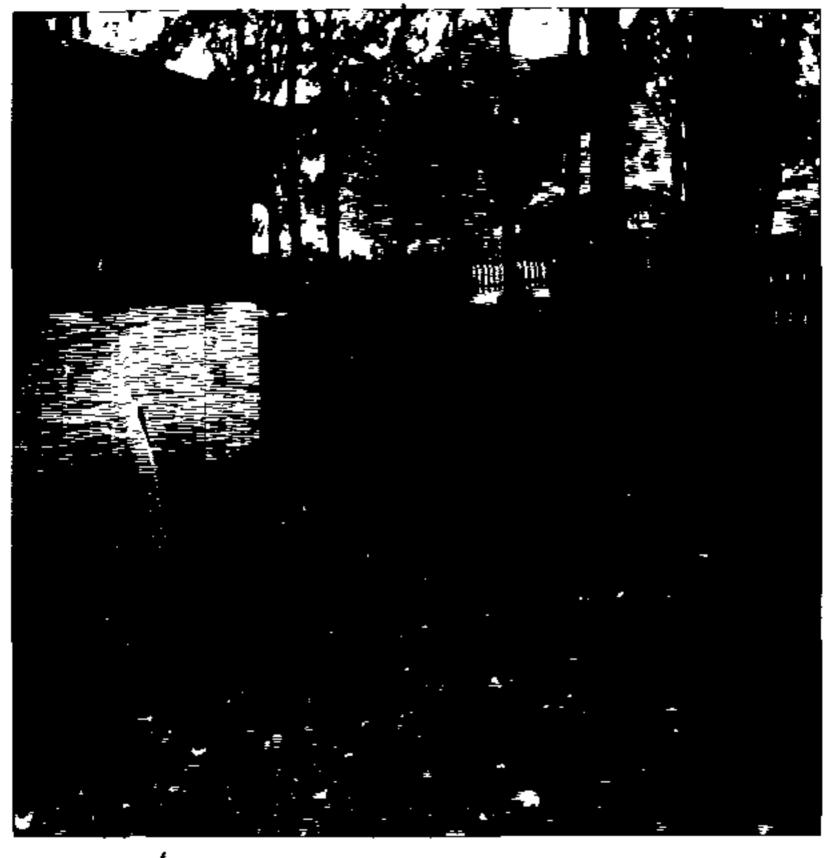
Citation/Case No.: Date of Photographs:		
		* * *
!		
HEREBY CERTIFY that I to	ook the photographs set out	above, and that these photographs
i	number of photos)  1e condition of the property that is the sub	

Enforcement Officer

«1/14/00° «



10/21/02-01-7AJ4 55/6 m = COMMICK KD FRONT VIEW



10/21/02-55/6 M=CORMICK RD 01-7834



10/21/02-5516 M-COMMICKED

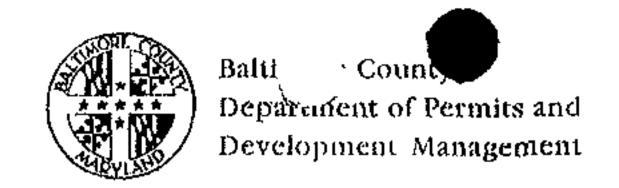


## Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 5516 Mc Cormic AUE. which is presently zoned DR5.5

hereof, hereby petition for a Variance from Section(s)	and Development Management. The undersigned, legal owner(s) ribed in the description and plat attached hereto and made a part 3. B. (1801. 2, C, 4, BILL 100, 1970) AND 301, [
TO REPUTE A GAZEBO (OPEN) PROVECTION PROVECTION	W) WITH AS CLOSE AS A 12 FT. FRONT REQUIRED 18 FT. 9IN. AND TO AMEND
THE FINAL DEVELOPMENT PLANFOR M	2 PORMIC WOODS LOT# 15 SG.
or practical difficulty)	w of Baltimore County, for the following reasons: (indicate hardship
10 BE DE HEARING	TERMINED AT
regulations and restrictions of Baltimore County adopted pursuant to the	osting, etc. and further agree to and are to be bounded by the zoning he zoning law for Baltimore County.
	o solemnly declare and affirm, under the penalties of are the legal owner(s) of the property which ion.
Contract Purchaser/Lessee:	Legal Owner(s):
	SHERYL DENISE GARDNER,
Name - Type or Print	Name-Type or Print Shund Winner Handner
Signature	Signature SHT
Address Telephone No	Name - Type or Print
State Zip Code	Signature
Attorney For Petitioner:	5516 MC CIKMICK. AVE 411-866-9411
Name - Type or Print	Address Telephone No  1914 L T 1 1916 R E 1919 1919 1919 2-12-06  City State Zip Code
Signature Signature	Representative to be Contacted:
CPRIAN	Name
Address Telephone No	Address Telephone No
Balve 1000 Hed 2/209	
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 03-176-A	ESTIMATED LENGTH OF HEARING 1/2 HR
Reviewed By 9/15/98	UNAVAILABLE FOR HEARING DE Date 10000



Code Inspections and Enforcement County Office Jing
111 West Chesapeake Avenue Towson, MD 21204 D157 14

Code Enforcement: Building Inspection

410-887-3351 (410-887-3953) Plumbing Inspection: Electrical Inspection:

410-887-3620 410-887-3960

Appended hear App Ext-Ashied

	OUNTY UNITEDRIM CODE ENFO ESIDENT AGENT, CORPORATE OFFICER OWNERS	
[Citation/Case No.	Property No.	Zoning:
01-7834	1900001998	N/A
Name(s):	PRONER, SHERYL, D (	OWNER.)
Address: 55/6	Mª CORMICK AUE ROSE	PACE, MD 21206
Violation Location:	5/6 m & CORMICK AUG	
Violation /		/
Dates: 1/2	0/02 TH-10064 9/3/	02
	UNTY FORMALLY CHARGES THAT THE ABOUT THE FOLLOWING BALTIMORE COU	• •
BC.C.B 780	11 SEC 106.2.1	
FAILURE	TO COMPLY WITH CO	RRECT FRONT
SETTSACKS.	ON PERMIT 13-49470	16.
F	ISE PERMITTOKER	
SET-BACKS	OR REMOVE GAZEBO	FROM PREMISES.
	<u></u>	
	Baltimore County Code, a civil penalty	•
has been assessed, as a telline amount indicated:	result of the violation cited herein, in	2,800.00
مراز والواق مبينان وبرين ويفران بالمناب والواسوة والمساورة والواوي	has been pre-scheduled in Room 116,	Date: /
	venue, Towson, Maryland, for:	10/22/02
TUES DAY	10/22/02	Time: 9:00 A.M.
Citation must be served	l by:	Date:
	9/19/02	7/19/02
•	nd affirm, under the penalty of perjury, that of my knowledge, information, and belief.	the contents stated above are true
Print Name:	ANT KIDD	
9/4/02	Anat Lodd	
Daye,	Inspector's Signature	
SEE REVE	RSE SIDE FOR ADDITIONAL DETAILS	
	NOTICE OF INTENTION TO I	
Print Name:		Citation/Case No.:
A.1.5. a.e.		
Additess:		
Date	Defendant's Signature	le be M & be A. If

AGENCY

F3=Exit F9=Insert F5=Refresh F10=Entry

F6=Select format F11=Change

Case Entry/Update

Format . . . : <u>CASREC</u>

REC

Mode : (

CHANGE PDLV0001

Notes: 12-11-01 VISITED SITE, WROTE SWO. P/U 12/17/01. CALLED COMPL. LEFT

MESSAGE ON RECORDER, E.ECKER/KH.\*\*\*

12/18/01 VISITED SITE, NO MORE WORK DONE SINCE LAST THURSDAY. LEFT

MESSAGE AT OWNERS HOUSE TO LET US KNOW WHEN THE VARIANCE IS TO BE HEARD. P/U

1/17/02 E. ECKER/JM\*\*\*

<u> 1/18/02 VISITED SITE, NO FURTHER WORK, WAITING FOR VARIANCE HEARING AND APPEAL</u>

TIME. 02-283A P/U 2/21/02 E. ECKER/JM\*\*\*

02/11/02 NEW HEARING DATE 03/11/02. P/U 04/10/02. E.ECKER/KH.\*\*\*

04/11/02 NEW HEARING HELD. WAIT FOR 30 DAY APPEAL PERIOD. COMPL, CALLELD THAT OW

VER IS APPEALING ZONING COMM. DECISION. LEFT MESSAGE ON RECORDER AT WORK. P/U

)5/11/02. E.ECKER/KH.\*\*\*

3/13/02 VISITED SITE. BOARD OF APPEALS HEARING IS 6-25-02. CALLED COMPLAINTANT.

