

IN RE: PETITION FOR VARIANCE
N/S of Daybreak Terrace, 500 ft. W
centerline of Dew Garth
14th Election District
6th Councilmanic District
(5621 Daybreak Terrace)

Gerald W. Switzer
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-291-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Gerald W. Switzer. The Petitioner is requesting variance relief for property located at 5621 Daybreak Terrace in the "Blackthorn" subdivision of Baltimore County. Variance relief is requested from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing detached garage located in the side yard in lieu of the required rear yard.

The property was posted with Notice of Hearing on January 31, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on February 3, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other

ORDER RECEIVED FOR FILING

Date

2/19/04

By

R. G. Switzer

variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 03-8722) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter because of the construction of a garage without a permit in the side yard and a 6 ft. fence located in the front yard.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built as a precedent to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration in the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this hearing of this Office.

Interested Persons

Appearing at the hearing on behalf of the variance request was Charles Merritt, Merritt Development Consultants, Inc. and Gerald Switzer, Petitioner. No Protestants or citizens

attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of approximately 9,348 sq. ft. or 0.21 acres and is zoned D.R.5.5. Petitioner's Exhibit No. 1, Plat to Accompany, shows the Petitioner owns a corner lot and that his home is set at approximately 45 degrees to either street. The Petitioner testified that he had been having trouble with neighborhood children playing in the adjoining cul-de-sac and became concerned that they would damage his vehicles. Consequently, he enclosed a car port, which he had for many years. However, upon inspection by the County the inspector determined that his enclosed car port was a garage and should therefore have been located in the rear yard rather than the side yard of his home.

Mr. Switzer testified that it would be impractical to require him to locate a garage in his rear yard. As indicated above, his home is set at an angle to the property boundaries. This greatly restricts the areas in which vehicles could pass to have access to the rear yard. See Petitioner's Exhibit No. 1. In addition, both means of going around his home and into the back yard are restricted by mature plantings which would have to be destroyed to have room to have a vehicle pass by. Both boundaries are fenced further restricting the avenues around the house to the back yard. There is an existing deck, and steps which interfere with any access to the rear yard. Finally, the rear yard drops away again increasing the problem of locating a garage in the rear.

The petitioner points out that he has access to the street with an existing curb cut, which leads to his present enclosed car port. The neighbor most effected by the enclosed carport, Ms.

Rutkowski, has written a letter in support of his proposal. Petitioner's Exhibit No. 4 shows the enclosed carport is well matched to the architecture of the Switzer home.

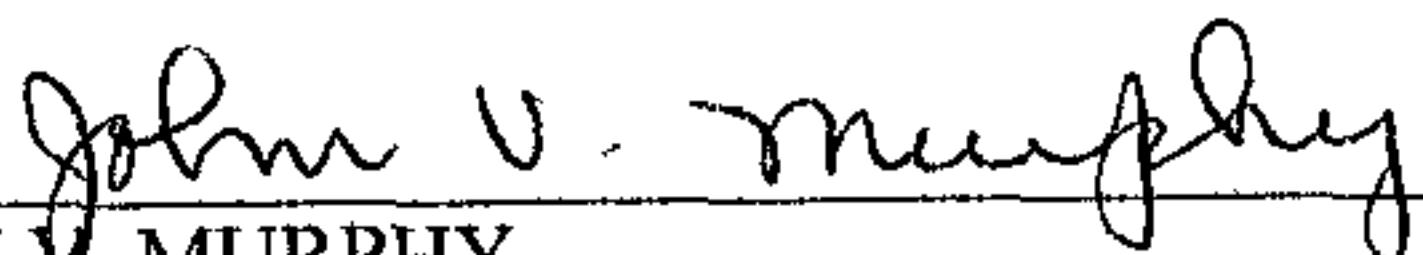
Findings of fact and conclusions of law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request such as the unusual position of the Switzer home being set at an angle to the side yard boundaries which greatly restrict access to his rear yard. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, I find the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare

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 Petitioners, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 19 day of February, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing detached garage located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

February 19, 2004

Mr. Gerald W. Switzer
5621 Daybreak Terrace
Baltimore, Maryland 21206

Re: Petition for Variance
Case No. 04-291-A
Property: 5621 Daybreak Terrace

Dear Mr. Switzer:

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,

A handwritten signature in black ink, appearing to read "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Charles Merritt
Merritt Development Consultants, Inc.
9831 Magledt Road
Baltimore, MD 21234

Code Enforcement

Visit the County's Website at www.baltimorecountyonline.info





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 5621 DAYBREAK TERRACE
which is presently zoned DR 5.5

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 BCZR
TO ALLOW AN EXISTING DETACHED GARAGE LOCATED IN THE
SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

GERALD W. SWITZER

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

BALTO

MD

State

21206

Zip Code

Representative to be Contacted:

CHARLES MERRITT

MERRITT DEVELOPMENT CONSULTANTS INC

Name

9831 MAGLETT RD

410 663-5525

Address

BALTO

MD

State

21234

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 04-291-A

Reviewed By JRF

UNAVAILABLE FOR HEARING

Date 12/17/03

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

2/19/04

By

R. J. Janssen

ZONING DESCRIPTION FOR 5621 Daybreak Terrace

Beginning at a point on the North side of Daybreak Terrace which is 50' wide at the distance of 500' East of the centerline of the nearest improved intersecting street Dew Garth which is 50' wide. Beginning Lot #14, Section #2 in the subdivision of Blackthorn as recorded in Baltimore County Plat Book #28, Folio #5, containing 9348 SF± or 0.21 AC±. Also known as 5621 Daybreak Terrace and located in the 14 Election District, 2 Councilmanic District.

OH-291-A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **23573**

DATE 12/17/03 ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED
FROM:

Gerald Switzer

FOR:

5621 Daybrook Terrace
VARIANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS - 12/17/2003 12/17/2003 09:29:57
REF 1502 MAIL 3596 MET
EXPT # 111825 12/17/2003
DOF 12/17/2003 12/17/2003
CR 12/17/2003 12/17/2003
Receipt for \$65.00
\$65.00 TX \$65.00
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commission 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 here in as follows:

Case: #04-291-A
5621 Daybreak Terrace
N/side of Daybreak Terrace
at the distance of 500 feet
west of the centerline of
Dew Garth
14th Election District
6th Councilmanic District
Legal Owner(s): Gerald Switzer
Variance: to allow an ex-
isting detached garage to be
located in the side yard in
lieu of the required rear
yard.

