

IN RE: PETITION FOR VARIANCE
SE/Corner Cedar Circle Drive and
Cedar Circle Court
(2013 Cedar Circle Drive)
1st Election District
1st Council District

Patricia Hardy Avens
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-187-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Patricia Hardy Avens. The Petitioner requests variance relief from Sections 431.B.3.(A) and (B) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a (commercial) vehicle with materials and equipment visible and advertising displayed on areas of the vehicle other than the driver's and passenger's doors to be stored on the subject property, which is residentially zoned. The subject property and requested relief are more particularly described on the site plan and photographs submitted, which were accepted and marked into evidence as Petitioner's Exhibits 1 and 1A through 1F, respectively.

Appearing at the requisite public hearing in support of the request were Thomas W. Avens and his wife, Patricia H. Avens, property owners, and Frederick H. Kirk, who resides in the community. Appearing as Protestants in the matter were Charles Yingling, Nellie Jackson, Thomas Boyle, James S. Holman, and Jean Ellen Clancy and Ron Glancy, all of who apparently live in the neighborhood. Francis X. Borgerding, Jr., Esquire, appeared on behalf of Joseph J. Mucha, another nearby resident, and Shirley J. Smith, appeared on behalf of the Westerlee Community Association.

This matter comes before me as the result of a zoning violation (Case No. 04-1734) relative to the parking of a commercial vehicle on the subject property. In this regard, Thomas Avens, co-owner of the subject property, previously owned a 1991 Ford Van that he used to conduct his home improvement business as a painting contractor. Upon being cited with a zoning violation notice for storing the vehicle on the subject, residentially zoned property, he was advised to file the instant

ORDER RECEIVED FOR FILING

Date

By

Petition seeking relief as set forth above. However, subsequent to filing the Petition, Mr. Avens sold that vehicle and replaced it with a 2004 Chevy Van. Photographs of the new van were entered into evidence as Petitioner's Exhibits 1A through 1G. Although the replacement vehicle has no advertising or other lettering displayed on the outside, it does carry extension ladders on its roof. Thus, by agreement of all parties to this case, the matter proceeded before me on an amended Petition seeking relief from Section 431.B.3.A, only.

By way of background, the subject property is a corner lot located with frontage on Cedar Circle Drive and Cedar Circle Court in the Westerlee community of Catonsville. The property contains a gross area of 20,086 sq.ft., more or less, zoned D.R.2, and is located at the entrance to the cul-de-sac known as Cedar Circle Court, which features three other homes. The subject property is improved with a single-family dwelling and a macadam driveway, which is located to the rear of the home and is accessed via Cedar Circle Court. It is this driveway on which the Petitioner parks the vehicle in question. Thus, it is the neighbors who reside to the rear of the property on Cedar Circle Court who are most impacted by the requested relief.

In any event, testimony revealed that the Petitioners have owned and resided on the subject property since December 2000. They testified that they have spent considerable time and money making improvements to their property and photographs submitted show that it is attractive and well maintained. As noted above, Mr. Avens is a painting contractor, trading under the name of Tom and Master Painting Company, and he apparently uses the subject property as his business address. In addition, the van at issue is used to transport Mr. Avens as well as his tools and equipment from job to job. Although there is no advertising or lettering on the outside of the vehicle, it does carry extension ladders on the roof. Because the regulations do not permit any advertising on the outside of the vehicle or "visible cargo," relief is requested as set forth above to allow the ladders to remain visible.

In support of his request, Mr. Avens testified that he would suffer a practical difficulty and unreasonable hardship if he were required to remove the ladders from the truck each day. He noted that there are other commercial vehicles stored on properties throughout the neighborhood as it is a "blue-collar" community, and that he is unaware of any specific covenants or restrictions that prohibit

the parking of commercial vehicles in the Westerlee community. He argued that he does not change the oil or perform mechanical repairs to the vehicle on his property, and that he maintains his property and vehicle in good condition. He does not believe that the mere storage of the vehicle on his driveway causes any detriment to the community's health, safety or general welfare or that it would lower property values in the area, citing to recent sales of similar homes close to his in excess of \$400,000. He believes his property is unique since it is a corner lot and is visible from all sides, which negates the option of concealing the truck and the ladders.

Mr. Frederick Kirk appeared and testified on behalf of the Petitioner. He believes that the community should be more tolerant and believes that Mr. Avens is being unfairly singled out as there are other commercial vehicles parked throughout the neighborhood apparently without repercussions.

As noted above, several residents from the surrounding community appeared and testified in opposition to the request. Mr. Thomas Boyle testified that the matter was more than the overnight parking of the commercial vehicle and he objects to the extension ladders being visible.

Attorney Francis X. Borgerding, Jr., appeared and proffered testimony on behalf of Mr. Mucha. He indicated that Mr. Mucha is a 40-year resident of the Westerlee community who believes that the integrity of this neighborhood must be preserved through the enforcement of the covenants and zoning laws. Through evidence solicited from Mr. Ron Glancy, Mr. Borgerding showed that there was no uniqueness about the Petitioner's property and that any hardship in this case has been self-inflicted by the Petitioners' conduct. Furthermore, a cross-examination of Mr. Kirk revealed that he is the owner of Greenside-Up Lawn Service and that he parks two of the trucks used in that business on the street.

Ms. Shirley Smith, who appeared on behalf of the Westerlee Community Association, Inc., testified that she is on the Zoning Compliance Committee and believes it is the Board's duty to enforce the covenants and zoning laws of Baltimore County. She indicated that when other residents of the community were advised to discontinue parking commercial vehicles in the neighborhood, they complied, citing a neighbor who works for Comcast Cable Company, and another who works for a towing service company.

ORDER RECEIVED FOR FILING
Date 12/10/14
By [Signature]

It is clear from the testimony presented by representatives of the community association and those residents who appeared from the neighborhood that they are firmly opposed to the granting of the variance. Joseph Mucha, Thomas Boyle and Shirley Smith are particularly concerned about the parking and storage of this commercial vehicle on the subject property in that the driveway upon which the Petitioner parks this vehicle is in clear view of their homes. The concerns of those neighbors who are most directly affected by the storage of this vehicle must be given greater deference to those residents who are further removed from this location.