LEFT MESSAGE FOR CURTIS PITTS. P/U 6/24/02 E.ECKER/NS\*\*\*

16/25/02 BOARD OF APPEALS HEARING ON THIS DATE. P/U 07/24/02 FOR TIME FOR APPEAL

3. CALLED COMPL. E.ECKER/KH.\*\*\*

)7/25/02 BOARD OF APPEALS HEARD CASE. WAITING FOR 30 DAY APPEAL PERIOD. P/U -

<u>)8/25/02. E.ECKER/KH.\*\*\*</u>

F3=Exit

F5=Refresh

F6=Select format

F9≕Insert

F10=Entry

F11=Change

Case Entry/Update Format '. . . : <u>CASREC</u>

CHANGE PDLV0001

Notes 2: 08/20/02 VISITED SITE-ISSUED CORR. NOTICE TO AMEND PERMIT TO REFLECT CORRECT SETBACKS, CPOKE W/HOMEOWNER & CONTR. MR. ECKER SPOKE W/COMPL, THIS AM. P/U 08/28/02 G.KIDD/KH.\*\*\* \*\*9/4/02 REC'D OPINION FROM BOA. DENIED. P/U 10/30/02 TO SEE IF APPEALED FOR PET ITION FOR JUICIAL REVIEW. GAVE TO OVER BY THERESA OF THE BOA. / HEK\*\* JHT. WALKED CIVIL CITATION. MAILED COPY TO ADDRESS. P/U 9/4/02 ISSUED COPY FROM BOARD OF APPEALS. PUT IN FILE. DECISION ISSUED CIVIL CITATION. MAILED COPY TO H/O.SPOKE WITH COMPLAINANT MRS.PITTS. P/U 10/18/02 G.KIDD/NS\*\*\* 9/6/02 MR.GARLAND SERVED CITATION APPROX. 6:30PM. SPOKE WITH COMPLAINANT MRS. PI ITS ABOUT HEARING DATE. HEARING DATE IS 10/22/02. P/U 10/19/02 G.KIDD/NS\*\*\*

F3=Exit F9=Insert

F5=Refresh F10≕Entry

F6=Select format

F11=Change

#### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs	GARONER,	SHERYL, D	, Defendant
Hearing Date 10/22/02 Issue	ed Date	Expiration Da	ate 9/18/12
	REQUEST FOR SE	ERVICE	
Please serve the attached process on the perso	n shown.		
	ORDER FOR SEI	RVICE	
You are hereby commanded to serve the attactance unable to serve, you are to make your return the termination of the validity of the process.	rn on this Order and retu	e your return promptly on the rn the original process no la	his Order if served, and if you ter than the last day following
	PROOF OF SER	VICE	
I hereby CERTIFY that:			
A Citation and all other papers filed with			
A Citation and all other papers filed with	it were served by person	al delivery to <u>GARC</u>	JUEN, SHEKYS D Jult person's name
55/6 m - CORMICK RO, on At this address	9/6/0 - Date	, at <i>APPNO</i>	<u>~ 6∶30</u> a.m./p.m. Time
Description of person served:	Race 2 Ser	x Height	
Weight Age	Other		<del></del>
The premises at 55/6 M	E COMMICK	RO	were posted.
l was unable to serve because	······································	<del></del>	<del></del>
solemnly affirm under the penalties of perjuinformation, and belief, and do further affirm	that I am a competent per		
Signature		Title	
Address	<del></del>	Telephon	ie No.
9.6.02		6.3	50 am/n.m

Time

Date

TIME: 15:11:26 A LAST UPDATE 07/31/2002 DATE: 09/09/2002 GENERAL PERMIT APPLICATION DATA PDM 15:34:31

PERMIT 4: B494706 PROPERTY ADDRESS

RECEIPT #: A458217 5518 MCCORMICK AVE CONTROL #: MR SUBDIV: MCCORMICK WOODS

XREF #: B494706 TAX ACCOUNT #: 1900001998 DISTRICT/PRECINCY 14

OWNERS INFORMATION (LAST, FIRST)

FEE: 65.00 NAME: GARDNER, SHERYL

PAID: 65.00 ADDR: 5516 MCCORMICK AVE

PAID BY: APPL

DATES APPLICANT INFORMATION

APPLIED: 07/31/2002 NAME: EDDIE WALKER

ISSUED: 07/31/2002 COMPANY:

OCCENCY: ADDR1: 5518 MCCORMICK AVE

ADDR2: BALTO MD 21206

INSPECTOR: 14R PHUNE #: 410.866.9411 LICENSE #:

NOTES: TLM/CM

FASSWORD ·

ENTER - PERMIT DETAIL PED - INSPECTIONS - PET - DELETE - PEY - SAVE PEZ - APPROVALS - PEA - ISSUE PERMIT - PEB - NEXT PERMIT - PETO - INGRY

PANEL BR1004r

08

TIME: 15:11:38 AUTOMATED FERMIN TRACKING SYSTEM LAST UPDATE 07/31/2002 DATE: 09/09/2002 BUILDING DETAIL 1 PDM 15:35:35

DRC#

PERMIT # BAYAYOS PLANS: CONST PLOT 1 PLAT DATA EL 2 PL 2

BUILDING CODE: TENANT CONTR: OWNER

IMPRV 2 LNGNR: USE ) SELLR:

FUUNDATION BASE WORK: CONSTRUCT 13X13X12=256SF1 GAZEBU & FUNCTIONEL

BREEZEWAY TO EX SED IN FRONT YARD 5'14'"705FT

CONSTRUCTION SEWAGE WATER TOTAL 326SF1

22 1E 1E

GENTRAL AIR ESTIMATED COST

1000.00 PROPOSED USE: SED & ADDITION W/ PERM FUNCTIONAL BREEZEWAY

UWMERSHIP: 1 EXISTING USE: SED

RESIDENCIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: 101 6ED 101 mc13:

1 FAMILY BEORDUME: PASSWORD:

ENTER PEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE RF1 - GENERAL PERMIT - PF5 - INSPECTIONS - PF8 - JEXT SCREEN GLEAR - MENU



P nore County Enartment of Permits and Development Management

Code Inspections and Enforcement County Office ding 111 West Chesapeake Avenue Towson, MD 21204, D. J. J. J.

Code En	orcement:
Building	Inspection:

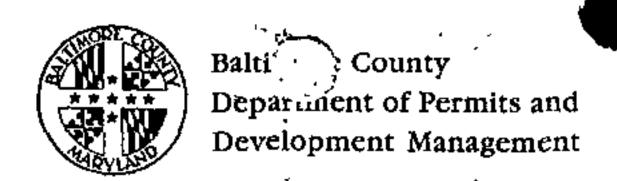
410-887-3351

Plumbing Inspection:

410-887-3620

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE  Citation/Case No. 1997  Name(s):  Property No. 1997  NO. 1997  Address:  SSI6 M = CORMICK AUE. ROSEBALE, IN 2/106  DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:  P.C. B 78-01 SEC 106.2.1  PAILURE TO COMPLY WITH TO REFLECT CORRECT  SET BACKS ON FELDIT B - 494706.  MUST LEUISE FERDIT TO REFLECT CORRECT  SET BACKS.  PAILURE TO COMPLY WITH THE DEADLINE STATED IS AMISEMENANOR. A CONVICTION FOR EACH VIOLATION, SON, OR SUDGE PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.  PRINT Name  CRAFT L. DD  INSPECTOR.  STOP WORK NOTICE  PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORL UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAR  RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT  THESE CONDITIONS MUST BE CORRECTED NOT LATERS HAN.  Not Lister Tham  Date Inwedi	Building Inspection:	410-887-3953	Electrical Inspection: 410-887-39
Name(s):    GARDNEK, SHERYL (OWNER) 4/0-166-1941    Address:   S16 M = CORMICK AVE. ROSE PALE, MP 2/206   Violation     Location     S16 M = CORMICK AVE. ROSE PALE, MP 2/206   DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:   B.C.C. B 74-0/ SEC 106.2.1     FAILURE TO COMPLY WITH CORRECT FRONT   SET BACKS ON PENDIT B - 494706.   MUST LEUISE PERMIT TO REFLECT CORRECT   PETRACKS.   Dute lawed:	BALTIMORE COUN	TY UNIFORM COI	DE ENFORCEMENT CORRECTION NOTICE
Address:    SSI6 M = CONNICK AUE. ROSEPALE MP 2/LO6	Citation/Case No.		
Violation Location  S516 MS CORMICK AUE MILLIANS  DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:  B.C.C.B. 76-01 SEC 106.2.1  FAILURE TO COMPLY WITH CORRECT FRONT  SET BACKS ON PERMIT TO REPLECT CORRECT  SET BACKS.  MUST REUISE PERMIT TO REPLECT CORRECT  SET BACKS.  YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE.  Date Issues:  Date Issues:  PAILURE TO COMPLY WITH THE DEADLINE STATED IS AMISDEMEANOR. 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  CRAFT K. DD  INSPECTOR:  STOP WORK NOTICE  PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK CAR RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAR RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:	Name(s):	DNEK, SHE	XYL COWNER 410-866-9411
Violation Location  S516 MS CORMICK AUE MILLIANS  DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:  B.C.C.B. 76-01 SEC 106.2.1  FAILURE TO COMPLY WITH CORRECT FRONT  SET BACKS ON PERMIT TO REPLECT CORRECT  SET BACKS.  MUST REUISE PERMIT TO REPLECT CORRECT  SET BACKS.  YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE.  Date Issues:  Date Issues:  PAILURE TO COMPLY WITH THE DEADLINE STATED IS AMISDEMEANOR. 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  CRAFT K. DD  INSPECTOR:  STOP WORK NOTICE  PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK CAR RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAR RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:			
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:  B.C. B. 74-01 SEC 106.2.1  FAILURE TO COMPLY WITH CORRECT FRONT  SET BACKS ON PERMIT B - 494706.  MUST LEVISE PERMIT TO REFLECT CORRECT  SET BACKS.  PAULISE PERMIT TO REFLECT CORRECT  SET BACKS.  DIDETENDED  DIDETENDED  PAULINE 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  CKANT KIDD  INSPECTOR:  STOP WORK NOTICE  PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAR RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:	Address: 55/6	<u> </u>	······································
P.C. B 78-01 SEC 106.2.1  FAILURE TO COM PLY WITH CONNECT FRONT SET BACKS ON PENNIT B - 494706.  MUST LEVISE PENNIT TO NEPLECT CONNECT SET BACKS.  Date Issued: D	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	516 Mcc	ORMICK AUE WILLIAM
YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:  On or Before:  PALLURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$300, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.  Print Name  CRANT K. DD  INSPECTOR:  STOP WORK NOTICE  PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORL UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:	B.C.C.B 78-01		
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YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:  On or Before:  PALLURE TO COMPLY WITH THE DEADLINE STATED IS AMISDEMEANOR. A CONVICTION FOR EACH VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.  Print Name  CRAUT K. DD  INSPECTOR:  STOP WORK NOTICE  PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORL UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:			
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Date Issued:  PAILURE 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  STOP WORK NOTICE  PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORLD UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:		<del></del>	· <del>································</del> ······
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	INSPECTOR:	<del></del>	<del></del>