Hearing: Thursday, Febru-
ary 19, 2004 at 10:00 a.m.
in Room 407, County
Courts Building, 401 Bos-
ley 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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

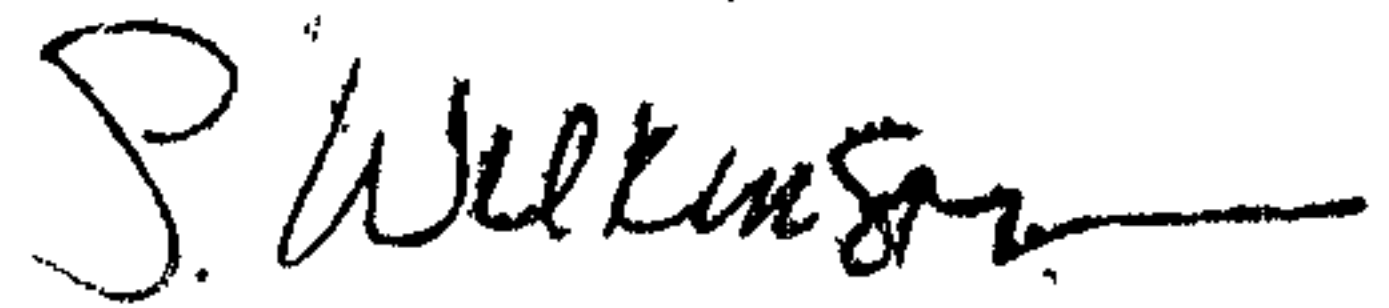
JT/2/606 Feb. 3 C647964

CERTIFICATE OF PUBLICATION

2/4/, 2004

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 2/3/, 2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 1/31/04

RE: Case Number: 04-291-A

Petitioner/Developer: GERALD SWITZER

Date of Hearing/Closing: FEB 19, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5621 DAYBREAK TERRACE

The sign(s) were posted on 1/31/04
(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Magledt Road
Baltimore, MD 21234
410-665-5562

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

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: 04-291-A

5621 Daybreak Terrace
N/side of Daybreak Terrace at the distance of 500 feet west of the centerline of Dew Garth
14th Election District – 6th Councilmanic District
Legal Owner: Gerald Switzer

Variance to allow an existing detached garage to be located in the side yard in lieu of the required rear yard.

Hearing: Thursday, February 19, 2004, at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Gerald Switzer, 5621 Daybreak Terrace, Baltimore 21206
Charles Merritt, 9831 Magledt Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 3, 2004.**
- (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.

Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 3, 2004 Issue - Jeffersonian

Please forward billing to:
Gerald Switzer
5621 Daybreak Terrace
Baltimore, MD 21221

410-866-3352

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: 04-291-A

5621 Daybreak Terrace

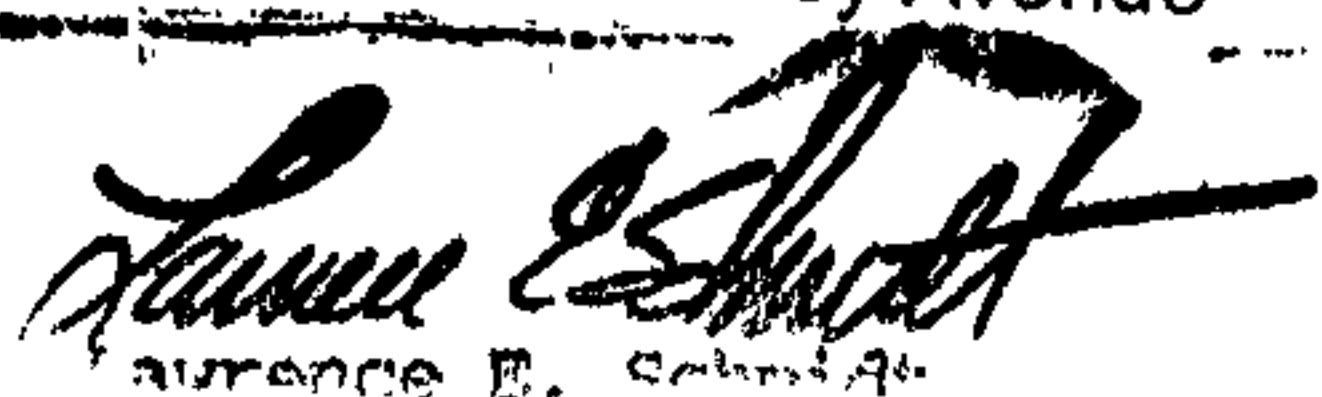
N/side of Daybreak Terrace at the distance of 500 feet west of the centerline of Dew Garth

14th Election District – 6th Councilmanic District

Legal Owner: Gerald Switzer

Variance to allow an existing detached garage to be located in the side yard in lieu of the required rear yard.

Hearing: Thursday, February 19, 2004, at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

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.

**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: 04-291-A

Petitioner: GERALD W. SWITZER

Address or Location: 5621 DAYBREAK TERRACE

PLEASE FORWARD ADVERTISING BILL TO:

Name: GERALD W. SWITZER

Address: 5621 DAYBREAK TERRACE
BALTO MD 21221

Telephone Number: 410 866-3352



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 13, 2004

Gerald W. Switzer
5621 Daybreak Terrace
Baltimore, Maryland 21206

Dear Mr. Switzer:

RE: Case Number: 04-291-A, 5621 Daybreak Terrace

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 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: clb

Enclosures

c: People's Counsel
Charles Merritt 9831 Magledt Road Baltimore 21234

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



**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

January 5, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: December 29, 2003

Item No.: 280-285, 287-299

6. 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: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For January 5, 2004
Item Nos. 280, 281, 282, 284, 285, 286,
288, 289, 290, 291, 292, and 299

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

RWB:jrb

cc: File

gck
2/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 6, 2004

RECEIVED

JAN 07 2004

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-291

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: Mark A. Cunningham

Section Chief: Lynn Barber

AFK/LL



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-7-04

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

RE. Baltimore County
Item No. 231 JRF

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,

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

RE: PETITION FOR VARIANCE * BEFORE THE
5621 Daybreak Terrace; N/side of Daybreak *
Terrace, 500' W c/line of Dew Garth * ZONING COMMISSIONER
14th Election & 6th Councilmanic Districts *
Legal Owner(s): Gerald W Switzer * FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-291-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 5th day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to, Charles Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234, Representative for Petitioner(s).