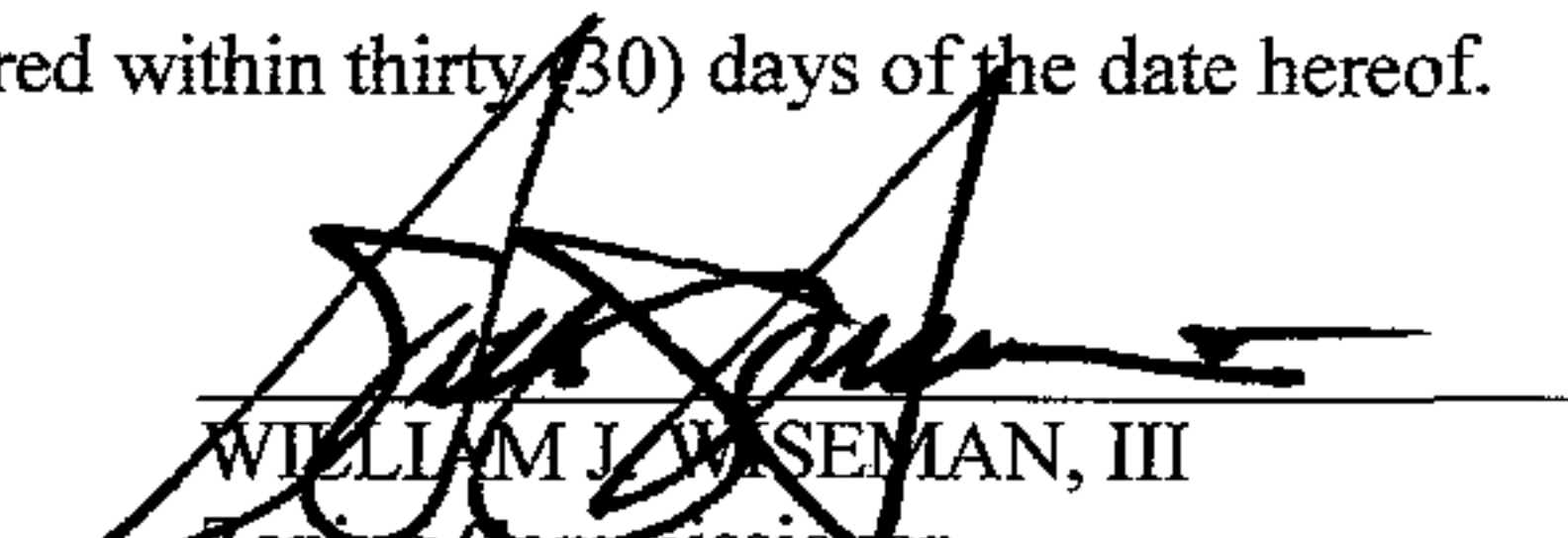
Based on these factors, and after considering all of the testimony and evidence offered both for and against the request, I am persuaded to deny the variance. I find that the Petitioners have not met the burden imposed upon them by Section 307 of the B.C.Z.R. for variance relief to be granted and that strict compliance with the zoning regulations will not be unnecessarily burdensome. Moreover, it is clear that the neighbors find this commercial vehicle with the visibly exposed extension ladders affixed to the roof to be offensive and that a grant of the variance would have a detrimental impact upon their neighborhood. For all of these reasons, the relief requested must be denied.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

10th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of December 2004 that the Petition for Variance seeking amended relief as set forth above from Section 431.B.3.(A), only, of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a (commercial) vehicle with materials and equipment visible to be stored on the subject, which is residentially zoned, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall cease parking the subject vehicle on the subject property immediately.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.


WILLIAM J. WASEEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 12/14/04
By [Signature]

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
William J. Wiseman III, Zoning Commissioner

December 10, 2004

Mr. & Mrs. Thomas Avens
2013 Cedar Circle Drive
Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE
SE/Corner Cedar Circle Drive and Cedar Circle Court
(2013 Cedar Circle Drive)
1st Election District – 1st Council District
Patricia H. Avens - Petitioner
Case No. 05-187-A

Dear Mr. & Mrs. Avens:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600, Towson, Md. 21204
Mr. Joseph Mucha, 2113 Cedar Circle Drive, Catonsville, Md. 21228
Mr. Shirley Smith, 2016 Cedar Circle Drive, Catonsville, Md. 21228
Ms. Nellie Jackson, 2109 Fernglen Way, Catonsville, Md. 21228
Mr. Thomas Boyle, 2137 Cedar Circle Drive, Catonsville, Md. 21228
Mr. James S. Holman, 2124 Fernglen Way, Catonsville, Md. 21228
Mr. & Mrs. Ron Glancy, 1201 Wisteria Drive, Catonsville, Md. 21228
Code Enforcement Division, DPDM; People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2013 CEDAR CIRCLE
which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 431.3 A & B to permit a vehicle to

HAVE MATERIALS AND EQUIPMENT VISIBLE [AND ADVERTISING DIS-PLAYED ON AREAS OF THE VEHICLE OTHER THAN THE DRIVERS AND PASSENGERS DOOR] - New truck No lettering, no ad

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) COVENANT PREVENTS US FROM MODIFYING OR ADDING AN ADDITION OR GARAGE AND IT POSES A GREAT DIFFICULTY FOR ONE PERSON TO REMOVE THE HEDGERS

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:

PATRICIA HARDY AVENS
Name - Type or Print
Patricia Hardy Avens
Signature
2013 Cedar Circle 410-744-0986
Address Telephone No.
CATONSVILLE MD 21228
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

PATRICIA HARDY AVENS
Name - Type or Print
Patricia Hardy Avens
Signature
2013 Cedar Circle 410-744-0986
Address Telephone No.
CATONSVILLE MD 21228
City State Zip Code

Representative to be Contacted:

PATRICIA HARDY AVENS
Name
2013 Cedar Circle 410-744-0986
Address Telephone No.
CATONSVILLE MD 21228
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By 507 Date 10-12-04

ORDER RECEIVED FOR FILING
Date 10/10/04
By [Signature]
Case No. 05-187-A
R 9/5/98

ZONING DESCRIPTION FOR 2013 Cedar Circle Dr.
(address)

Beginning at a point on the South East Cor. side of
(north, south, east or west)

CEDAR CIRCLE DR. which is 50 FT
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 0 FT EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street CEDAR CIRCLE CT.
(name of street)

which is 50 FT wide. *Being Lot # 2,
(number of feet of right-of-way width)

Block , Section # A in the subdivision of WESTERLEE
(name of subdivision)

as recorded in Baltimore County Plat Book # 23, Folio # 90.

containing 20,086 SF. Also known as 2013 CEDAR CIRCLE DR.
(square feet or acres) (property address)

and located in the 1ST Election District, 1ST Councilmanic District.

OS-187-A

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: #05-187-A
2013 Cedar Circle Drive,
Seast corner of Cedar Circle Drive and Cedar Circle

Court
1st Election District — 1st Councilmanic District
Legal Owner(s): Patricia Hardy Avers

Variance: to permit a commercial vehicle on residential property to have materials and equipment visible, and advertising display on areas of the vehicle other than the driver and passengers door.

Hearing: Wednesday, December 1, 2004 at 9:00 a.m.
in Room 106, County Office Building, 111 W. Chesapeake Avenue.

WILLIAM WISEMAN
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 11/703 Nov. 18 29849

CERTIFICATE OF PUBLICATION

11/18/2004

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 11/16/2004.

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

S. Wilkins

LEGAL ADVERTISING

Certificate Of Posting

RE: Case NO.: 05-187-A

Petitioner/Developer: _____

PATRICIA AVENS

Date of Hearing/Closing: 12/1/04

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2013 CEDAR CIRCLE DRIVE

This sign(s) were posted on November 14, 2004
(Month, Day, Year)

