IN RE: PETITION FOR ADMIN. VARIANCE S/S of Summit Avenue, 23 ft. W centerline of Wyndcrest Avenue 1st Election District 1st Councilmanic District (1301 Summit Avenue)

BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

ж CASE NO. 03-581-A

Cathy M. Sidlowski & E. Thomas Mace **Petitioners**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Cathy M. Sidlowski and E. Thomas Mace. The variance request is for property located at 1301 Summit Avenue in the Catonsville area of Baltimore County. The variance request is from Section 427 A & B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed 6 ft. high fence to be located in the rear yard which adjoins the front yard of another residence in lieu of the maximum allowed 42 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

<u>'</u>-

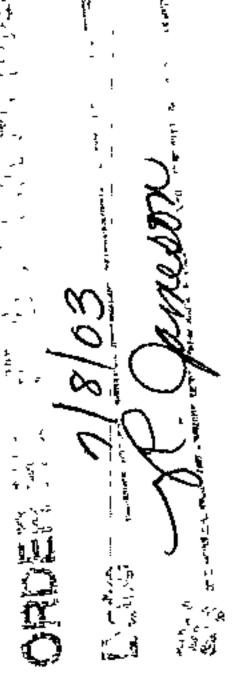
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

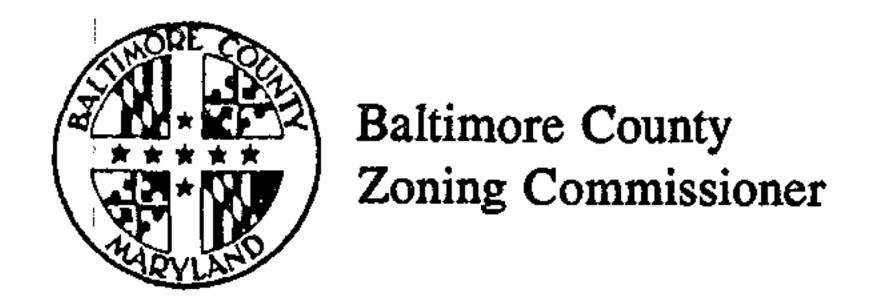
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of June, 2003, that a variance from Section 427 A & B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed 6 ft. high fence to be located in the rear yard which adjoins the front yard of another residence in lieu of the maximum allowed 42 inches, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

July 8, 2003

Mr. E. Thomas Mace Ms. Cathy M. Sidlowski 1301 Summit Avenue Baltimore, Maryland 21228

Re: Petition for Administrative Variance Case No. 03-581-A

Property: 1301 Summit Avenue

Dear Mr. Mace & Ms. Sidlowski:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	1301 SUMMIT AVE
which is	presently zoned DPZ

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

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 477.A = 80.20

TO PERMIT A PROPOSED OF HIGH TO BE LOCATED OF ANOTHER RESIDENCE IN LIEUOFTUE REQUIRED AZ!

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

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

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

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City | Zip Code State **Attorney For Petitioner:** 460-744 2133 Address Telephone No BILIMONE 21228 Name - Type or Print City State Zip Code Representative to be Contacted: Signature SAME Company Name 2 A Addres Telephone No. **Address** relephone No ABOUE State Zip Code City State Zip Code Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning equipments of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County **Reviewed By**

Estimated Posting Date

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at	1301 SU	UMIS AVA	
	Addiess	u Mn	2128
That based upon personal knowledge, the following	lowing are the facts up	State on which I/we base	Zip Code e the request for an Administrative
Variance at the above address (indicate hardsl	hip or practical difficulty	/):	
- 5701 CO7-7	THU TRAFFI	<u>'</u> C	
- PLOTECT 100	1 OKTER Po	or Access	BY UNINVITED
_ MAINAIN	INTEGRITY O	IN TAX MA	NECTY.
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide			required to pay a reposting and
Signature THOMAS WACK	Signs	Cathy M.	Silloussi
Signature Mann Much		()	44 M. SIDLOWSKI
Name - Type or Print	Name	e - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTI	•		·
I HEREBY CERTIFY, this 1 day of day of of Maryland, in and for the County aforesaid, pe	ersonally appeared	,, befor	re me, a Notary Public of the State
the Affiant(s) herein, personally known or satisf		as such Affiant(s)	· · · · · · · · · · · · · · · · · · ·
AS WITNESS my hand and Notarial Seal			
	Notary Publi	ah Lynn	Betterno
			10-30-2006