RECEIVED

JAN 05 2004

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 6, 2004

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 291
Legal Owner/Petitioner: Gerald W. Switzer
Contract Purchaser: n/a
Property Address: 5621 Daybreak Terrace
Location Description: N/side Daybreak Ter. at the distance of 500' W.
of centerline of Dew Garth

VIOLATION INFORMATION: Case No. 03-8722
Defendants: Gerald W. Switzer

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

NAME	ADDRESS
------	---------

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

- | | | |
|--------------------------|-----|---|
| x | 1. | Complaint letter/memo/email/fax (if applicable) |
| x | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| x | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☐ | 8. | Photographs including dates taken |
| x | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| x | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

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

RSW/gk
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

NICE OK

DATE: 10/31/03 INTAKE BY: RC CASE #: 03-8722 INSPEC: 15

COMPLAINT LOCATION: 5621 Daybreak Terr.

ZIP CODE: 21206 DIST: 14

COMPLAINANT NAME: Anonymous PHONE #: (H) _____ (W) 1

ADDRESS: _____ ZIP CODE: _____

PROBLEM: 6ft Fence in front yard. 10ft orange fence
Garage without permit.

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: 14-11-06 7851 ZONING: _____

INSPECTION: 11/3/03 - VISITED SITE, ISSUED CORN NOTICE FOR GARAGE /
SHED ALREADY BUILT AND TO REMOVE OR CUT DOWN 6 FOOT FENCE.
COMPLAINANT WAS ANONYMOUS. R/C 11/12/03 Grant Kild

REINSPECTION: _____

AK
2-3

REINSPECTION: _____

REINSPECTION: _____

DATE: 10/31/2003

STANDARD ASSESSMENT INQUIRY ()

TIME: 09:10:51

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
14 11 067851	14	3-2	04-00	H	NO		10/27/03
SWITZER GERALD W				DESC-1.. IMPS			
				DESC-2.. BLACKTHORN			
5621 DAYBREAK TER				PREMISE. 05621 DAYBREAK		TER	

00000-0000

BALTIMORE MD 21206-3014 FORMER OWNER: SWITZER GERALD W

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	29,590	29,590		FCV	ASSESS	ASSESS
IMPV:	95,280	113,110	TOTAL..	136,756	136,756	130,813
TOTL:	124,870	142,700	PREF...	0	0	0
PREF:	0	0	CURT...	136,756	136,756	130,813
CURT:	124,870	142,700	EXEMPT.		0	0
DATE:	06/99	07/02				

--- TAXABLE BASIS ---		FM DATE
04/05 ASSESS:	136,756	08/21/03
03/04 ASSESS:	130,813	06/04/03
02/03 ASSESS:	124,870	05/30/02

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



Baltimore County
Department of Permits and
Development Management

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

DI 1514

Code Enforcement:
Building Inspection:

410-887-3351
410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 03-8722	Property No. 1411067A51	Zoning N/A
------------------------------	----------------------------	---------------

Name(s): SWITZER, GERALD, W. (OWNER)

Address: 5621 DAYBREAK TERR BALTO, MD 21206-JO14

Violation Location: 5621 DAYBREAK TERRACE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRC SEC 105.1

- ① OBTAIN PERMIT FOR GARAGE/SHED, LOCATED SIDE OF PROPERTY.
- ② GARAGE/SHED COMPLETED.
- ③ REMOVE 6 FOOT FENCE LOCATED IN FRONT YARD. (42 INCHES MAXIMUM ALLOWED)
- ④ CALL FOR NECESSARY INSPECTIONS WHEN PERMIT IS ISSUED

ANY QUESTIONS PLEASE CALL OFFICE HRS
7:30-8:00 / 3:00-3:30

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

On or Before: 11/17/03	Date Issued: 11/3/03
------------------------	----------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: GRANT KIDDO

INSPECTOR: Frank Kiddo

STOP WORK NOTICE

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

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR: _____

AGENCY

December 2, 2003

Patricia M. Rutkowski
5619 Daybreak Terrace
Baltimore, Maryland 21206

To Whom it May Concern:

My name is Patricia Rutkowski I own the property at 5619 Daybreak Terrace. I live next door to Gerald Switzer at 5621 Daybreak Terrace. The garage Gerry had built is very attractive and in no way hinders my property by being there. I absolutely have no problem with the garage being where it is.

Sincerely,

Patricia M. Rutkowski
Patricia M. Rutkowski

**MARY A. SNYDER
NOTARY PUBLIC
BALTIMORE COUNTY MARYLAND
COMMISSION EXPIRES
FEBRUARY 20, 2005**

Mary A. Snyder

291

Pet # 2

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 04-291-A

Date Completed/Initials

1-15-04

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

CASE NAME 5621 Daybreak Terrace
CASE NUMBER 04-291-A
DATE 2/18/04

PETITIONER'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 5621 DAYBREAK TERR. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