Sincerely,

Martin Ogle 11/14/04
(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

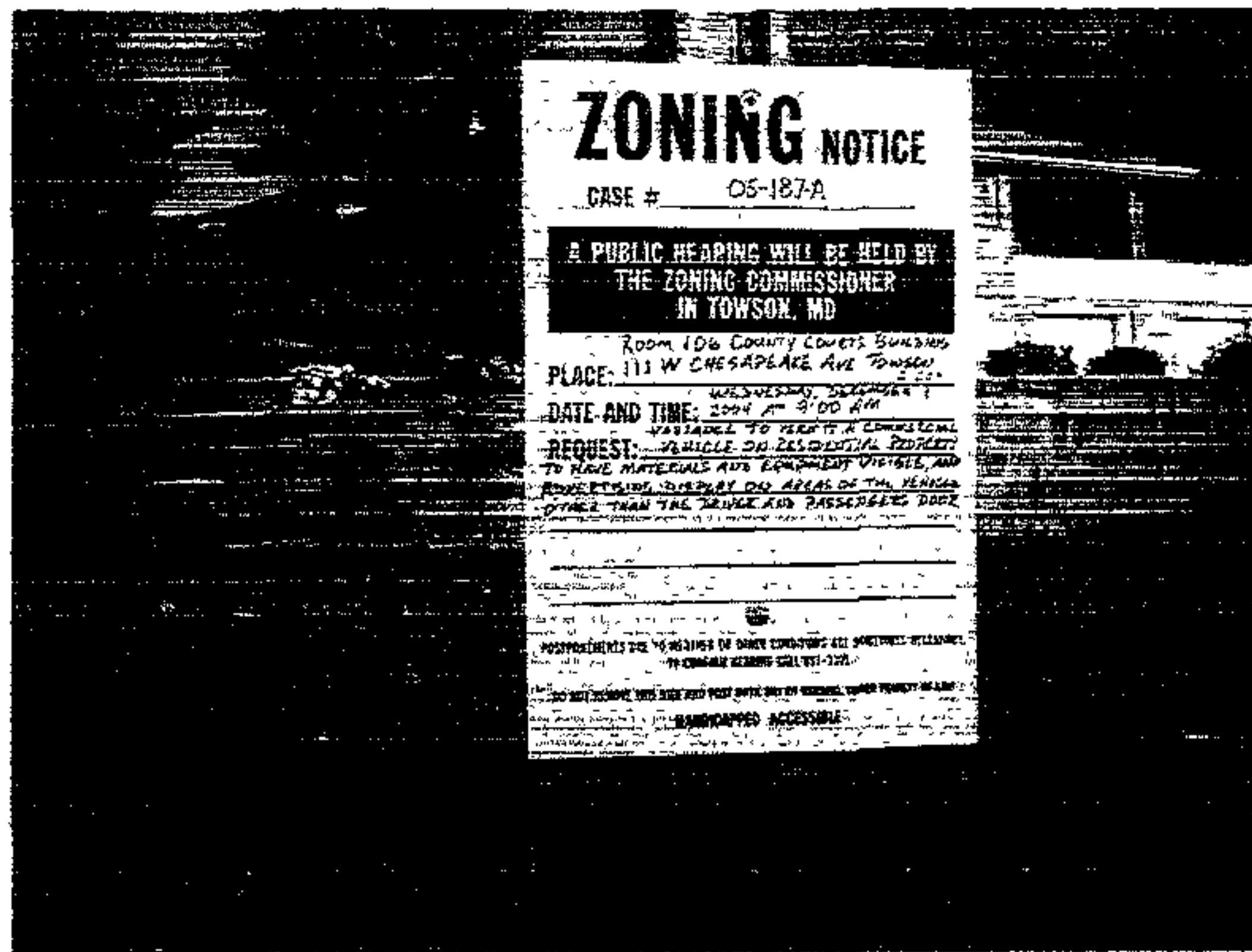
(Address)

Balto, MD 21237

(City, State, Zip Code)

(410)-933-9470

(Phone Number)



Walter D. 11/16/04

TO: PATUXENT PUBLISHING COMPANY
Tuesday, ~~December 16,~~ 2004 Issue - Jeffersonian
November 16

Please forward billing to:

Patricia Hardy-Avens
2013 Cedar Circle Drive
Catonsville, MD 21228

410-744-0986

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: 05-187-A

2013 Cedar Circle Drive

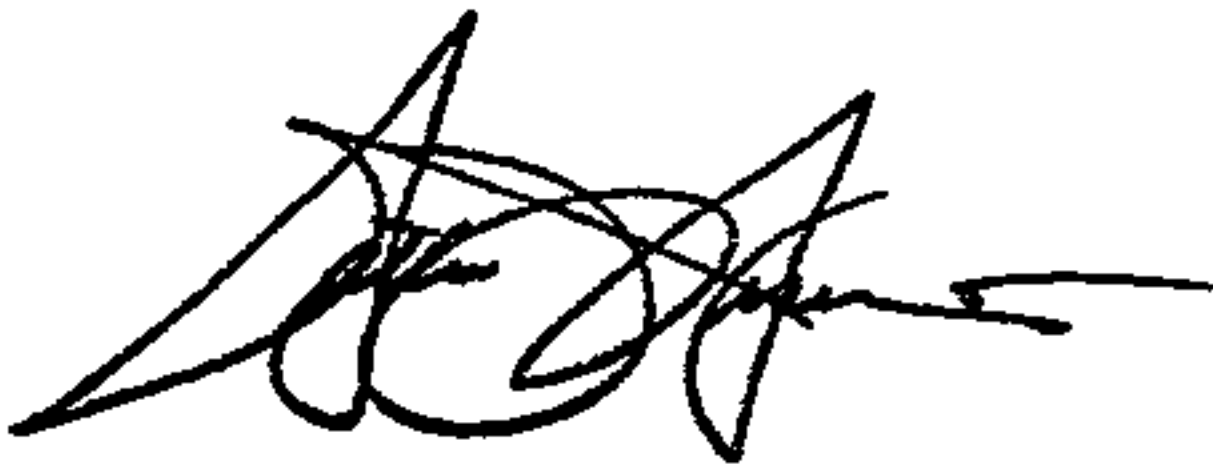
S/east corner of Cedar Circle Drive and Cedar Circle Court

1st Election District – 1st Councilmanic District

Legal Owner: Patricia Hardy Avens

Variance to permit a commercial vehicle on residential property to have materials and equipment visible, and advertising display on areas of the vehicle other than the driver and passengers door.

Hearing: Wednesday, December 1, 2004 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204



WILLIAM WISEMAN
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**

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

October 26, 2004

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: 05-187-A

2013 Cedar Circle Drive
S/east corner of Cedar Circle Drive and Cedar Circle Court
1st Election District – 1st Councilmanic District
Legal Owner: Patricia Hardy Avens

Variance to permit a commercial vehicle on residential property to have materials and equipment visible, and advertising display on areas of the vehicle other than the driver and passengers door.

Hearing: Wednesday, December 1, 2004 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Patricia Avens, 2013 Cedar Circle Drive, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY ~~TUESDAY, DECEMBER 16, 2004.~~ ^{November} 16, 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.



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/neighborhood 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 OS-187-A

Petitioner: PATRICIA HARDY-AVENS

Address or Location: 2013 CEDAR CIRCLE DRIVE - CATONSVILLE, MD 21228

PLEASE FORWARD ADVERTISING BILL TO

Name: PATRICIA HARDY-AVENS

Address 2013 CEDAR CIRCLE DR.
CATONSVILLE, MD 21228

Telephone Number 410-744-0986

OS-187-A

**Department of Permits
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

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

November 22, 2004

Patricia Hardy Avens
2013 Cedar Circle Drive
Catonsville, Maryland 21228

Dear Ms. Avens:

RE: Case Number: 05-187-A, 2013 Cedar Circle Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 12, 2004.