**AGENCY** 



Code Inspections and Enforcement
County Office: ding
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement:
Building Inspection

410-887-3351 410-887-3953 Plumbing Inspection: 410-887-3620 Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION SERVE ON RESIDENT AGENT, CORPORATE OFFICER OWNER TENANT, AS APPLICABLE

SERVE ON RESIDENT AGENT, CORPORATE OFFICER OWNER TEN	NANT, AS APPLICABLE
Citation/Case No. 01-7834 Property No. 190001998	Zoning:  UA
Name(s): GARDNER, SHERYL, D. (	DUNER
Address: 55/6 m & CORMICK AUE ROSE	PALE, MD 2/206
Violation SIGNATE CORMICK AUE  Violation	
Dates: $f/20/12-THROUGH 9/3/0$ BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOV	E-NAMED PERSON(S) DID
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY  B. C.C.B 78015EC 106.2.1	
FAILURE TO COMPLY WITH COR SETBACKS ON PERMIT B-494706	RECT FRONT
MUST REVISE PERMITTO KEFLE SET-BACKS OR REMOVE GAZEBO	ECT CORRECT
JETTBACKS OR RETAILE 150	-KOM PACTAIJES,
Pursuant to Section 1-8, Baltimore County Code, a civil penalty	
has been assessed, as a result of the violation cited herein, in the amount indicated:	\$ 2, 800.00
111 West Chesapeake Avenue, Towson, Maryland, for:	Date: /0/22/02
TUESDAY 10/22/02	Time: 9:00 A.M.
9/19/02	Date: 9/19/02
I do solemnly declare and affirm, under the penalty of perjury, that the and correct to the best of my knowledge, information, and belief.  Print Name:	contents stated above are true
GRANT KIDD	
Date.  Inspector's Signature  SEE REVERSE SIDE FOR ADDITIONAL DETAILS AN	DINFORMATION
NOTICE OF INTENTION TO DE	
Print Name:	Citation/Case No.:
Address:	
<del></del>	. <u>.</u>

Date

Defendant's Signature

**AGENCY** 

DATE: 09/04/2002

ANDARD ASSESSMENT INQUIRY

TIME: 14:35:08

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC 19 00 001998 14 3-3 04-00

DEL LOAD DATE

08/02/02

GARDNER SHERYL D DESC-1.. IMPS12079 SQ FT

DESC-2. MCCORMICK WOODS

NO

5516 MCCORMICK AVE PREMISE. 05516 MCCORMICK AVE

Η

00000-0000

MD 21206-3045 FORMER OWNER: OTTEN DOUGLAS P BALTIMORE

:						
FCV				PHASED	) IN	
!	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	30,760	30,760		FCV	ASSESS	ASSESS
IMPV:	90,490	82,350	TOTAL	113,110	113,110	113,110
TOTL:	121,250	113,110	PREF	0	0	0
PREF:	0	0	CURT	113,110	113,110	113,110
CURT:	121,250	113,110	EXEMPT.		0	0
DATE:	07/96	11/98				
TAXABLE BASIS			FM DATE			
02/03	ASSESS:	113,110	08/01/02			
01/02	ASSESS:	113,110	06/01/01			
00/01	ASSESS:	45,240	06/01/00			

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

PANEL BP1003M

TIME: 07:58:37 AUTOMA D PERMIT TRACKING SYSTEM AST UPDATE 07/31/2002
DATE: 08/20/2002 GENERAL PERMIT APPLICATION DATA PDM 15:34:31

PERMIT #: B494706 PROPERTY ADDRESS

RECEIPT #: A456217 5516 MCCORMICK AVE

CONTROL #: MR SUBDIV: MCCORMICK WOODS

XREF #: B494706 TAX ACCOUNT #: 1900001998 DISTRICT/PRECINCT 14 08

OWNERS INFORMATION (LAST, FIRST)

FEE: 65.00 NAME: GARDNER, SHERYL

PAID: 65.00 ADDR: 5516 MCCORMICK AVE

· PAID BY: APPL

DATES APPLICANT INFORMATION

APPLIED: 07/31/2002 NAME: EDDIE WALKER

ISSUED: 07/31/2002 COMPANY:

OCCPNCY: ADDR1: 5516 MCCORMICK AVE

ADDR2: BALTO MD 21206

INSPECTOR: 14R PHONE #: 410.866.9411 LICENSE #:

NOTES: TLM/CM

PASSWORD:

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

Mrs. Pitts: claims two hearings denied GAZEBO in Cront yard.

Now they are connecting to house 
Theok for front Satback reguments

Min mun Brielding Set back restriction on

Development plan - Doss it Look like Sets

Plan filed?

PANEL BP1004M

TIME: 07:59:16 AUTOMAL D PERMIT TRACKING SYSTEM ST UPDATE 07/31/2002 DATE: 08/20/2002 BUILDING DETAIL 1 PDM 15:36:35

DRC#

PERMIT # B494706 PLANS: CONST PLOT 1 PLAT DATA EL 2 PL 2

TENANT

BUILDING CODE: CONTR: OWNER

IMPRV 2 ENGNR: USE 1 SELLR:

FOUNDATION BASE WORK: CONSTRUCT 16X16X12=256SFT GAZEBO & FUNCTIONAL

BREEZEWAY TO EX SFD IN FRONT YARD 5'14'=70SFT

CONSTRUC FUEL SEWAGE WATER TOTAL 326SFT

2 1E 1.E

CENTRAL AIR

ESTIMATED COST

1000.00 PROPOSED USE: SFD & ADDITION W/ PERM FUNCTIONAL BREEZEWAY

OWNERSHIP: 1 EXISTING USE: SFD

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE

PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1005M

44

NC

13/NC

0030760.00

LOT SIZE AND SETBACKS

STREET:

STREET:

SETB:

IMPROVEMENTS: 0082350.00

FRONT

FRONT SETB:

ASSESSMENTS

TOTAL ASS.:

SIDE STR SETB:

SETB:

SIDE

SIDE

REAR

LAND:

SIZE: 0081.00 X 0000.00

TIME: 07:59:35 AUTOMALED PERMIT TRACKING SYSTEM ST UPDATE 07/31/2002
DATE: 08/20/2002 BUILDING DETAIL 2 PDM 15:36:35

PERMIT #: B494706 BUILDING SIZE

FLOOR: 326

WIDTH:

GARBAGE DISP: DEPTH:

POWDER ROOMS: HEIGHT:

BATHROOMS: STORIES:

KITCHENS:

LOT NOS: 15
CORNER LOT: N

ZONING INFORMATION

DISTRICT: BLOCK: PETITION: SECTION:

DATE: 004
MAP: FOLIO: 105

IAP: FOLIO: 105 CLASS: 04

PLANNING INFORMATION

MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU \* BEFORE THE

IN THE MATTER OF THE APPLICATION OF SHERYL DENISE GARDNER-LEGAL OWNER/PETITIONER FOR VARIANCE ON PROPERTY LOCATED ON THE W/S \* OF McCORMICK AVENUE, 360' N CYNTHIA TERRACE (5516 CYNTHIA TERRACE) \* BALTIMORE COUNTY. 14<sup>TH</sup> ELECTION DISTRICT

6<sup>TH</sup> COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

\* CASE NO. 02-283-A

**OPINION** 

This is an appeal from the decision of the Deputy Zoning Commissioner (DZC) in which the DZC denied Petitioner's request for variance to allow a detached accessory structure (gazebo) in the front yard in lieu of the required rear yard. The Appellant /Petitioner, Sheryl Denise Gardner, was represented by Donald N. Rothman, Esquire. The Appellees /Protestants, Mr. and Mrs. Uzell Pitts and Ms. Marilyn Finn, represented themselves pro se. This matter was heard in public session on June 25, 2002, and a public deliberation was held on July 10, 2002.