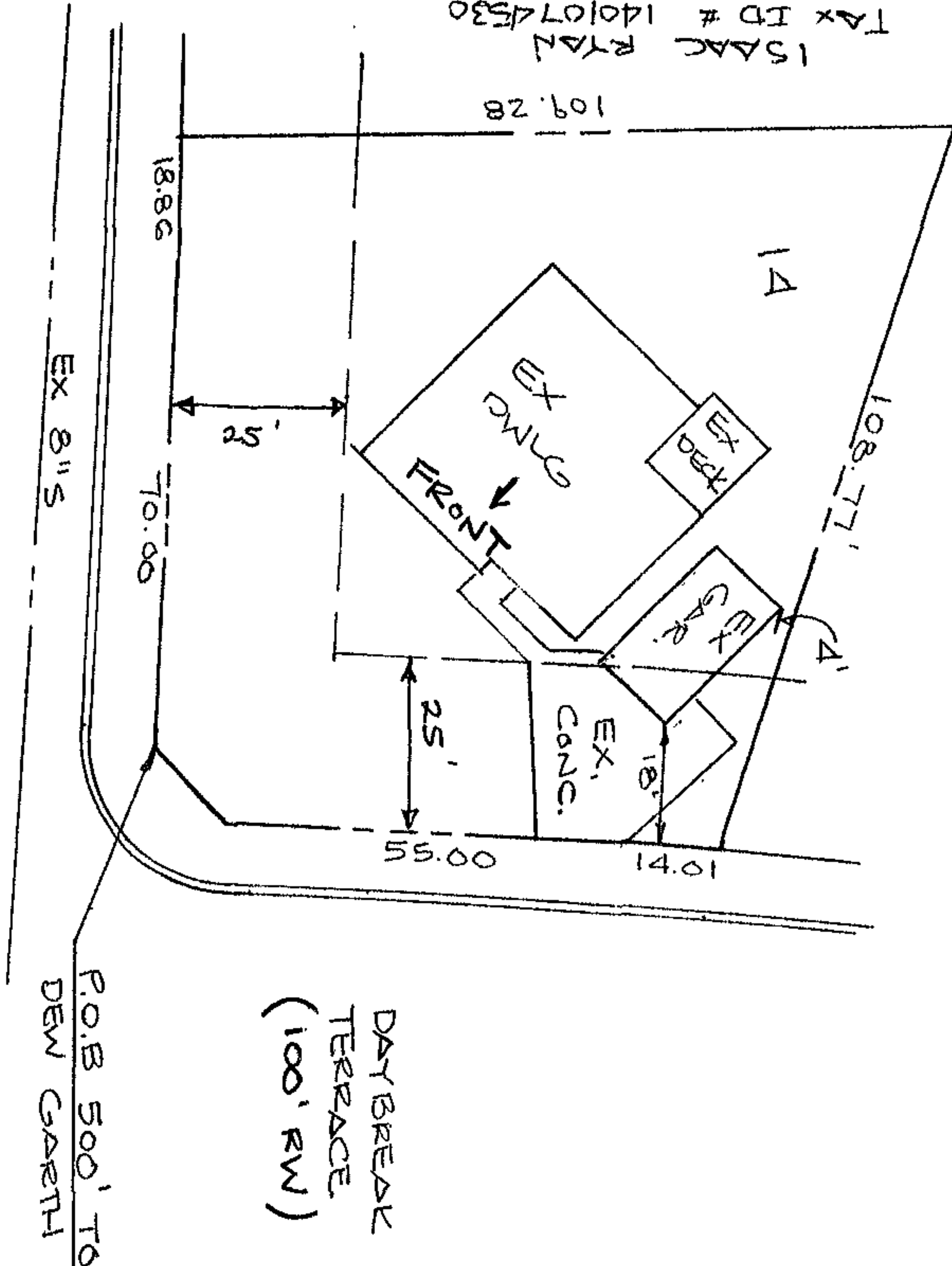
SUBDIVISION NAME BLACKTHORN

PLAT BOOK # 28 FOLIO # 5 LOT # 14 SECTION # 2

OWNER GERARD W. SWITZER