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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

October 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 29, 2004

Item No.: 172, 174, 177, 183-195

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 1, 2004
Item Nos. 172, 174, 183, 184, 186,
187, 188, 189, 190, 191, 192, and
193

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. *JDO*
DEPRM

DATE: November 29, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 25, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-174

05-186

05-187

05-188

05-190

05-192

Reviewers: Sue Farinetti, Dave Lykens

BW
12/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 15, 2004

RECEIVED

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

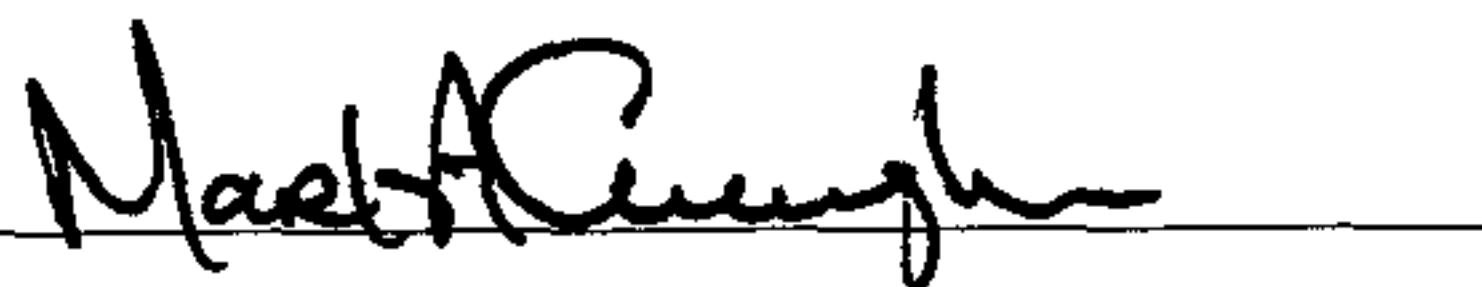
NOV 16 2004

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-187

ZONING COMMISSIONER

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:



Division Chief:



MAC/LL



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

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

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County
Item No. 187 JRA

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR VARIANCE * BEFORE THE
2013 Cedar Circle Drive; SE corner Cedar *
Circle Drive & Cedar Circle Court * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts *
Legal Owner(s): Patricia Hardy Avens * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-187-A

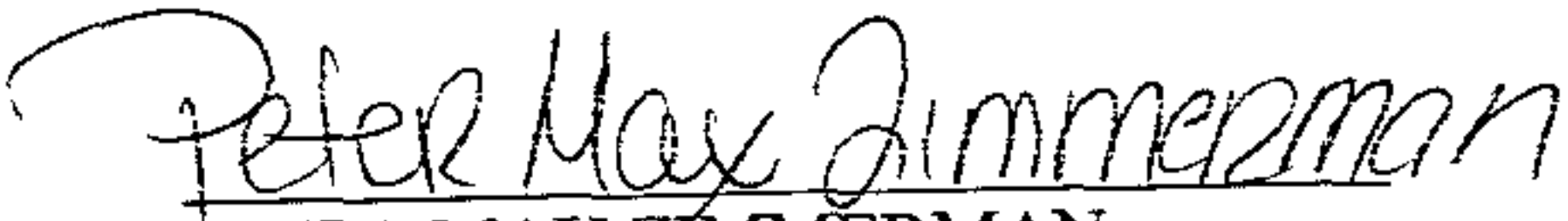
* * * * *

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.

RECEIVED

Per.....


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 29th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to, Patricia Hardy Avens, 2013 Cedar Circle Drive, Catonsville, MD 21228, Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.04-1734

Patricia Hardy-Avens

2013 Cedar Circle

Respondents

FINDINGS OF FACT AND CONCLUSION OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on September 2, 2004 for a hearing on a citation for violations under the Baltimore County Zoning Regulations §431 for failure to cease storage of a commercial vehicle on residential property located at 2013 Cedar Circle, 21228.

On July 12, 2004, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued by Jeff Radcliffe, Code Enforcement Officer. The citation was legally served on the Respondents.

The citation proposed a civil penalty of \$9,000.00 (nine thousand dollars) to be assessed. A code enforcement hearing date was scheduled for September 2, 2004.

Patricia Hardy-Avens, Respondent appeared for the hearing and testified.

Jeff Radcliffe, Code Enforcement Officer also testified.

Testimony and evidence shows that the Respondent owns a van with lettering, and ladders on ladder racks. The lettering is covered on a daily basis, however the extension ladders are in plain view. The van is stored in the rear yard of the resident and on a driveway. From photographs submitted, the van is substantially congruent with present day regulations except for the obvious visibility of the extension ladders. Other commercial vehicles are noted to be stored in the neighborhood as it is a blue-collar type neighborhood according to the Respondent.

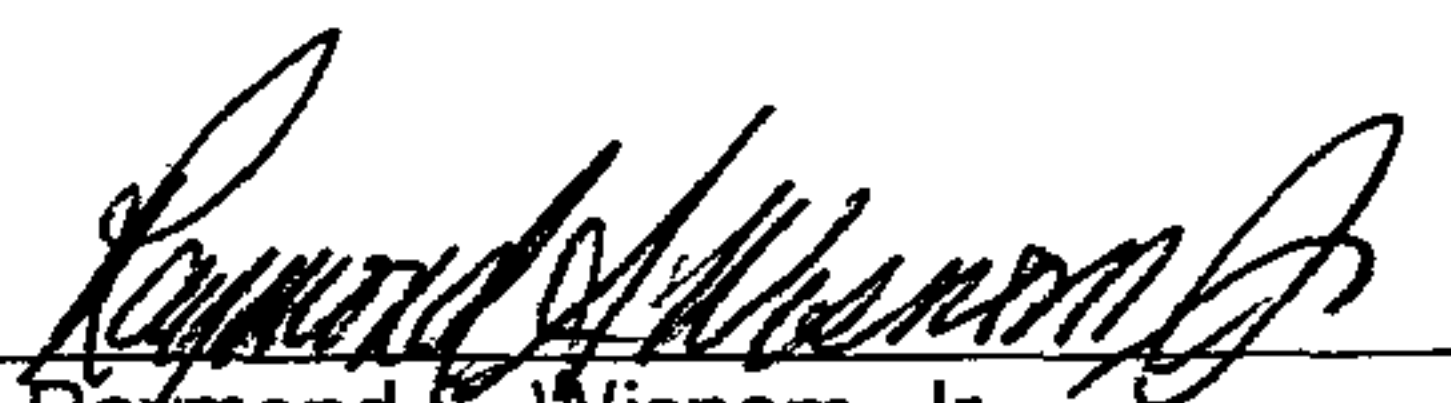
OS-187-A

The Respondent is applying for a variance to allow the parking of this vehicle on private property. In the meantime, the Respondent shall continue to cover the lettering on a daily basis. Should the Respondent fail to prevail on the petition for a variance to allow parking of said vehicle on residential property then the Respondent shall find alternative parking for the vehicle pursuant to the Zoning Commissioner's Order.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 7th day of September 2004, that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty in the amount of \$400.00 (four hundred dollars) shall be suspended on condition the Respondent applies for and obtains the approval to park the van and visible equipment on residential zoned property. Failure to apply will result in the penalty being assessed. Failure to adhere to the Final Order of the Zoning Commissioner or subsequent appeals shall also cause the penalty to be assessed.

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the violation has been corrected.

Signed: 
Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 01 Account Number - 0118720000

Owner Information

Owner Name: HARDY-AVENS PATRICIA Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2013 CEDAR CIRCLE DR Deed Reference: 1) /14770/ 257
BALTIMORE MD 21228-3744 2)

Location & Structure Information

Premises Address

2013 CEDAR CIRCLE DR

Legal Description

2013 CEDAR CIRCLE DR
WESTERLEE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
94	23	143			A	B	2	80	Plat Ref:	23/ 90

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1957	1,554 SF	20,086.00 SF	04
Stories 1	Basement YES	Type STANDARD UNIT	Exterior BLOCK

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	46,770	46,770		
Improvements:	152,450	187,700		
Total:	199,220	234,470	210,970	222,720
Preferential Land:	0	0	0	0

Transfer Information

Seller: KUNERT TIMOTHY	Date: 10/24/2000	Price: \$229,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14770/ 257	Deed2:
Seller: KOSTINSKY MICHAEL H	Date: 09/13/1994	Price: \$187,000
Type: IMPROVED ARMS-LENGTH	Deed1: /10747/ 754	Deed2:
Seller: KOSTINSKY MICHAEL H	Date: 05/27/1992	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 9189/ 166	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

PLEASE PRINT CLEARLY

CASE NAME 05-187-A
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Thomas J. Avens	2013 Cedar Circle	Catonsville 21048	Shenan30401.com
Gregory H. Kirk	2001 Cedar Circle	Catonsville	
Frederick H. Kirk	2125 Longfellow Way	Catonsville	
Harvey W. Avens	2013 Cedar Circle	Catonsville	

Thomas J. Avens

Member of the Better Business Bureau

HOUSES • CONDOS • HOMES • BUSINESSES • TOWN HOMES
POOLS • FARMS • GARAGES • INDUSTRIES • RANCHES
HOSPITALS • CHURCHES • MANSIONS • STUCCO
IRON RAILROAD STATION • WATER ORIENTED

TOM AND MASTER PAINTING CO.