### <u>Facts</u>

The property in question consists of approximately .28 acre, more or less, zoned D.R. 5.5. It is improved with a single-family residential dwelling. At issue is a gazebo which has been partially constructed in the front yard of the Petitioner's property. Mr. Eddie Walker, who resides at the property, began constructing the gazebo early in December 2001. The construction of the gazebo ceased pending the outcome of the hearing before the Deputy Zoning Commissioner.

The Petitioners contended that their home contains a drainage and utility easement through the back yard. In addition, there is a slope in the backyard which allows water to remain in the back yard after heavy rains. The backyard also contains a number of trees which the Petitioners do not wish to cut down. Petitioners contend that the property is unique because of the easements which cross the backyard, the slope of the backyard causing standing water in the

yard, and the trees which make it virtually impossible for them to enjoy the backyard.

Petitioners contend that most of their entertaining and outdoor activities take place in their front yard, and that the gazebo would add an additional enjoyment to the yard, and would not impose any more of a hardship on the neighbors than the activities which already occur in the yard.

Petitioners contend it would be an additional hardship on them to require that the gazebo be constructed in the backyard since they would not be able to enjoy it because of the standing water than continuously seems to be there after a heavy rain.

Protestants testified that there was nothing unusual about the property of the Petitioners.

Mr. and Mrs. Pitts live on one side of the Petitioners and Ms. Finn lives on the other side. Both

Pitts and Finn have easements on their properties and have manholes in their backyards. Mrs.

Pitts testified that their property also had standing water after a heavy rain, and that she and her

husband brought in a number of loads of topsoil to raise the property to try to have the water run

off the property so they would be able to use their yard. Mrs. Finn testified that, after a heavy

rainstorm, the backyard of her property is wet and soggy. Mrs. Pitts introduced into evidence the

covenants and restrictions which pertain to the development in which the three properties are

located. One of the restrictions prohibits the construction of any structure on a lot unless plans

and specifications have been submitted to and approved in writing by the "Architectural

Committee."

Mrs. Pitts indicated that she had not taken action to enforce the covenants. Both of the Protestants indicated that they felt that the construction of the gazebo would affect the value of their property, although there was no expert testimony with respect to the values of the

properties.

# **Decision**

It is not within the power of this Board to enforce covenants which affect the property owners in any subdivision. Enforcement of the covenants is a matter to be taken up in a court of law in the event that enforcement is required.

Section 307 of the *Baltimore County Zoning Regulations* (BCZR) permits granting of a variance upon certain terms and conditions, which in pertinent part, in this case, allow a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in *North v. St. Mary's County*, 99 Md.App. 502 (1994) when Judge Cathell stated:

An applicant for variance bears the burden of overcoming the assumption that the proposed use is unsuited. That is done, if at all, by satisfying fully the dictates of the statute authorizing the variance.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995), which sets forth the legal benchmark under which a variance may be granted, the Board of Appeals hearing the case *de novo* is given the task of interpreting regulations and statutes where issues are debatable in light of the law. The first burden on the Petitioner for a variance is to prove that the property is unique. This standard must be met before the other parts of the variance requirements can be properly considered. The Court defined the term "uniqueness" and stated:

# Case No. 02-283-A /Sheryl Denise Gardner -Legal Owner /Petitioner

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements on the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.

After thorough review of the evidence and testimony, the Board finds that the Petitioner has not met the burden as required for a variance under BCZR 307.1 and the standards of *Cromwell v. Ward*.

The first prong requires that the subject property must be unique in comparison to other properties in the neighborhood, to qualify for a variance. The testimony and evidence indicate that the property at 5516 McCormick Avenue is not substantially different from the properties on either side of it. All three properties have easements running through them and contain manholes in the backyards. In addition, Mrs. Finn's property becomes soggy and wet after a heavy rain, just as the subject property does. The property of Mr. and Mrs. Pitts did become soggy and wet after rain, but they brought topsoil and raised their property to allow drainage, which allows them to use their backyard. Photographs indicate that all the properties have a number of trees in the backyard, although some may have been cleared by the Pitts when they brought in the topsoil to level their yard.

While the Petitioners contend that not to allow the variance would prevent them from using their property for entertaining purposes because of the soggy, wet conditions in the backyard, the Board finds that that is not the case. There is a deck on the back of Petitioner's home which could be screened in to allow for entertainment. In addition, the Petitioner could bring in fill dirt and

topsoil to level the backyard and make it drain towards the rear of the property to allow for use of the backyard.

Therefore, it is the decision of this Board that the variance request from § 400.1 of the BCZR to permit a detached accessory structure (gazebo) to be located in the front yard in lieu of the required rear yard shall be denied.

# <u>ORDER</u>

THEREFORE, IT IS THIS 4th day of System bul, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations to approve the construction of a detached accessory structure (gazebo) in the front yard of the subject property in lieu of the required rear yard be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

C. Lynn Barranger

Richard K. Irish



# County Board of Appeals of Baltimore County

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

5516 Mc Cormick au 01-7834

September 4, 2002

Donald N. Rothman, Esquire GORDON\*FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER LLC 233 E. Redwood Street Baltimore, MD 21202-3332

RE: In the Matter of: Sheryl Denise Gardner / Case No. 02-283-A

Dear Mr. Rothman:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Mathleen C. Bianco C. Bully the

Administrator

Enclosure

Sheryl Denise Gardner
Mr. and Mrs. Uzell Pitts
Ms. Marilyn Finn
People's Counsel for Baltimore County
Lawrence E. Schmidt/Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long/Planning
Arnold Jablon, Director/PDM

AS 400 9/4/02

F3=Exit F9=Insert

F5=Refresh F10=Entry

F6=Select format F11=Change

Case Entry/Update

CASREC

Mode .

CHANGE PDLV0001

Notes: 12-11-01 VISITED SITE, WROTE SWO. P/U 12/17/01. CALLED COMPL. LEFT

MESSAGE ON RECORDER. E.ECKER/KH.\*\*\*

12/18/01 VISITED SITE, NO MORE WORK DONE SINCE LAST THURSDAY. LEFT

MESSAGE AT OWNERS HOUSE TO LET US KNOW WHEN THE VARIANCE IS TO BE HEARD. P/U

1/17/02 E. ECKER/JM\*\*\*

1718/02 VISITED SITE, NO FURTHER WORK, WAITING FOR VARIANCE HEARING AND APPEAL

<u>TIME. 02-283A P/U 2/21/02 E. ECKER/JM\*\*\*</u>

<u>02/11/02 NEW HEARING DATE 03/11/02. P/U 04/10/02. E.ECKER/KH.\*\*\*</u>

14/11/02 NEW HEARING HELD. WAIT FOR 30 DAY APPEAL PERIOD. COMPL. CALLELD THAT OW

VER IS APPEALING ZONING COMM. DECISION. LEFT MESSAGE ON RECORDER AT WORK. P/U

05/11/02. E.ECKER/KH.\*\*\*

5/13/02 VISITED SITE. BOARD OF APPEALS HEARING IS 6-25-02. CALLED COMPLAINTANT.

