

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NW/Corner Phoenix Road and *
Maryland Avenue * ZONING COMMISSIONER
(0.89 acre Parcel) *
8th Election District * OF BALTIMORE COUNTY
3rd Council District *
Case No. 05-423-X
Noel F. Henderson & Perry B. Stewart *
Legal Owners/Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Noel F. Henderson and Perry B. Stewart. The Petitioners request a special exception to permit a community building for civic, social, recreational and educational use, pursuant to Section 1A03.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), on a .89 acre, non-density parcel. More specifically, the Petitioners request approval of an existing gazebo, community sign, and garden furnishings on the subject property as a use consistent with Section 1A03.3.B.3 of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Noel F. Henderson and Perry B. Steward, co-owners of the subject property. Charlotte Scott and her mother, Beulah Myers, both of who own property in the area, appeared as Protestants.

At the outset of the hearing, there was a great deal of confusion expressed by the Protestants concerning the nature and scope of the hearing. Ms. Scott and Ms. Myers stated that the sign posted on the property was not clear as to what was being proposed in their beloved village of Phoenix and thought they should attend the hearing. Ms. Stewart preliminarily explained that the language that appeared on the posted notice was that suggested by a technician in the Zoning Review Division of the Department of Permits and Development Management

ORDER RECEIVED FOR FILING
Date 6/14/05
By [Signature]

(DPDM), and that in her opinion, the use proposed would more appropriately include "picnic ground" uses. She gave assurances that the Petitioners were not proposing a playground, school, or any other function that would draw automobile traffic or parking problems in the area. The proposed use of the property and improvements thereon (gazebo, gardens and landscaping) were solely for the benefit of local residents as a restful, relaxing site to visit, and to use as a once-a-year neighborhood-gathering place. She emphasized that the once-a-year block party would only take place after permits are obtained to close Maryland Avenue to any through traffic. Following this colloquy, which took place on the record, the formal portion of the hearing began.

Testimony and evidence offered revealed that the subject property is a roughly square shaped parcel located on the northwest corner of Phoenix Road and Maryland Avenue in northern Baltimore County. The property contains a gross area of 0.89 acres, more or less, zoned R.C.4, and has been improved with a 12-foot octagonal shaped colonial wood gazebo featuring a double roof, a garden gate, and landscaping. Testimony indicated that the subject property was at one time improved with a house and gardens; however, the house burned down in 1928 and was never rebuilt. The prior owners of the property continued to use and maintain the gardens as an accessory to the dwelling on the adjacent lot, known as 1806 Maryland Avenue. The Petitioners now own the subject and adjacent parcels and are in the process of cleaning up the site and making improvements. In this regard, the Petitioners recently obtained a lot line adjustment to separate the subject parcel from the remainder of their holdings through the Development Review Committee process. A copy of the approved site plan was submitted into evidence and marked as Petitioner's Exhibit 2. That plan denotes lot line adjustments outlining the subject parcel and a 40-foot right-of-way along Phoenix Road which has been dedicated to the County in compliance with the Zoning Advisory Committee (ZAC) comment received from the Bureau of Development Plans Review.

As noted above, the property was previously improved with a dwelling; however, due to current well and septic regulations, is too small for development. It is centrally located in the village of Phoenix and has been used in the past for the town's yearly block parties. The Petitioners wish to continue this tradition and indicate the majority of the neighbors are in favor of

the proposal. They purchased the surrounding homes and have spent their savings renovating and restoring the colonial structures, including installing new wells and septic systems. Drinking water will be available at the site, and Ms. Stewart, who resides across the street from the property, agreed to open her home for bathroom use during neighborhood gatherings. It is the proposed use of the gazebo and gardens which generate the Petition for Special Exception. Both Ms. Stewart and Mr. Henderson testified that the proposal would not be detrimental to the health, safety and general welfare of the surrounding locale. In this regard, they addressed the standards of Section 502.1 of the B.C.Z.R. which governs special exception uses.

Testimony was offered by Charlotte Scott, who owns property at 14202 and 14204 Phoenix Road, and her mother, Beulah Myers, who owns property across from the site at 1807 and 1809 Maryland Avenue. As indicated earlier, Ms. Scott and Ms. Myers were apprehensive about the proposed use of the subject property and believe it inappropriate at the subject location. They pointed out that the Northern Central Railway trail is not that far away and they don't want the subject property to be used as a picnic area by outsiders, nor do they want an intensification of traffic or vehicles parking in the area. Ms. Stewart addressed these concerns and assured the Protestants that the property's use would be for residents of Phoenix and their guests who would walk and not drive to the area.