GENERAL PAINTING CONTRACTOR
LICENSED • BONDED • INSURED

2013 CEDAR CIRCLE DRIVE
CATONSVILLE, MD 21228
CALL 24 HOURS
T.W. AVENS
410-455-0539

CASE NAME 05-187-A
CASE NUMBER
DATE

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME 05-187 A
CASE NUMBER
DATE 12/1/04

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
JEAN Ellen & Ron Glancy	1201 Wisteria Dr.	Balto, MD, 21228	

Case No.:

05-187-A

Exhibit Sheet

Petitioner/Developer

Protestant

Not here
because of
disability

No. 1	Photographs 1A to 1D	Mr. Joe MUCHA - #1 Westerlee PLAT
No. 2	2 - letter from Graham	2A - 2E
No. 3		3 - letter from community
No. 4		Violation Summary
No. 5		zoning Map.
No. 6		Attorney
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

☐ SPECIAL HEARING

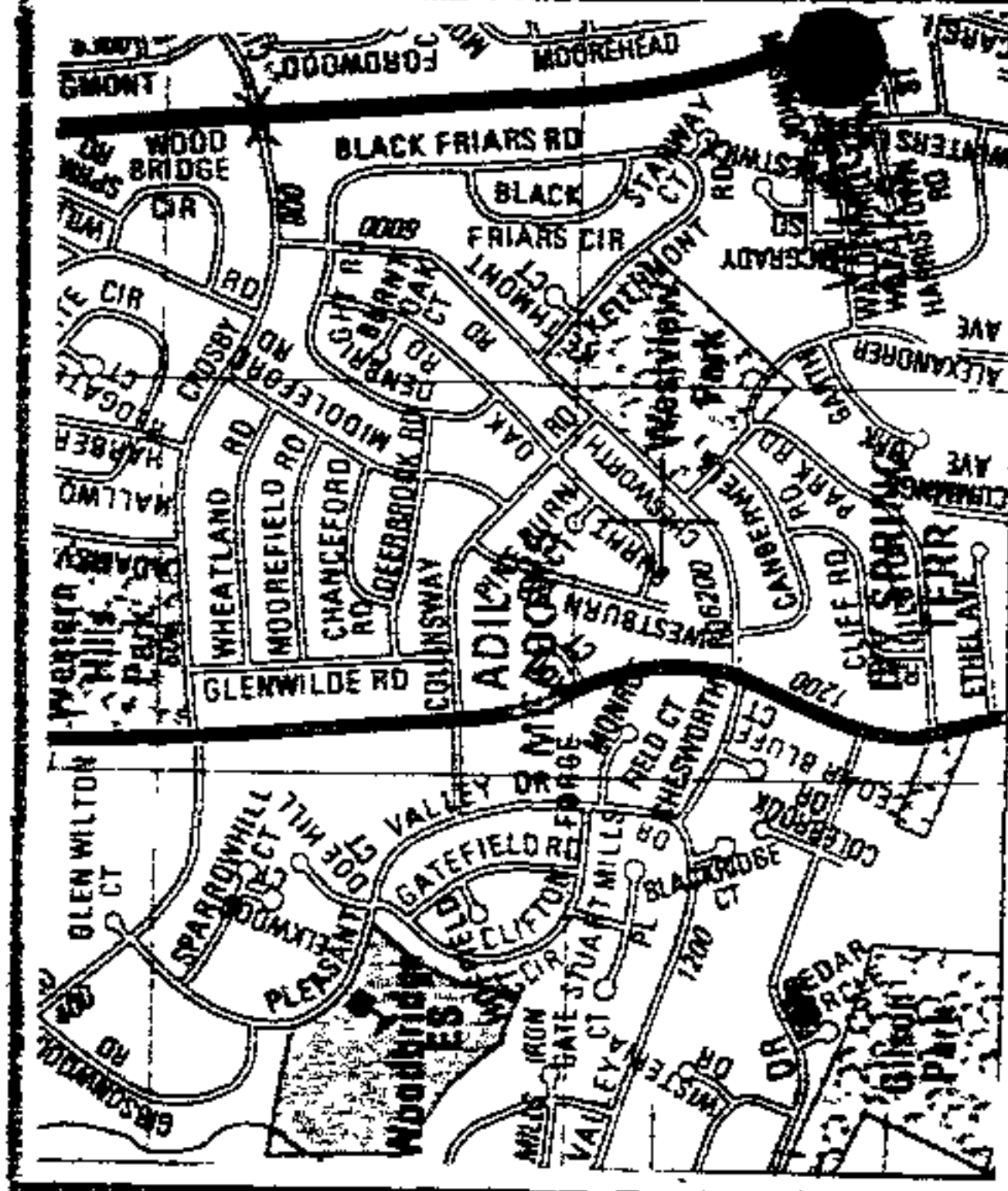
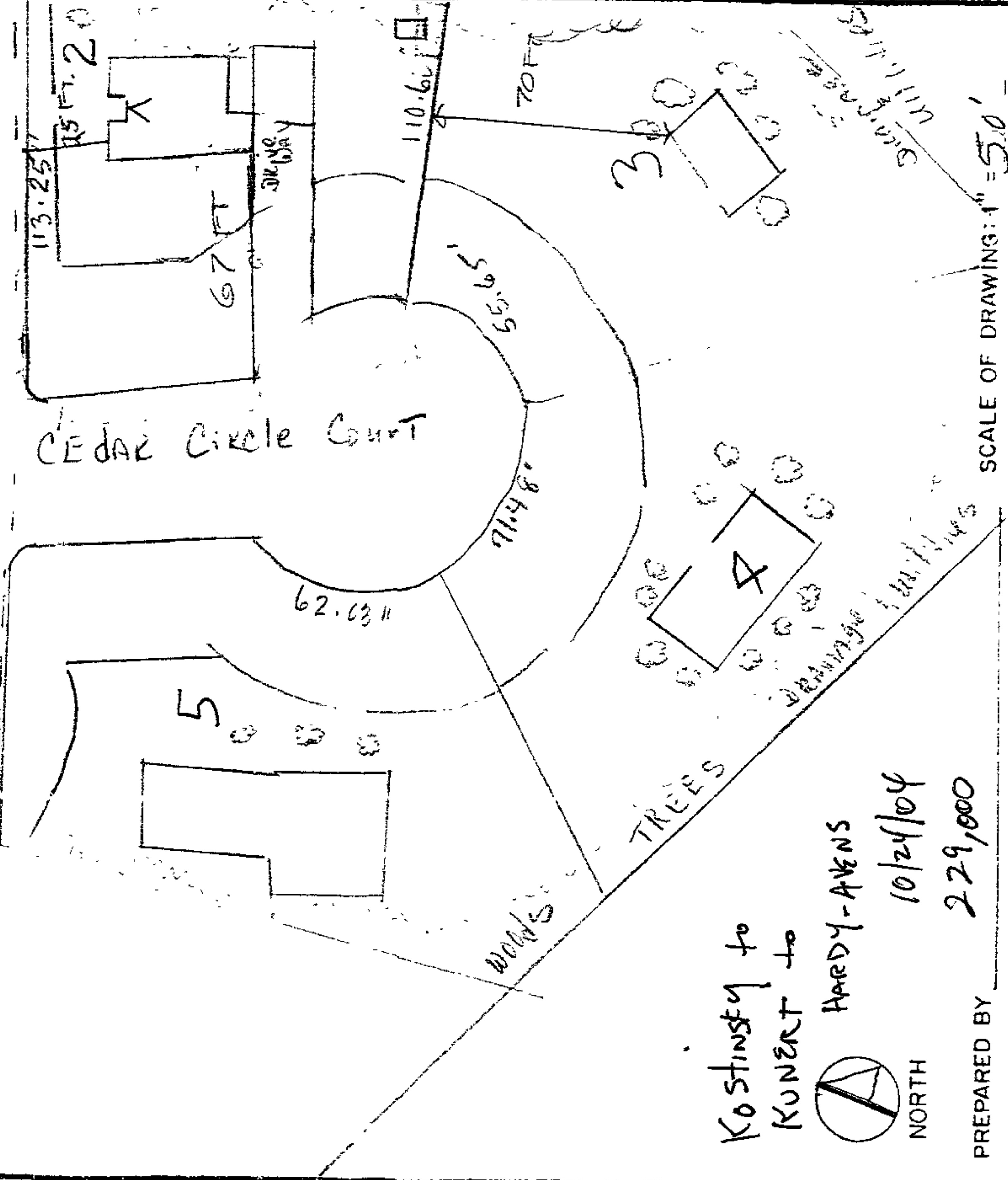
PROPERTY ADDRESS	RD 3 CEDAR CIRCLE DV.	SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION
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SUBDIVISION NAME Westerville