WILSON HART
TAX ID # 1408004876 15

ISAAC RYAN
TAX ID # 1401074530 15



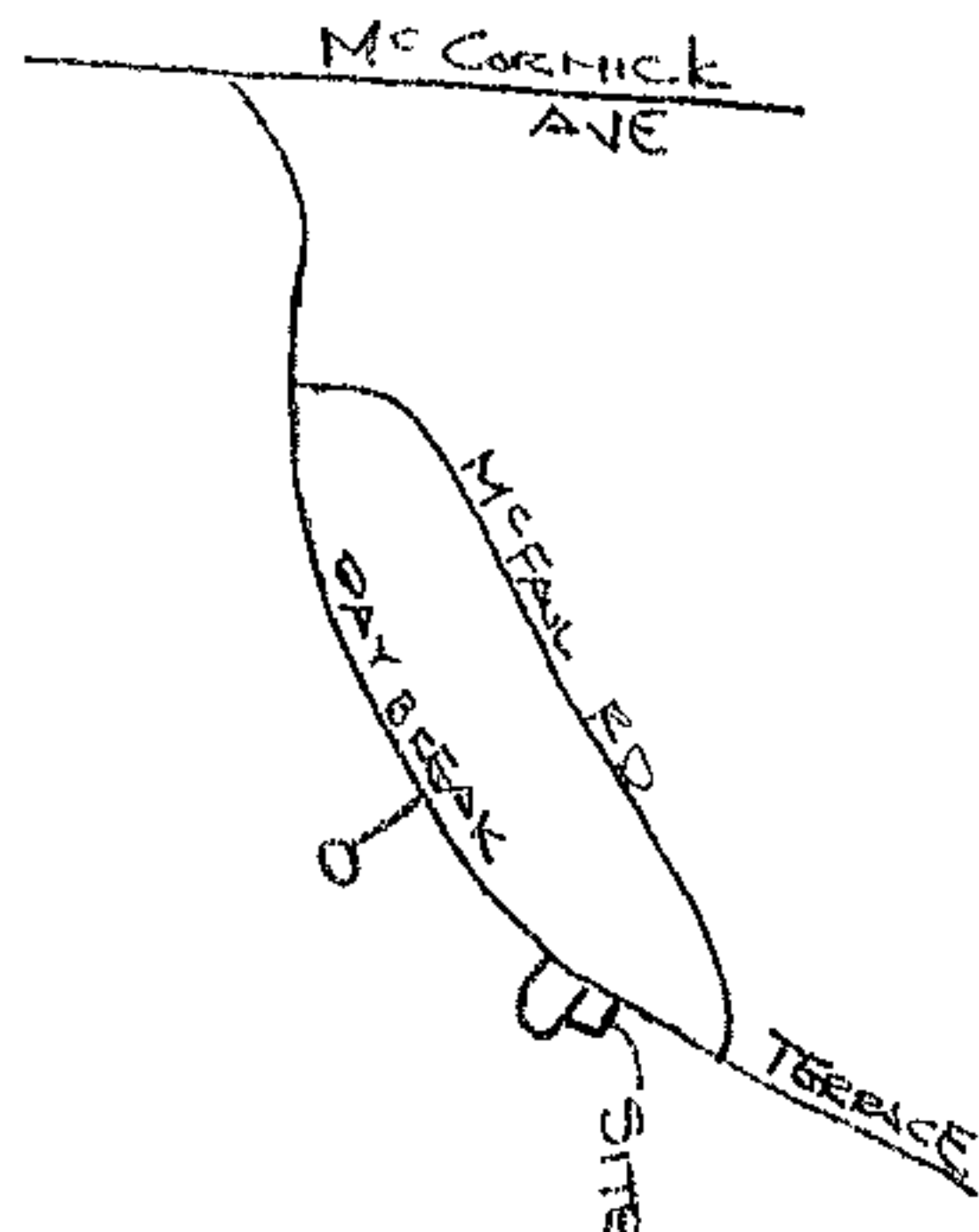
DAYBREAK TERRACE
(50' R/W)