Based upon the testimony and evidence presented, I am persuaded to grant the special exception. The Petitioners have shown that the limited use of the property as proposed would be conducted without real detriment to the neighborhood and will not adversely affect the public interest. As noted above, it is clear that the Petitioners intend for the property, its gazebo and gardens to be used as a temporary resting/relaxing place for residents of the village of Phoenix, and their guests, only, and not as a "public" park in the traditional sense of the word. The facts and circumstances presented do not show that the proposed use at the subject location would have any adverse impacts above and beyond that inherently associated with such a use, irrespective of its location within the zone. (Schultz v. Pritts, 291, Md. 1 (1981).

ORDER RECEIVED FOR FILING
Date 6/14/06
By [Signature]

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June 2005 that the Petition for Special Exception to approve an existing gazebo, community sign, and garden furnishings on a .89 acre, non-density parcel, as uses consistent with a community building for civic, social, recreational and educational use, pursuant to Section 1A03.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

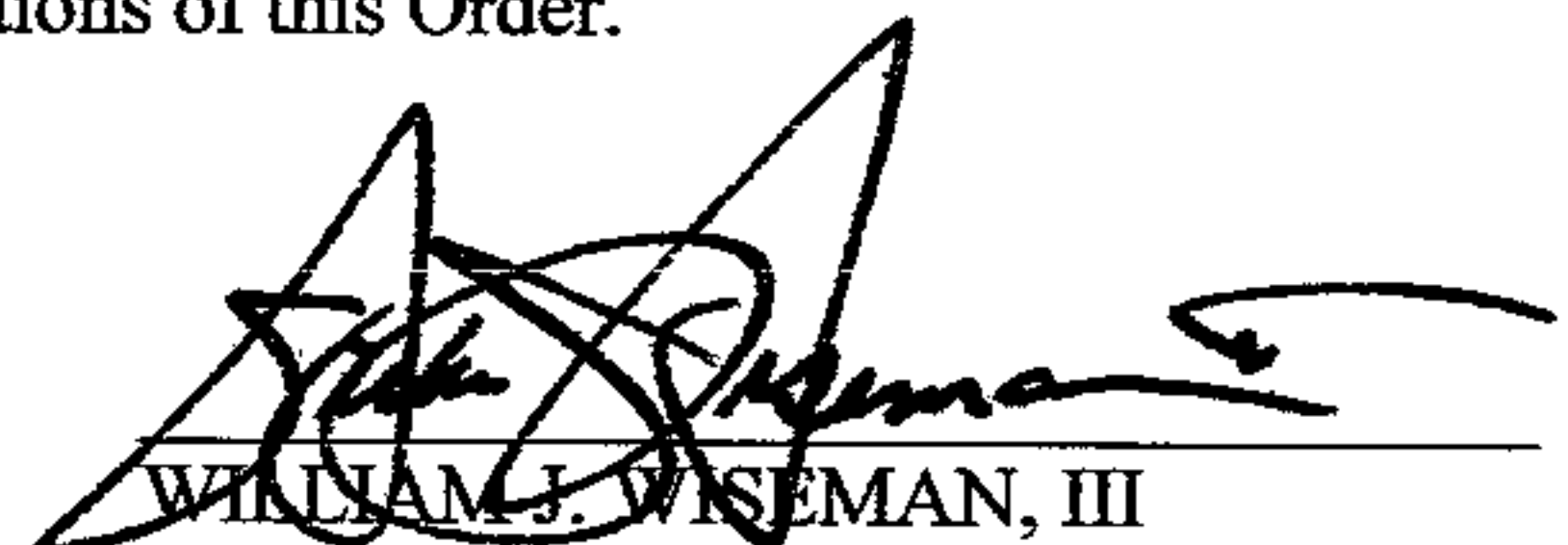
- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and the Board of Appeals reverses this Order, the relief granted herein shall be rescinded.
- 2) The use of the subject property as a private park is limited to the residents of the old village of Phoenix and their guests. Moreover, there shall be only one annual "block party" on the subject property, and appropriate sanitation facilities for persons attending the annual gathering shall be provided by the Petitioners.
- 3) There shall be no parking allowed on the subject property or along Maryland Avenue for patrons of the park.
- 4) There shall be no additional buildings related to the special exception (including signs) constructed on the property without the requisite permit, and if necessary, a public hearing on the proposal.
- 5) The Petitioners shall be responsible for overseeing the property and maintaining same in good condition.
- 6) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