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at	1301 JUM17 /	W	······································
	ity BACTINUM	State	2/228 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship of	ng are the facts upon which or practical difficulty):	h I/we base the rec	quest for an Administrative
- STOP CUT - THE	UTRAFFIC		
- Mosker love / De	The Poor Aced	ESS .BY U	VINUITED
- MAIMAIN INTE			
			•
That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add	nal demand is filed, Affiant ditional information.	t(s) will be require	d to pay a reposting and
Signature Mace	Signature Signature	ly M. S. Il	2056
Name - Type or Print		14 / M . S / D or Pfint	
STATE OF MARYLAND, COUNTY OF BALTIMO	RE, to wit:	·	
I HEREBY CERTIFY, this 11th day of 1000 of Maryland, in and for the County aforesaid, person	nally appeared, 201	23, before me, a	Notary Public of the State
_	M Sid Lowsk	ί h Affiant(s).	
AS WITNESS my hand and Notarial Seal			
	Notary Public	lynn Bills	TOD
	My Commission Exp		2006

REV 10/25/01



Company

Address

City

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for the property	located at 1301) UMM17	AVK
		which is preser	ntly zoned	DRZ
This Petition shall be filed vowner(s) of the property situated made a part hereof, hereby per to PERMIT LOCATED IF THE PECTOR THE PROPERTY IS to be posted and all, or we, agree to pay expenses of the perition form.	etition for a Variance from Se A PROPOSE A COPA (ARO OF AR altimore County, to the zoning of above Variance, advertising, in	Inich is described in the discribed in t	escription and plate of 13 BC	t attached hereto and てて モーての じん ようらっしら こん しょその indicated on the back
regulations and restrictions of Bal	itimore County adopted pursuar	nt to the zoning law for Baltin	nore County.	bounded by the zoning
		I/We do solemnly de perjury, that I/we are is the subject of this	the legal owner(s)	der the penalties of of the property which
Contract Purchaser/Lesse	<u>ee:</u>	Legal Owner(s):	<u>.</u>	
Name - Type or Print		Name - Type or Print	MACI	
Signature		Signature	Colute	
Address	Telephone No.	Name - Type or Print	SIDLOWSKI	,
City	State Zip Code	Signature	5. Illous	
Attorney For Petitioner:		Address Page 1		#10 - 744 213
Name - Type or Print		City BACTINIONE	State	21228 Zip Code
		Representative :		•
Signature	- 	- tobi ocontenti o		
			1115	

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Telephone No.

State

Zip Code

Name

Address

City

Telephone No

Zip Code

ABOUE

State

			7		
			Zoning Commission	oner of Baltimo	re County
CASE NO.	03-581-A	Reviewed By_	CTM	Date	6/11/03
REV 10/25/01		Estimated Pos	sting Date	G	22/03

BEGINNING FOR THE SAME at a point in the center line of Summit Avenue (30 feet wide) at the end of the first or north 73 1/2 degrees east 11 foot line of the parcel of land conveyed by deed from John Huber and wife to Lilia K. Soper, dated October 23, 1896 and recorded among the Land Records of Baltimore County, in Liber LMB No. 225, folio 412; thence running along the second line of the deed aforesaid as surveyed in 1934 south 28 degrees 13 minutes east 194.35 feet to a point; thence by a new division line (1945) South 71 degrees 34 minutes west, which crosses the parcel of land aforesaid and also crosses the original lot of land conveyed to Lilia K. Soper by deed from John Huber and wife dated March 6, 1893 and recorded among the aforesaid Land Records in Liber LMB No. 196, folio 385, at a distance in all of 111.15 feet to a point in the third line of the last mentioned deed at the distance of 57 feet northwesterly from the beginning thereof and thence along said third line as per survey of 1934, north 27 degrees 54 minutes west 202 - 1/4 feet to the end of said line in the center line of Summit Avenue; thence along the fourth line of said deed and on the center line of Summit Avenue, north 75 degrees 40 minutes east 111 feet to THE improvements thereon being known as No. 1301 Summit Avenue.

