

IN RE: PETITION FOR VARIANCE
NW/S of Munster Road, 275' NW
centerline of Tipperary Road
9th Election District
6th Councilmanic District
(2820 Munster Road)

Nikki A. & Timothy D. Demski
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-311-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 owners of the subject property, Nikki A. and Timothy D. Demski. The Petitioners are requesting variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for property they own at 2820 Munster Road, which property is located in the Carney area of Baltimore County. The variance request is to allow a detached accessory structure (garage) to be located on the side of the principal dwelling in lieu of the required rear yard and for the building to be as close as 14 inches from the side property line in lieu of the minimum required 2 ½ ft.

Appearing at the hearing on behalf of the variance request were Mr. & Mrs. Demski, owners of the property and Robert Klein, a nearby neighbor. Appearing in opposition to the Petitioners' request was Joseph Schwarzmann, the adjacent property owner.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 12,192 sq. ft. of land, zoned D.R.2. The subject property is improved with a single-family residential dwelling wherein Mr. & Mrs. Demski reside. In addition to the house, the property is also improved with an in-ground swimming pool, a 12 ft. x 33 ft. pool and storage shed, a children's playhouse, a gazebo and hot tub. The last accessory structure on the property

3/13/03
R. G. [Signature]

is a shed situated on the side of the Petitioners' house, the dimensions of which are 10 ft. x 15 ft. This particular shed is the substance of the variance request before me.

Mr. Demski testified that he and his wife, along with their four children, reside on the subject property. They purchased the property in 1998 and have made extensive renovations to the property. The photographs submitted into evidence demonstrate that these property owners maintain their property in immaculate condition. Mr. Demski has added a landscaped retaining wall, replaced the old macadam driveway with a concrete driveway, and has made other upgrades to his property which are depicted in many photographs submitted into evidence.

In March of 2000, Mr. Demski installed the shed which is the subject of this request. The shed was strategically placed on the side of his dwelling to afford him the ability to store within this structure two Harley Davidson motorcycles, the value of which approaches \$60,000.00. Photographs of the interior, exterior and contents of the shed were submitted into evidence. Mr. Demski also installed electric service to the shed which contains a television and stereo system that can be viewed and enjoyed while utilizing the pool and hot tub situated next to its location. Mr. Demski testified that the location of the shed provides him easy access for his motorcycles and is the only practical area to place the shed, given the location of the in-ground swimming pool. Furthermore, the shed was placed close to the neighbor's property line to allow a 7 ft. wide means of access to the rear yard of the Petitioners' property. Mr. Demski is requesting the variance in order to allow the shed to remain in its present location, as it has since it was placed there in March of 2000.

Mr. Demski also submitted into evidence letters of support from other neighbors in the community. He also submitted photographs of other accessory sheds and structures which exist in the side yards of some of his neighbor's properties. The evidence presented at the hearing

suggests that the Demski's are an asset to this community, based on their relationship with their neighbors, the appearance of their property, and the many upgrades they have made to better the value of their home and neighborhood.

Appearing in opposition to the Petitioners' variance request was the adjacent property owner, Mr. Joseph Schwarzmenn. Mr. Schwarzmenn has resided at this location for the past 16 years with his wife and two children. The photographs and evidence submitted at the hearing also demonstrate that Mr. Schwarzmenn maintains and keeps his property in great condition and is also a valuable asset to this neighborhood. Mr. Schwarzmenn has excellent relations with his neighbors which also included Mr. & Mrs. Demski up until recent times. Unfortunately, the relationship between these neighbors has started to deteriorate for various reasons, none of which are relevant to the variance request.

Mr. Schwarzmenn testified that he and his wife are opposed to the location of this shed and its close proximity to their property line. He testified that the shed interferes with the view from his property and submitted photographs into evidence demonstrating this point. As a result of its close location to his property line, the small strip of land next to the shed is not large enough for Mr. Demski to properly maintain given its limited access. Furthermore, Mr. Schwarzmenn's bedroom window is adjacent to the area of the shed. He testified that on occasions Mr. Demski will start and run his Harley Davidson motorcycles within his shed which, given their loud noise, infringes on Mr. Schwarzmenn's quiet enjoyment of his property. The shed also doubles as a television and stereo room for those people utilizing the hot tub and/or pool and patio area of the Demski's property. Given its close proximity to the Schwarzmenn's house, the sound from the television and stereo infringe upon the quiet enjoyment of his property. Lastly, Mr. Schwarzmenn believes that the shed in question could be relocated to

another area of the Petitioners' rear yard which would still provide proper storage for his motorcycles without detrimentally affecting his own property. Mr. Schwarzmenn, therefore, asks that the variance be denied and that Mr. Demski find an another location for the shed.

After carefully reviewing all of the testimony and evidence offered both in support and in opposition to the Petitioners' request, I find that it would be in the best interest of all parties that the shed in question be removed from its present location. The evidence of this case suggests that the granting of the variance to allow the shed to be situated on the side of Mr. Demski's house in close proximity to the side property line would, in fact, have a detrimental impact on the adjacent property. Accordingly, the variance request should be denied.

I believe it is possible for Mr. Demski to find an alternate location for the shed somewhere in his rear yard which would be able to meet his storage needs. As I indicated at the hearing to all parties, it is hoped that the decision in this case would not serve to continue to foster bad relations between these two neighbors. It should be noted that the Office of Planning, an agency of Baltimore County government, completely independent from either of the parties involved, recommended in their comment dated January 23, 2003 that the variance application be denied. Their recommendations carry great weight in these types of proceedings. Viewing the circumstances of this case in a purely objective fashion leads me to conclude that the variance request should be denied.

THEREFORE, IT IS ORDERED, this 3rd day of March, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a detached accessory structure (garage) to be located on the side of the principal dwelling in lieu of the required rear yard and for the building

IT IS FURTHER ORDERED, that the Petitioners shall bring the shed into compliance with the Baltimore County Zoning Regulations within forty-five (45) days from the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

3/3/03

R. J. J. J.

IN THE MATTER OF
THE APPLICATION OF
TIMOTHY AND NIKKI DEMSKI -LEGAL
OWNERS/PETITIONERS FOR VARIANCE
ON PROPERTY LOCATED ON THE
NW/S MUNSTER ROAD, 275' NW OF
C/L TIPPERARY ROAD
9TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 03-311-A

* * * * *

OPINION

This case comes to the Board on a *de novo* basis from an appeal of a decision of the Deputy Zoning Commissioner in which a requested variance was denied by an Order dated March 3, 2003. The Appellant filed a timely appeal on March 11, 2003.

A public hearing took place before this Board on September 23, 2003. Both the Petitioners /Appellants, Timothy and Nikki Demski, and the Protestant, Joseph Schwarzmenn, appeared *pro se* and presented their respective cases.

In accordance with the law, a public deliberation took place on October 29, 2003. Mr. Demski was present for the deliberation.

The variance request was for permission to allow a detached accessory structure to be located on the side of the dwelling in lieu of the required rear yard; and for the structure to be located as close as 14 inches from the side property line in lieu of the required 2½ feet. Only Mr. and Mrs. Demski and Mr. Schwarzmenn were present at the public hearing.

Mr. Demski offered a substantial number of photographs reflecting his property from various angles. Petitioner's Exhibit #1 reflected the structure itself, the purpose of which was to house several expensive motorcycles. The Petitioner also produced an outline survey which more clearly reflects the positioning of his home, the existing shed,

Post-it® Fax Note	7671	Date	12/12/03	# of pages	1
		From	Christina	To	Christina
		Co./Dept.		Co.	

a pool (32 feet by 10 feet), a gazebo, playhouse, and another pool shed /storage shed (33 feet by 12 feet). The structure in question abuts the Schwarzmenn property to the left of the Demski home.

Mr. Demski opined that the swimming pool was in place when he purchased the property in 1998. He purchased the shed in March 2000 (Petitioner's Exhibit #3, 2 checks \$415 dated 3/12/2002 and \$1,642.24 dated 3/16/2002). He stated that before purchasing the shed he visually had observed other sheds on the sides of neighboring homes. He also spoke with the neighbors and no one objected to the placement of the shed. In placing the shed, he had considered the location of the pool, accessibility to the backyard, utilities located in the easement at the rear of the lot, and the need for emergency equipment access to the backyard. He referenced a number of photographs that reflected upgrades to the property. He opined that he and Mr. Schwarzmenn had had an agreement one day; then, two days later, Baltimore County arrived and notified him of a Code violation due to the location of the shed. This was the first time he became aware of a Code violation.

The Code Enforcement Official indicated that he would confer with Mr. Schwarzmenn, who would not agree to dismiss the complaint. In the course of his conversation, Mr. Schwarzmenn also complained about the retaining wall (for which a permit was obtained), and a property line survey was agreed upon. The only way the shed issue could be resolved was by filing for a variance, which Mr. Demski did.

Mr. Demski opined that Mr. Schwarzmenn's main complaints are that the stereo

inside the shed makes too much noise and that the shed blocks his view of a wooded area. The Petitioner stated that he needs the shed at the present location to facilitate the cycle access and for emergency use, if needed. Mr. Demski offered letters of support from several neighbors (Petitioner's Exhibit #5). Mr. Demski also offered eight photographs to visually demonstrate the property site and additional photographs (Petitioner's Exhibit #8) to refute Mr. Schwarzmans's contention that the structure was an obstacle to his view of the wooded area. Also presented were the contents of the shed (Petitioner's 8-H).

Petitioner's Exhibit #10 was a letter from Arnold Jablon, then Director of the Department of Permits & Development Management, to Pat Keller, Director of Planning, dated January 27, 2003 in which the Permits Department declined to recommend approval of the variance.

Mr. Schwarzmans testified that, in essence, the existing structure was in violation of the *Baltimore County Zoning Regulations*. He opined about the stereo noise, the motorcycle noise and exhaust fumes, and his view being obstructed. Mr. Demski posed a number of questions to Mr. Schwarzmans, which, in the final analysis, were repeatedly answered that the shed is in violation of the law, and the law must be followed and respected.

In order to assess both positions properly, the Board allowed both parties more than ample opportunity to present their respective cases. While neither was represented by counsel in this case, perhaps their mutual interests were best served by allowing each to have their say in a public forum.

It is unfortunate that disputes such as are present in this case cannot be disposed of in an amicable manner. However, that does not appear to be possible, and the Board is required to examine the facts and circumstances as presented, and apply the applicable law thereto. To that end, each panel member has carefully reviewed the testimony and evidence presented, and the Board has reached the conclusion that the variance request must be denied.

Section 307 of the *Baltimore County Zoning Regulations* permits granting of a variance under 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 the light of the law. The first

burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before 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, 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 2820 Munster Road is not substantially different from other properties in the community and in the surrounding area, based upon evidence tendered by the Petitioner.

Having failed in the first prong under the legislative standards set under § 307 of the BCAR, the Board need not discuss the remaining prongs but will address them here.

The second prong of practical difficulty has been defined by the Court of Appeals in *McLean v. Soley*, 270 Md. 208, 214-15 (1973):

- 1) Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably

prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

These criteria are interrelated and must be analyzed together. The Petitioner's argument is that his property's dimensions preclude him from any improvement without the use of any variances. His contention is that strict compliance prevents him from using his property. The evidence and testimony entered clearly demonstrate that the Petitioner already has a reasonable use of his property with the existing structures thereon.

The third and final prong of the standards as found in *Cromwell* speaks to the spirit and intent of the zoning regulations. Setbacks were implemented by the County Council for providing protection to neighboring properties, and to grant the requested relief would be against the spirit and intent of the *Baltimore County Zoning Regulations*.

Therefore, it is the decision of this Board that the variance request from § 400.1 of the *Baltimore County Zoning Regulations* to permit a detached accessory structure to be located on the side of the principal dwelling in lieu of the required rear yard and for the building to be as close as 14 inches from the side property line in lieu of the required 2½ feet shall be denied.

ORDER

THEREFORE, IT IS THIS 6th day of November, 2003 by the
County Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for variance from § 400.1 of the *Baltimore County Zoning Regulations* to permit a detached accessory structure to be located on the side of the principal dwelling in lieu of the required rear yard and for the building to be as close as 14 inches from the side property line in lieu of the required 2½ feet be and the same is hereby **DENIED**; and

IT IS FURTHER ORDERED that the Board will grant the Petitioner ninety (90) days from the date of this Order to remove the structure in question or, in lieu thereof, relocate the structure to be in conformance with current Baltimore County zoning regulations.

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*.

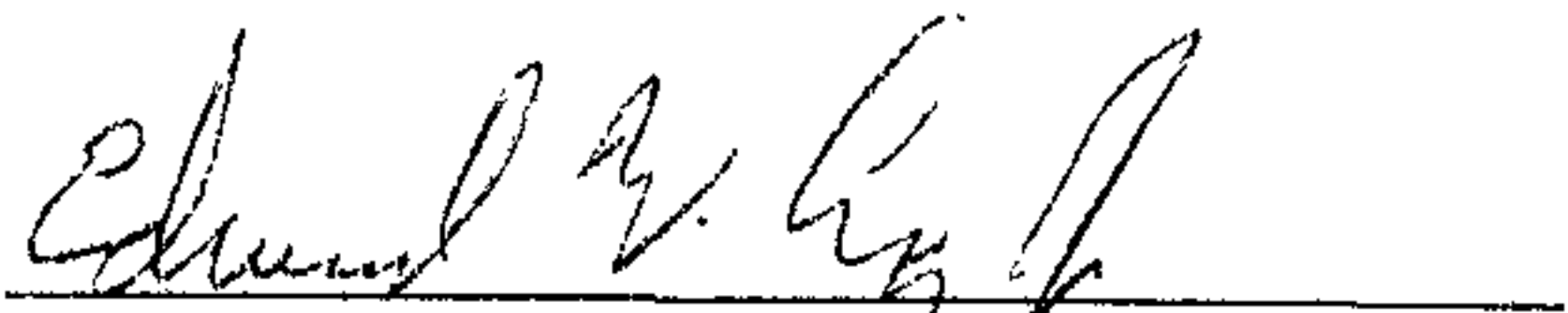
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks, Panel Chair



Margaret Worrall



Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

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

November 6, 2003

Timothy and Nikki Demski
2820 Munster Road
Baltimore, MD 21234

RE: *In the Matter of: Timothy and Nikki Demski*
- Petitioners / Case No. 03-311-A

Dear Mr. and Mrs. Demski:

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 / *tw*
Kathleen C. Bianco
Administrator

Enclosure

c: Joseph Schwarzmenn
Charles Cox
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM



Baltimore County
Zoning Commissioner

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

March 3, 2003

Mr. & Mrs. Timothy D. Demski
2820 Munster Road
Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 03-311-A
Property: 2820 Munster Road

Dear Mr. & Mrs. Demski:

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,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Joseph Schwarzmenn
2822 Munster Road
Baltimore, MD 21234



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2820 Munster Road

which is presently zoned DR 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 - to allow a detached accessory

structure (garage) to be located on the side yard of the principal building in lieu of the required rear and for said structure to be as close as 14 inches in lieu of the minimum 2 1/2 feet

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 discussed at the Hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

None
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

None
Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Timothy David Demski
Name - Type or Print

Timothy David Demski
Signature

Nikki Alexa Demski
Name - Type or Print

Nikki Alexa Demski
Signature

2820 Munster Road
Address

Baltimore MD
City State Zip Code

Representative to be Contacted:

Timothy David Demski
Name 410-661-2596

Same
Address 410-732-2521

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By RVD Date 1-7-03

Case No. 03-311-A

ZONING DESCRIPTION FOR 2820 Munster Road

Beginning at a point on the north side of Munster Road which is 50 feet wide at the distance of 275 feet north of the centerline of the nearest improved intersecting street Tipperary Road which is 50 feet wide. Being Lot # 10, Block A, Section # 2 in the subdivision of Cub Hills as recorded in Baltimore County Plat Book # 26, Folio # 30, containing 12,192 square feet. Also known as 2820 Munster Road and located in the 9th Election District, 6th Councilmanic District.

