

IN RE: PETITION FOR VARIANCE
SW/S of Phoenix Road, 100 ft. NW
centerline of Maryland Avenue
8th Election District
3rd Councilmanic District
(14304 Phoenix Road)

Noel F. Henderson *Petitioner* 

- BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 03-461-A

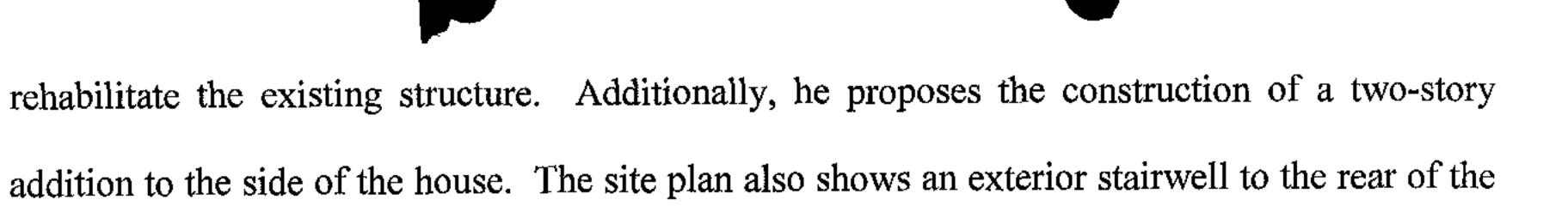
#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Variance for the property located at 14304 Phoenix Road in the "Phoenix Village" community of northern Baltimore County. The petition was filed by Noel F. Henderson, property owner. Variance relief is requested from Section 1A03.4.B.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed rear yard setback of 15 ft., an existing side yard setback of 7 ft., an existing rear yard setback of 14 ft., and a proposed distance to a public street right-of-way of 15 ft., all in lieu of the required 25 ft. setback in an R.C.4 zone. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the petition for variance.

Appearing at the requisite public hearing held for this case was Noel F. Henderson, Petitioner/Property Owner. Also appearing in support of the request was Perry B. Stewart, consultant. There were no protestants or other interested persons present.

The subject property under consideration is an irregularly shaped parcel with frontage on Phoenix Road in the rural village of Phoenix, located in Baltimore County. The subject property is irregularly shaped, approximately .15 acres in area (6,621 sq. ft.), zoned R.C.4. The property is improved with a single-family dwelling which is approximately 100 years old. Presently, the structure is dilapidated and not habitable. Mr. Henderson has owned the property for approximately 2 years and is in the process of rehabilitating the house. He proposes to repair and

26/26/03 28 Juneson



Due to the property's rural location, there is no public water and sewer system available. Through negotiations with the Department of Environmental Protection & Resource Management (DEPRM), Mr. Henderson has agreed to the installation of two 1,500 single-compartment holding tanks. These tanks will be installed in the rear yard to provide storage in lieu of an underground septic system. An existing well has also bean located and dug on the property to provide water.

property.

A series of photographs were submitted at the hearing which show the subject property and the surrounding locale. As noted above, the property is located within the small rural village known as Phoenix. Most of the existing buildings in the locale are of similar age. Mr. Henderson indicated that his neighbors support his rehabilitation and repair of the site.

Based upon the testimony and evidence offered, I am persuaded to grant the variance relief that is requested. The uniqueness associated with this property is its unusual size and configuration. Strict adherence to the zoning setback requirements is not practical or possible in this instance. I am persuaded that the Petitioner meets the requirements of Section 307 of the B.C.Z.R.

Although there were no protestants present at the hearing, a copy of a holding tank agreement comment was received from DEPRM. That comment references the holding tank arrangement which has been approved by DEPRM for this site and agreed to by the Petitioner. Obviously, the Petitioner need comply with all relevant environmental regulations and agreements.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

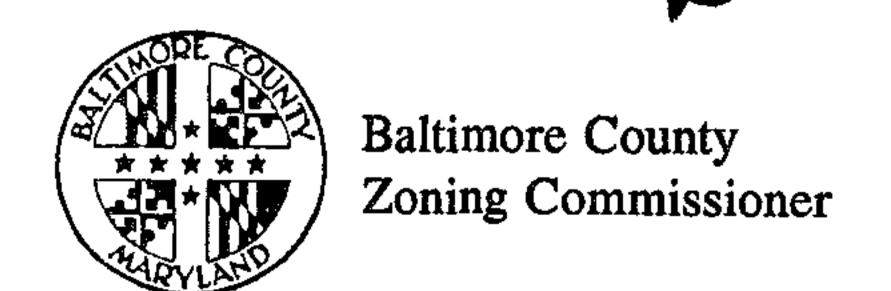
THEREFORE, IT IS ORDERED, this With day of June, 2003, by this Zoning Commissioner, that the Petitioner's request for variance from Section 1A03.4.B.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed rear yard setback of 15 ft., an existing side yard setback of 7 ft., an existing rear yard setback of 14 ft., and a proposed distance to a public street right-of-way of 15 ft., all in lieu of the required 25 ft. setback in an R.C.4 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall comply with all relevant environmental regulations and agreements reached with DEPRM.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



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

Fax: 410-887-3468

June 26, 2003

Mr. Noel F. Henderson 532 S. Ann Street Baltimore, Maryland 21231

> Re: Petition for Variance Case No. 03-461-A

> > Property: 14304 Phoenix Road

Dear Mr. Henderson:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted 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,