PREPARED BY C. MERRETT

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 14

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # NE 4E

ZONING DR 5.5

LOT SIZE 0.21 9348
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

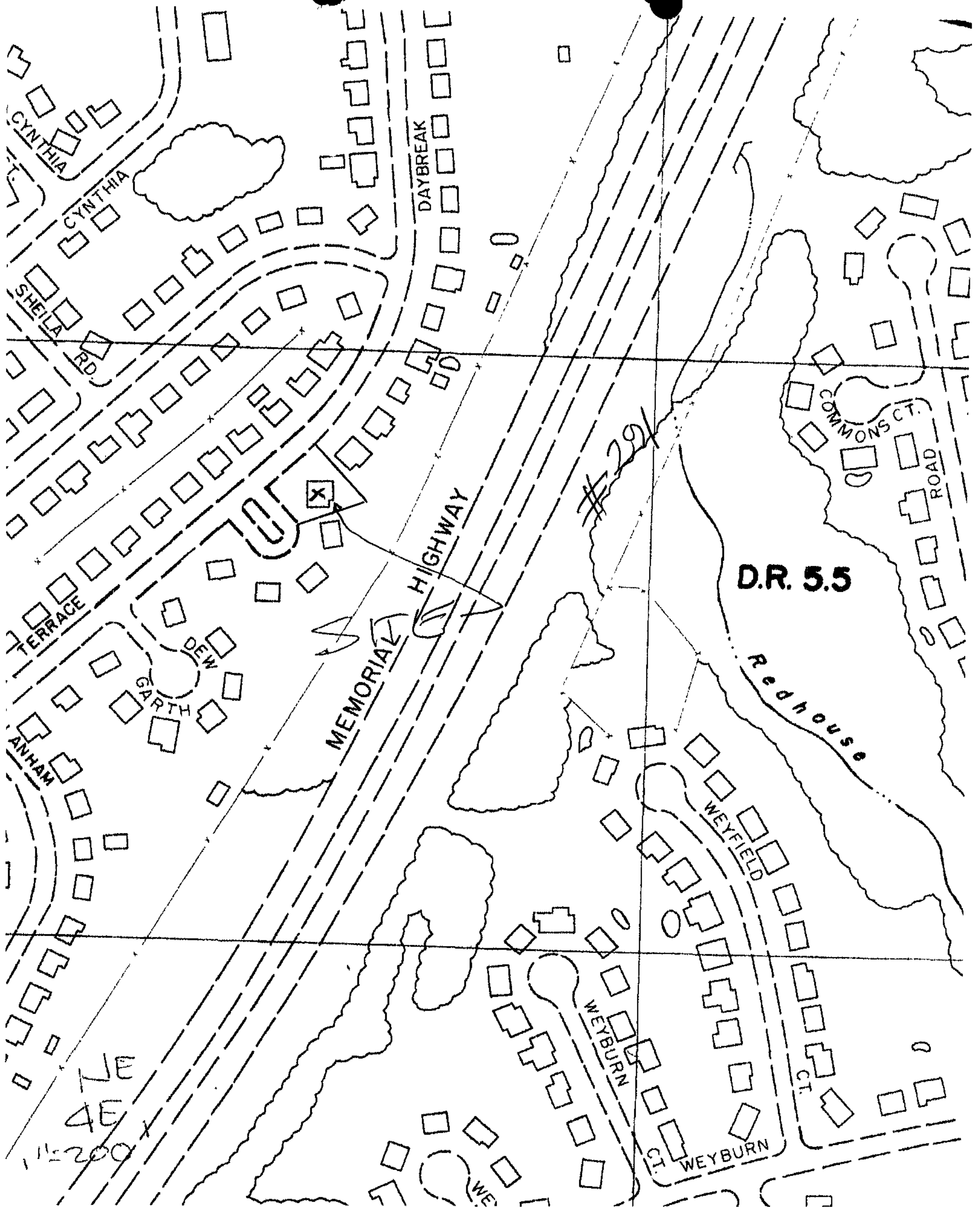
100 YEAR FLOOD PLAIN YES ☐ NO ☒

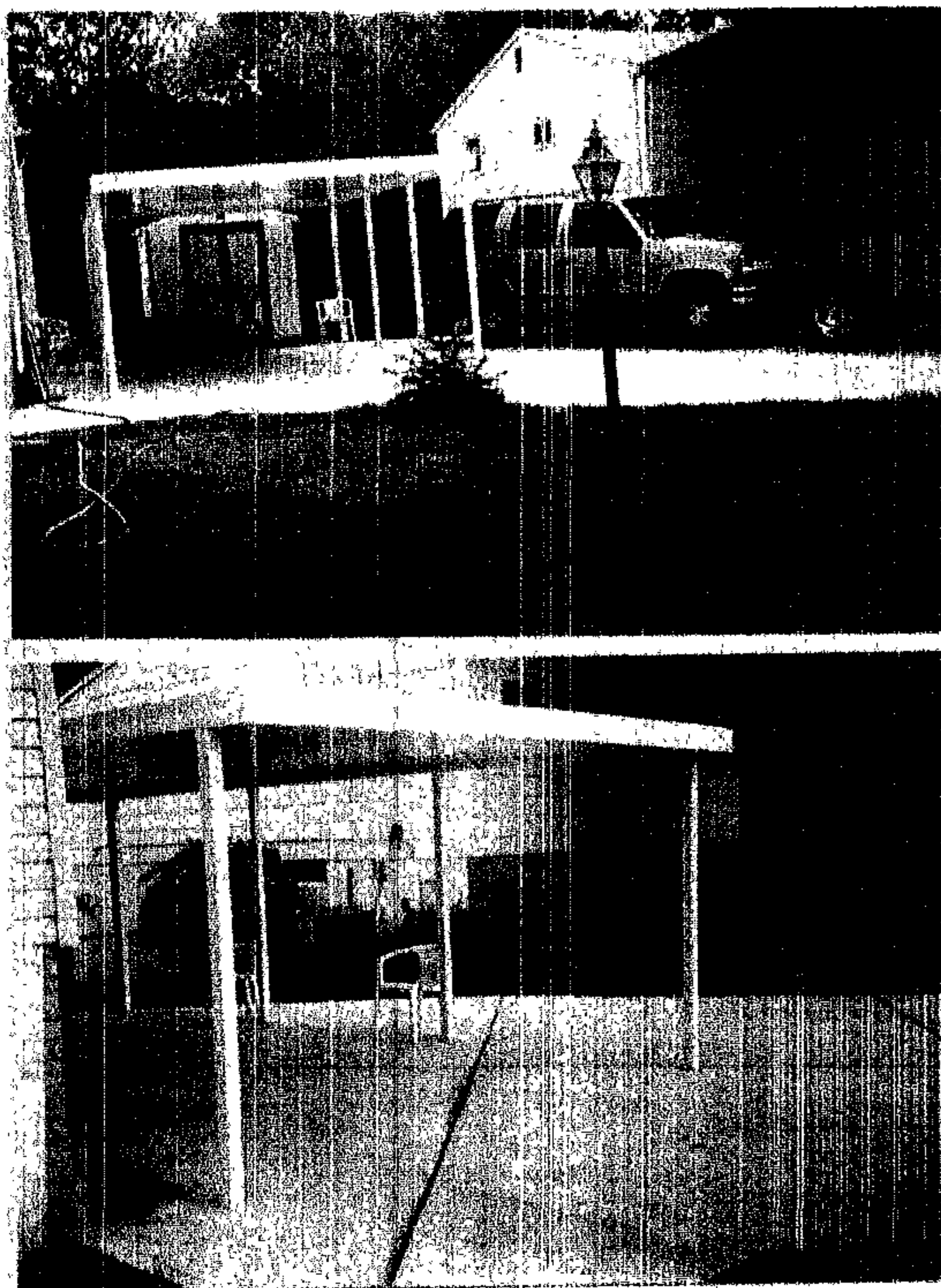
HISTORIC PROPERTY/BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