Item # 311

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25046

DATE 3/13/03 ACCOUNT 001-006-6150

AMOUNT \$ 30000

RECEIVED FROM: Goodie Utility Construction

FOR: Appeal

03-311-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

FIELD RECEIPT
BUSINESS ACTUAL TIME DRG
3/13/2003 3/13/2003 14:08:00
PRD 0001 MARKIN JRIC JRP
3/13/2003 3/13/2003 00:00
0001 5 528 ZONING DEPT TOWN
CR 00 023646
Recd Tol 1500.00
500.00 CL .00 60
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. 16382

DATE 1-7-03 ACCOUNT 001 006 6150

AMOUNT \$ 65.00

RECEIVED FROM

Tenisha Druski

FOR

Seizing hearing - Variance

case # 03 311-A

DISTRIBUTION

WHITE CASHIER

PINK AGENCY

YELLOW CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

1/07/2003 1/07/2003 11:37-47

REG 4503 WALKIN SMIT 500 DEWMER 3

>> RECEIPT # 251938 1/07/2003 OFLN

DEPT 5 528 ZIMING VERIFICATION

CR NO. 016382

Receipt Tot \$65.00

\$5.00 IN 00 1A

Baltimore County, Maryland

CASHIER'S VALIDATION

**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 #03-311-A

2820 Munster Road
NW/side Munster Road 276
feet north west of centerline
Tipperary Road

9th Election District

6th Councilmanic District

Legal Owner(s): Timothy and

Nikki Demski

Variance: to allow a de-

tached accessory structure

to be located on side of the

principal building in lieu of

the required rear and for

said structure to be as close

as 14 inches in lieu of the

minimum 2 1/2 feet.

Hearing: Friday, February

21, 2003 at 10:00 a.m. in

Room 407, County Courts

Building, 401 Bosley Ave-

nue.

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) 887-4388.

(2) For information con-

cerning the file and/or

hearing, Contact the Zoning

Review Office at (410) 887-

3391.

2/015 Feb. 8 C588205

CERTIFICATE OF PUBLICATION

2/6/ 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/6/ 2003.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-311-A

Petitioner/Developer: TIMOTHY +

NIKKI DEMSKI

Date of Hearing/Closing: 2/21/03

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 2820 MUNSTER

RD

The sign(s) were posted on 2/6/03
(Month, Day, Year)

Sincerely,

[Signature] 2/6/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

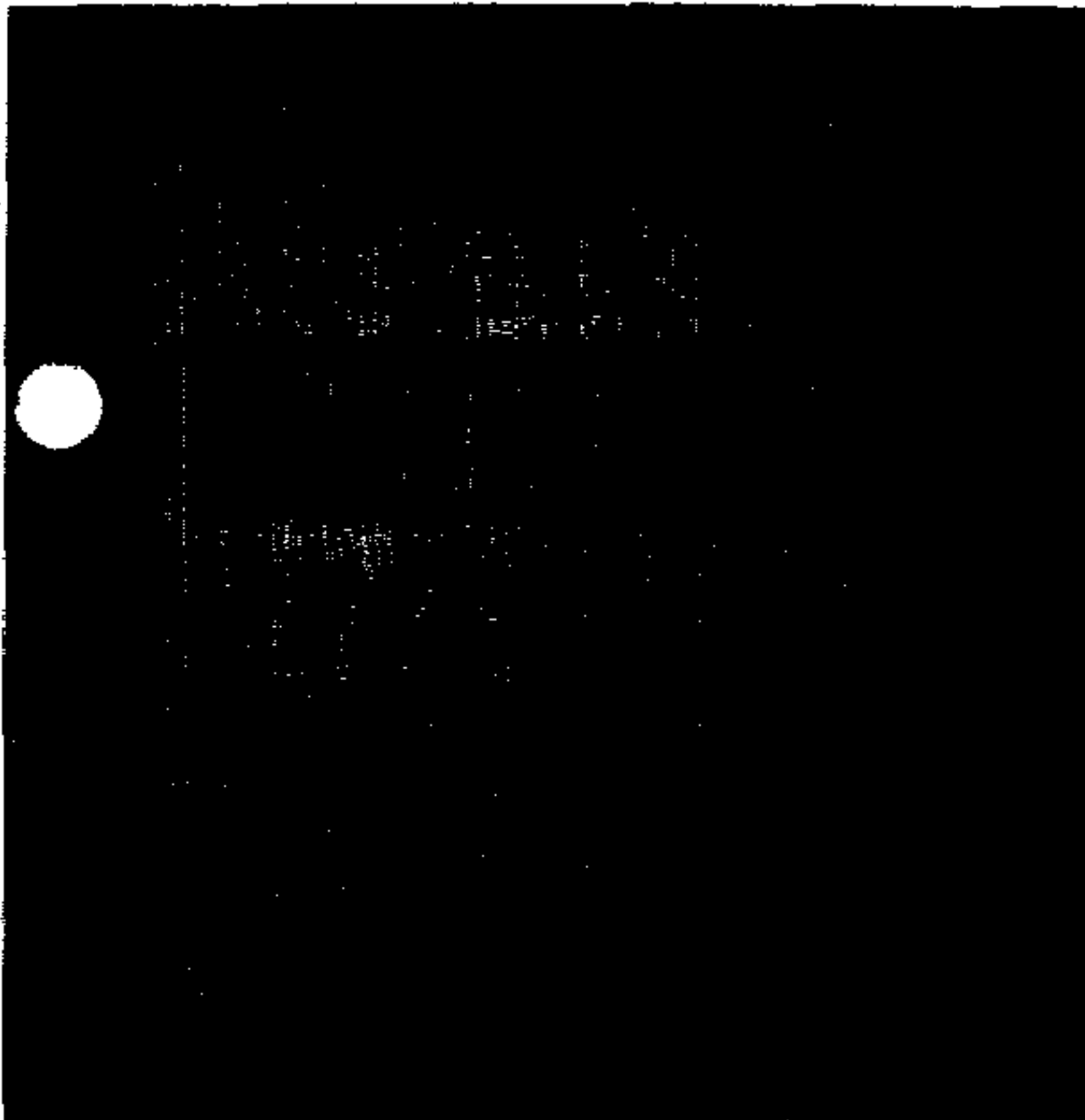
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



APPEAL SIGN POSTING REQUEST

CASE NO.: 03-311-A

Timothy and Nikki Demski - LEGAL OWNERS

2820 Munster Road, Baltimore, MD 21234

9th ELECTION DISTRICT

APPEALED: 3/13/2003

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

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-311-A

Timothy and Nikki Demski - LEGAL OWNERS

2820 Munster Road, Baltimore, MD 21234

9th ELECTION DISTRICT

APPEALED: 3/13/2003

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

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 03 - 311 A

Petitioner/Developer:

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

2820 Munster Road

The sign was posted on 4/21, 2003

By: *Gary Freund*
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

HARFORD TO CUB HILL

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 03-311-A

Petitioner: Timothy & Nikki Demski

Address or Location: 2820 Munster Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Demski

Address: 2820 Munster Rd

Baltimore Md 21234

Telephone Number: 410-661-2596

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

January 22, 2003

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: 03-311-A

2820 Munster Road

NW/side Munster Road 275 feet north west of centerline Tipperary Road

9th Election District – 6th Councilmanic District

Legal Owner: Timothy and Nikki Demski

Variance to allow a detached accessory structure to be located on side of the principal building in lieu of the required rear and for said structure to be as close as 14 inches in lieu of the minimum 2 ½ feet.

Hearings: Friday, February 21, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: Mr. and Mrs. Timothy Demski, 2820 Munster Road, Baltimore 21234

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 6, 2003.
(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.



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 24, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-311-A

IN THE MATTER OF: *Timothy and Nikki Demski* -Legal Owners
Petitioners 2820 Munster Road
9th Election District; 6th Councilmanic District

3/03/03– Petition for Variance DENIED Deputy Zoning Commissioner.

ASSIGNED FOR:

TUESDAY, SEPTEMBER 23, 2003 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Petitioners /Appellants

: Timothy and Nikki Demski

Joseph Schwarzmenn

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

Charles Cox





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 25, 2003

NOTICE OF DELIBERATION

IN THE MATTER OF:

TIMOTHY AND NIKKI DEMSKI –Legal Owners /Petitioners
Case No. 03-311-A

Having concluded this matter on 9/23/03, public deliberation has been scheduled for the following date /time:

DATE AND TIME : WEDNESDAY, OCTOBER 29, 2003 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