LEFT MESSAGE FOR CURTIS PITTS. P/U 6/24/02 E.ECKER/NS\*\*\*

06/25/02 BOARD OF APPEALS HEARING ON THIS DATE. P/U 07/24/02 FOR TIME FOR APPEAL

CALLED COMPL, E.ECKER/KH. \*\*\*

<u> 07/25/02 BOARD OF APPEALS HEARD CASE. WAITING FOR 30 DAY APPEAL PERIOD. P/U -</u>

08/25/02. E.ECKER/KH.\*\*\*

F3=Exit

F9=Insert

F5=Refresh

F10=Entry

F6=Select format

F11=Change

Case Entry/Update Format ::

CASREC

Mode :

CHANGE PDLV0001

Notes 2: 08/20/02 VISITED SITE-ISSUED CORR. NOTICE TO AMEND PERMIT TO REFLECT CORRECT SETBACKS. CPOKE W/HOMEOWNER & CONTR. MR. ECKER SPOKE W/COMPL. THIS AM. P/U 08/28/02 G.KIDD/KH.\*\*\*

\*\*974/02 REC'D OPINION FROM BOA. DENIED. P/U 10/30/02 TO SEE IF APPEALED FOR PET ITION FOR JUICIAL REVIEW. GAVE TO JHT. WALKED OVER BY THERESA OF THE BOA./HEK\*\* 9/4/02 ISSUED CIVIL CITATION. MAILED COPY TO ADDRESS. P/U 9/12/02 G.KIDD/NS\*\*\* 9/5/02 RECEIVED COPY FROM BOARD OF APPEALS. PUT IN FILE. DECISION WAS DENIED. ISSUED CIVIL CITATION. MAILED COPY TO H/O.SPOKE WITH COMPLAINANT MRS.PITTS. P/U 10/18/02 G.KIDD/NS\*\*\*

9/6/02 MR'.GARLAND SERVED CITATION APPROX. 6:30PM. SPOKE WITH COMPLAINANT MRS. PI TTS ABOUT HEARING DATE. HEARING DATE IS 10/22/02. P/U 10/19/02 G.KIDD/NS\*\*\*

9/12/02 PUT ON DOCKET FOR 10/22/02. KITTY\*\*\*

F3=Exit F9=Insert F5=Refresh F10=Entry F6=Select format

F11=Change



Not Later Than:

Baltimore County
Department of Permits and
Development Management

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

Code Enforcement:

**Building Inspection:** 

410-887-3351 410-887-3953 Plumbing Inspection: Electrical Inspection:

410-887-3620 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE
Citation/Case No. 7834 Property No. 700-001998 Zoning:
Name(s): SHERYL D. GARDNER
Address: 55% McCoRMICK MUE
Location: 19410. 110. 21207
DID WILAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
PAILURE 90 BBTAIN FERMIT
FOR GAZEBO CONST. IN FRONT
/ 1
YARD. BO.C.A. 107.1
A) OBSTAIN PERMIT WITHING 5 WORKING PAYS TO AUDID 200,00
5 WORKING DAYS to AUDIN 200,00
FINE!
HNY QUEDTIONS CALL 8:00 -8:30 AM
3:30-4:00 P.A
YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:
On or Before: Date Issued:
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:
STOP WORK NOTICE
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK
UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN
RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

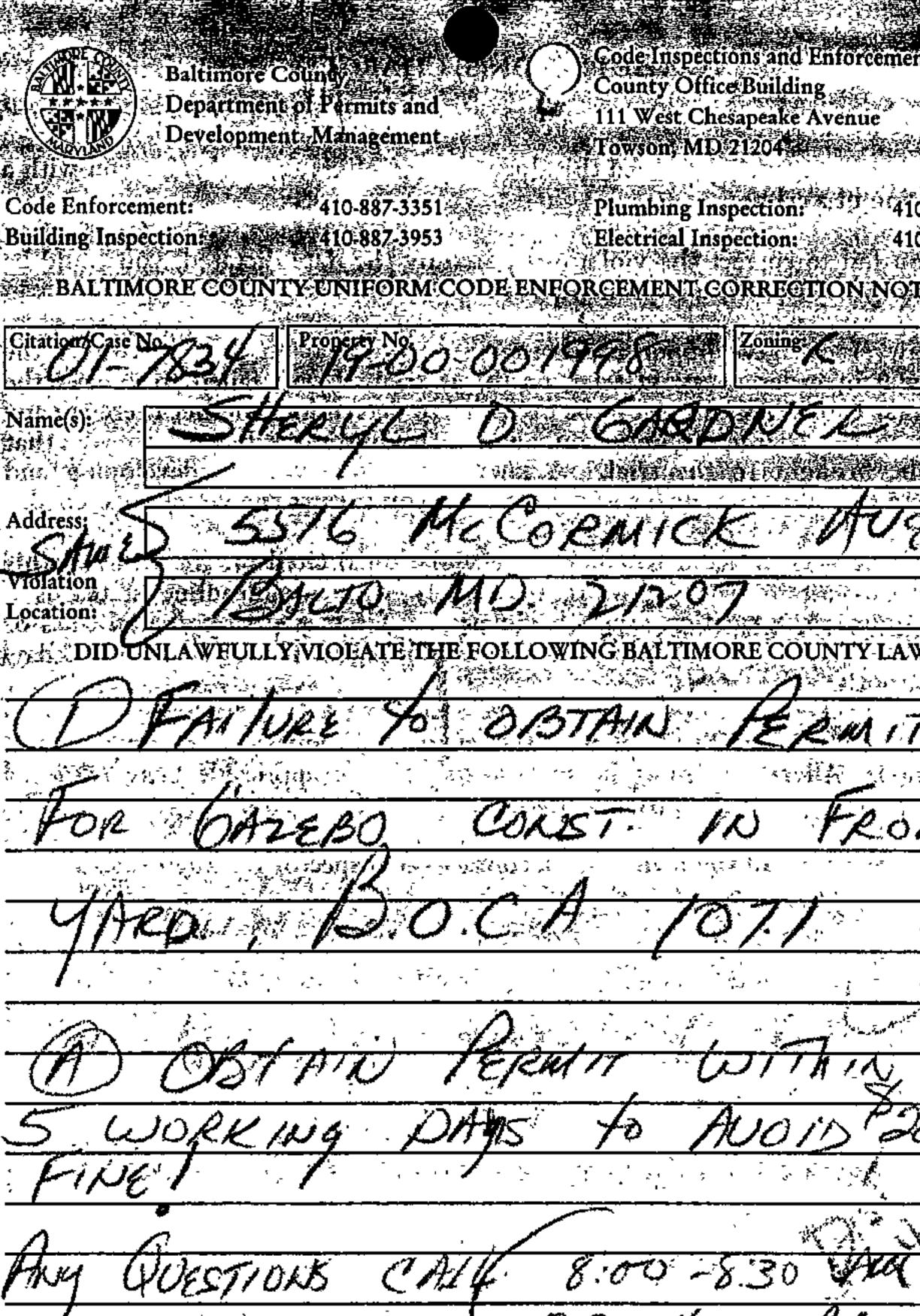
Date Issued:

DATE: 12/10/2001 STANDARD ASSESSMENT INQUIRY (1) RA1001B TIME: 09:44:31 PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE 19 00 001998 14 3-3 04-00 H NO 09/25/01 GARDNER SHERYL D DESC-1.. IMPS12079 SQ FT DESC-2.. MCCORMICK WOODS 5516 MCCORMICK AVE PREMISE. 05516 MCCORMICK AVE 00000-0000 BALTIMORE MD 21206-3045 FORMER OWNER: OTTEN DOUGLAS P ----- FCV ------- PHASED IN -----PRIOR PROPOSED CURR CURR LAND: 30,760 30,760 IMPV: 90,490 82,350 TOTAL.. TOTL: 121,250 113,110 PREF... PRIOR FCV ASSESS ASSESS TOTAL.. 113,110 113,110
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CURT... 113,110 113,110 113,110 PREF: 113,110 121,250 113,110 CURT: EXEMPT. DATE: 07/96 11/98 ---- TAXABLE BASIS ---- FM DATE 02/03 ASSESS: 113,110 09/30/00 01/02 ASSESS: 113,110 06/01/01 00/01 ASSESS: 45,240 06/01/00

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

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1



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

On or Before:

Date Issued:

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 JAILFOR BOTH.

Print Name

INSPECTOR:

# STOP WORK NOTICE...

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

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# Jesse Hulsizer Amy Rayburn 5514 McCormick Avenue Baltimore, MD 21206

November 13, 2002

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Zoning Office
Baltimore County Building – Suite 405
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 01-7834

5516 McCormick Avenue

Dear Mr. Schmidt:

We own and occupy the property at 5514 McCormick Avenue directly in front of the above-referenced property, which is the subject of this petition for variance. We wish to go on record as being <u>not opposed</u> to the granting of a variance for the attached gazebo on our neighbor's property. It has no negative effect whatever upon our property or us, or the neighborhood, and since the apparent violation of the front yard set back is so relatively minor we urge the Commissioner to grant the variance.

Very truly yours,

Jesse Hulsizer

Amy Rayburn

lahm

Pet 53

Subject: Fetition fon Variance (25716 Mc Cormick AVE

My husband and I are opposed to a gazelo (in) the front yard of any property in (McCormick Woods. We purchased our horse in 1983 after seeing the restrictions on the development. A permit was not obtained to build this gazebo last gear. A petition for Variance was Jetpeld on March 1274 2002 (Case # 02-283A). Deputy Joning Compussioner Timothy M. Kotroco stated I find that purmitting the gazelo to be located in the front gard of the Petitloher's property would, in fact have a detriemental impact on the properties owled by Mr. & Mrs. Hatts". The Board of Appeals defied it again on July 10th 2002. They suggested that the Detitionen () screen in the deck of the back of the home to allow foir entertainment.

Continuction on the structure year stopped,
which is an extension cond runs from the elevated
which is an extension cond runs from the eagels which
deck in the back of the house to the gazels which

is about 15 feet away in the front gaird.

The TV is on late at night (in cluding school yights). We can hear the interaction with the TV in forms of shouts and scriums with the windows closed. The glare from the TV and the continuous run of lights that go around the perimitar of the gards makes it look like a space ship has landed. Visitors to our home are as purcled as we are as to why this thing is in the front yard.