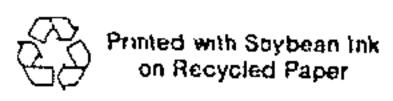
Som & MMM

The second of the second of

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure

c: Perry B. Stewart 1813 Maryland Avenue Phoenix, MD 21131





REV 9/15/98

# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 14304 Phoenix Rol. Phoenix which is presently zoned <u>RC4</u>

hereof, hereby petition for	Baltimore Coul a Variance from	nty and which is descr m Section(ജ് 🕡 🗥 🚊 -	and Development Management. The undersigned, legal owner(s) ribed in the description and plat attached hereto and made a part 3.4 B. R. A. To Perunt A. Proposed Read
YARDO SETBA	CK OF 15	FT, AN EXIST	5.4 B, 2 A TO PERMIT A PROPOSED BEAR UNG SIDE YAND OF TET, A REGAL YAND OF
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Lieurot - Cu	? Tequirey	, 25 FT. SE-718	SACKIN AN R.C4 ZONE
of the Zoning Regulations or practical difficulty)	of Baltimore C	ounty, to the zoning law	v of Baltimore County, for the following reasons: (indicate hardship at Hearing.
Property is to be posted and and the strictions of the posted and the strictions of	enses of above of Baltimore Cour	Variance, advertising, points adopted pursuant to the	osting, etc. and further agree to and are to be bounded by the zoning ne zoning law for Baltimore County.  It is solemnly declare and affirm, under the penalties of are the legal owner(s) of the property which
Contract Purchaser/Le		•	Legal Owner(s):
			Noel F. Henderson
Name - Type or Print	<del></del>	·	Name - Type or Print
Signature	<del></del>	<del></del>	Signature
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney For Petitione Name Type or Print	<u>r:</u>	1	S325 Ann 5t 410-365-4257  Address Telephone No.  Blackburkere, Md 2/23/ City State Zip Code
		<del></del>	Representative to be Contacted:
Signature			Perry B. Stewart
Company			Name 410-491-5320 (ce)
Address		Telephone No.	1813 Maryland Ave. 410-472-0270 (H) Address Phoenix Md. 21131
Civon	State	Zip Code	City State Zip Code
			OFFICE USE ONLY
Case No	cci.		ESTIMATED LENGTH OF HEARING
DEV 0/45/00		Reviewed By	UNAVAILABLE FOR HEARING Date 04-03-03

Noel F. Henderson 532 S. Ann St. Baltimore, MD 21231

To: Department of Permits and Development Management

Re: Addition and upgrades at 14304 Phoenix Rd.

The aforementioned property has not had any renovations done in at least the last fifty years, and it has come to my attention that the existing addition is on piers that are falling over. Also, the entire addition is rotten, and can be easily pulled apart by hand. By removing this and extending the proposed addition another 10' out, a proper mud room entrance and family room can be added for extra living space. This will give the house a formal dining room and living room (already there), as well as an extra room where children can play, or a den that can be used for more day to day activity.

This has necessitated that the existing hand dug 15' well be filled in, and a new drilled well has been installed elsewhere on the property. Because the property is so old, the existing kitchen can not hold all the modern appliances necessary to run a family household, so the existing dining room must be turned into a kitchen eating area. This compromises living space in the building that would be remedied by the proposed addition of approximately 10 feet.

I do look forward to moving into this home in the near future, and appreciate your consideration in this matter.

Sincerely,

# E. F. Raphel & Associate Registered Professional Land Surveyors 205 Courtland Avenue

205 Courtland Avenue Towson, Maryland 21204

Phone (410) 825-3908

Fax (410) 825 -1331

#### ZOING DEASCRIPTION FOR 14304 Phoenix Road

BEGINNING FOR THE SAME at a point in the bed of Phoenix Road which is 100 feet Northerly from the intersection of the center-line of Maryland Avenue and the center-line of Phoenix Road, thence in the bed of Phoenix Road, North 36° East 81.5 feet, thence leaving the bed of Phoenix Road, South 65 ¾° West 80.5 feet South 21° ½ East 53.75 feet Easterly 43.5 feet and North 60 ¼° East 73.5 feet to the place of beginning

CONTAINING 0.15 acres more or less.

BALTIMORE COUNTY, MARYLAND  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  O 3 46 1 7.  No. 23 46 1 7.	The same of the sa
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FOR: 14 PLCCLUR RO HOLLY.	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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#### 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. #03-461-A

14304 Phoenix Road

S/west side of Phoenix Road 100 feet northwest of

S/west side of Phoenix Road Too feet notatives: enterline of Maryland Avenue
8th Election District-3rd Councilmanic District
Legal Owner(s): Noel F. Henderson
Variance: to permit a proposed rear setback of 15 feet, an
existing side yard of 7 feet, a rear yard of 14 feet and a
distance to a public street right-of-way of 15 feet, all in
lieu of the required 25 feet setback in an R.C. 4 zone.
Hearing: Wednesday, June 11, 2003 at 11:00 a.m. in
Room 106, County Office Building, 111 W. Chesapeake 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.

JT/5/791 May 27

C606273

## CERTIFICATE OF PUBLICATION

5/29,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\frac{5}{21}$ ,2003.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

	Date: 5/20/03
RE: Case Number	
This is to certify under the penalties of perjury were posted conspicuously on the property located and the property loca	
The sign(s) were posted onM△┬	<u> </u>
ZONING NOTICE	Charles Med (Signature of Sign Poster)
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD  - PLACE: III W. Check Policolate ACCORD TO COMMISSIONER	Charles MERRITT  (Printed Name of Sign Poster)
DATE AND TIME: WILLDHESDAY SURE II, 2017)  REQUEST: VARIANCE TO FERRIT A PROTESTION REAR SET BACK OF 15 FEET, AND EXISTING SIDE YARD OF 17 FEET, AND A POSTANCE TO A PUBLIC STREET AND A DISTANCE TO A PUBLIC STREET AND A PUBLIC FOR A PUBLIC STREET AND A PUBLIC OF REPULIRED 7.5 FEET, AND A BETBACK IN AN R C 4 ZONE	9831 MAGUEDT ROAD (Street Address of Sign Poster)
POSTERORS MEMORS DEE TO WEATHER OR OTHER CONDITIONS AND SOMETIMES NECESSARY SO CONSIDER MEASURS CHIE 237-7399  LEG HOT BEROTHE THIS STOK AND POST LATE DAY OF REARING, GINDER PENALTY C- LAW  HAMDICAPPED ACCESSIBLE	BALTIMORE MO ZIZ34 (City, State, Zip Code of Sign Poster)
	410 665-556Z (Telephone Number of Sign Poster)

RE: PETITION FOR VARIANCE

1/304 Phoenix Road; SW/side Phoenix Rd,

100' NW c/line Maryland Avenue

8th Election & 3rd Councilmanic Districts

Legal Owner(s): Noel F. Henderson

Petitioner(s)

\*

- \* BEFORE THE
  - ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 03-461-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 day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to, Perry B Stewart, 1813 Maryland Avenue, Phoenix, MD 21131, Representative for Petitioner(s).