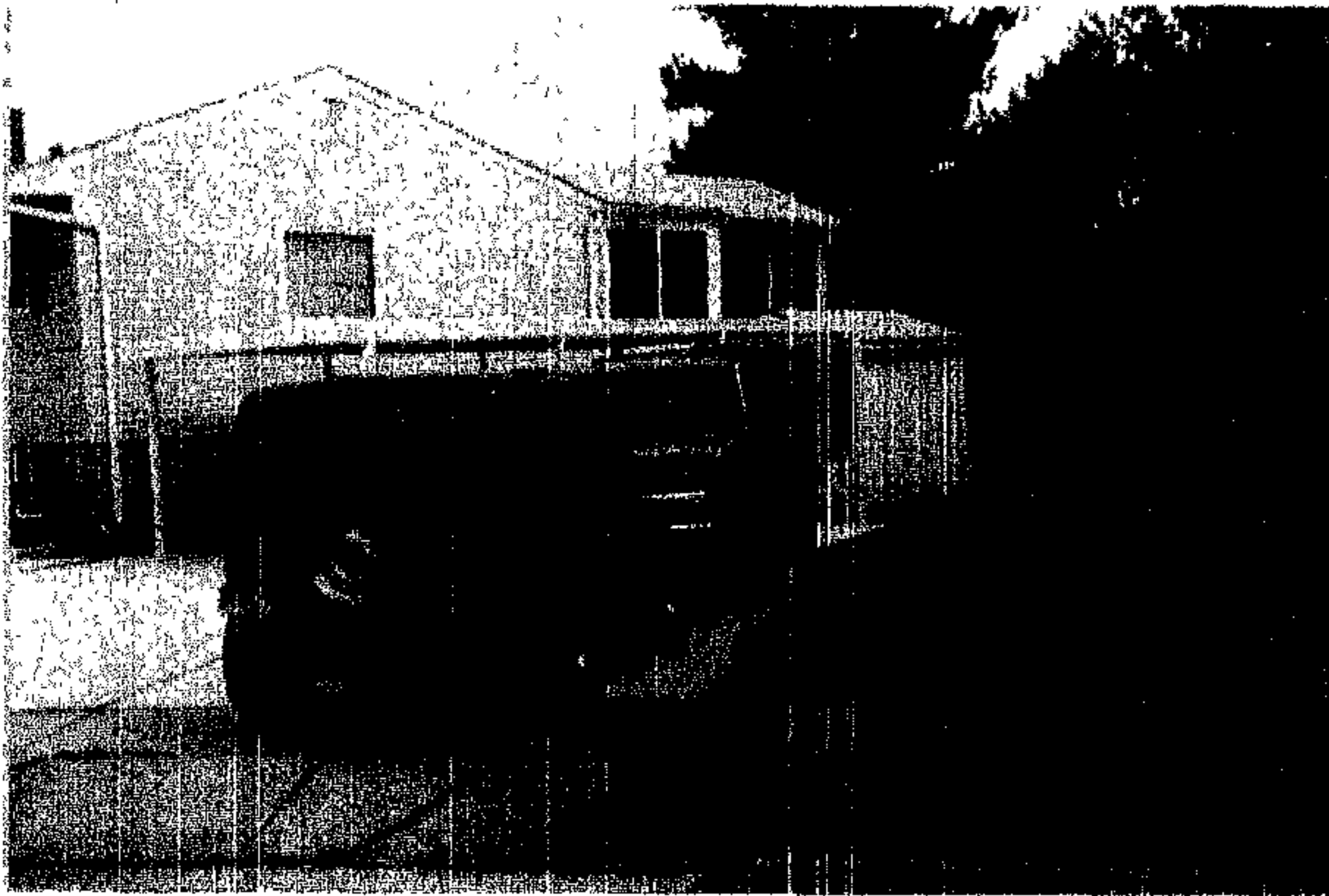
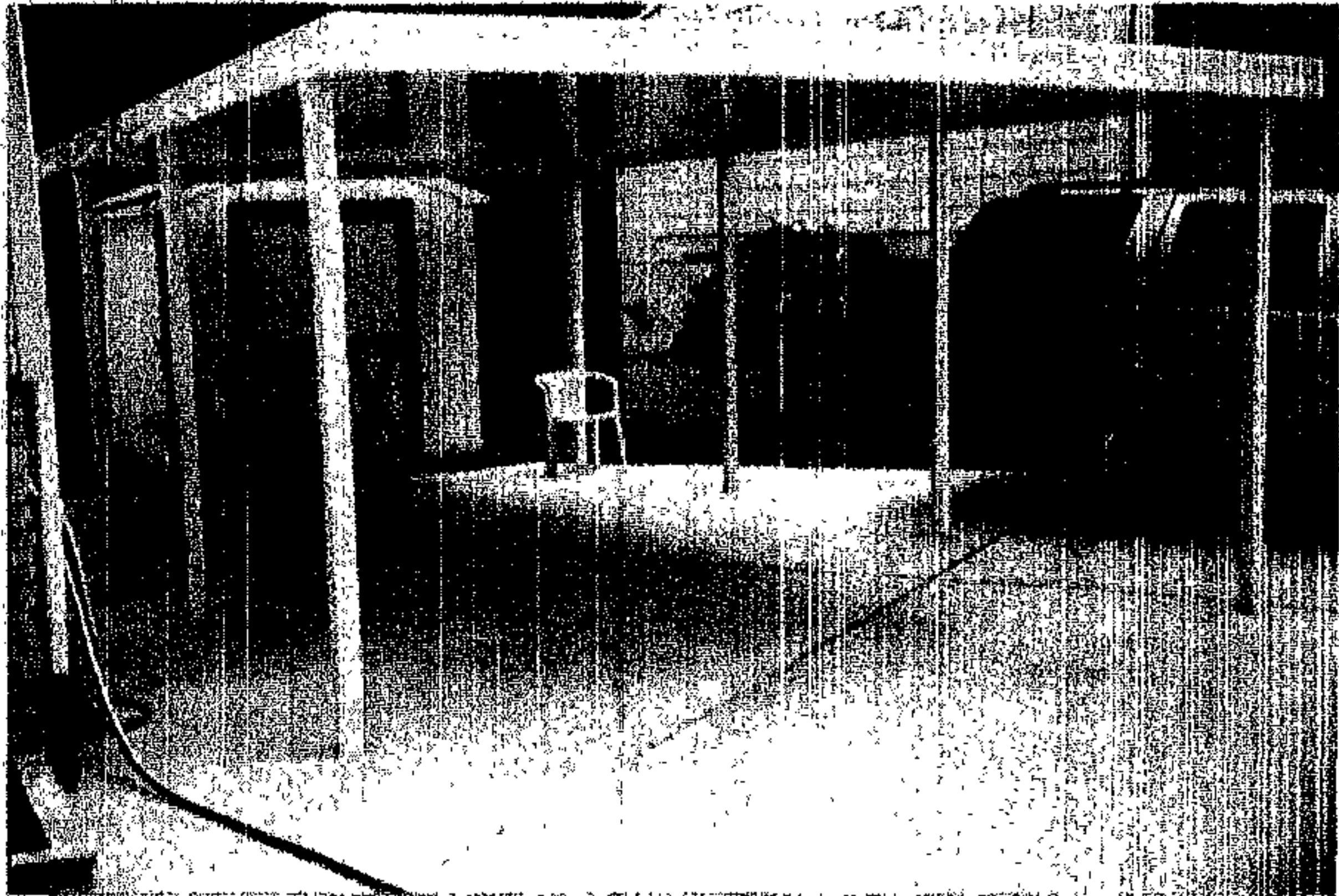
JEP 291