PLAT BOOK # 23 FOLIO # 90 LOT # 3 SECTION # A

OWNER PATRICIA HARDY-AVENS

Cedar Circle Drive.



VICINITY MAP

SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1 S.T.

COUNCILMANIC DISTRICT
1ST

1"=200' SCALE MAP # S.W. 1-G.

ZONING DISTRICT

3215 107 20,080 SF

ACREAGE

PUBLIC PRIVATE

SEWERS

WATER:

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

5

SCALE OF DRAWING: 1" = 50'

PREPARED BY

KOSTINSEY to
KUNERT to

Hardy-Avens

10/24/04

229,000

78

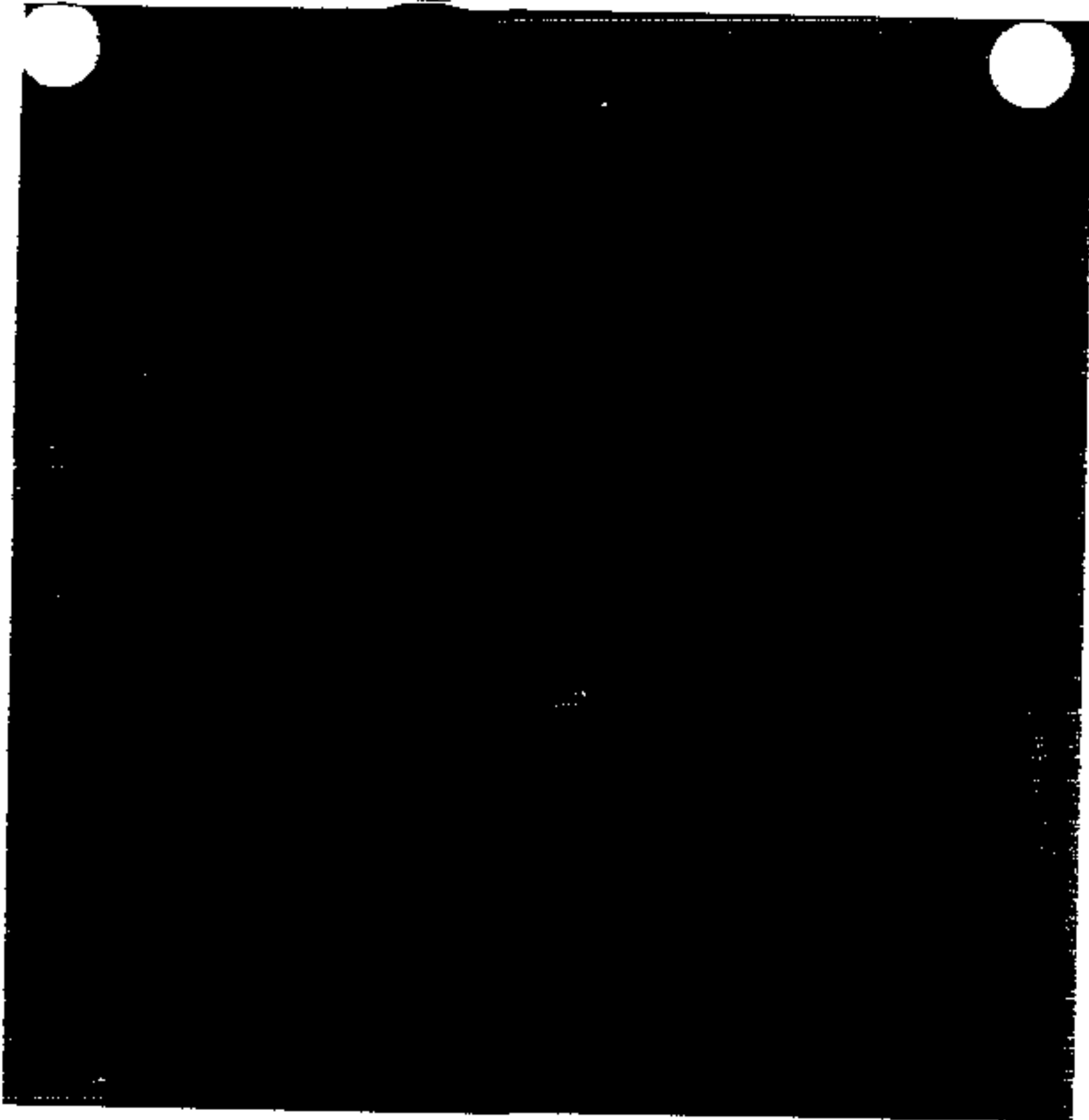


EXHIBIT 1A



1B



1C



1D



1E



1F



**Dr. and Mrs. Ronald Gray
2014 Cedar Circle Drive
Catonsville, Maryland 21228**

November 30, 2004

To Whom It May Concern:

This letter is written in support of Mr. and Mrs. Thomas Hardy-Avens, who seek to have their vehicle parked on their property.