RECEIVED

APR 1 5 2003

ETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 27, 2003 Issue - Jeffersonian

Please forward billing to:

Noel F. Henderson 532 S. Ann Street Baltimore, MD 21231 410-365-4257

#### **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: 03-461-A

14304 Phoenix Road

S/west side of Phoenix Road 100 feet northwest of centerline of Maryland Avenue 8<sup>th</sup> District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Noel F. Henderson

<u>Variance</u> to permit a proposed rear setback of 15 feet, an existing side yard of 7 feet, a rear yard of 14 feet and a distance to a public street right-of-way of 15 feet, all in lieu of the required 25 feet setback in an R.C. 4 zone.

Hearings: Wednesday, June 11, 2003 at 11:00 a.m. in Rm. 106, County Office

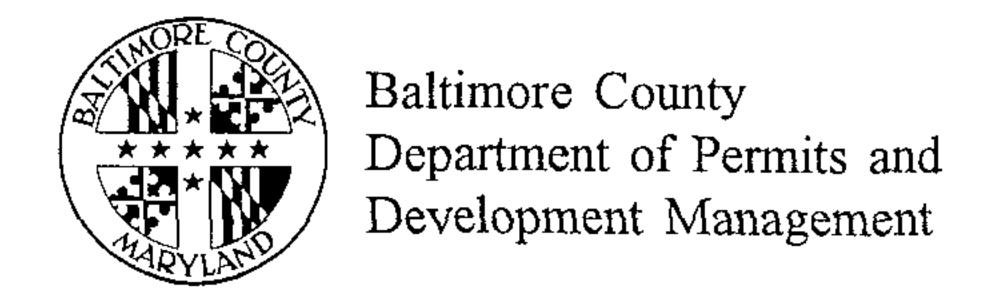
Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

Fax: 410-887-5708

April 15, 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: 03-461-A

14304 Phoenix Road

S/west side of Phoenix Road 100 feet northwest of centerline of Maryland Avenue 8<sup>th</sup> District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Noel F. Henderson

<u>Variance</u> to permit a proposed rear setback of 15 feet, an existing side yard of 7 feet, a rear yard of 14 feet and a distance to a public street right-of-way of 15 feet, all in lieu of the required 25 feet setback in an R.C. 4 zone.

Hearings: Wednesday, June 11, 2003 at 11:00 a.m. in Rm. 106, County Office

Building, 111 W. Chesapeake Avenue

Arnold Jablon Director

AJ:klm

C: Noel Henderson, 532 S. Ann Street, Baltimore 21231 Perry B. Stewart, 1813 Maryland Avenue, Phoenix 21131

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 27, 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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

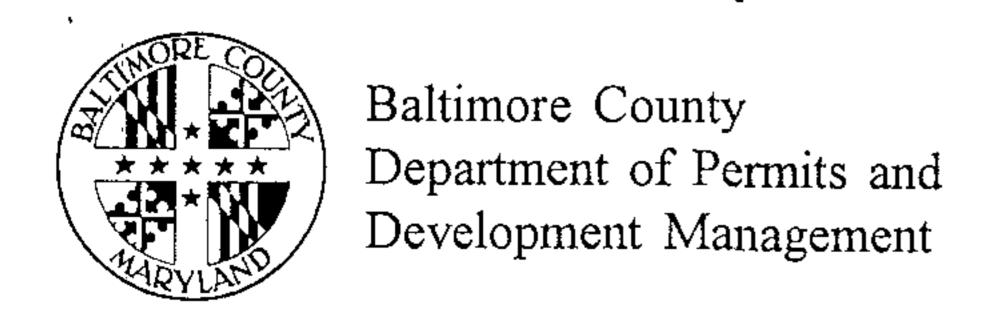
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number: 03-46.(-(-)
Petitioner: Mr. Noel F. Henderson
Address or Location: 14304 Phoenix Rd., Phoenix, Nd. 2113
PLEASE FORWARD ADVERTISING BILL TO:
Name: Noel F. Henderson
Address: 532 S. Ann St.
Baltimore, Md. 21231
Telephone Number: 4/0-365-4257

Revised 2/20/98 - SCJ

03-461-(-)



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

June 6, 2003

Noel F. Henderson 532 S. Ann Street Baltimore, MD 21231

Dear Mr. Henderson:

RE: Case Number: 03-461-A, 14304 Phoenix Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 3, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callibal)

WCR:klm

**Enclosures** 

c: People's Counsel Perry B. Stewart, 1813 Maryland Avenue, Phoenix 21131



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

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

April 17, 2002

Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: April 14, 2003

Item No.:

456 - 464

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.

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

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 29, 2003

Department of Permits & Development Management

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

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 21, 2003 Item Nos. 456, 458, 460 461, 462, 463, and 464

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

RWB:CEN:jrb

cc: File

froll

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Ratives 2003

APR 2 2 2003

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-461

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

Prepared by:

**Section Chief:** 

AFK/LL:MAC



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.11.03

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

RE:

Baltimore County

Item No. 461

JRA

Dear. Ms. Hart:

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,

1

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

To: Baltimore County Municipal Court

Re: Variance application for 14304 Phoenix Rd.