BEING the same lot of ground which by Deed dated December 1979 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. No. 6115, folio 673 was granted and conveyed by William R. Nicklas and Lorraine S. Nicklas, his wife, to the herein named Grantors.

B 120****196000Da 8178A

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OUNTY, MARYLAND **3ET & FINANCE JUS RECEIPT**

PINK - AGENCY

No. 23064

Application of the contraction o

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CERTIFICATE OF POSTING

Baltimore County Department of

ermits and Development Management County Office Building, Room 111
11 West Chesapeake Avenue owson, MD 21204
Attention: Mr. George Zahren BECKY WART
adies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by aw were posted conspicuously on the property located at #1301 SUMMIT AVE.
The sign(s) were posted on JUNE 70, 2003 (Month, Day, Year)
Sincerely,
Signature of Sign Poster and Date)
GARLAND E. MODIZE (Printed Name)
3225 RYERSON CIRCLE (Address)
BAUTIMORE, MD. 21227 (City, State, Zip Code)
(4(0) 242-4263 (Telephone Number)
·

RE: Case No.: 03-581-A

Petitioner/Developer: THOMAS MACE

Date of Hearing/Closing: JULY 7, 2003

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 581 -A Address 1301 SUMMIT AUE.
Contact Person. CIOYO T. MOXLEY Phone Number: 410-887-3391
Filing Date: 6/11/03 Posting Date: 6/22/03 Closing Date: 7/7/03
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may (a) grant the requested relief, (b) deny the requested relief, or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
$\mathcal{O} = \{ (t, A_0, t) : \{ (t, A_0, t) \} \subseteq \emptyset$
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- 581 - Address 1301 Summit AUE Petitioners Name THOMAS MACE Telephone (410)744 2133
Posting Date: 6/20/03 Closing Date: 1/1/03
Wording for Sign To Permit A PROPOSED 6 HIGH FENCE TO BE
LOCATED IN THE REAR YARD MHICH ADJOINS THE
FRONT YAND OF ANOTHER RESIDENCE IN LIEU OF
THE REGINITED 171

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 News	spaper Adv	<u>rertising:</u>			_	
Item Num	ber or Case	e Number	0'3	-581-	A	· · · · · · · · · · · · · · · · · · ·
Petitioner	E.	THOMAS	MACK	·	-	· · · · · · · · · · · · · · · · · · ·
Address o	or Location	1301	SUMMIT AV	E BALTO.	Ms 212	28
	FORWARD E. THON		ISING BILL	TO		
Address	1301	SUMM17	AVK			
	BAUT	v. Mo	21228			
		-			•	



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

July 7, 2003

E. Thomas Mace Cathy Sidlowski 1301 Summit Avenue Baltimore, MD 21228

RE: Case Number: 03-581-A, 1301 Summit Avenue

Dear Mr. Mace and Ms. Sidlowski:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 11, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

410-887-3751
410-887-4880
410-545-5600
410-887-3480
410-887-5859
410-887-3824
410-767-4489
410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

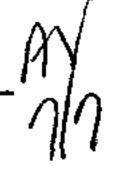
Very truly yours,

W. Carl Bighards. In

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

C: People's Counsel





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

July 2, 2002

ATTENTION: Rebecca Hart

RECEIVED

Distribution Meeting of: June 30, 2003

JUL 1 4 2003

Item No.:

581 & 582

"MG COMMISSIONER

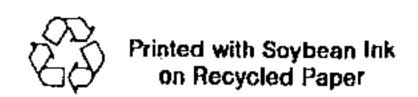
Dear Ms. Hart:

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

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

DATE: July 1, 2003

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUL - 1 2003

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 03-581 and 03-601

Administrative Variance

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 5, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