The Pithtioner was spanted a permit on Aux 315+2002 to constant a 16 × 16 × 12-256 30 ft achors & Functional breezeway with a 44 ft front Setback. The gazeboods already there, buing wold for entertainment and there is only about toft of front petback not 44 ft which is on the permit and the reason a citation was usual by the County ( case # 01-7834). The plot shows a 25 ft BRI and the Projection can be set an additional 25% which is 48 ft-9in. Assuming there is 12 ft it still falls short of the additional allowance. This enclosed struction does not belong in the front of any neighborhood.

Mrs. & Mrs. Child titls

410-866-2990

Jam writing in reference to the variance for the gazelo located in the first yard at 5516 McCormick are Balto med 21206. I share the driveway with the true me Cheryl Gardner. I live at 5518 McCormics burner Ms Cheryl Gardner. I live at 5518 McCormics

This classed in gazeles does not reach the menimum requirement of 18 feet 9 inches. It is used for parties, and TV watching on weekends and week days and at nights. Us in my past testimony I was and still am opposed to this large structure in the front yourd. It was suggested from the band of appeals Hat Ms Jaidner Close in her large dech treated in the back of the house.

ave.

Please the This into Consideration
When making your decession.

Sincerly

Mailyn Finn

5518 Mc Coimich Que

Balto, Med 21206

30

NOVEMBER 18, 2002

10 : BALTIMORE COUNTY COURTS

FROM: CAMILLE M. CONNELLY

5508 MCCORMICK AVE. BALTIMORE, MD. 21200

TO THE OFFICERS OF THE COURT,

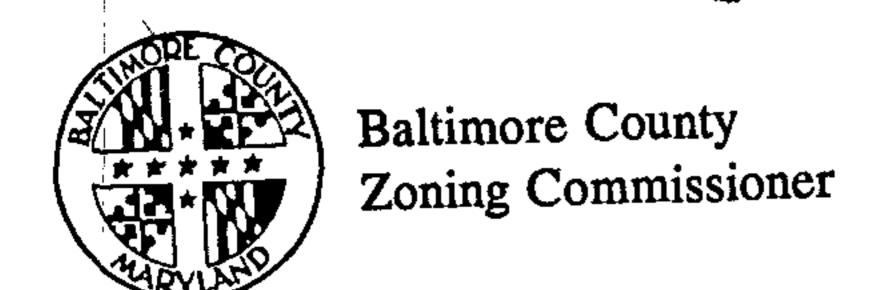
THE PURPOSE OF THIS LETTER IS TO ADVISE THE COURT OF THE ACTIONS OF THE PERSON(S) RESIDING AT 5516 MCCORMICK AVE, WITH REGARDS TO THE STRUCTURE HE HAS BUILT ON THE FRONT YARD OF HIS PROPERTY.

I HAVE LIVED NEXT DOOR TO THE PITTS RESIDENCE FOR 19 YEARS, AND NEVER HAD ONE PROBLEM WITH THEM OR ANY OTHER NEIGHBORS OF OUR SECTION.

THE STRUCTURE IN QUESTION IS SUPPOSED TO RESEMBLE A GAZEBO, BUT IT IS VERY LARGE AND MORE SO RESEMBLES AN ENCLOSED LIVING AREA. INSIDE THERE ARE MANY CHAIRS, A TELEVISION SET, AND MANY MORE HOUSEHOLD ITEMS WHICH AREN'T NORMALLY IN A GAZEBO TYPE BUILDING. IT WAS NOT PROFESSIONALY BUILT, DOES NOT LOOK VERY STABLE AND CERTAINLY NOT VERY ATTRACTIVE IN THE SETTING IT IS LOCATED. THERE ARE WHITE LIGHTS SURROUNDING IT, MAKING IT LOOK LIKE A GIANT FLYING SAUCER AT NIGHT. THIS CAN BE SEEN COMPLETELY UPON ENTERING AND LEAVING MY PROPERTY, NIGHT OR DAY. I WOULD NOT HAVE A PROBLEM WITH THIS STRUCTURE, IF IT WAS LOCATED IN THE FAMILY BACK YARD, BUT IT IS IN THE FRONT YARD WHICH MAKES IT STAND OUT DRAMATICALLY, ESPECIALLY WITH THE LIGHTS AROUND IT, AND THE VERY, VERY LOUD NOISE WHICH EMULATES FROM THIS STRUCTURE, SOMETIMES VERY LATE AT NIGHT. I CAN HEAR THIS PERSON WITH MY WINDOWS AND DOORS COMPLETELY SHUT.

THERE IS ALSO A HIGHLY OFFENSIVE LARGE HANDWRITTEN SIGN STICKING OUT OF THE GROUND NEXT TO THE STRUCTURE. THE SIGN IS DEGRADING TO THE CHILDREN OF THE NEIGHBORHOOD, AS IT MAKES REFERENCE TO THE CHILDREN WHO HAD TO TAKE SUMMER SCHOOL THIS YEAR. HE REFUSES TO REMOVE THE SIGN. IT HAS BEEN THERE FOR AT LEAST 4 TO 5 MONTHS. I DO NOT WANT TO LOOK AT THIS SIGN ONE DAY LONGER. IT IS COMPLETELY RUDE AND IGNORANT FOR ANYONE TO DISPLAY THIS KIND OF HARASSMENT TO BOTH NEIGHBORS AND CHILDREN OF OUR AREA.

CAMILLE M. CONNELLY



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

Fax: 410-887-3468

March 12, 2002

Ms. Sheryl Denise Gardner 5516 McCormick Avenue Baltimore, Maryland 21206

> Re: Petition for Variance Case No. 02-283-A

Property: 5516 McCormick Avenue

Dear Ms. Gardner:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been denied in accordance with the enclosed Order.

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

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure IN RE: PETITION FOR VARIANCE
W/S McCormick Avenue, 380' N
Cynthia Terrace
14th Election District
6th Councilmanic District
(5516 McCormick Avenue)

Sheryl Denise Gardner Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 02-283-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Sheryl Gardner. Ms. Gardner requests a variance for property she owns at 5516 McCormick Avenue. The property is zoned D.R.5.5. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (gazebo) to be located in the front yard in lieu of the required rear yard.

Appearing at the hearing on behalf of the variance request were Sheryl Gardner, owner of the property, Eddie Walker and William Gardner. Appearing in opposition to the Petitioner's request were adjacent property owners, Jacqulyn & Uzell Pitts and Marilyn Finn.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.28 acres, more or less, zoned D.R.5.5. The subject property is improved with a single-family residential dwelling as is shown on Petitioner's Exhibit No. 1, the site plan submitted into evidence. At issue in the case is a gazebo which has been partially constructed in the front yard of the Petitioner's property. Mr. Walker, who resides at 5516 McCormick Avenue, began constructing the gazebo in early December of 2001. Construction on the gazebo has ceased pending the outcome of this hearing.

The testimony offered by Ms. Gardner and Mr. Walker demonstrated that the rear yard of their property is not suitable to locate the gazebo in question due to the fact that the area behind

their home contains a drainage and utility easement and for the most part remains saturated with water. The Petitioner provided photographs of the area to the rear of the property evidencing the accumulation of water in that area. In addition, there are a number of trees in the rear yard which, according to the property owner, would have to be disturbed in order to locate the gazebo in that area. Therefore, the property owner has chosen and, in fact, did proceed with the construction of the gazebo in the front yard of her home. The Petitioner testified that the purpose of the gazebo would be to provide them with an area for cookouts and a place to congregate and enjoy their property. In order to allow the gazebo to be located in the front yard of this property, the variance request is necessary.

As stated previously, the neighbors who reside on the north and south side of the Petitioner's property both appeared in opposition to the variance. Mr. & Mrs. Pitts, who reside at 5510 McCormick Avenue, testified that they oppose the location of the gazebo. Mr. & Mrs. Pitts are concerned that the gazebo in question is highly visible as they enter their front yard and the front entrance to their dwelling. They have constructed a lattice fence along their property line in an effort to shield the activity which currently takes place in the front yard of the Petitioner's dwelling. Testimony offered by these neighbors demonstrated that the Petitioner utilizes her front yard for barbecuing and has provided a gas grill, lounge chairs and benches in that area for their use and enjoyment. These neighbors, Mr. & Mrs. Pitts and Ms. Finn, object to the activity that takes place in the front yard of the Petitioner's property and believe that the construction of a gazebo in that area will continue to promote parties and gatherings in the Petitioner's front yard. They believe that the gazebo in question would be better placed in the rear yard where such parties and activities normally occur.

Neither of the protestants objected to the construction and design of the gazebo. They believe that Mr. Walker will do an excellent job in building the structure in question. However, their main objection relates to its location and the activity that will take place within the gazebo

once it is completed. These neighbors see no reason why the Petitioner cannot locate the gazebo

in the rear yard, which they believe provides enough room for this structure.

After carefully considering the testimony and evidence offered by Ms. Gardner and Mr.