William mann 1, Cynchia Mann of 14306 Phoenix Rd, Phoenix, Md 21131

do understand that an application for a variance for the aforesaid property has been submitted. The proposed addition requires a variance as it will be 5 feet too big to be in accord with the 25 foot restriction in place by Baltimore County under the current zoning of the house. I am in accord with the current owner, and have no problem with this application.

I understand that a hearing for this variance will be posted, with hearing date, time and location provided by the approved sign poster.

Signed: Cynthia Mann

Dated: June 7, 2003

To: Baltimore County Municipal Court

Re: Variance application for 14304 Phoenix Rd.

of 1806 MORYLAND AVE. I, JOHN DORN

do understand that an application for a variance for the aforesaid property has been submitted. The proposed addition requires a variance as it will be 5 feet too big to be in accord with the 25 foot restriction in place by Baltimore County under the current zoning of the house. I am in accord with the current owner, and have no problem with this application.

I understand that a hearing for this variance will be posted, with hearing date, time and location provided by the approved sign poster.

Signed:

Signed:

Dated: 5.22.03

### BALTIMORE COUNTY

Department of Environmental Protection and Resource Management

# HOLDING TANK (Residential) - AGREEMENT

This Agreement, entered into this day of MONE HENDERSO and the Department of Environmental Protection and Resource Management, of Baltimor Maryland (the "Department").	
Maryland (the "Department").	e County,
<u>WITNESSETH</u>	_
Whereas, the Owner owns, in fee simple, certain real property located in Baltimore County, Maryland and recorded in the re Liber LF 15401/92 3-11-03 and known as 14304 Phoenix Road (the "Pro (Date)	cords perty").
Whereas, the Owner wishes to install on the Property a holding tank for the purpose of collection of sewage from the resident currently on the property (the "Residence"); and Whereas, the Department wishes to grant the Owner's request for the install the holding tank on the Property, provided the provisions of this agreement are met.	ce ation of
Now, Therefore, in consideration of the mutual covenants contained herewith, the Owner and the Department agree as follow	vs:
<ol> <li>The Owner will be allowed to install one (1) bathroom in the interior of the Residence, provided an outside, watertight h tank, used for the collection of sewage is also installed at the property.</li> </ol>	olding
<ol> <li>The holding tank must be routinely cleaned by a licensed scavenger to maintain sanitary conditions and to prevent overfisewage from the holding tank.</li> </ol>	l <b>o</b> w of
<ol> <li>The owner will keep all records verifying routine cleaning and maintenance of holding tank and will produce said record Department personnel upon requests.</li> </ol>	s for the
4. The owner grants the Department personnel the right to enter upon the property at any reasonable time for access to the smake periodic inspections.	ystem to
<ol> <li>Additions or alterations of any kind that provide for an increase in sewage output or interior floor space will not be perm the Department.</li> </ol>	itted by
6. The Residence will be used only as a single family residence.	
7. The provisions of this Agreement will become null and void if a community sewage system becomes available and is conto the Residence, otherwise the covenants created by this Agreement shall be in perpetuity and shall be binding on the own his (their) successors and assigns, and shall be for the benefit of and run with and bind the property herein described.	nected ner(s),
8. This Agreement is to be recorded in the Land Records of Baltimore County, Maryland.	
9. In witness, whereof, the Owner and a duly authorized representative of the Department have executed this Agreement und	ier seal,
Witness Witness (Date)  Owner  Department of Environmental Protection and Resource Management	
a/c:forms/holtnk-ag.doc - rev. 11/95	

42 M - 2

more of the

03-46[-(-)

Noel F. Henderson 532 S. Ann St. Baltimore, MD 21231

To: Robert Powell

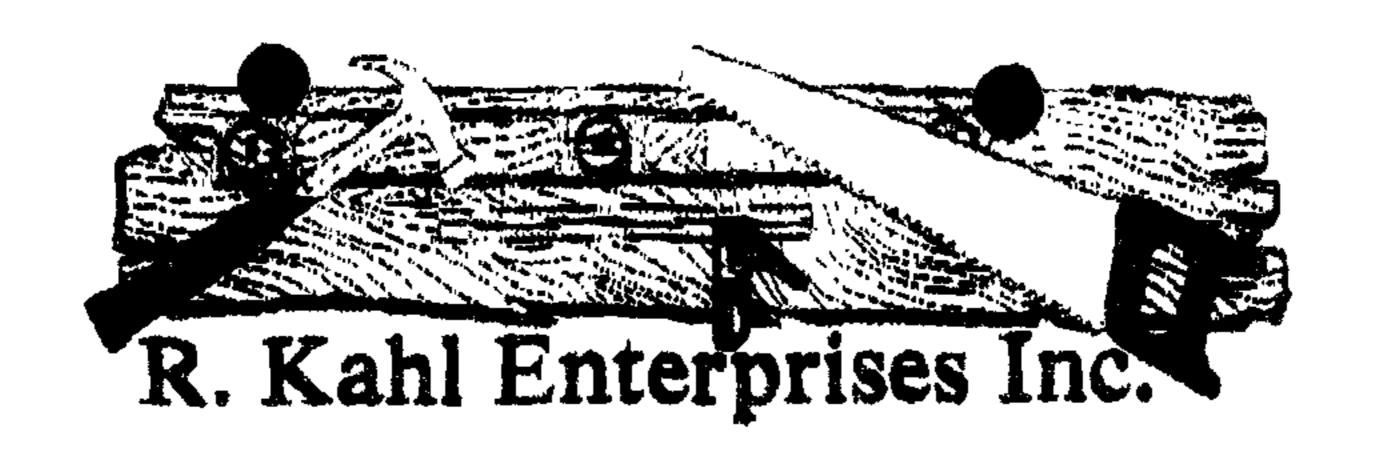
Re: Water, sewage and addition upgrades at 14304 Phoenix Rd.