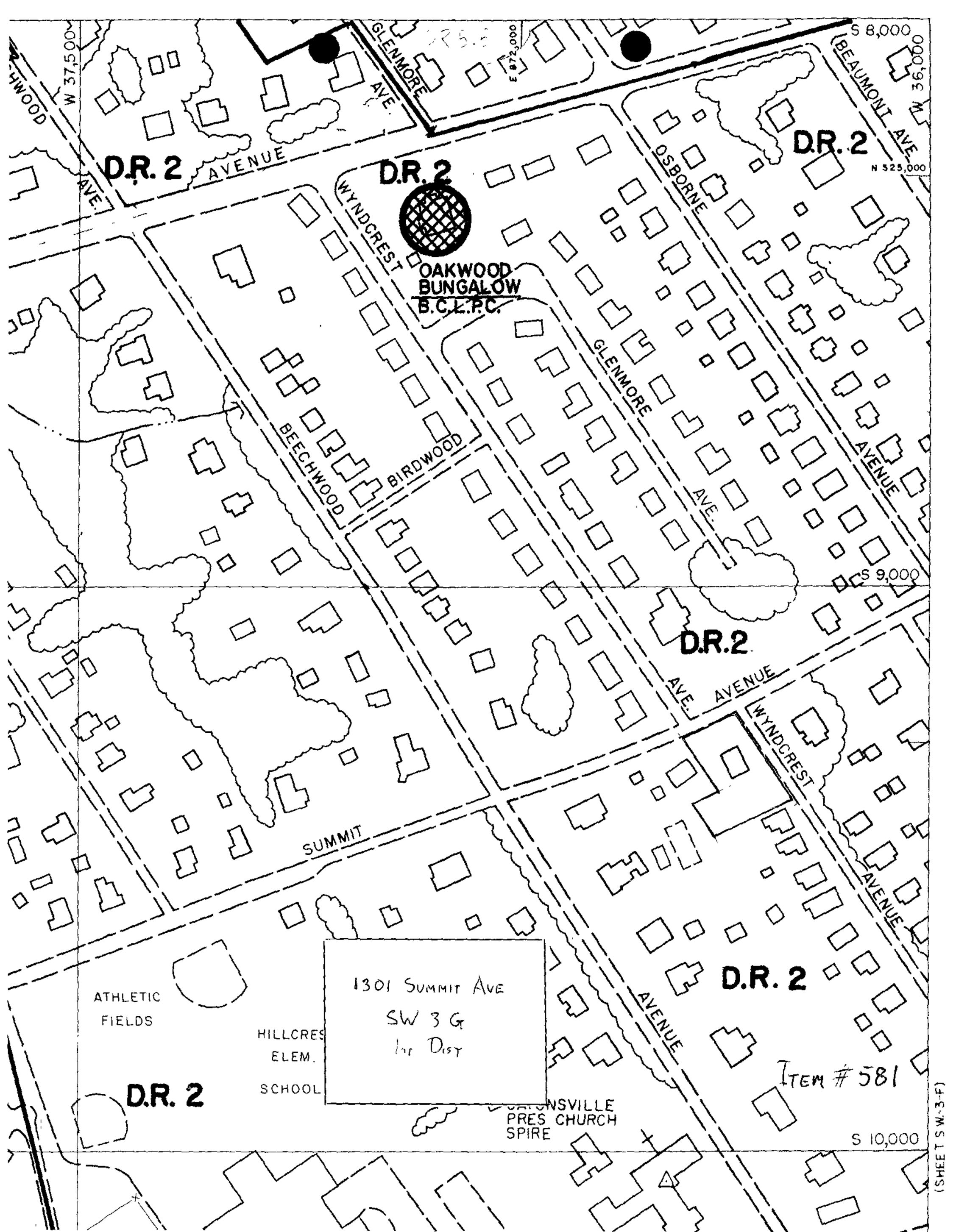
For July 7, 2003 Item Nos. 577, 578, 580, 581, 587, 589, 590, 593, 594, 595, 596, 597,