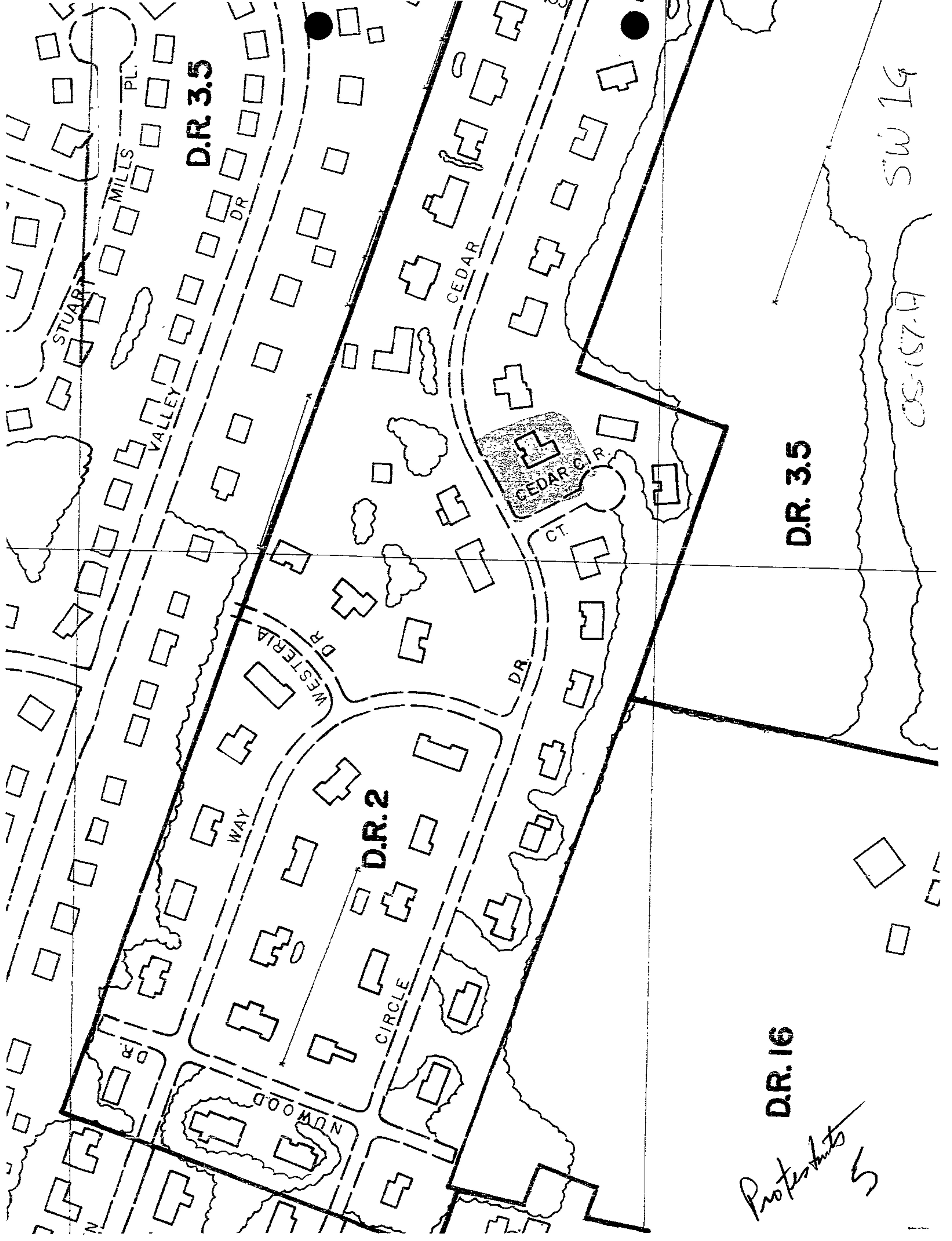
The vehicle is a year 2004 white van, which Mr. Hardy-Avens uses daily for his work. We consider this automobile attractive and are not opposed to it being parked in his driveway when it is not in use.

Both Mr. and Mrs. Hardy-Avens are among some of the very best neighbors that live in our community.

We beg the court to please allow them the privilege to park their vehicle where they have requested on their property.