Walker, as well as both of the adjacent property owners, I find that permitting the gazebo to be

located in the front yard of the Petitioner's property would, in fact, have a detrimental impact on

the properties owned by Mr. & Mrs. Pitts and Ms. Finn. Accordingly, the variance request must

be denied. It appears from the testimony and evidence offered at the hearing that the Petitioner

does have available to her enough area in the rear yard of her property upon which to locate this

gazebo. It should also be noted that the gazebo in question sits atop small brick piers which

elevates the gazebo off the ground. This should eliminate any problems with water

accumulation, since the gazebo is not situated directly on the surface of the ground. Elevating

the gazebo would allow any surface water to continue to drain away from the property.

THEREFORE, IT IS ORDERED this 12th day of March, 2002, by this Deputy Zoning

Commissioner, that the Petitioner's request for variance to allow a detached accessory structure

(gazebo) in the front yard in lieu of the required rear yard, be and is hereby DENIED. The

Petitioner shall have forty-five (45) days within which to relocate the gazebo to an area that

complies with the Baltimore County Zoning Regulations.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty

(30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

3



# County Board of Appeals of Baltimore County

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

September 4, 2002

Donald N. Rothman, Esquire GORDON\*FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER LLC 233 E. Redwood Street Baltimore, MD 21202-3332

RE: In the Matter of: Sheryl Denise Gardner
/ Case No. 02-283-A

Dear Mr. Rothman:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco C. Bulley

Administrator

### Enclosure

c: Sheryl Denise Gardner
Mr. and Mrs. Uzell Pitts
Ms. Marilyn Finn
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

IN THE MATTER OF \* BEFORE THE
THE APPLICATION OF
SHERYL DENISE GARDNER-LEGAL \* COUNTY BOARD OF APPEALS
OWNER /PETITIONER FOR VARIANCE
ON PROPERTY LOCATED ON THE W/S \* OF
McCORMICK AVENUE, 360' N CYNTHIA
TERRACE (5516 CYNTHIA TERRACE) \* BALTIMORE COUNTY
14<sup>TH</sup> ELECTION DISTRICT \* CASE NO. 02-283-A

\* \* \* \* \* \* \*

# **OPINION**

This is an appeal from the decision of the Deputy Zoning Commissioner (DZC) in which the DZC denied Petitioner's request for variance to allow a detached accessory structure (gazebo) in the front yard in lieu of the required rear yard. The Appellant /Petitioner, Sheryl Denise Gardner, was represented by Donald N. Rothman, Esquire. The Appellees /Protestants, Mr. and Mrs. Uzell Pitts and Ms. Marilyn Finn, represented themselves *pro se*. This matter was heard in public session on June 25, 2002, and a public deliberation was held on July 10, 2002.

## **Facts**

The property in question consists of approximately .28 acre, more or less, zoned D.R. 5.5. It is improved with a single-family residential dwelling. At issue is a gazebo which has been partially constructed in the front yard of the Petitioner's property. Mr. Eddie Walker, who resides at the property, began constructing the gazebo early in December 2001. The construction of the gazebo ceased pending the outcome of the hearing before the Deputy Zoning Commissioner.

The Petitioners contended that their home contains a drainage and utility easement through the back yard. In addition, there is a slope in the backyard which allows water to remain in the back yard after heavy rains. The backyard also contains a number of trees which the Petitioners do not wish to cut down. Petitioners contend that the property is unique because of the easements which cross the backyard, the slope of the backyard causing standing water in the

yard, and the trees which make it virtually impossible for them to enjoy the backyard.

Petitioners contend that most of their entertaining and outdoor activities take place in their front yard, and that the gazebo would add an additional enjoyment to the yard, and would not impose any more of a hardship on the neighbors than the activities which already occur in the yard.

Petitioners contend it would be an additional hardship on them to require that the gazebo be constructed in the backyard since they would not be able to enjoy it because of the standing water than continuously seems to be there after a heavy rain.

Protestants testified that there was nothing unusual about the property of the Petitioners.

Mr. and Mrs. Pitts live on one side of the Petitioners and Ms. Finn lives on the other side. Both

Pitts and Finn have easements on their properties and have manholes in their backyards. Mrs.

Pitts testified that their property also had standing water after a heavy rain, and that she and her

husband brought in a number of loads of topsoil to raise the property to try to have the water run

off the property so they would be able to use their yard. Mrs. Finn testified that, after a heavy

rainstorm, the backyard of her property is wet and soggy. Mrs. Pitts introduced into evidence the

covenants and restrictions which pertain to the development in which the three properties are

located. One of the restrictions prohibits the construction of any structure on a lot unless plans

and specifications have been submitted to and approved in writing by the "Architectural

Committee."

Mrs. Pitts indicated that she had not taken action to enforce the covenants. Both of the Protestants indicated that they felt that the construction of the gazebo would affect the value of their property, although there was no expert testimony with respect to the values of the

properties.

# **Decision**

It is not within the power of this Board to enforce covenants which affect the property owners in any subdivision. Enforcement of the covenants is a matter to be taken up in a court of law in the event that enforcement is required.

Section 307 of the *Baltimore County Zoning Regulations* (BCZR) permits granting of a variance upon certain terms and conditions, which in pertinent part, in this case, allow a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in *North v. St. Mary's County*, 99 Md.App. 502 (1994) when Judge Cathell stated:

An applicant for variance bears the burden of overcoming the assumption that the proposed use is unsuited. That is done, if at all, by satisfying fully the dictates of the statute authorizing the variance.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995), which sets forth the legal benchmark under which a variance may be granted, the Board of Appeals hearing the case *de novo* is given the task of interpreting regulations and statutes where issues are debatable in light of the law. The first burden on the Petitioner for a variance is to prove that the property is unique. This standard must be met before the other parts of the variance requirements can be properly considered. The Court defined the term "uniqueness" and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements on the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.

After thorough review of the evidence and testimony, the Board finds that the Petitioner has not met the burden as required for a variance under BCZR 307.1 and the standards of *Cromwell v. Ward*.

The first prong requires that the subject property must be unique in comparison to other properties in the neighborhood, to qualify for a variance. The testimony and evidence indicate that the property at 5516 McCormick Avenue is not substantially different from the properties on either side of it. All three properties have easements running through them and contain manholes in the backyards. In addition, Mrs. Finn's property becomes soggy and wet after a heavy rain, just as the subject property does. The property of Mr. and Mrs. Pitts did become soggy and wet after rain, but they brought topsoil and raised their property to allow drainage, which allows them to use their backyard. Photographs indicate that all the properties have a number of trees in the backyard, although some may have been cleared by the Pitts when they brought in the topsoil to level their yard.

While the Petitioners contend that not to allow the variance would prevent them from using their property for entertaining purposes because of the soggy, wet conditions in the backyard, the Board finds that that is not the case. There is a deck on the back of Petitioner's home which could be screened in to allow for entertainment. In addition, the Petitioner could bring in fill dirt and

topsoil to level the backyard and make it drain towards the rear of the property to allow for use of the backyard.

Therefore, it is the decision of this Board that the variance request from § 400.1 of the BCZR to permit a detached accessory structure (gazebo) to be located in the front yard in lieu of the required rear yard shall be denied.

# ORDER

THEREFORE, IT IS THIS 4th day of System by, 2002 by the County

Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations to approve the construction of a detached accessory structure (gazebo) in the front yard of the subject property in lieu of the required rear yard be and the same is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

C. Lynn Barranger

Richard K. Irish

5516 MCCORMICK AVE	CE SPECIAL HEARING OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME	Hozel wood Ave
(3) And the state of the state	Holland Hilland Subject Property
GRAVEL BRIVE 30.00 C	SCALE 1" = 1000'
UTILITY EASEMENT  B.2  10' X 30' UTILITY EASEMENT  10' X 16'  10' UTILITY EASEMENT  10'	LOCATION INFORMATION ELECTION DISTRICT 14TH COUNCILMANIC DISTRICT 6TH 1" = 200' SCALE MAP ** N.E 4-E ZONING D.R5.5 LOT SIZE 0.28 12079.67  ACREAGE SOUARE FEET PUBLIC PRIVATE  SEWER
PREPARED BY SCALE OF DRAWING: 1" =50'	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #

10+6x1

CONSTRUCTION BEGAN NON/DEC 2001 WITHOUT A PERMIT FOR GAZEBO WORK CONTINUES

MARCH 11TH VARIANCE HEARING CASE & 02-283-A MARCH 12TH VARIANCE DEMILED

WORK CONTINUES WY STOP WORK ORDER

JUNE 25TH COUNTY BOARD OF APPEALS HEARING
JULY 18TH DELIBERATION/ DENIED YARIANCE
WORK CONTINUES WY STOP WORK ORDER
ROOF APPED SCREENS APPED
SEPT ATH OFFICIAL LETTER OF DENIAL MAILED
(ALL PARTIES WERE NOT ANAILABLE TO SIGN)
OFF FROM JULY 10TH 2002)