Kathleen C. Blanco
Administrator

c: Petitioners /Appellants : Timothy and Nikki Demski

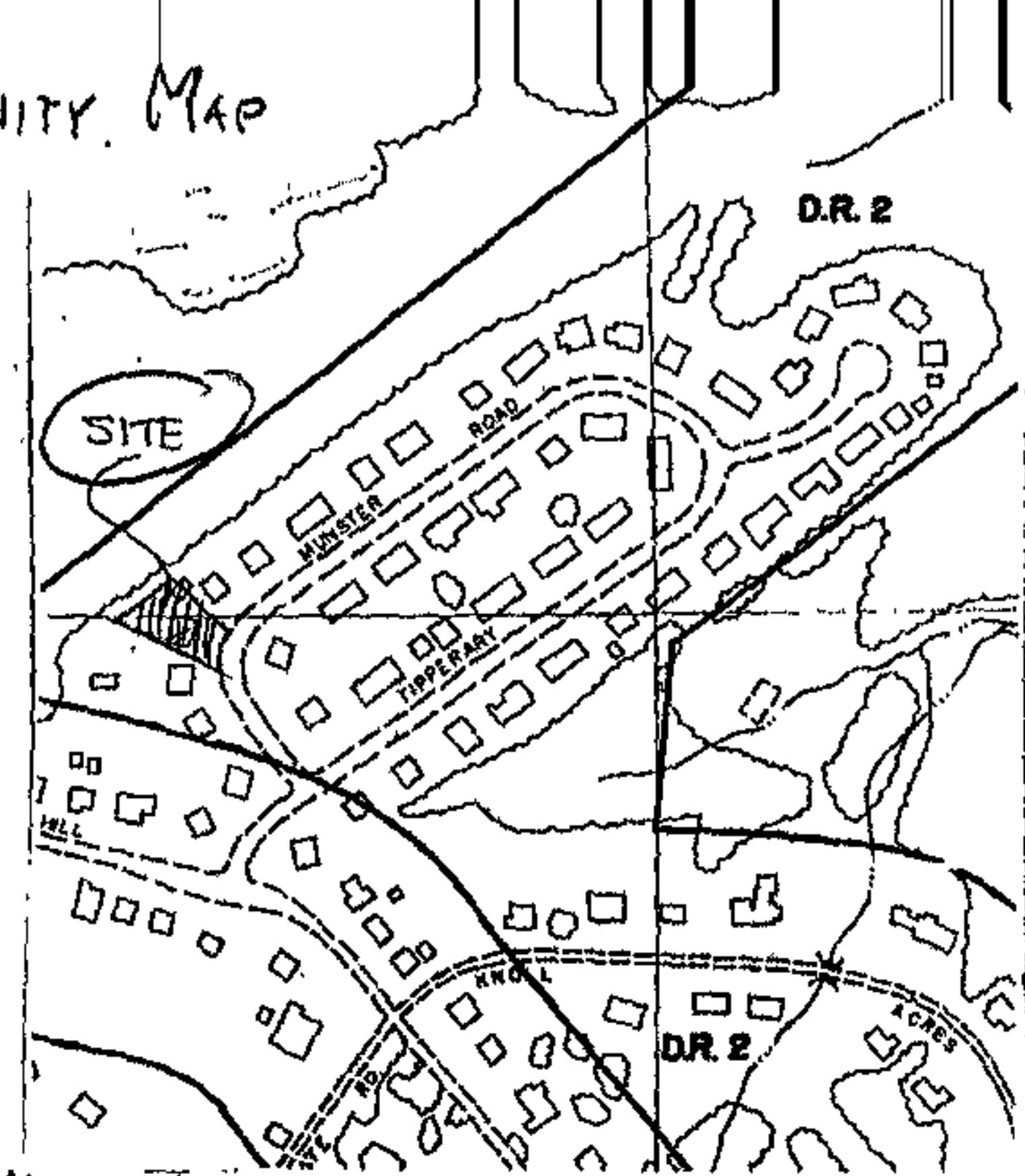
Joseph Schwarzmenn
Charles Cox

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Copy to: 5-7-3



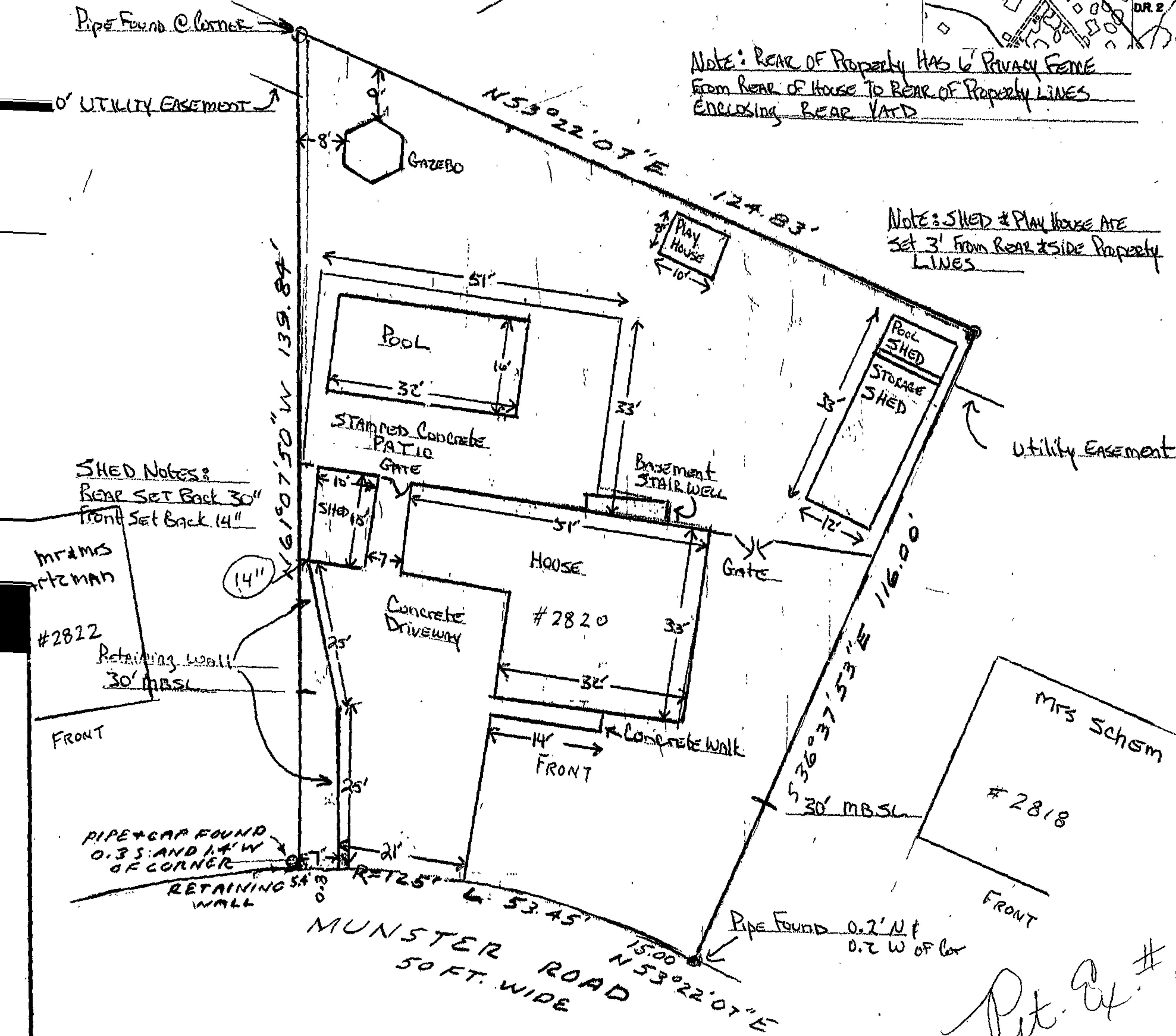
VICINITY MAP



BALTIMORE COUNTY
GRID MERIDIAN

Note: REAR OF PROPERTY HAS 6' Privacy Fence
From REAR OF HOUSE TO REAR OF PROPERTY LINES
ENCLOSING REAR YARD

Note: SHED & PLAY HOUSE ARE
Set 3' From REAR & SIDE PROPERTY
LINES



PLAT TO ACCOMPANY PETITION FOR VARIANCE

OUTLINE SURVEY
2820 MUNSTER ROAD
DEMSKI PROPERTY
LOT 10
SECTION 2
CUB HILLS
WJR 26-30
9TH DIST. BALTIMORE CO., MD

SCALE: 1" = 20' AUG. 10, 2001
ZONING DR 2 Lot Size 12,192 S.F.

Public Water Public Sewer Not Chesapeake Bay Critical Area

ZONING OFFICE USE ONLY

Reviewed By: ITEM #: CASE #

LOCATION INFORMATION

ELECTION DISTRICT 9TH
COUNCILMANIC DISTRICT 6TH
1" = 200' SCALE MAP # NE 11 E
ZONING DR 2
LOT SIZE 12,192
ACREAGE SQUARE FEET
SEWER PUBLIC ☒ PRIVATE ☐
WATER PUBLIC ☒ PRIVATE ☐
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

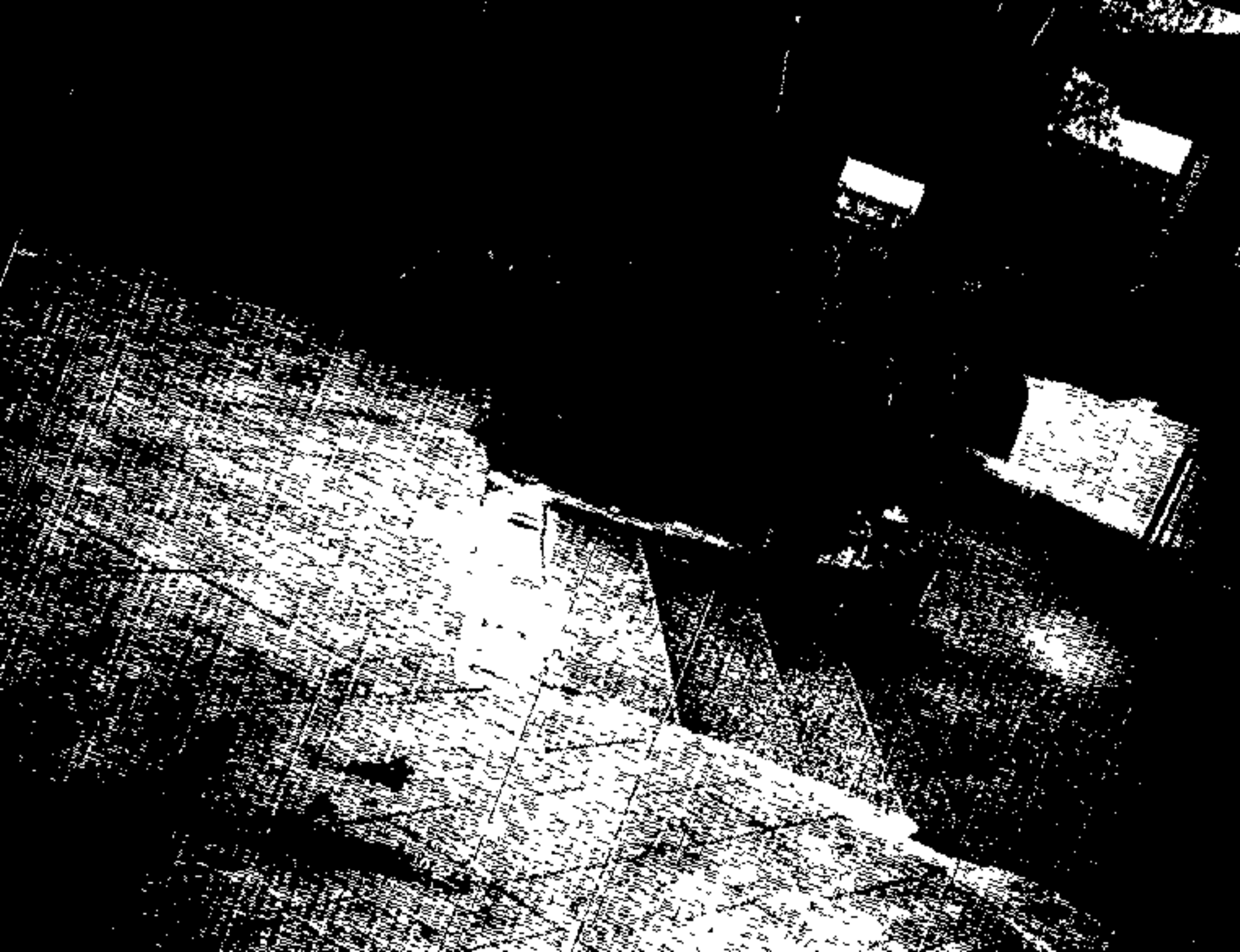
CIVIL ENGINEER 311 03-311-A VEYORS
SUITE 40 ON, MD

PHONE: 410-823-3535
FAX: 410-825-5215

Station # 6, 7, 8, 11 and 12
(27 photographs)

03-311-A

Demski



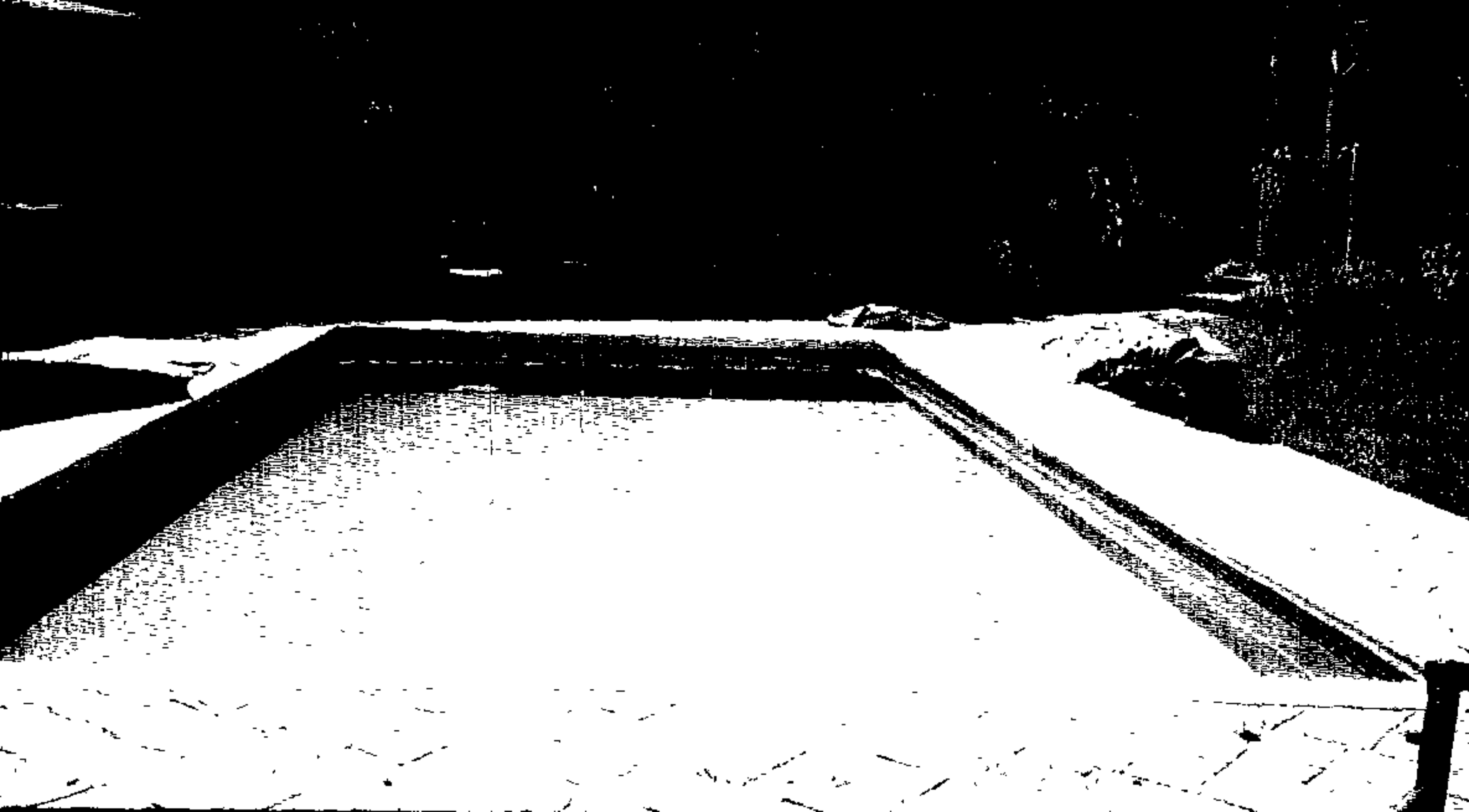






12-14

APR 1971





4/13/03 3:15 pm rear yard house of
2820 from fence line.



7/13/03 3:13pm
2820 Munster Rd.





0122103 1⁰⁵pm - view from behind & across
0800 munske - 0802 side windows.



0802

munske

0802 munske
0802 munske

9/22/03 1⁰⁴ PM - view of woods behind 2822
circyard - 2822 side view.

2822
Munster B1



2822
Munster



9/23/03 1:00 pm view from porch of 2820 -
direct view from 2820 Munster Rd.



2820 Munster

2822
Munster Rd.

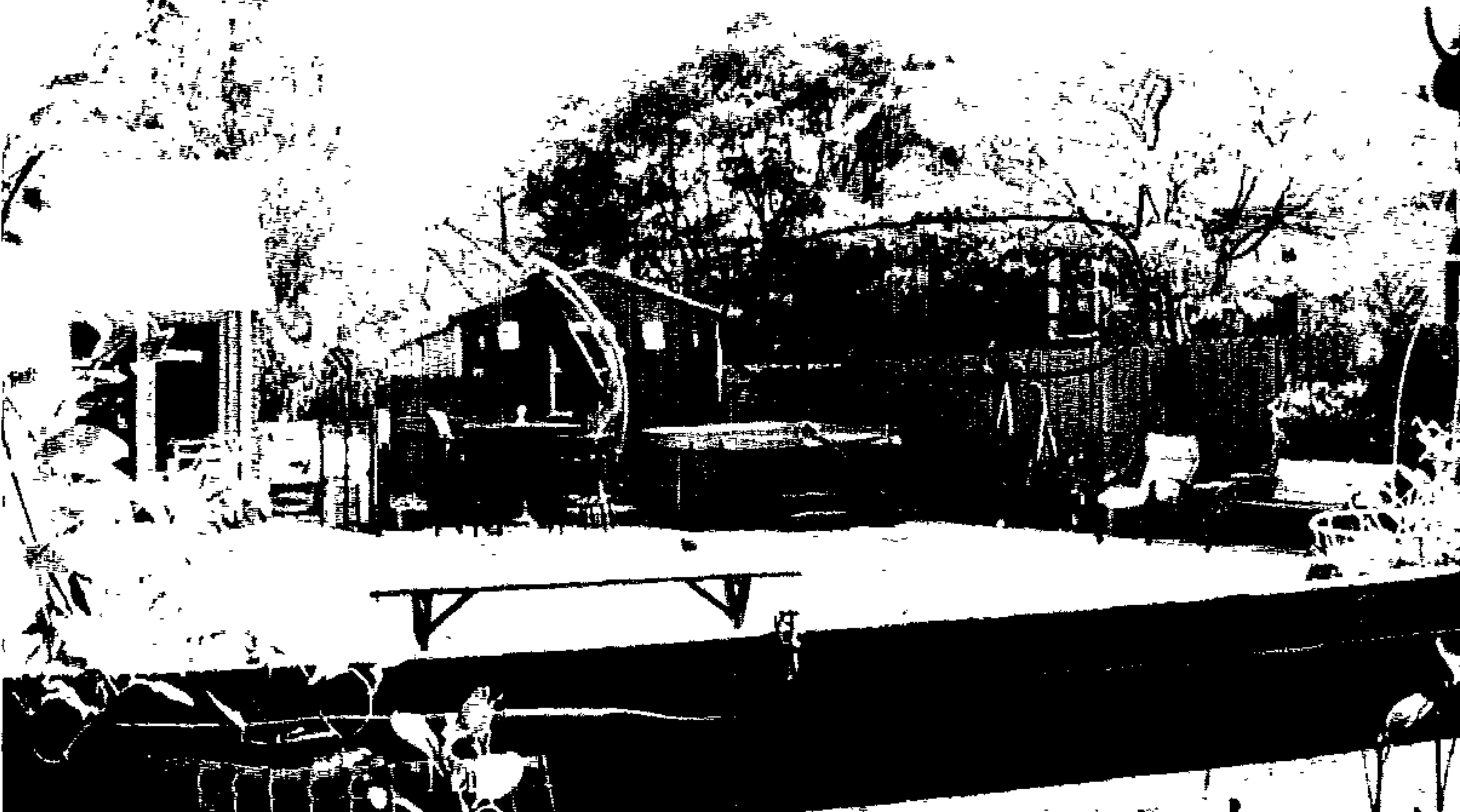
9/22/03 100 PM - view from rear of 2822
towards 2822