The aforementioned property has not had any renovations done in at least the last fifty years, and it has come to my attention that the existing addition is on piers that are falling over. Also, the entire addition is rotten, and can be easily pulled apart by hand. By removing this and extending the proposed addition another 10' out, a proper mud room entrance and family room can be added for extra living space. This will give the house a formal dining room and living room (already there), as well as an extra room where children can play, or a den that can be used for more day to day activity.

This will necessitate that the existing hand dug 15' well be filled in, and a new drilled well be installed elsewhere on the property. The existing well is directly underneath the existing addition.

Also, the existing holding tank is going to have to be removed, and 2 new ones must be installed elsewhere on the property. The existing holding tank is right where the proposed addition is to go.

Sincerely,



Robert Powell

Baltimore County Health Department

Towson, Mil

November 5, 2002

Re: Structural integrity

To Mr. Rubert Powell

This letter is to inform you about the structural integrity of the porch addition at 14304. Phoenix Road. The foundation consists of brick and concrete piers the are not below the frost line and are out of plumb by 1" in 2 feet. The deck framing and decking have regraded due to weather and insects. The porch and addition has deteriorated to the point where it is not feasible to repair.

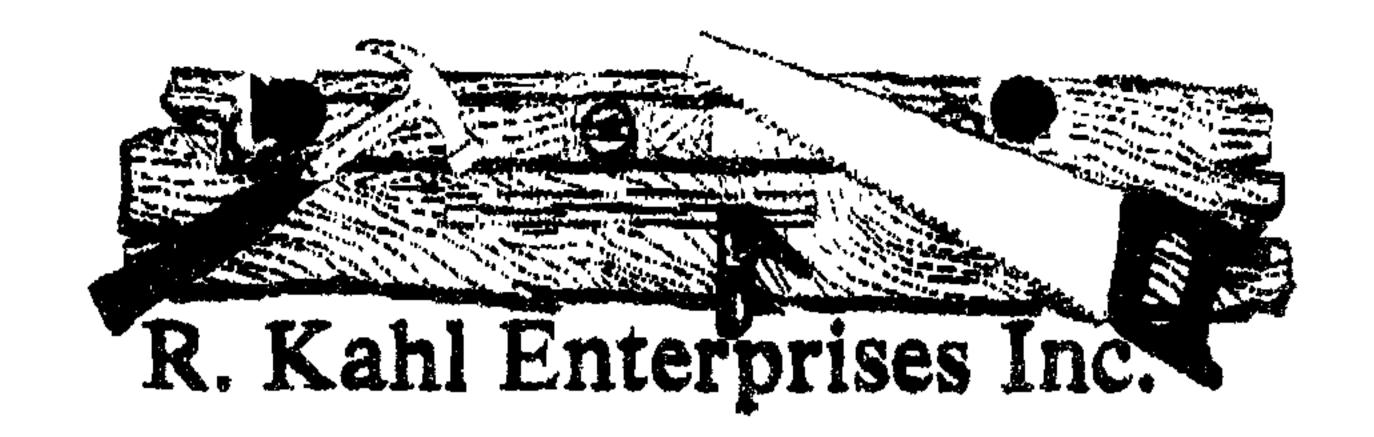
Sincerely

Robert Kairl, Pres.

ASE NAME # 03-461-A
ASE NUMBER 14304 Phoenix Rd
ATE 6/11/03

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
NOTE HENDERSON	532 S. DAN ST.	SOUTHORE, MD 21231	
Perru B. Stewart	1813 Maryland Ave.	Phoenix, MD 21231	Phstewart@comcast.Met
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Robert Powell

Baltimore County Health Department

Towson, MD.

November 5, 2002

Re: Structural integrity

To Mr. Rubert Powell

This letter is to inform you about the structural integrity of the porch addition at 1430s. Phoenix Road. The foundation consists of brick and concrete piers the are not below the firest line and are out of plumb by 1" in 2 feet. The deck framing and decking have regraded due to weather and insects. The porch and addition has deteriorated to the point where it is not feasible to repair.

Sincerely

Robert Kaid, Pres.

Le Palos

23 Derney Ct. • Kingsville, Md. 21087 • Phone 410-592-8123 • Pax 592-8698 • M.H.J.C. 45178
"O"s. F.21

03-46(.A

Noel F. Henderson 532 S. Ann St. Baltimore, MD 21231

To: Robert Powell

Re: Water, sewage and addition upgrades at 14304 Phoenix Rd.

The aforementioned property has not had any renovations done in at least the last fifty years, and it has come to my attention that the existing addition is on piers that are falling over. Also, the entire addition is rotten, and can be easily pulled apart by hand. By removing this and extending the proposed addition another 10° out, a proper mud room entrance and family room can be added for extra living space. This will give the house a formal dining room and living room (already there), as well as an extra room where children can play, or a den that can be used for more day to day activity.

This will necessitate that the existing hand dug 15' well be filled in, and a new drilled well be installed elsewhere on the property. The existing well is directly underneath the existing addition.

Also, the existing holding tank is going to have to be removed, and 2 new ones must be installed elsewhere on the property. The existing holding tank is right where the proposed addition is to go.

Sincerely,

03-46(-A

Noel F. Henderson 532 S. Ann St. Baltimore, MD 21231

To: Department of Permits and Development Management

Re: Addition and upgrades at 14304 Phoenix Rd.

The aforementioned property has not had any renovations done in at least the last fifty years, and it has come to my attention that the existing addition is on piers that are falling over. Also, the entire addition is rotten, and can be easily pulled apart by hand. By removing this and extending the proposed addition another 10' out, a proper mud room entrance and family room can be added for extra living space. This will give the house a formal dining room and living room (already there), as well as an extra room where children can play, or a den that can be used for more day to day activity.