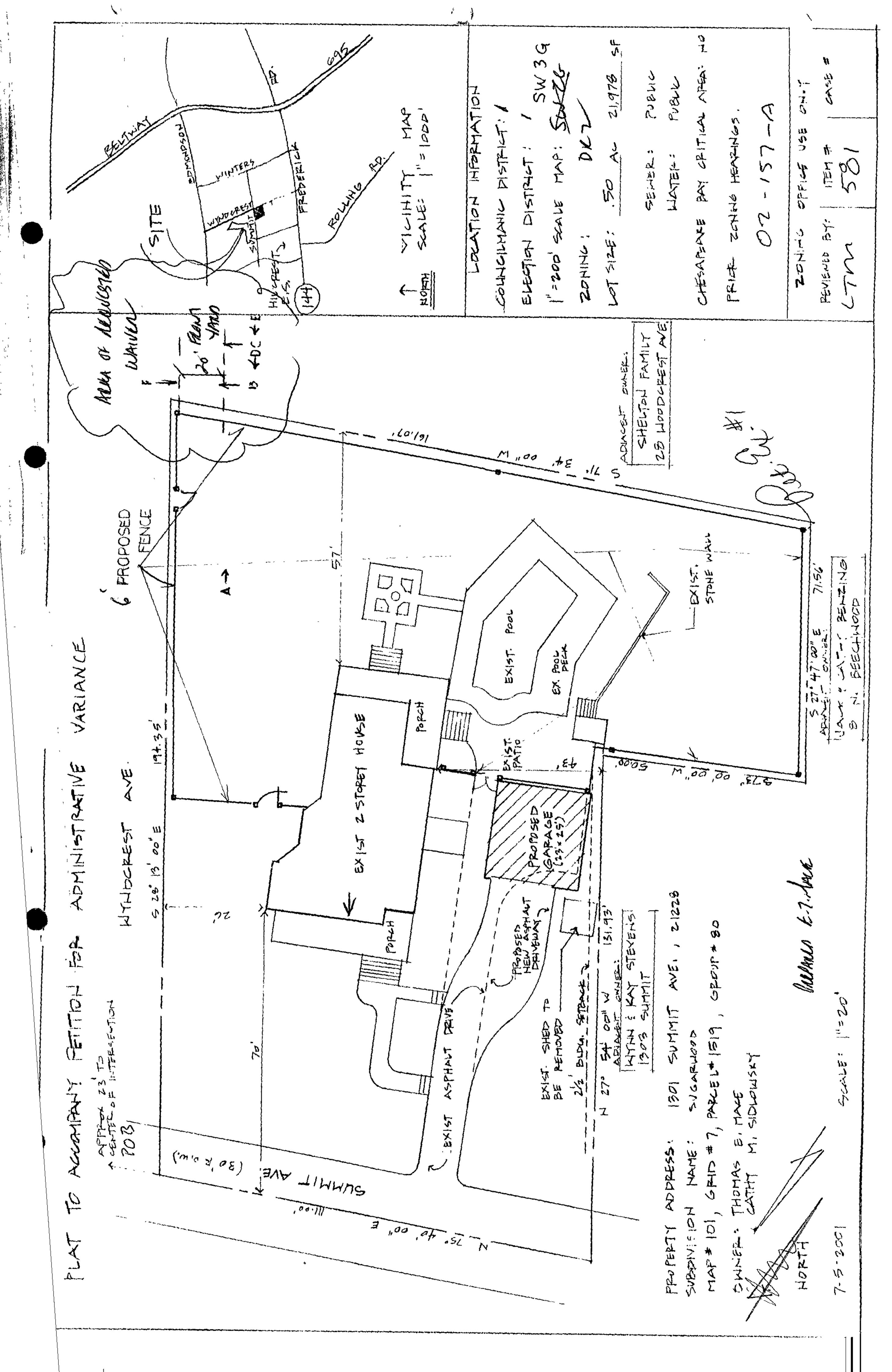
598, 599, and 600

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

RWB:CEN:jrb

cc: File







Consumers Choose Ameristar

this not by accident that Ameristat has begome the largest manufacturer of ornamental fencing in the world: it has happened by consumers encosing Ameristar ornamental fencing over the multitude of other alternatives. These intermed sensumers are asking the right questions:

(Is it stee)? Only steel will provide the strength needed for today's residential tences where consumers expect the tence to provide security from unwanted entry by the casual trespasser. Compare the strength (see Table 1 on Page 8). Ameristars Aegis^M steel is three times stronger than the titra light aluminum tences being offered by every other other offered by every other other offered by every other other offered by every other offered by every othe

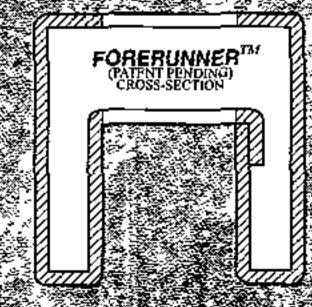
e <u>la la it galvanized?</u> Sirengih must be coupled will necessary surface protection to be able to provide a maintenance free finish. Welded ornamental steeldences are frequently fabricated from plain parleon steel. Repidly rusting surfaces will require painting every two years (see Table 2 on Page 6).