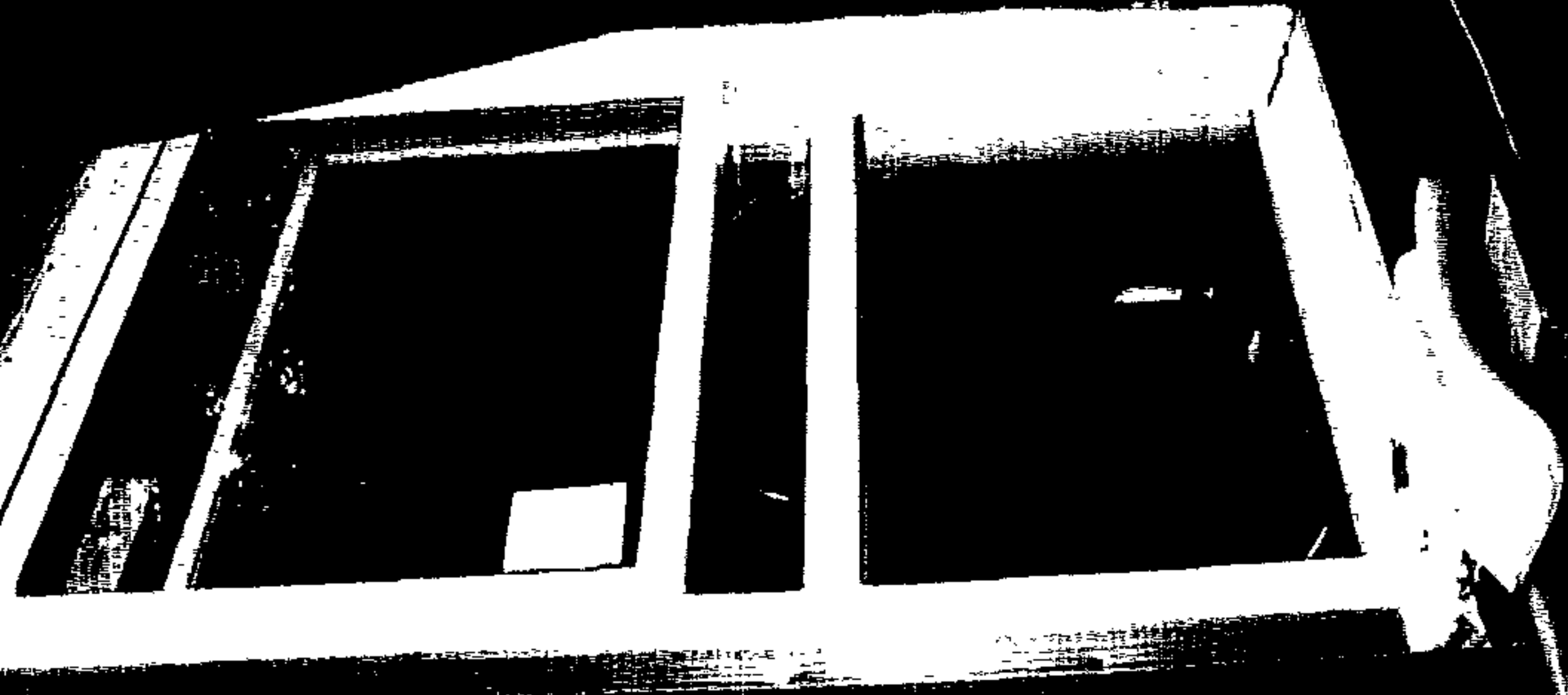


9122103 108 Pm - from inside family room
of 2820 - can be viewed from window of
2822



ab263 125pm - view of side 2822 from
rear yard of 2820





Man 9/22/03
4:30 pm
TV in back of shed - not an entertainment room

2/20/03 3:56 pm
2 Harley's stored in shed.

street legal bikes



2/20/03 158pm
2824 Munster Rd.



2/20/03 1:31pm
Knoll Acres





2/14/03

5:52 PM

2:14 pm
Munster Rd.



2/14/03

2:46 pm

98 223

Cub Hill Rd.



2/19/03

3:04 pm

288

Cub Hill Rd.



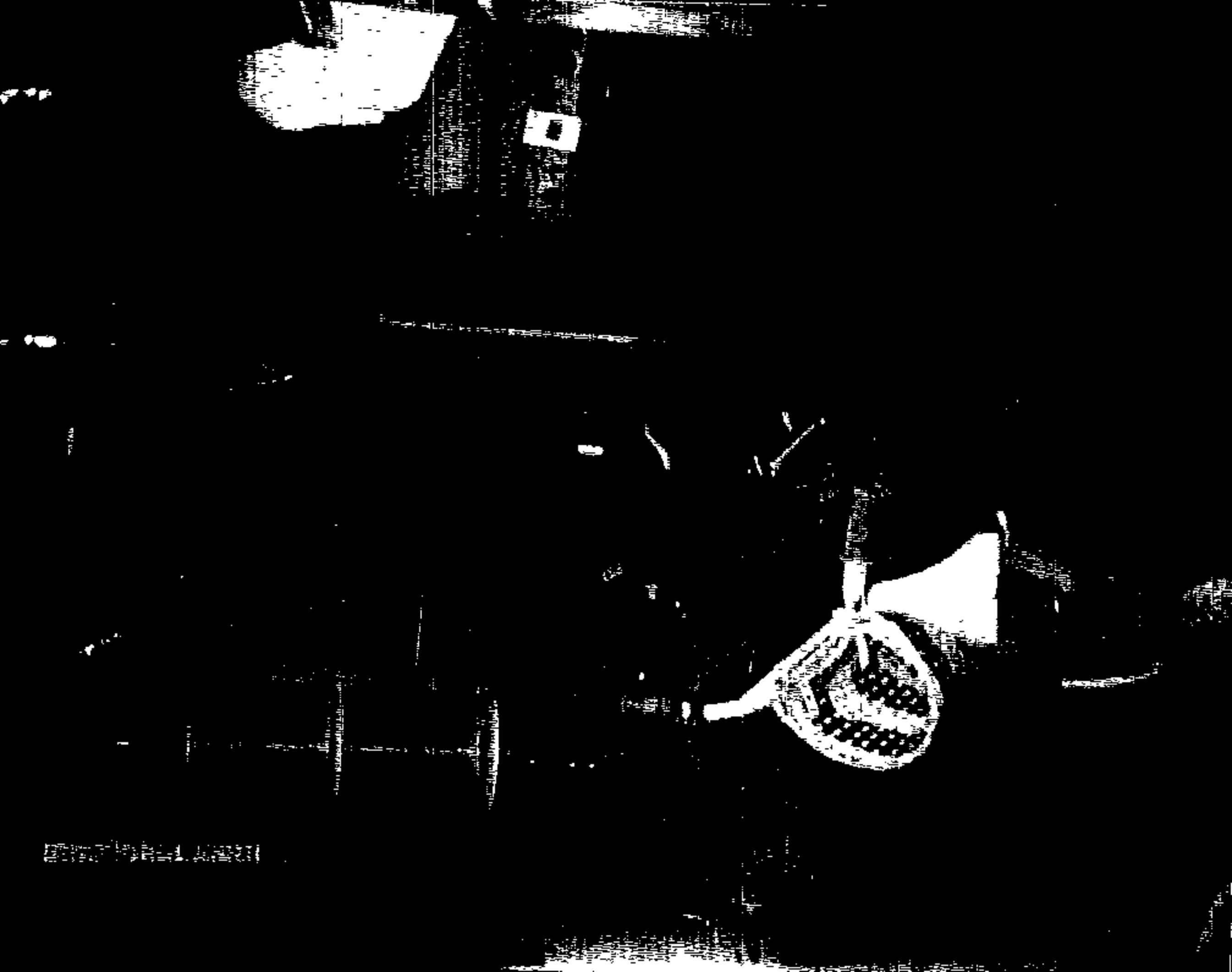




Figure 1. A large, dark, rectangular area, possibly a redacted image or a very dark photograph, occupying the upper right portion of the page.



Figure 2. A large, dark, rectangular area, possibly a redacted image or a very dark photograph, occupying the lower right portion of the page.