291

Plot #3A



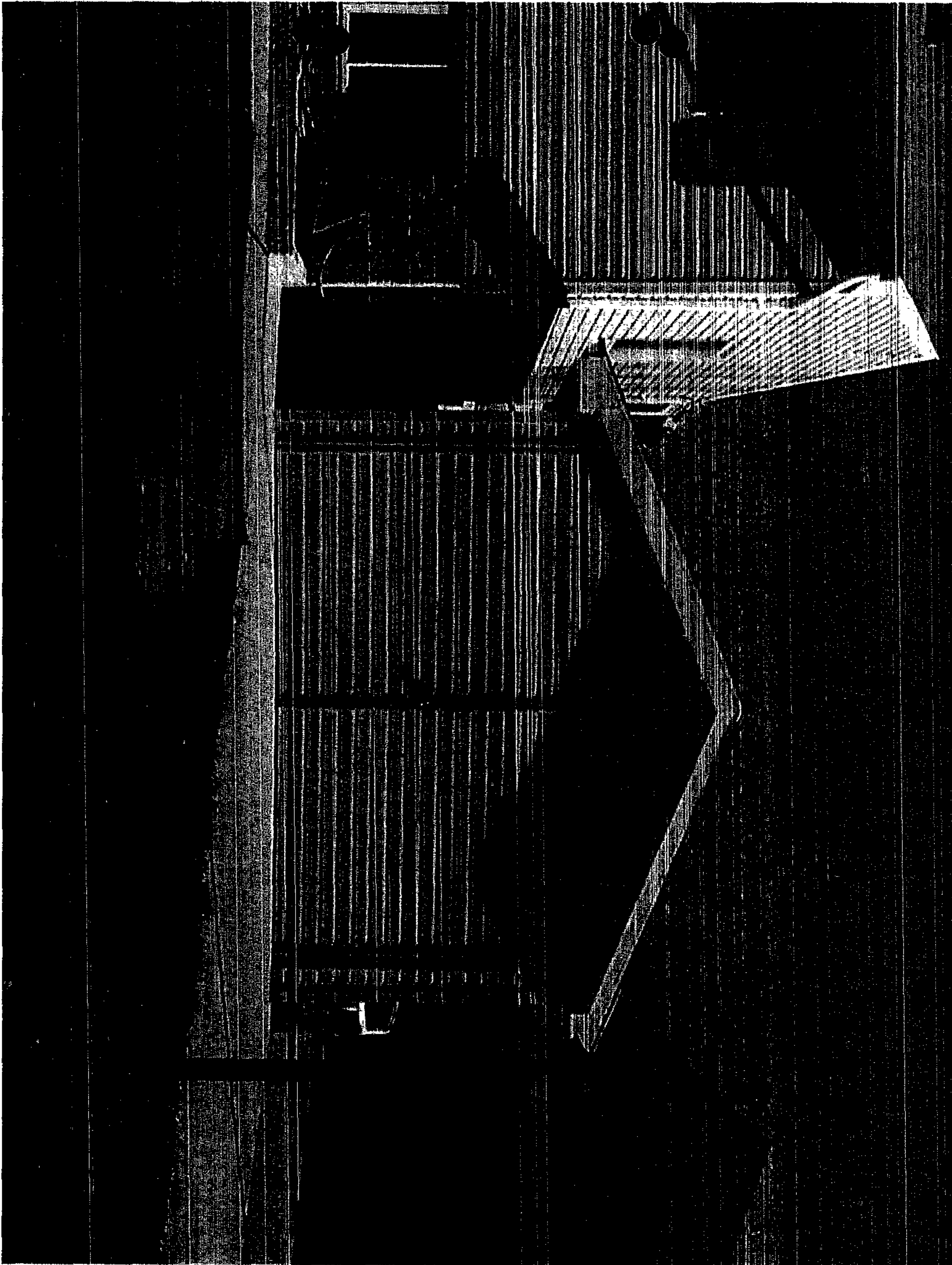
291

Let 3 B

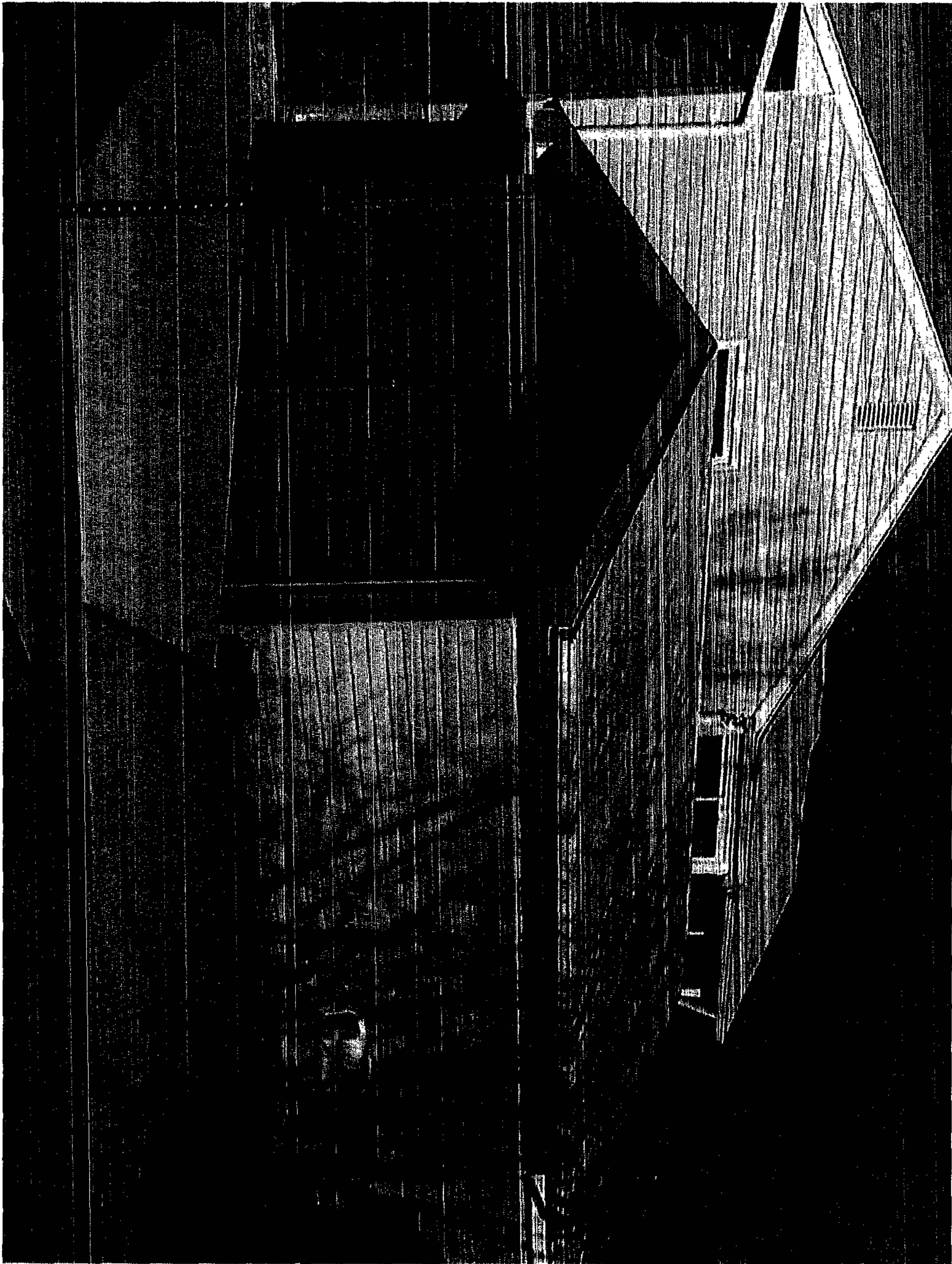
#291

PC 44A





H 291



4C

#291

40