3. Is it double-coated? Consumers are peling bombarded with a multitude of different finishes a foreothamental tence, it is important that the protective finish contains both a zinc-rich base coating such was Ameristans zinc-rich epoxy powder coat as well as a UV-resistant finish coat such as Ameristans "no-small polyester-poyder coat.



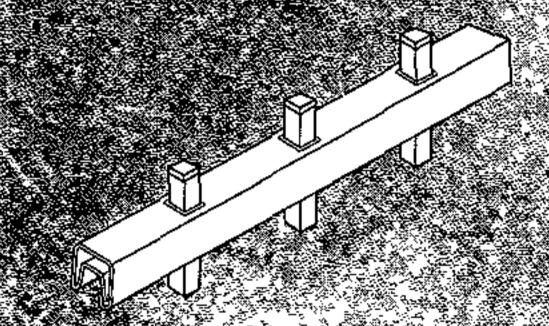
THE DECIDING DEFERENCE

The "x-factor" that truly separates Ameristar from all the other choices is in its special proprietary. "Forerunner" rails y stem with its internal retaining rods as a second second.



4 WALLS OF STEEL.

** Unparalleled paniel strength



Call Amerister's Customer Service at 1,888-938-8422 for further information or to inquire about distributors near your

AEGIS PLUSTM



www.ameristarfence.com

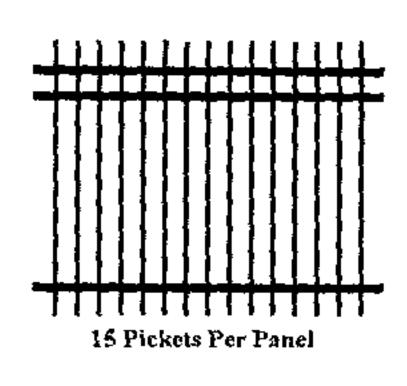
1-888-333-3422

FAX: 1-918-835-0899

PANELS

ITEM DESCRIPTION	BLACI	ζ		COLOR			FENCE	WT
	PART	PRICE	BRONZE	WHITE	DESERT SAND	PRICE	НТ	EA
3-Rail Genesis™ Panels (8')	1GB30468	167.93	1GN30468	1GW30468	1GS30468	176.17	4	82
	1GB30588*	186.76	P	1GW30588	1GS30588	196.06	\$ 5 \(\)	92
	1GB30708	205.80	1GN30708	1GW30708	1GS30708	216.16	6	102
	1GB30828*	225.05	1GN30828	1GW30828	1GS30828	236,26	1. 7	112
	1GB30948*	244.10	1GN30948	1GW30948	1GS30948	256.36	8	122
19 Pickets Per Panel			•		<u>-</u>			

3-Rail Genesis™ Panels (6')



1GB30466	132,70	1GN30466	1GW30466	1GS30466	139,25		61
1GB30586*	147.57	1GN30586	1GW30586	1GS30586	154.95	5	68
1GB30706	162.60	IGN30706	1GW30706	1GS30706	170.82	6	75
1GB30826*	177.80	1GN30826	1GW30826	1GS30826	186.69	7	82
1GB30946*	192,84	1GN30946	1GW30946	1GS30946	202.47	·8	89