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

*Photographs
Prot. Ex. 1A-15*

















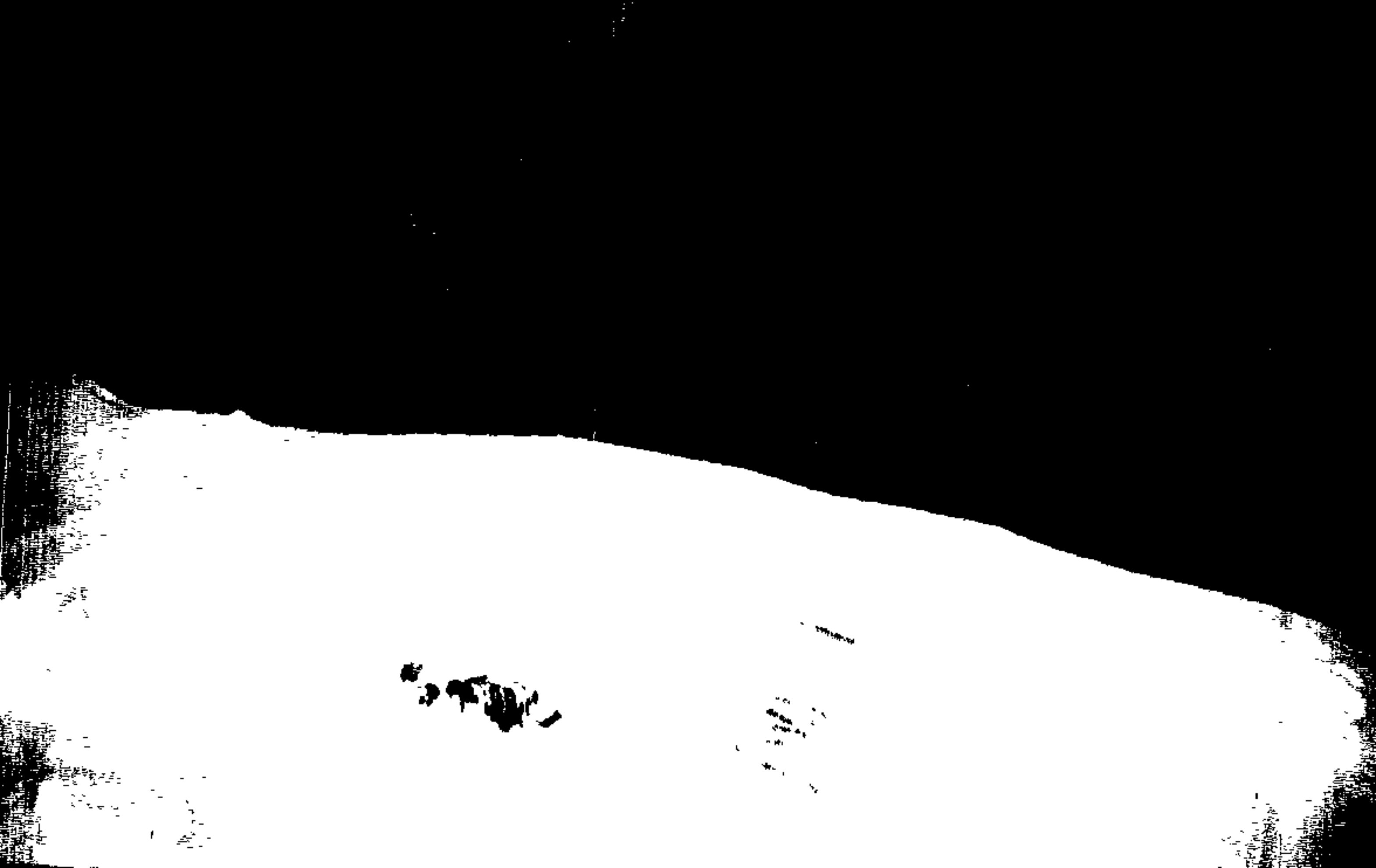




























Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

*Photographs
Pet's Us SA - SE
& Summer
pics*



2936 Knoll Acres Dr. Ft Collins CO



2812 Munske Rd.

SE



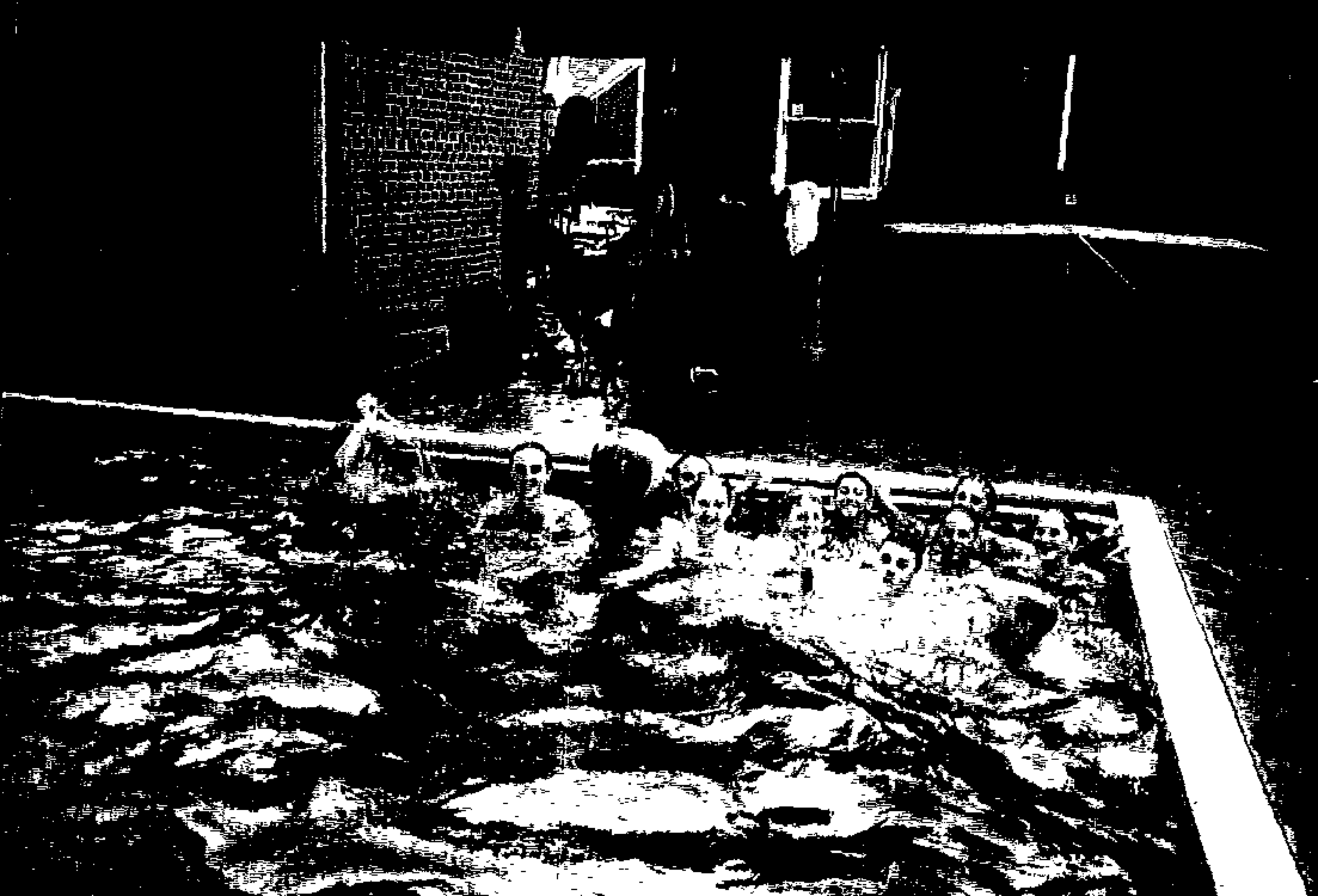
2832 Cub Hill Rd.

SC



2829 Munster Rd.

SB









2822 Cub Hill Rd.

SD









Baltimore County
Department of Permits and
Development Management

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

February 14, 2003

Timothy David Demski
2820 Munster Road
Baltimore, MD 21234

Dear Mr. Demski:

RE: Case Number: 03-311-A , 2820 Munster Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 7, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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on Recycled Paper



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.17.03

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

RE: Baltimore County
Item No. 311 RDD

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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS HLT*

DATE: February 20, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 21, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

305-308, 310, 311, 313, 315-319, 321-325

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 28, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For January 27, 2003
Item Nos. 305, 306, 307, 308, 310,
311, 312, 313, 314, 315, 316, 320,
321, 322, 323, 324, and 325

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: January 21, 2003

Item No.: 305, 307-311 316-322, 324 & 325

Dear Ms. Hart:

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.

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

cc: File

Come visit the County's Website at www.co.ba.md.us



Maryland Department of Planning

*Robert L. Ehrlich Jr.
Governor*

*Michael S. Steele
Lt. Governor*

*Andrey E. Scott
Secretary*

January 21, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 01/27/03 re: case numbers 03-305-SPH, 03-306-X, 03-307-SPH, 03-308-A, 03-309-A, 03-310-A, 03-311-A, 03-312-X, 03-313-SPH, 03-314-XA, 03-315-SPH, 03-316-SPHX, 03-317-A, 03-318-A, 03-319-A, 03-320-A, 03-321-A, 03-322-A, 03-323-SPHA, 03-324-A, 03-325-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/16/03. 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

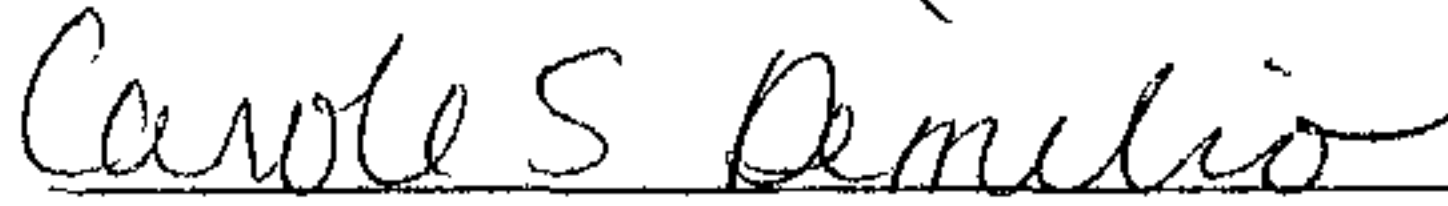
cc: Mike Nortrup

RE: PETITION FOR VARIANCE * BEFORE THE
2820 Munster Road; NW side Munster Rd; * ZONING COMMISSIONER
275ft NW ctrline Tipperary Road *
9th Election District *
6th Councilmanic District * FOR
Legal Owners: Timothy D. & Nikki A. Demski *
Petitioners * BALTIMORE COUNTY
* 03-311-A

* * * * *

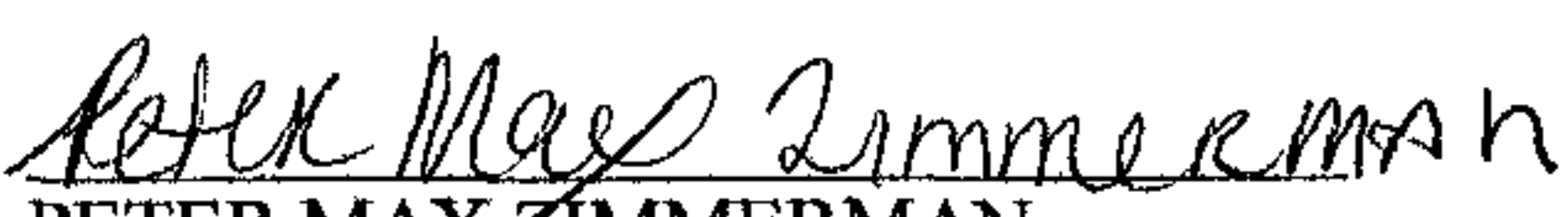
ENTRY OF APPEARANCE

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 22nd day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to, Timothy D. Demski, 2820 Munster Road, Baltimore, MD 21234, Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County
Department of Permits and
Development Management

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

March 20, 2003

Timothy David Demski
Nikki Alexa Demski
2820 Munster Road
Baltimore, MD 21234

Dear Mr. and Mrs. Demski:

RE: Case No. 03-311-A, 2820 Munster Road

Please be advised that an appeal of the above-referenced case was filed in this office on March 13, 2002. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rjc

c: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM
People's Counsel

Come visit the County's Website at www.co.ba.md.us



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APPEAL

Petition Variance
2820 Munster Road
NW/Side Munster Road 275 feet north west of centerline Tipperary Road
9th Election District - 6th Councilmanic District
Timothy and Nikki Demski.- Legal Owner
Case No.: 03-311-A

- ✓ Petition for Variance (January 7, 2003)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (January 22, 2003)
- ✓ Certification of Publication (February 6, 2003)
- ✓ Certificate of Posting (posted by the SSG Robert black) on February 6, 2003
- ✓ Entry of Appearance by People's Counsel (January 22, 2003)
- ✓ Petitioner(s) Sign-In Sheet
One Sheet
- ✓ Protestant(s) Sign-In Sheet
None
- ✓ Citizen(s) Sign-In Sheet
None
- ✓ Zoning Advisory Committee Comments

RECEIVED
MAR 17 4 15 PM '03

BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners' Exhibits:

- ✓ 1. Plat to accompany Petition for Variance (8/10/01)
- ✓ 2-A Letter from Charles Cox 2/18/03
- ✓ 2-B Letter from John J. and Jeanne M Bartenfelter 2/18/03
- ✓ 2-C Letter from Helen Philps 2/18/03
- ✓ 2-D Letter from Andrew J. Demski 2/6/03
- ✓ 2-E Letter from Clyde Williams (No date)
- ✓ 3 Sales Order Twin Locust Barns 3/12/00
- ✓ 4-A and 4-B Photos two sided items
- ✓ 6 Letter from Kodiak Utility Construction Inc. 2/20/03
- ✓ 7 Arial Photo
- ✓ Photographs 5-A - 5-E and Summer Picnics

Protestants' Exhibits:

- ✓ Photos 1-A - 1S

Miscellaneous (Not Marked as Exhibits):

- ✓ Deputy Zoning Commissioner's Order (3/3/03 Denied)
- * ✓ Notice of Appeal dated March 13, 2003 from Timothy Demski

C: People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
* Mr. & Mrs. Timothy David Demski

date sent 3/20/03 rjc

CHARLES COX
2828 MUNSTER ROAD
BALTIMORE MD 21234

JOSEPH SCHWARZMANN
2822 MUNSTER ROAD
BALTIMORE MD 21234
PROTESTANT

* TIMOTHY DAVID DEMSKI
NIKKI ALEXA DEMSKI
2820 MUNSTER ROAD
BALTIMORE MD 21234
PETITIONER/APPELLANT

VE

Case No. 03-311-A

VAR – To allow a detached accessory structure (garage) to be located on the side of the principal dwelling ilo required rear yard and for building to be as close as 14" from side property line ilo minimum required 2 ½ feet.

3/03/03 –D.Z.C.'s decision in which variance was DENIED.

4/24/03 –Notice of Assignment sent to following; assigned for hearing on Tuesday, September 23, 2003 at 10 a.m.:

Timothy and Nikki Demski
Joseph Schwarzmenn
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

NOTE: Added to notice: Charles Cox 2828 Munster Road 21234 and copy sent to him.

9/23/03 – Board convened for hearing (Marks, Crizer, Worrall); hearing concluded; tentatively holding 10/29/03 for public deliberation, pending confirmation with panel members.

9/25/03 – Notice of Deliberation sent to parties (confirmed date with Mr. Marks); scheduled for Wednesday, October 29, 2003 at 9:30 a.m. FYI copy to 5-7-3.

10/29/03 – Deliberation concluded (Marks, Crizer, Worrall); denied variance request; order to be issued; appellate period to run from date of written Order.

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: January 2, 2004

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton *TRS*
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

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

<u>BOARD OF APPEALS CASE NUMBER</u>	<u>PDM FILE NUMBER</u>	<u>NAME</u>	<u>LOCATION</u>
03-537-XA	<i>03-537-XA</i>	BETTY HENNINGER	4 MARLYN AVENUE
03-172-A	<i>03-172-A</i>	JOHN AND KAREN KOTRLA	5008 TARTAN HILL ROAD
03-311-A	<i>03-311-A</i>	TIMOTHY AND NIKKI DEMSKI	2820 MUNSTER ROAD
02-519-A	<i>02-519-A</i>	DOROTHY AND CHERYL MILLIGAN	7116 OXFORD ROAD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

KODIAK UTILITY CONSTRUCTION, INC.

1314 S. BAYLIS STREET
BALTIMORE, MD 21224

To: Bode 3/12/03
3/11/03
see

March 11, 2003

Mr. Arnold Jablon
Director PDM
Baltimore County
111 W. Chesapeake Ave.
Towson Maryland 21204

Re: Case Number 03-311-A

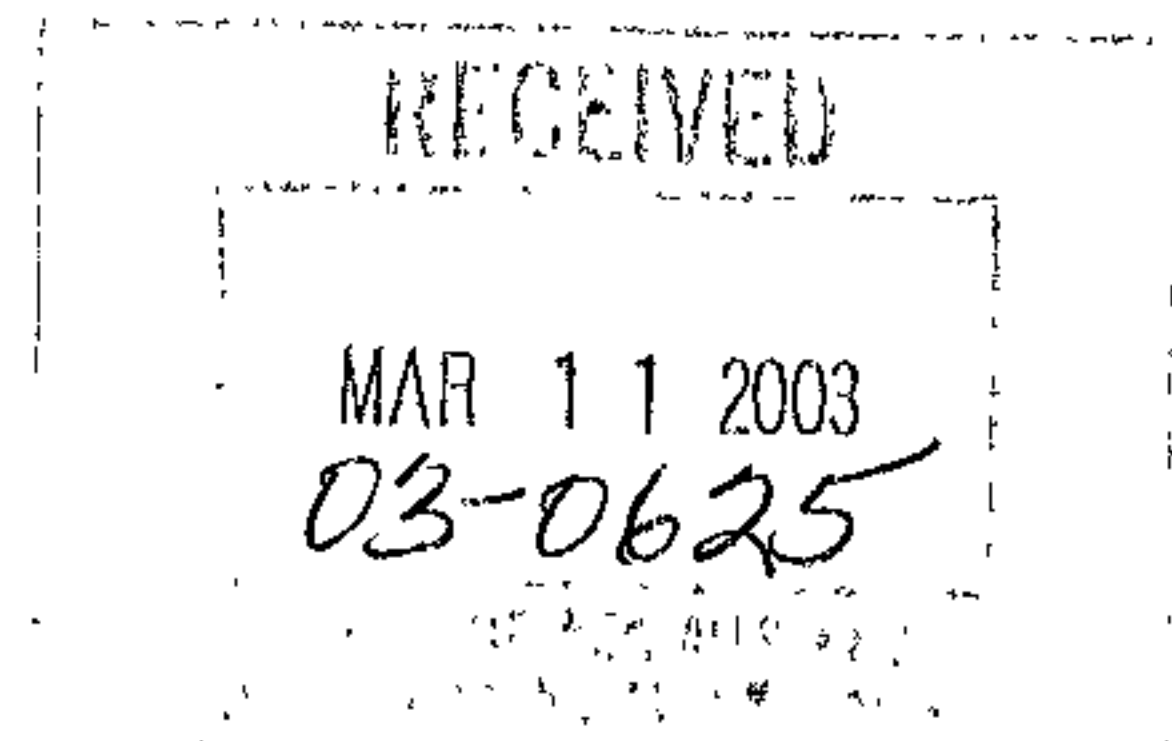
Mr. Jablon,

This letter shall serve as formal notice to file for an appeal to the decision rendered by Mr. Timothy M. Kotroco, dated March 3, 2003.

Mr. and Mrs. Timothy Demski are dissatisfied with the decision and wish to exercise their rights under the appeals process.