This has necessitated that the existing hand dug 15' well be filled in, and a new drilled well has been installed elsewhere on the property. Because the property is so old, the existing kitchen can not hold all the modern appliances necessary to run a family household, so the existing dining room must be turned into a kitchen eating area. This compromises living space in the building that would be remedied by the proposed addition of approximately 10 feet.

I do look forward to moving into this home in the near future, and appreciate your consideration in this matter.

Sincerely,

## BALTIMORE COUNTY

Department of Environmental Protection and Resource Management

# HOLDING TANK (Residential) - AGREEMENT

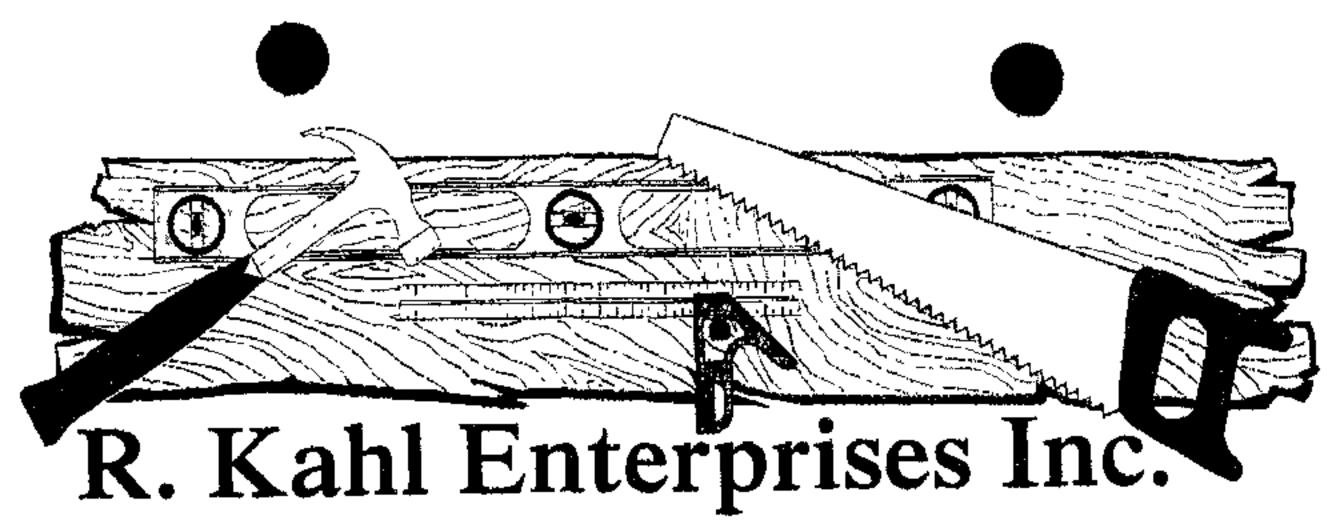
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This Agreement, entered into this day of Two Thousand by and between and the Department of Environmental Protection and Resource Management, of Baltimore Count Maryland (the "Department")
Maryland (the "Department").
<u>WITNESSETH</u>
Whereas, the Owner owns, in fee simple, certain real property located in Baltimore County, Maryland and recorded in the records Liber LF 15401/92 3-11-03 and known as /4304 Phoenix Road (the "Property").  (Date)  (Address)
Whereas, the Owner wishes to install on the Property a holding tank for the purpose of collection of sewage from the residence currently on the property (the "Residence"); and Whereas, the Department wishes to grant the Owner's request for the installation of the holding tank on the Property, provided the provisions of this agreement are met.
Now, Therefore, in consideration of the mutual covenants contained herewith, the Owner and the Department agree as follows:
1. The Owner will be allowed to install one (1) bathroom in the interior of the Residence, provided an outside, watertight holding tank, used for the collection of sewage is also installed at the property.
2. The holding tank must be routinely cleaned by a licensed scavenger to maintain sanitary conditions and to prevent overflow of sewage from the holding tank.
3. The owner will keep all records verifying routine cleaning and maintenance of holding tank and will produce said records for the Department personnel upon requests.
The owner grants the Department personnel the right to enter upon the property at any reasonable time for access to the system to make periodic inspections.
Additions or alterations of any kind that provide for an increase in sewage output or interior floor space will not be permitted by the Department.
The Residence will be used only as a single family residence.
The provisions of this Agreement will become null and void if a community sewage system becomes available and is connected to the Residence, otherwise the covenants created by this Agreement shall be in perpetuity and shall be binding on the owner(s), his (their) successors and assigns, and shall be for the benefit of and run with and bind the property herein described.
This Agreement is to be recorded in the Land Records of Baltimore County, Maryland.
In witness, whereof, the Owner and a duly authorized representative of the Department have executed this Agreement under seal,
Tiness 3/11/03  Owner Dan 3/11/03  Owner Dan 3/11/03
Department of Environmental Protection and Resource Management (Date)  (Date)  (Date)

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Wind & South

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Date: March 2, 2003

Buyers: Noel Henderson Address: 14304 Phoenix Rd.

Phoenix, MD. 21131

Phone: 410-675-3894

#### \*\*\*HOME IMPROVEMENT CONTRACT\*\*\*

Please find below the items included for the improvements to your home, as we discussed.

Remove existing structure at side of house and install a 2 story 16' X 21' shell addition, Rough-in plumbing and electrical per code, remove existing roofing, install new shingled roof and install new vinyl windows. Work as shown on drawings and scope of work. Only work stated in scope of work to be performed as not all of the work on the drawings is included.

Included is all trash removal and cleanup of construction debris. Premises to be left "broom clean". In the process of doing construction there will always be a dust factor that cannot be controlled, therefore, the contractor assumes no responsibility for such damages.