JULY 31 ST APPLIED FOR PERCHIT TO CONSTUCT\*
16 × 16 GAZEBO & FUCTIONAL BREEZEWAY

(\* GAZEGO WAS ALMOST FINISHED)
USING 44ft FRONT SETBACK

- GAZEBO WAS SUBCHITTED INTO HEARINGS FOR YARVANCE SHOWING 14 FT FRONT SET BACK

- GAZEGO IS BITTING APPOR. 10-10/2 ft OFF FRONT PROPERTY LINE NOT 44 OR "A MEAR 4ft" SHORT" STATED BY LAWYER ROTHMAN AS A MISTAKE THE GAZEGO IS APPOX. 8ft IN MOLATION

NOY. 17TH - YARIANCE HEARING FOR GAZEBO AT 14ft? VS 18'-9"

PLAT TO ACC	OMBANY PETITION OR			
PROPERTY ADDRESS		TIONAL REC	UIRED INFOR	MATION
SUBDIVISION NAME PLAT BOOK #Shery	FOLIO # 105 LOT # 15 SEC Gardner	- - -	ozal wood	Ave
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	- Specific -	ARINGS		
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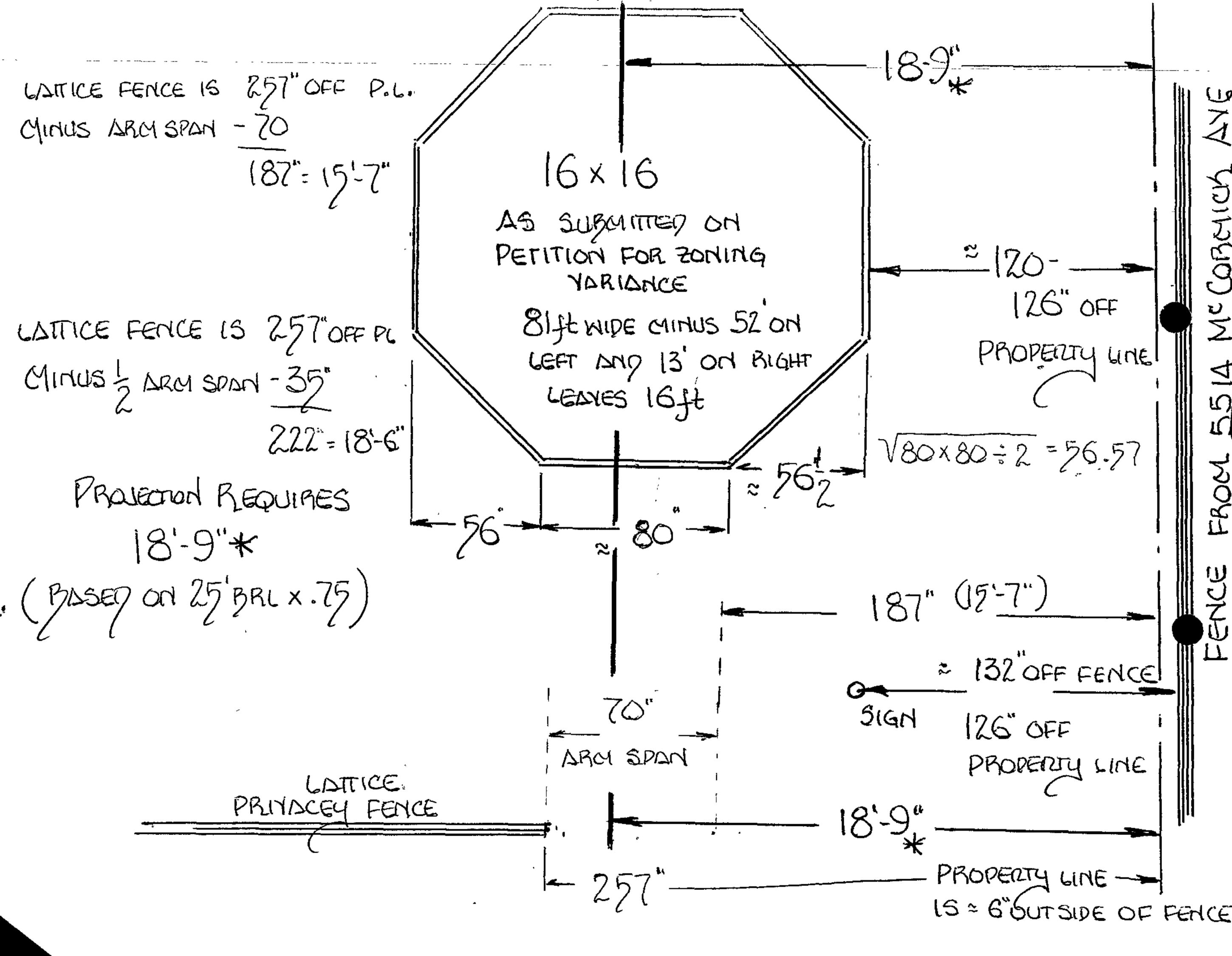


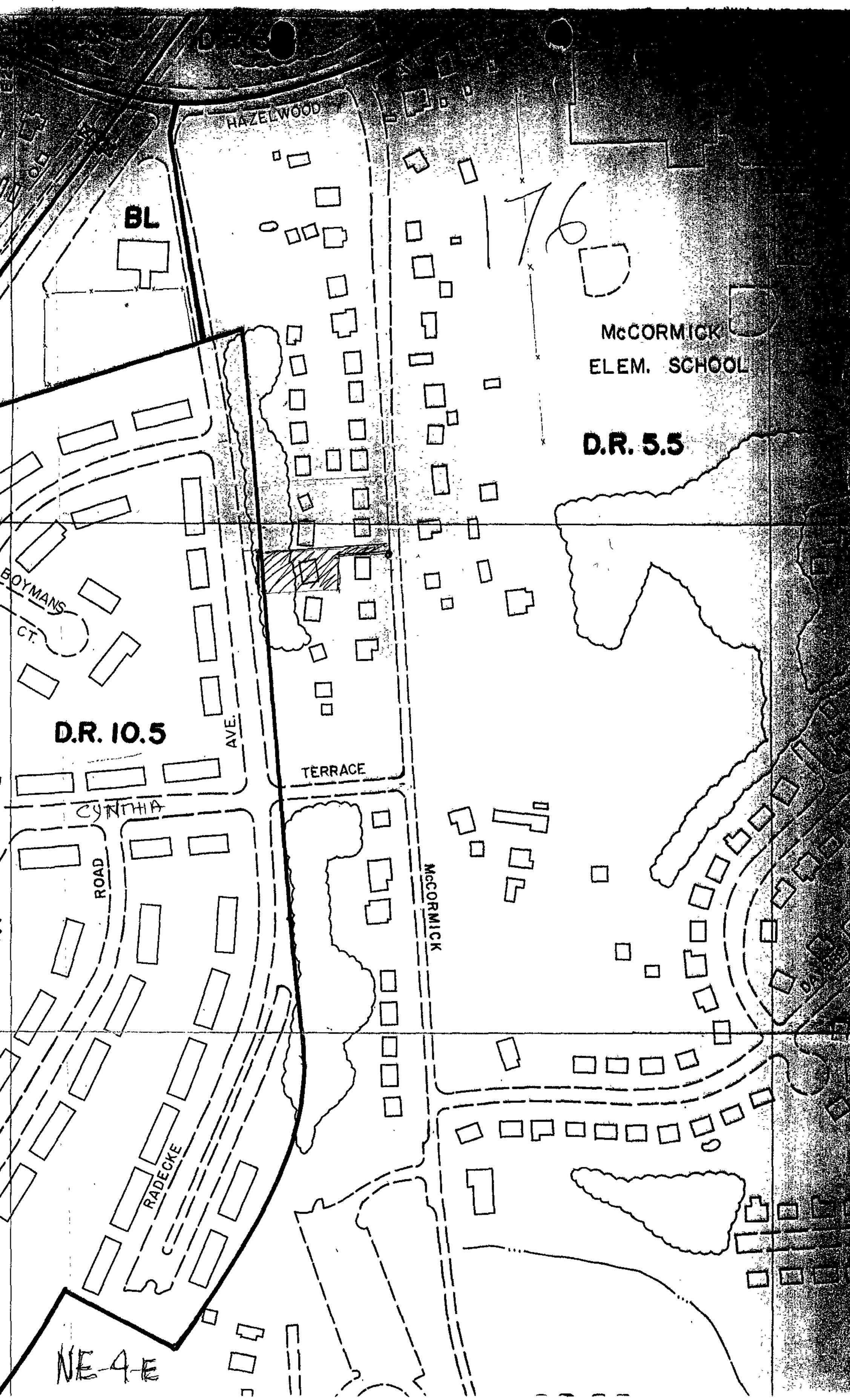
March 20, 2002

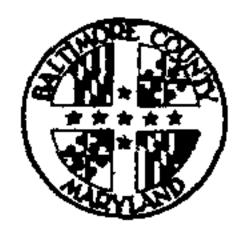
# Back yard 5516 McCormick Ave



PET#2 . L-L.







Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