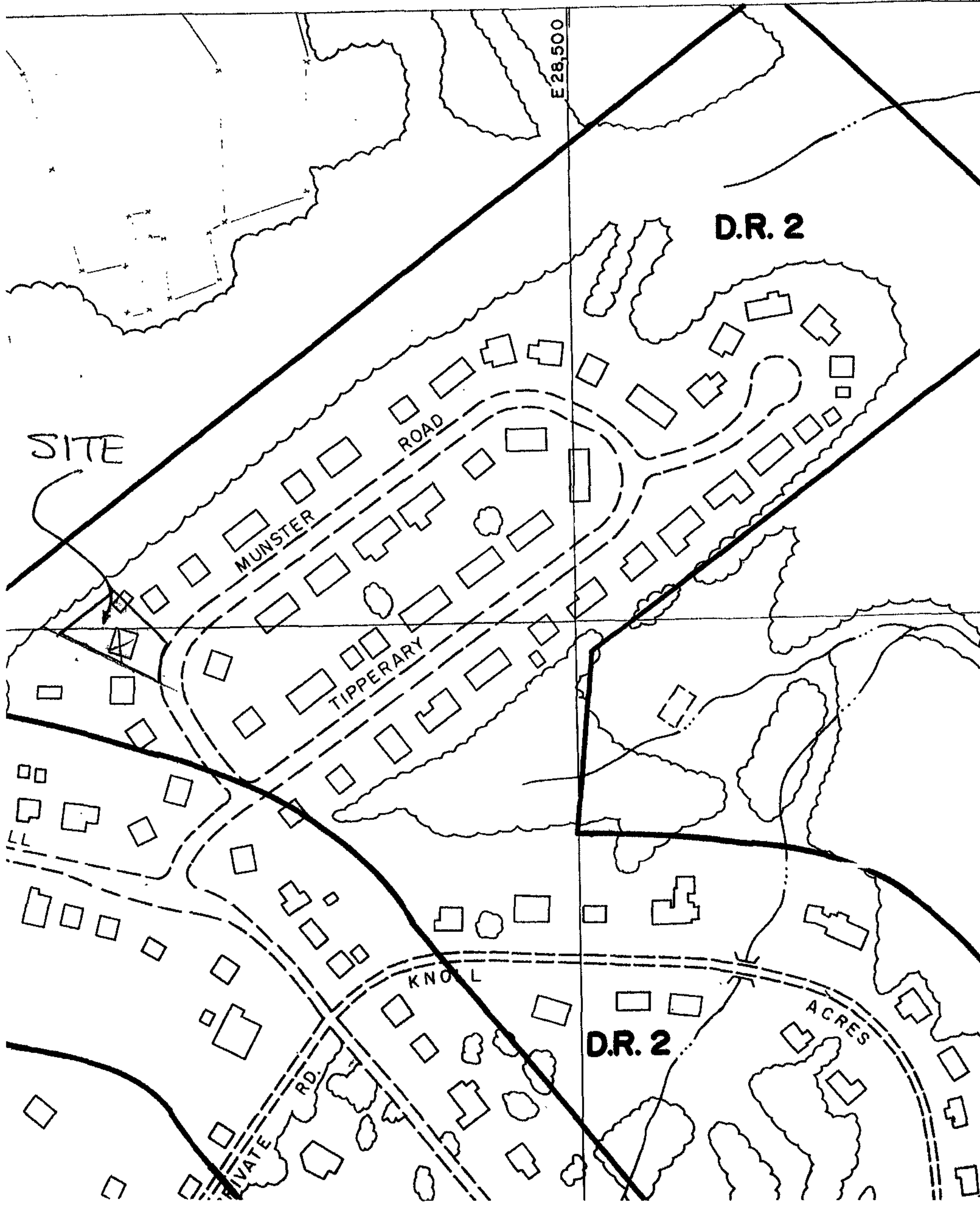
Regards,


Timothy Demski



Item # 311

N.E. 11-E



Permit #1

Case No: 01-5361Address: 02820 MUNSTER RDCmd No: 015 District: 000 Date Rcv: 8/06/2001 Grp: ENF Intk: SHELTON, NInspec: ECKER, E Inspec2: Date Inspec: 0/00/0000Close: 8/07/2001 Activity: Delete: XProblem: BUILT A RETAINING WALL W/O PERMITCL Name: SCHWARZMANN MICHELLECL Address: 02822 MUNSTER RD21234CL Home Phone: 410-828-2570 CL Work Phone: Tax Acct. 0903231241

Enter=Continue F12=Cancel

Case No: 01-5361

Notes: 08/07/01 NO CODE VIO. OBSERVED. 6X6'S - 8 COURSES DOWN TO 1 COURSE, NO
GRADE CHANGE. LAID ON EXISTING GRADE. NO FOOTER. COMPL. NOTIFIED. CASE CLOSED.
R. FAULKNER/KH. ***

Enter=Continue F12=Cancel

Plot. #2

Case No: 02-4322Address: 02820 MUNSTER RD 21234Cmd No: 002 District: 000 Date Rcv: 6/18/2002 Grp: ENF Intk: CHEN, JInspec: C. FRINK Inspec2: Date Inspec: 4/03/2003Close: 0/00/0000 Activity: Delete: Problem: SHED ON PROPERTY LINE, PROPERTY SURVEYED & STAKED IN GROUND

MAP 28F3

CL Name: SCHURZMAN JOSEPHCL Address: 02822 MUNSTER RD21234CL Home Phone: 410-661-6758 CL Work Phone: Tax Acct. 0903231241

Enter=Continue F12=Cancel

Case No: 02-4322

Notes: ****6/19/02, SPOKE WITH PROP OWNER, STATES THAT SHED HAS BEEN THERE FOR APPROX 5 YEARS, SHED IS ABOUT 14 TO 18 INCHES FROM PROP LINE, SHED IS IN VIOLATION, KLP/CO****

****6/20/02, ISSUED CORRECTION NOTICE FOR IMPROPER PLACEMENT OF ACCESSORY STRUCTURE, POSTED/MAILED, REINSPECT TO VERIFY REMOVAL OF ACCESSORY STRUCTURE OR THE RETAINING OF A VARIANCE, COMPL UPDATED, P/U 7/11/02, KLP/CO****

7/12/02, SHED REMAIN AT END OF DRIVEWAY, ON LAST INSPECTION ON 6/20/02, OWNE RSTATED THAT HE WOULD ATTEMPT TO GET A VARIANCE, LEFT CARD FOR OWNER TO CALL TO INFORM US OF HIS INTENT, COMPL UPDATED, P/U 7/26/02, KLP/CO*

****7/29/02, MR DENSKI, OWNER, 410 732-2327/W, 443 790-0310/C, UNABLE TO LOCATE ON CALENDAR OR IN BLUE BOOK A CASE # OR HEARING DATE, LEFT MESSAGE FOR OWNER TO CALL W/STATUS OF PAPERWORK FOR VARIANCE, IF NO RESPONSE ISSUE CITATION, COMPL UPDATED, P/U 8/1/02, CF/CO****

*****08/05/02 CITATION SENT TO TIMOTHY D & NIKKI A DEMSKI AT 2820 MUNSTER RD , BALTIMORE MD 21234, BY CERTIFIED AND REGULAR MAIL. CHECK FOR SERVICE 8/19/02. CF/(MAT)*****

Enter=Continue F12=Cancel

Case No: 02-4322

Notes: ****8/2/02 SHED NOT REMOVED OR RELOCATED. OWNER DID NOT RETURN MY PHONE CALL AND NO LISTING FOR SUBMITTALS FOR HEARING FOR A VARIANCE. CITATION ISSUED . SERVE BY 8/19/02. HEARING ON 9/18/02 AT 9:00 AM. CHECK FOR SERVICE. 1 PHOTO. NO ANSWER/ NO MACHINE. UNABLE TO UPDATE. P/U 8/19/02. CF/(MAT)***** *

8/14/02, G.F. SERVED OWNER'S FATHER AT THE REQUEST OF THE OWNER, WHO WAS NOT AT HOME, G.F. SPOKE W/OWNER ON PHONE, PUT ON DOCKET, RECHECK SHED LOCATION FOR HEARING 9/16/02. CF/CO* 8

/15/02 PUT ON DOCKET FOR 9/18/02 WITH COPY TO COMP. GAVE FILE TO C. FRINK KITTY* 9

9/3/02 REC'D CITATION UNCLAIMED. FILED CITATION AS HEARING HAS BEEN SET IN. / HEK

****09/17/02 INSPECTED 09/06/02 AND SHED WAS NOT REMOVED. HOLD FOR HEARING RESULTS. P/U 09/23/02. CF/LRS* 9

/23/02 FINAL ORDER SENT TO DEMSKI DATED 9/20/02. GAVE FILE TO G. HUCIK. \$9000 REDUCED TO \$1000 ON COND BU 10/22/02. GAVE FILE TO G. HUCIK. KITTY***

***09/24/02 PER ORDER FINE IMPOSED IF SHED IS REMOVED BY 10/22/02 IF SHED IS NOT REMOVED 9,000 FINE TO BE IMPOSED CHECK FOR COMPLIANCE. CMPLNT UPDTD. CF/LRS**

Enter=Continue F12=Cancel

Case No: 02-4322

Notes: 10/7/02 MR. DEMSKI CAME INTO THE OFFICE AND WANTED TO APPEAL THIS CASE. RECEIVED LETTER FROM MR. ANDREW CROLL, MR. DEMSKI'S ATTORNEY. APPEAL HAS BEEN DENIED PER R.WISNOM ON THE BASIS THAT MR. DEMSKI KNEW OF THE HEARING AND WAS VERBALLY TOLD TO ATTEND. GAVE FILE TO C. FRINK. KITTY***

10/15/02 LETTER SENT TO ATTY ANDREW W CROLL ON BEHALF OF TIMOTHY D DEMSKI ADVISING HEARING WILL BE HELD ON 10/24/02 TO DETERMINE WHETHER SERVICE OF CITATION WAS PROPERLY MADE UNDER BCC AND DC RULES, AT 9AM RM 116. TO GH FOR REVIEW. LRS*

10/23/02, SHED REMAINS IN FRONT YARD, PER ORDER \$9,000 FINE TO BE IMPOSED, HEARING ON 10/24/02 TO CONTEST SERVICE IF CASE UPHELD, IMPOSE \$9,000 FINE, HOLD FOR RESULTS, COMPL UPDATED, P/U 10/28/02, CF/CO* 1

10/28/02 AMENDED ORDER SENT TO DEMSKI DATED 10/28/02. GAVE FILE TO C. FRINK. KIT***

10/29/02, STILL WAITING FOR ORDER PER C.F., UPDATE NOT NECESSARY, P/U 11/4/02, RT/CO* 1

11/6/02, PER ORDER, OWNER MUST EITHER FILE FOR A VARIANCE OR REMOVE THE SHED BY 12/3/02 OR A \$400.00 FINE WILL BE IMPOSED, CHECK FOR VARIANCE/HEARING DATE, COMPL UPDATED, P/U 12/3/02, CF/CO* *

Enter=Continue F12=Cancel

Case No: 02-4322

Notes: OWNER FILED IN PROCESS OF FILING FOR VARIANCE, HAS APPOINTMENT TO FILE PETITION ON 12/10/02 - SHOULD SATISFY ORDER TO DATE.** *

12/4/02, CHECK W/ZONING TO SEE IF VARIANCE PAPERS WERE ACCEPTED, APPT IS AT 11:00 AM ON 12/10/02, COMPL UPDATED, CF/CO* *

12/11/02, SHED REMAINS IN DRIVEWAY, RESCHEDULED 1/7/03 11 AM, OWNER DID NOT HAVE ENOUGH INFO TO FILE PAPERS WITH ZONING, COMPL UPDATED BY VOICE MESSAGE, P/U 1/7/03, CF/CO* *

1/8/03, VARIANCE PAPERS ACCEPTED BY ZONING FOR A VARIANCE FOR THE SHED LOCATED IN FRONT/DRIVEWAY, CASE # 03-311-A, CHECK W/ZONING OFFICE FOR HEARING RESULTS, COMPL UPDATED BY VOICE MESSAGE, P/U 3/1/03, CF/CO* *

01/24/03 REC'D NOTICE OF ZONING HEARING SCHEDULED FOR 02/21/03. P/U 03/21/03 FOR DECISION. GAVE TO CF. -LRS* *

3/24/03, PETITION FOR VARIANCE FOR THE SHED WAS DENIED, OWNER HAS UNTIL 4/3/03 TO APPEAL DECISION OR REMOVE SHED, CHECK FOR APPEAL, COMPL UPDATED BY VOICE MESSAGE, P/U 4/3/03, CF/CO* V

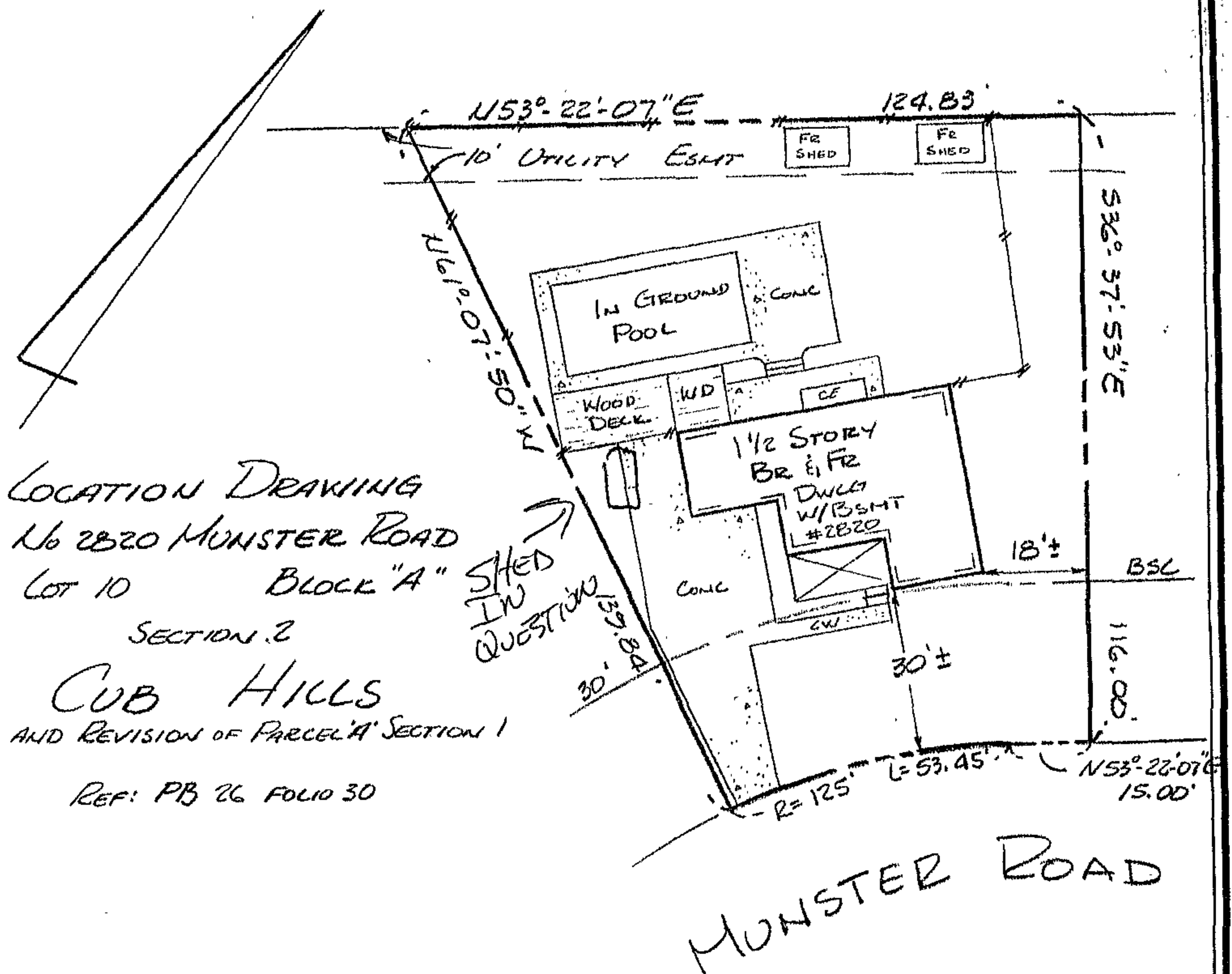
Enter=Continue F12=Cancel

Ref. # 1



Plat # 2

9TH ELECTION DISTRICT, BALTIMORE COUNTY MARYLAND



N.F.I.P. DATA

Map Date: 3/02/81
Community No.: 240010
Panel No.: 0270 B
Zone: C

NOTE: No Title Report Furnished.