We propose hereby to furnish material and labor, complete in accordance with the above specifications for the sum of Sixty-Six Thousand, Eight Hundred Dollars

THE BUYER AGREES TO PAY R. KAHL ENTERPRISES INC. on the day of completion of each of the following:

\$ 6,300.00 Upon signing of contract

\$11,500.00 Upon completion of foundation

\$27,000.00 Upon completion of shell addition

\$ 6,000.00 Upon completion of electrical and plumbing rough-ins

\$ 5,000.00 Upon completion of installation of windows

\$ 5,000.00 Upon completion of roof over existing house

\$ 6,000.00 Upon completion of project

Contractor reserves the right to cancel this offer by not receiving and or cashing the deposit payment. Contractor may also stop work if the payment schedule is not adhered to, with equal time being added to the days of completion due to the delays of payments.

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Due to work scheduling and the material availability, if the order of the work had to be changed and is not 100% complete on a payment line item but the contractor has work done in another line item of equal or greater value, then the scheduled payment still becomes due.

Contractor estimates the work will be started on or about 30 days after obtaining the necessary building permits and will be completed on or about 75 days thereafter. Contractor, however, shall not be liable for delays caused by strikes, material or labor shortages or other causes beyond Contractors control, including work or labor being provided by Buyers.

Contractor reserves the right to substitute items specified with equal items if they become discontinued or unavailable at the time of construction.

All Home Improvement contractors and subcontractors must be licensed by the Maryland Home Improvement Commission. You may direct any inquires to the MHIC at 410-333-6309.

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction, See the attached NOTICE OF CANCELLATION form for an explanation of this right".

Buyer or agent, by signing below, agrees to the above contract and has received two copies of the NOTICE OF CANCELLATION.

SELLER Z	BUYER
Robert Kahl President	BUYER
MHIC # 45178	DATE:

Please retain the contract marked "COPY" and return the original with your deposit to the above address.

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# Scope of work for Henderson Project

#### Demolition

Remove existing structure at side of house
Remove existing windows
Remove existing roofing
Remove existing framing as required for new addition
Remove existing chimney below existing roof only

#### Site Work

Excavate as required for new footing Excavate 8" x 20" footings

#### **Utilities**

All electric, water and gas used during construction to be at owners expense

#### Concrete

Concrete footings to be 2500 psi.

4" stone base under addition slab

Concrete slab 4" thick under addition to be 3000 psi. 1st floor only

#### Masonry

Foundation walls to be 8" hollow core block to existing grade 8" FHA cap block to be installed to increase height to 8" above grade ½" x 16" anchor bolts install maximum 6' spacing Foam sill sealer between FHA cap and sill plate

#### **Floors**

Floor joist for 2<sup>nd</sup> floor addition to be sized per building code Floor sheathing to be 3/4" tongue and groove OSB

#### Walls

Walls to be framed as shown on drawing for new addition Exterior walls to be 2x4's 16" on centers with ½" OSB sheathing 2x8 headers on bearing walls at window and door openings No remodeling in existing house

#### Windows and doors

New windows to be Patriot vinyl double hung

#### Roofing

Existing roof framing to be utilized 7/16" OSB roof sheathing with clips 15lb felt paper over sheathing Ridge vent in new roof Shingles to be 25 year 3 tab

#### Drywall

Not included

#### Paint

Not included

#### Trim

Not included

#### Insulation

2" ridgid board insulation at perimeter of new addition slab

#### HVAC

Not included

#### Plumbing

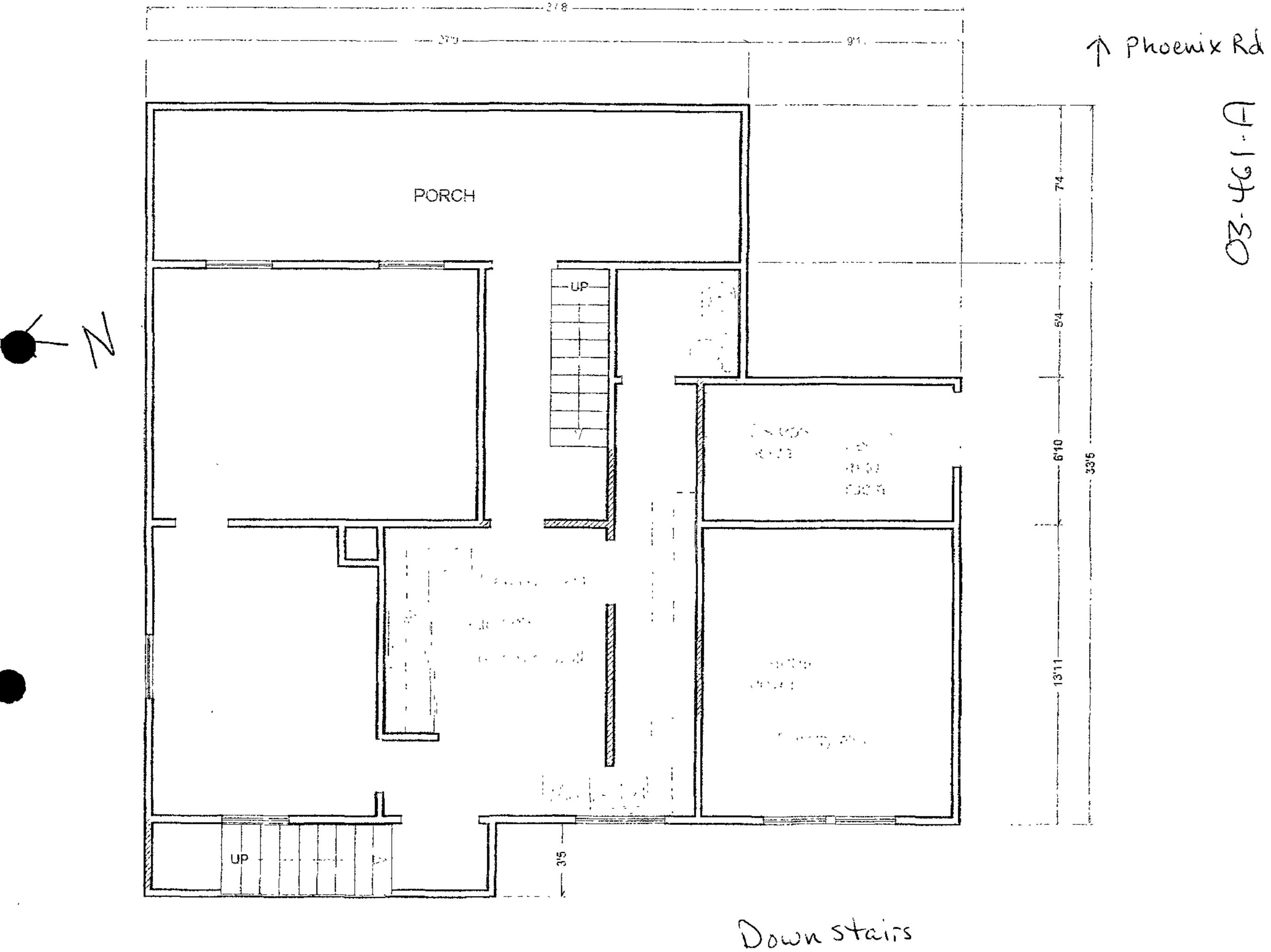
Plumbing to be roughed-in per plans and code White tubs and showers included per drawings No other fixtures to be included Well pump and associated items not included