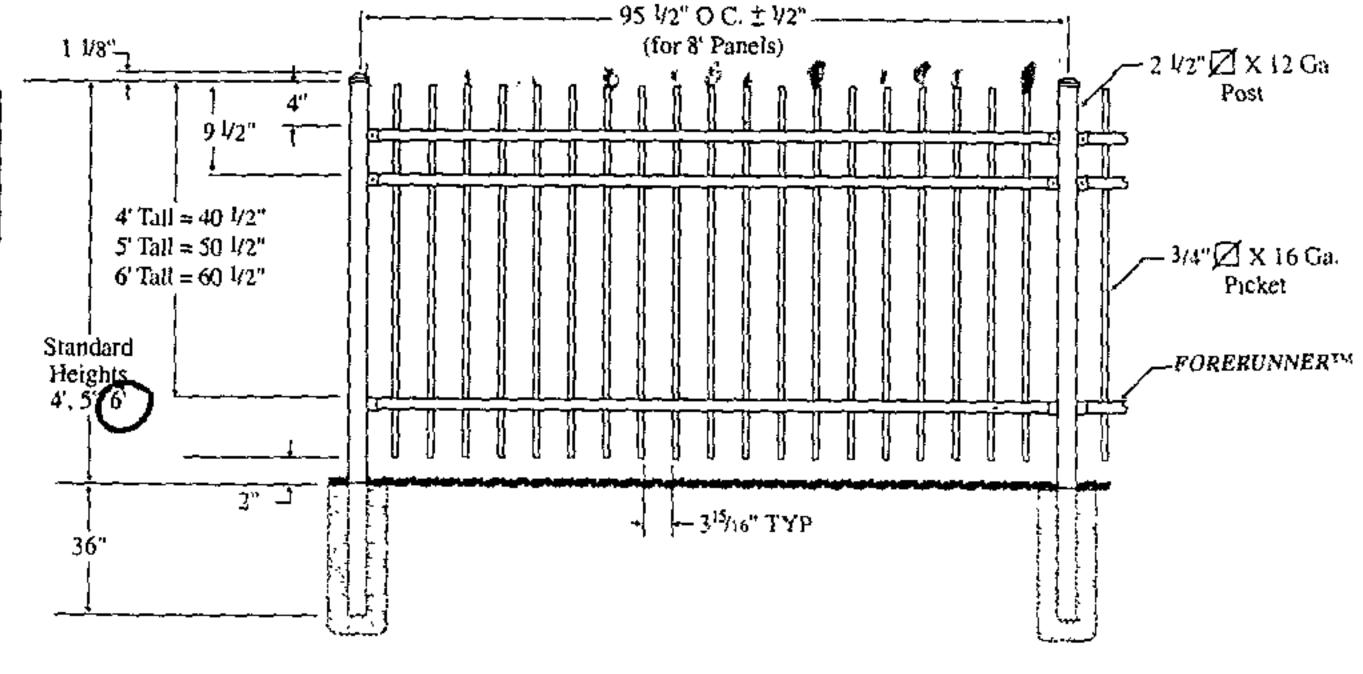
Note: Panel prices do not include panel brackets. (See pricing on Page 3-17)

GENESISTM 3-RAIL

POST SIZE	2-1/2"	POSTS	3" PC	STS
PANEL WIDTH	6'	8'	6'	8'
POST SETTINGS ± 1/2" O C.	76-314"	95-1/2"	77-1/4"	96"

NOTE: 6' Panels will be identical to this drawing, except there will be 15 pickets

and post spacing will be 76-3/4" O.C. +/- 1/2"



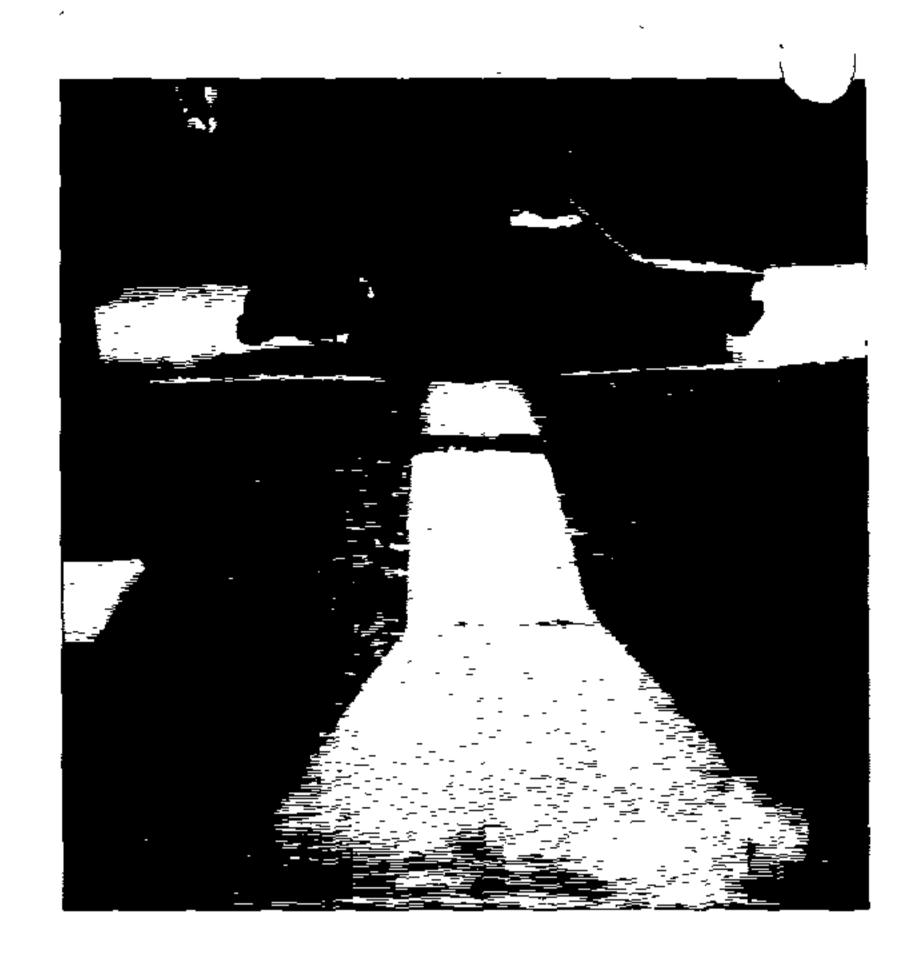
*N S . Non Stock Item - Check with Sales for availability