NOTE: The information on this plat shows only that the improvements indicated hereon are contained within the outlines on the lot upon which they are erected and this Plat is not to be construed as an establishment of property lines.

THIS IS TO CERTIFY THAT WE HAVE MADE A LOCATION SURVEY OF THE IMPROVEMENTS, AND THAT THEY ARE LOCATED ON THE LOT AS SHOWN HEREON.

SURVEYOR
REG. NO.: MD-124 DATE: 6/25/98

File No - 9B-C449

CSG# 98-755

Scale: 1" = 30'

Date: JUNE 23, 1998

J. Finley Ransone & Associates
Registered Land Surveyors

P.O. Box 10160

Towson, Maryland 21285-0160

Phone: (410) 666-7448 FAX: (410) 666-0373

Ref 13x 2A, 7

2828 Munster Road
Baltimore, Maryland 21234-1131

February 18, 2003

Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

Mr. & Mrs. Timothy Demski have been my neighbors since purchasing their house in 1998. The Demski's have made improvements to the exterior of their property that includes replacing concrete sidewalks, exterior painting, and extensive landscaping. The Demski residence is one of the most aesthetically pleasing on Munster Road.

I was shocked when I saw a Zoning Hearing Sign Case Number 03-311-A, on their front lawn. I questioned Mrs. Demski about it and she said that a variance for placement of their storage shed was necessary. The storage shed has been there for several years. It is a high-quality Black Bear Structure. Before he purchased the structure, Mr. Demski discussed his planned purchase with me. Looking back, I now realize that Mr. Demski gave me an opportunity to discuss any objections I may have had. I had none then and have none now.

I encourage you to grant the Demski's the necessary variance. If you have any question, please contact me at 410-966-4570 (work) or 410-882-0782 (home).

Sincerely,


Charles J. Cox

2B
2817 Munster Road
Baltimore, MD 21234
February 18, 2003

Baltimore County, Maryland
Department of Permits and
Development Management
Directors Office

RE: Case Number 03-311A

As neighbors of Timothy and Nikki Demski, we have no qualms about the placement of said structure in question. The structure is not an eyesore to the area and surrounding community.

The Demski's are good neighbors, keep their home and property neat and groomed and do many good deeds for the neighbors and community.

Sincerely,

John J. Bartenfelter
Jeanne M. Bartenfelter
John J. Bartenfelter and
Jeanne M. Bartenfelter

2826 Munster Road DC

Baltimore, Maryland 21234

February 18, 2003

Mr. Arnold J. Felton

zoning Commissioner of Baltimore County

Re Case # ^{03-311-A} ~~03-311-A~~

Dear Sir:

Since I will be unable to attend the public hearing on February 21, 2003 of this case, I want to express my view on this matter.

I feel this structure is most certainly a neatly kept one and is not in any way an eyesore. Weather permitting, I often walk around the neighborhood, so frequently have the opportunity to see this property and compare it with others in the area.

Briefly, I find nothing objectionable either in the location or appearance of this structure.

Yours truly,

Helen Phillips

February 6, 2003

Arnold Jablon, Director
County Office Building
111 West Chesapeake Avenue
Baltimore, MD 21204

Re: Case #03-331-A
2820 Munster Road
Legal Owner: Timothy and Nikki Demski

Dear Mr. Jablon:

The intent of this letter is to inform you that the shed located near the side of the driveway at 2820 Munster does not in anyway detract from the attractiveness of that property. The shed is positioned in the manner it is because of the pool. Mr. and Mrs. Demski have always taken great pride in the outside appearance of their home as is evidenced by the well maintained property.

Sincerely,

Mr. & Mrs. Andrew J. Demski

Mr. and Mrs. Andrew J. Demski

JE
Mr. & Mrs. Clyde Williams
2829 Munster Rd.
Baltimore, MD. 21234
(410)-882-4533

To whom it may concern,

I live at 2829 Munster Road, adjacent to 2820 Munster Road (The Demski Residence). I am writing this letter in reference to the Zoning case – 03-311-A. The detached accessory structure (shed) is visible from my property. My family and myself have no problem with this structure. It is new and well maintained. The Demski's have always maintained a nice house and yard.

Thank you,

Mr. & Mrs. Clyde Williams

 African Wildlife Imports

Pet 3A

903027
TIMOTHY AND NIKKI DEMSKI
2820 MUNSTER ROAD
CUB HILL, MD 21234
410-661-2596

0465

DATE Mar. 12, 2000

7-7575/2520

PAY TO THE ORDER OF Twin Locust Barns \$ 415.00
four hundred fifteen and 00/100 306 8327,93 1574
DOLLARS



**BALTIMORE COUNTY EMPLOYEES
FEDERAL CREDIT UNION**
TOWSON, MARYLAND 21284

FOR garage dep.

Nikki A. Demski

⑆252075757⑆ 0101193415 0465 ⑈0000041500⑈

ProcDate:36802
ABA:252075757
AccountNum:101193415
CheckAmt: 415.00
FilmSeqNum:903027
DIN:270381799
CheckNum:465
SerialNum:0

FRB-PHILA.*****MIXED
030039296 0310-0004-0
030039296 03-17-00

00510000 CITY
270381799 0520-0027-8
270381799 03-17-00

MR 03 16
270381799 0520-0027-8
903027 03-17-00

FOR DEPOSIT ONLY
TWIN LOCUST BARNS
83074266

ProcDate:36602
ABA:252075757
AccountNum:101193415
CheckAmt: 415.00
FilmSeqNum:903027
DIN:270381799
CheckNum:465

Pet. #3B

387807 0469

TIMOTHY AND NIKKI DEMSKI
2820 MUNSTER ROAD
CUB HILL, MD 21234
410-661-2596

DATE March 16, 2000 7-7575/2520

PAY TO THE ORDER OF Twin Locust Barns \$ 1,642.24

One thousand six hundred forty two and 24/100 DOLLARS

BALTIMORE COUNTY EMPLOYEES' FEDERAL CREDIT UNION
TOWSON, MARYLAND 21284

FOR garage bal-pd in full. Nikki A Demski

252075757 0101193415 0469 0000164224

ProcDate:36612
ABA:252075757
AccountNum:101193415
CheckAmt: 1642.24
FilmSeqNum:387807
DIN:270208947
CheckNum:469
SerialNum:0

FOR DEPOSIT ONLY
6 TWIN LOCUST BARNS
83074266

00410000 RCPC
270208947 0520-0027-8
270208947 03-27-00

MR 00327807
FILMED PKT
0520-0027-8
03-27-00

SAFESTEL
0000113

ProcDate:36612
ABA:252075757
AccountNum:101193415
CheckAmt: 1642.24
FilmSeqNum:387807
DIN:270208947
CheckNum:469

Ref. # 4

9/23/00

I know of no neighbor that has an objection to the placement of the Demski's shed except Mr + Mrs Schwarzzman. It (the shed) does not detract from the ~~act~~ attractive setting of the community.

Charles Cox
2828 Munster Road
Baltimore MD
21234

(Charles Cox)

Reg. # 5

February 6, 2003

Arnold Jablon, Director
County Office Building
111 West Chesapeake Avenue
Baltimore, MD 21204

Re: Case #03-331-A
2820 Munster Road
Legal Owner: Timothy and Nikki Demski

Dear Mr. Jablon:

The intent of this letter is to inform you that the shed located near the side of the driveway at 2820 Munster does not in anyway detract from the attractiveness of that property. The shed is positioned in the manner it is because of the pool. Mr. and Mrs. Demski have always taken great pride in the outside appearance of their home as is evidenced by the well maintained property.

Sincerely,

Mr. & Mrs. Andrew J. Demski

Mr. and Mrs. Andrew J. Demski

Per. # 5

2817 Munster Road
Baltimore, MD 21231
February 18, 2003

Baltimore County, Maryland
Department of Permits and
Development Management
Directors Office

RE: Case Number 03-311A

As neighbors of Timothy and Nikki Demski, we have no qualms about the placement of said structure in question. The structure is not an eyesore to the area and surrounding community.

The Demski's are good neighbors, keep their home and property neat and groomed and do many good deeds for the neighbors and community.

Sincerely,

John J. Bartenfelter
Jeanne M. Bartenfelter
John J. Bartenfelter and
Jeanne M. Bartenfelter

Per. #5

2828 Munster Road
Baltimore, Maryland 21234-1131

February 18, 2003

Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

Mr. & Mrs. Timothy Demski have been my neighbors since purchasing their house in 1998. The Demski's have made improvements to the exterior of their property that includes replacing concrete sidewalks, exterior painting, and extensive landscaping. The Demski residence is one of the most aesthetically pleasing on Munster Road.

I was shocked when I saw a Zoning Hearing Sign Case Number 03-311-A, on their front lawn. I questioned Mrs. Demski about it and she said that a variance for placement of their storage shed was necessary. The storage shed has been there for several years. It is a high-quality Black Bear Structure. Before he purchased the structure, Mr. Demski discussed his planned purchase with me. Looking back, I now realize that Mr. Demski gave me an opportunity to discuss any objections I may have had. I had none then and have none now.

I encourage you to grant the Demski's the necessary variance. If you have any question, please contact me at 410-966-4570 (work) or 410-882-0782 (home).

Sincerely,



Charles J. Cox

Per. #5

2826 Mounton Road

Baltimore, Maryland 21234

February 18, 2003

Mrs. Donald J. Eblen

Planning Commissioner of Baltimore County

The Case # ^{03-311-A} ~~03-311-B~~

Dear Sir:

Since I will be unable to attend the public hearing on February 21, 2003 of this case, I want to express my view on this matter.

I feel this structure is most certainly a neatly kept one and is not in any way an eyesore. Weather permitting, I often walk around the neighborhood, so frequently have the opportunity to see this property and compare it with others in the area.

Briefly, I find nothing objectionable either in the location or appearance of this structure.

Yours truly,

Helen Phillips

Pet. #5

Mr. & Mrs. Clyde Williams
2829 Munster Rd.
Baltimore, MD. 21234
(410)-882-4533

To whom it may concern,

I live at 2829 Munster Road, adjacent to 2820 Munster Road (The Demski Residence). I am writing this letter in reference to the Zoning case -- 03-311-A. The detached accessory structure (shed) is visible from my property. My family and myself have no problem with this structure. It is new and well maintained. The Demski's have always maintained a nice house and yard.

Thank you,

Mr. & Mrs. Clyde Williams

Clyde Williams *Aaron Williams*

Per. # 9

Motorcycle Usage Log

2820 Munster Rd

Fri. 7/18/03- Evening- Ken Demski brought his Harley over from 2819 Munster Road. Moved his and Tim Demski's motorcycle to store both in shed.

Sun. 7/20/03- Tim Demski left on motorcycle at 3:00pm. He returned at 5:49pm.
8:16pm- Ken Demski brought his Harley over from 2819 Munster Road and exchanged bikes with the one parked in the shed. Ken Demski returned one bike to 2819 Munster Road. Tim started his motorcycle and parked both his own, and Ken Demski's Harley inside the shed.

Mon. 8/4/03- Tim Demski left on his Harley at 8:05pm and returned home at 9:54pm.

Sun. 8/10/03- 1:33pm- Ken Demski backed Tim Demski's Harley out of the shed without starting it. He took his own Harley out from the shed as well, and rode across the street into the driveway of 2819 Munster Rd. At 1:35pm, Ken Demski started up Tim Demski's Harley, which had been parked in the driveway, to return it to the shed. At 7:19pm, Ken Demski returned to 2820 Munster Rd., and put his Harley away in the shed.

Sun. 8/17/03- 11:12am- Tim Demski started his Harley and backed it out of the shed. It then stalled. After restarting it at 11:18am, he left. At 5:48pm, he returned home, and pulled right into the shed.

Sun. 8/24/03- 9:30am, Ken Demski took his own Harley and Tim Demski's Harley out of the shed and parked them in the driveway. Tim Demski and Ken Demski cleaned their bikes without running either of their motors. At 9:58am, both Tim Demski and Ken Demski left on their Harleys. At 1:30pm, both Tim Demski and Ken Demski returned on their bikes, and parked them in the shed.

Sun. 8/31/03- 3:19pm- Tim Demski started his Harley, rode across the street to the driveway of 2819 Munster Rd., to ride with Ken Demski. Both left at 3:21pm. At 6:37pm, they both returned and parked their Harleys in the shed.

Sun. 9/15/03- Ken Demski backed Tim Demski's Harley out of the shed without starting the motor and parked it in the driveway. At 6:43pm, Ken Demski backed his own Harley out of the shed, started it and left. He returned home at 7:15pm, and parked in the shed. He then started Tim Demski's Harley and parked it in the shed.