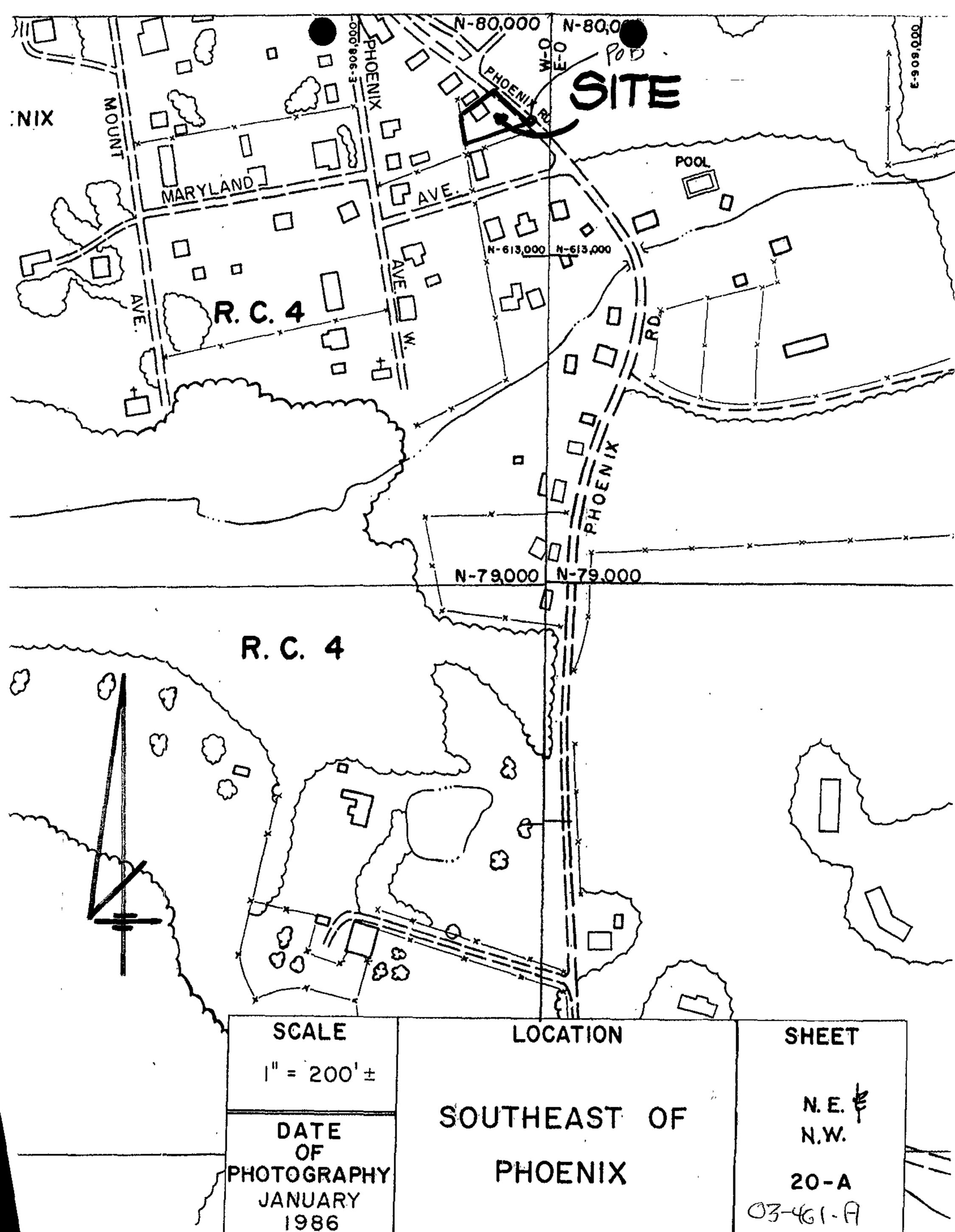
#### Electrical

Electrical work to be roughed-in only per local code

#### Accessories

Not included







































14304 Phoenix Rd.

Front showing William & Cynthia Hann's property to the North side,

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14304 Phoenix Rd. View showing No adjacent buildings to the south.

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14304 Phoenix Rd. View of side of proposed addition showing William & Cynthia Mann's property in background.

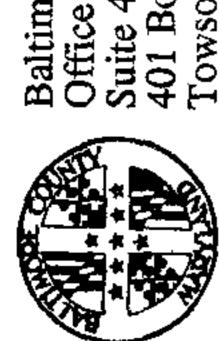
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14304 Phoenix Rd. shot of front showing John Dorn's property in background.

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

Anatos MA