Ronald and Jewel Gray

Petition #2



D.R. 3.5

D.R. 3.5

D.R. 2

D.R. 16

Protestants
5

SW 14

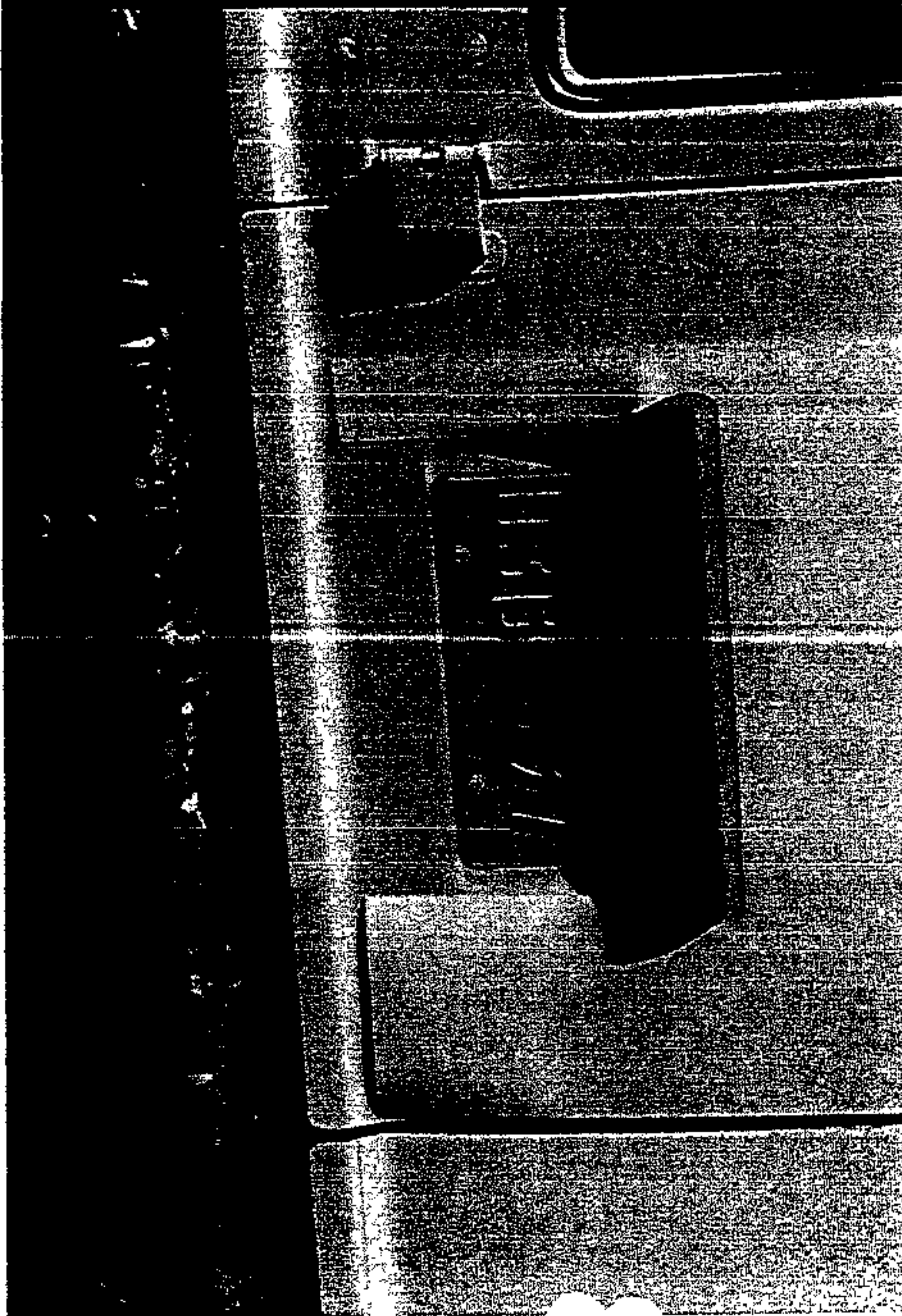
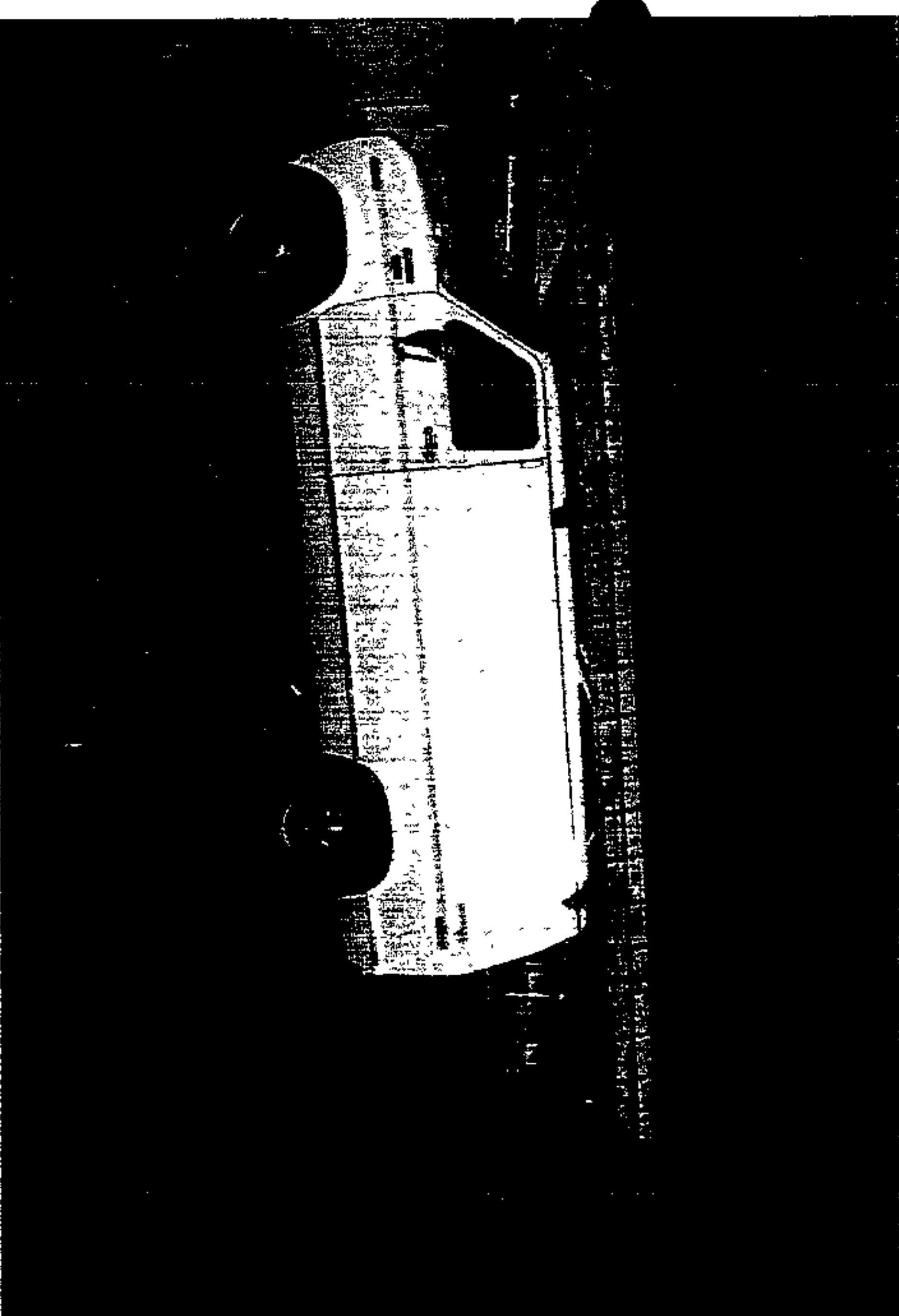
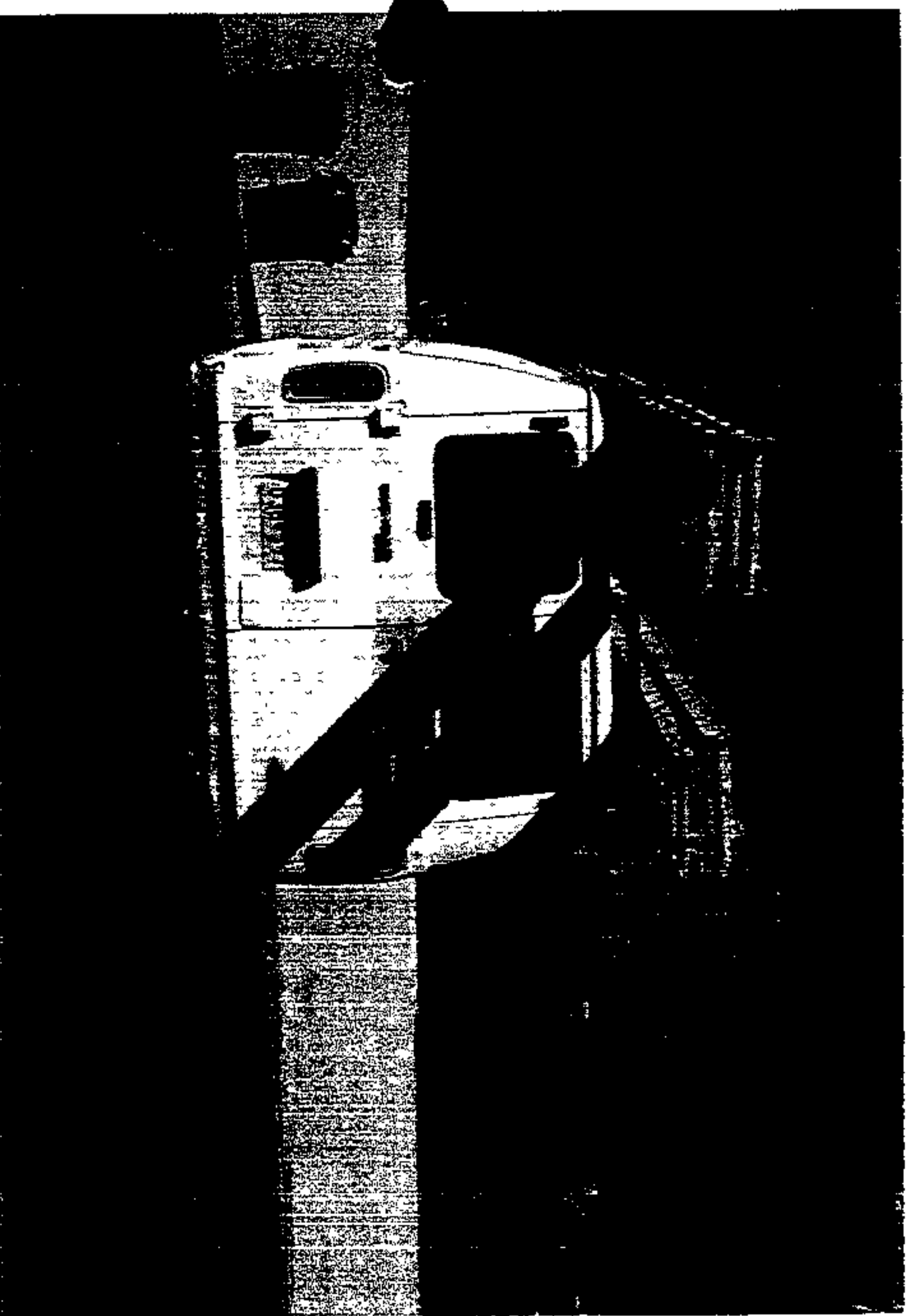
OS-187-19



3-21-04 JS.

CS# 04-1734

OS-187-A



CS# 04-1734
9-1-04
AKA

OS-187-A