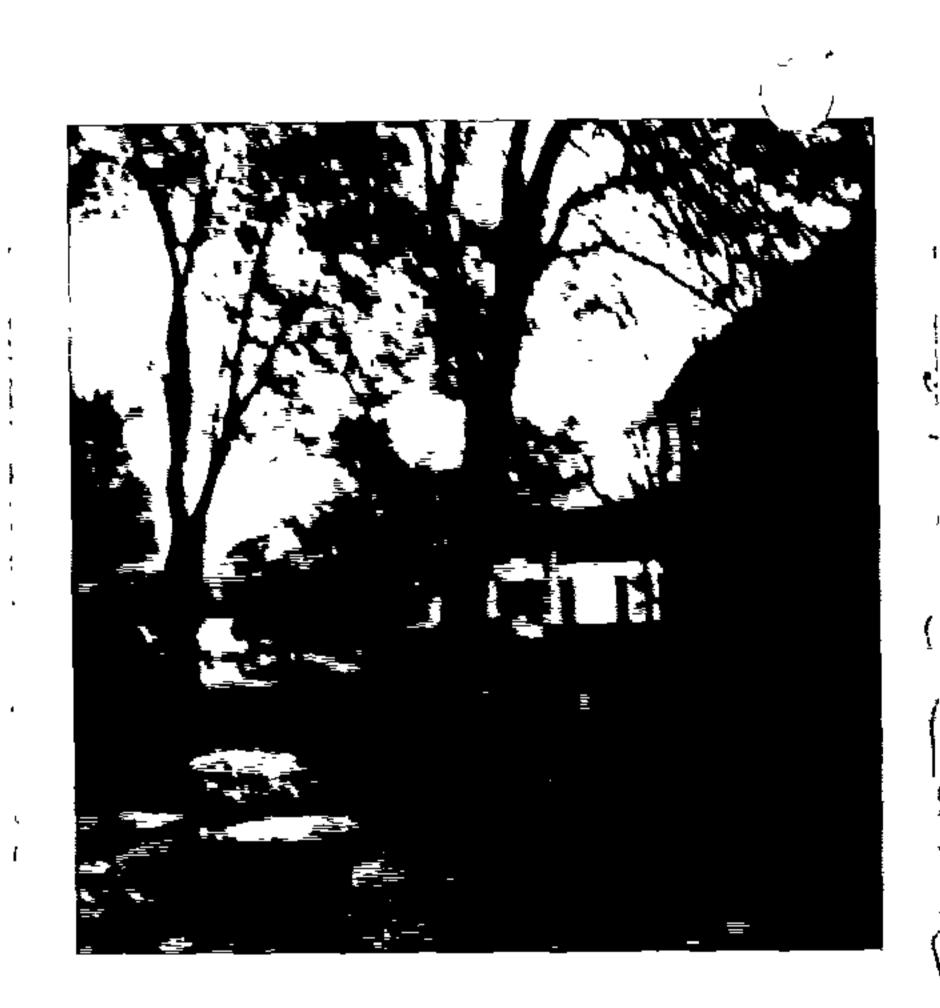
Sel plan



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