TWIN LOCUST BARNS AT GUNPOWDER FALLS

12110 Pulaski Highway
Joppa, MD 21085
(410) 679-2966

SALES ORDER
No. 2027

CUSTOMER NAME

Tim Demski

DATE

3/12/00

ADDRESS

2220 Munster Rd

TELEPHONE

410-661-2596

COUNTY

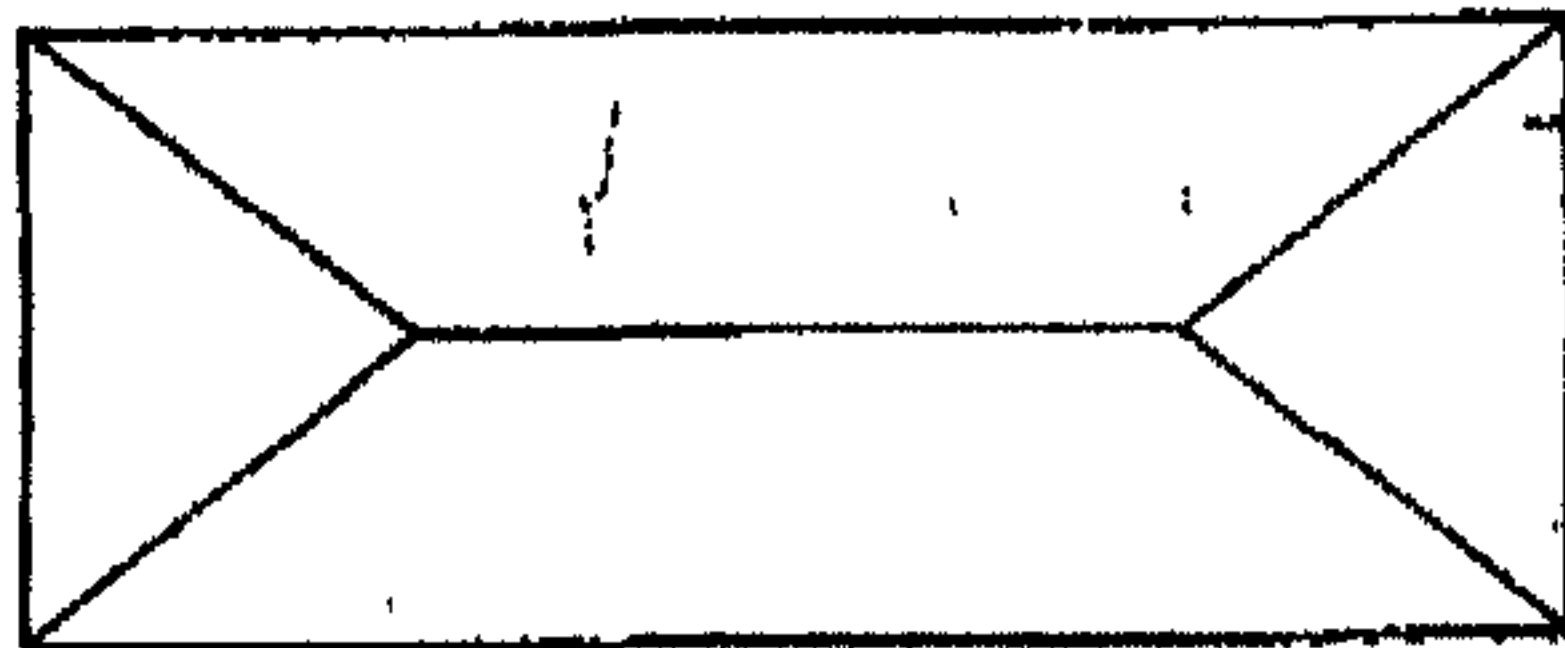
Balt.

MD

ZIP

21231

SIZE 10x16 ct	SHED COLOR Dk Blue	TRIM COLOR white	ROOF COLOR white
DOOR SIZE 8' Door	SHED STYLE ct	OPTIONS Kidge Vent #46	
SIDING Insulamp	TERMS	OPTIONS Less 5' Door #95	
LOADING INSTRUCTIONS cab		OPTIONS Less 2 Windows #60	
SHIPPING DATE ASAP 2 wks approx.		OPTIONS 7' Walls #94.50	
		OPTIONS Show spec. #158.00	



OH
Door

BASE PRICE

1580 -

OPTIONS

8' Door

395 -

8' Dist

72 -

SUB-TOTAL

1060 80

TAX

93 44

DELIVERY

95

TOTAL

2057 24

DEPOSIT

415 -

BALANCE

1642 24

CK #

469

(1642 24)

5

SIGNATURE

- HOME OWNER RESPONSIBLE FOR BUILDING PERMIT & COMPLIANCE WITH LOCAL REGULATIONS
- TWIN LOCUST BARNS IS NOT RESPONSIBLE FOR YARD OR PROPERTY DAMAGE
- RETURNED CHECKS ARE SUBJECT TO A 25% COLLECTION FEE

TWIN 01 1/25/98

Ref Ex #3

Pet 15x6

KODIAK UTILITY CONSTRUCTION, INC.

1314 S. BAYLIS STREET
BALTIMORE, MD 21224

February 20, 2003

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

From: Timothy & Nikki Demski

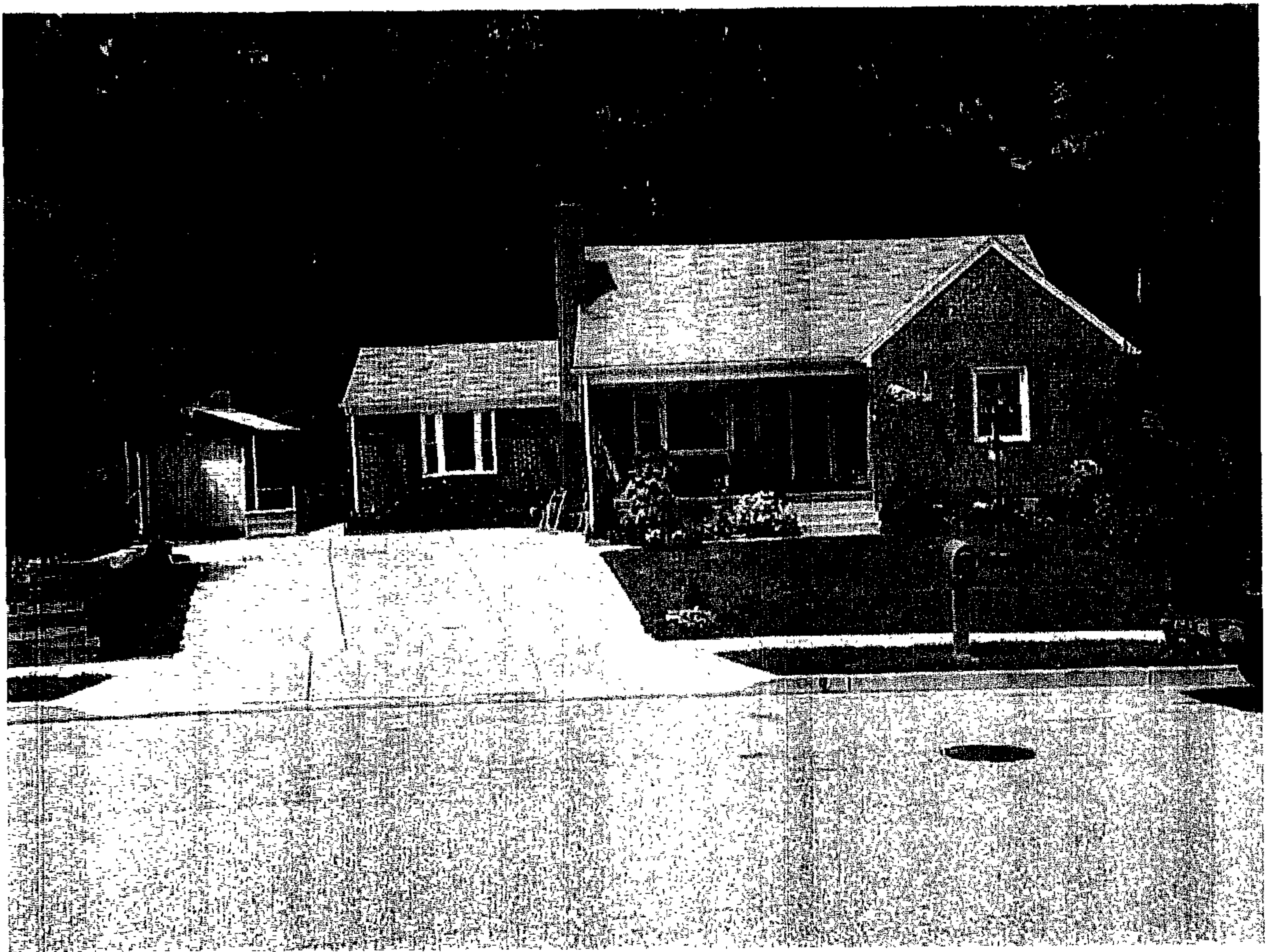
Subject: Rebuttal to Recommendations of the Director, Office of Planning

I do not believe that the review of the petition was completed in either a careful or diligent manner. I dispute each of the (3) points and I am submitting evidence to support each disputed point.

1. The existing shed negatively encroaches upon the side yard of the adjoining property.
 - A. The owners of the adjoining property were consulted when the shed was placed.
 - B. At the request of the adjoining property owner, The Demskis built the retaining wall to "square off" the slope on the adjoining property. The cost of the retaining wall was approximately \$3,000.00 and was paid for entirely by the Demskis.
 - C. Additionally, the day that the shed was placed, the adjoining property owner asked if the Demskis could remove a tree stump in their yard.
 - D. The shed was in place for approximately 17 months before the first complaint was registered. The first complaint was registered after an argument ensued between the adjoining property owner and the Demskis.
 - E. The adjoining property owners have refused to maintain their own property (trees and shrubbery) that crosses over the boundary. The adjoining property owners have ignored verbal and written requests to trim the shrubbery.
2. There is no evidence of accessory buildings in the side yards of nearby properties.
 - A. For your review, I have included (4) properties within 100 yards of 2820 Munster Road that have accessory buildings in the side yard.
3. This is a self-imposed hardship and has no basis for variance relief.
 - A. Due to the in ground pool in the back yard, the shed could not be placed in the back yard.
 - B. Careful consideration was taken when placing the shed on the side of the house to allow egress of men and equipment in the event that an emergency should arise in the back yard.
 - C. The shed houses several street legal motorcycles valued over \$60,000.00. The existing location is the only area to allow egress to the driveway and street.

Prepared By _____ Date _____

Pet Cx 4A



Item # 311

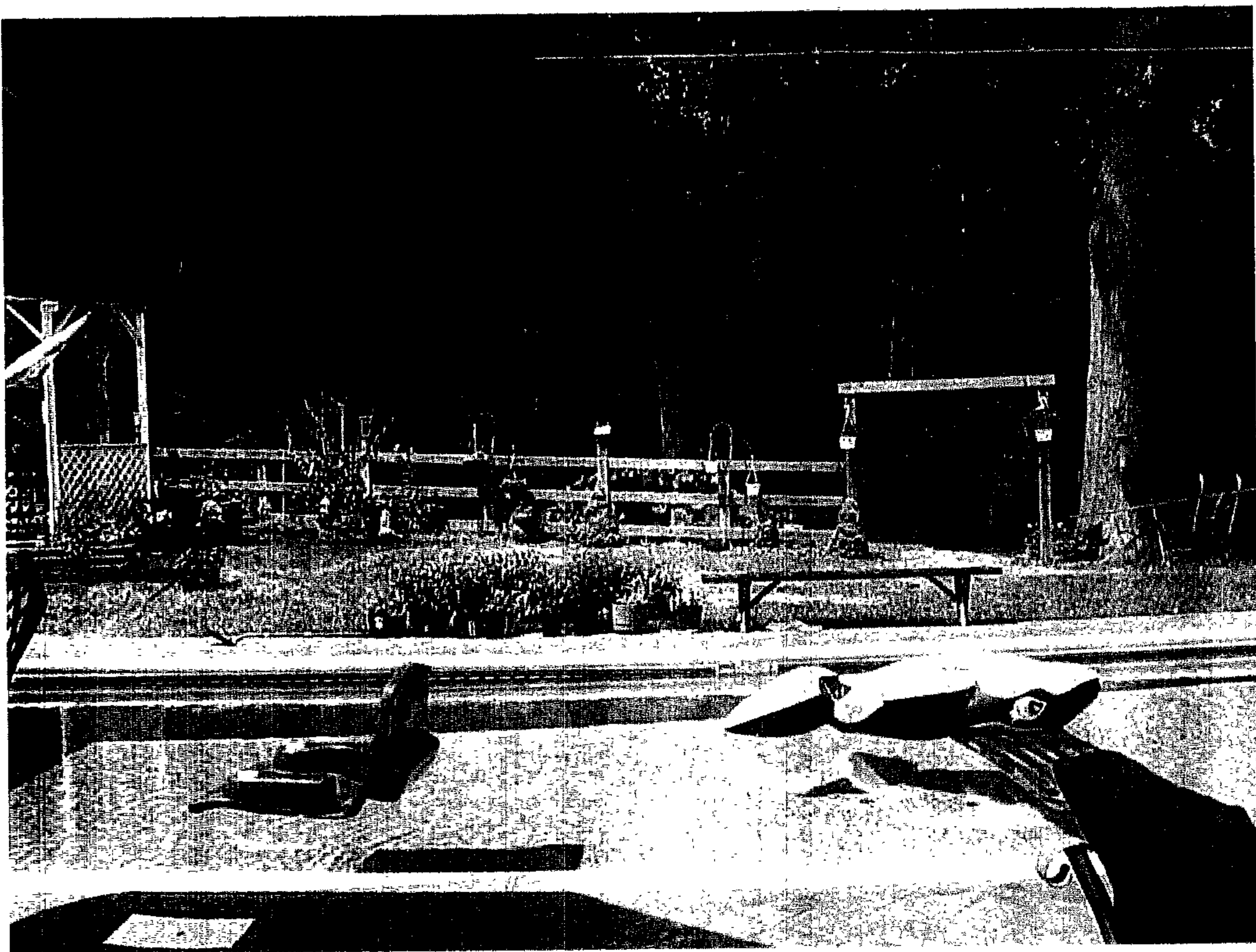


Item #311

Item #311



Ref Ex 4B



Item # 311

Per. 6 A

mon 2/22/03

existing steps & flower garden, basement stairs,
old back door entrance porch

Ref. 6 B

Framwear fence

Mon 9/22/03

Ps. 60

Mon 9/22/03

qat fuback yara B pad

Pet. 6D

Tues. 9/16/03

Hurricane Isabel prep.

Per. 6E

Tues 9/16/03
Hurricane Isabel Prep

6F
Per. ~~9~~ ~~10~~

Tues 9/16/03
Hurricane Isabel Prep

Per. 69

Per. 6 #



825. #4

Tues. 9/16/03

~~to be a lot of things from area~~ Munk Rd
over from area on area Munk Rd

Per. #8A

Plt. 12A

large shed - back 2800

Res, 12B

pool shed & gardening tools - christmas decorations
chemicals, vacuum. ride on toys.
pool toys, baby pool

Pls. 12C

pool & gardens shed 2820

Pet. 15 D

shed - bikes, Halloween dec's, pool stuff, lawncushions,
chairs.

Ref. 12E

interior bike / kids shed 3820