Date 6/14/05

By [Signature]

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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

June 14, 2005

Ms. Perry B. Stewart
1813 Maryland Avenue
Phoenix, Maryland 21131

RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner Phoenix Road and Maryland Avenue
(0.89 acre Parcel)
8th Election District – 3rd Council District
Noel F. Anderson & Perry B. Stewart - Petitioners
Case No. 05-423-X

Dear Ms. Stewart:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, 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 "Bill Wiseman", is written over the typed name.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Noel F. Henderson
532 S. Ann Street, Baltimore, Md. 21231-2905
Ms. Charlotte Scott
7001 Oliver Beach Road, Baltimore, Md. 21220
Ms. Beulah Myers
218 Wickersham Way, Cockeysville, Md. 21030
Development Plans Review, DPDM; People's Counsel; Case File

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





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at NW Corner Phoenix Rd. & Maryland Ave.
which is presently zoned RC 4

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for COMMUNITY BUILDING FOR CIVIC, SOCIAL, RECREATION & EDUCATIONAL USE (1A03.3B3) IN A .89 ACRE NON-DENSITY PARCEL (AN EXISTING GAZEBO, COMMUNITY SIGN, & GARDEN FURNISHINGS.)

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

I, or we, agree to pay expenses of above Special Exception, 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 _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Noel F. Henderson
Signature _____
Perry B. Stewart
Name - Type or Print _____
Signature _____
1813 Maryland Ave. 410-472-0270
Address _____ Telephone No. _____
Phoenix Md. 21131
State _____ Zip Code _____

Representative to be Contacted:

Above
Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By STP Date 04-15-05

Case No. 05-423-X

REV 09/15/98

ORDER RECEIVED FOR FILING

Date 04/14/05

By [Signature]

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

RESIDENCE: 771-4592

OFFICE: 825-3908

DESCRIPTION TO ACCOMPANY
SPECIAL HEARING 05-423^XSPH
EXCEPTION

April 6, 2005

Beginning for the same at a point located S 80° 14' 00" W 8',
from the Intersection formed by the North side of Maryland Avenue
and the centerline of Phoenix Road, running thence on the North side
of Maryland Avenue, 30' wide, S 80° 14' 00" W 71.60', thence leaving
the said Avenue, N 14° 00' 00" W 51.49', thence by a curve to the
Right with a radius of 12.00', for a distance of 18.85', thence
N 76° 00' 00" E 36.14' to a point in Phoenix Road, thence binding
in Phoenix Road S 32° 41' 14" E 72.60' to the beginning.

Containing 0.089 Acres more or less.

Being that lot of ground lying on the North side of Maryland
Avenue and the West side of Phoenix Road.



E. F. Raphael
E. F. Raphael
REG. PROF. LAND SURVEYOR

05423-X^{PH}

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 442708

DATE 07-25-00 ACCOUNT R0010066130

AMOUNT \$ 65.00

RECEIVED
FROM

NOEL HARRISON STEWART

FOR

SPECIAL HEARING

NEW CONGRESSIONAL PITCHER & ESTIMATOR

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

507

CASHIER'S VALU

PAID RECEIPT

BUSINESS ACTUAL

2/25/2000 2/25/2000

REC'D BY BALTIMORE COUNTY

RECEIPT # 442708 2/

Dept - 5 528 JORDAN 11

CS NO. 442708

Rec'd Tot

135.00 00

Baltimore County

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: #05-423-X

N/West corner of Phoenix Road and Maryland Avenue

N/West corner of Phoenix Road and Maryland Avenue

8th Election District - 3rd Councilmanic District

Legal Owner(s): Noel F. Henderson & Perry B. Stewart

Special Exception: to permit community building for civic, social, recreational and educational use (1A03.3.B3) in a .89-acre non-density parcel (an existing gazebo, community sign & garden furnishings).

Hearing: Tuesday, May 24, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

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/5/647 May 10

50389

CERTIFICATE OF PUBLICATION

5/12, 2005

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 5/10, 2005.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date

May 9, 2005

RE: Case Number

05-423-X

Petitioner/Developer

NOEL HENDERSON & PERRY STEWART

Date of (Hearing) Closing

MAY 24, 2005

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 N/WEST CORNER OF PHOENIX ROAD AND MARYLAND AVENUE

The sign(s) were posted on

May 8, 2005

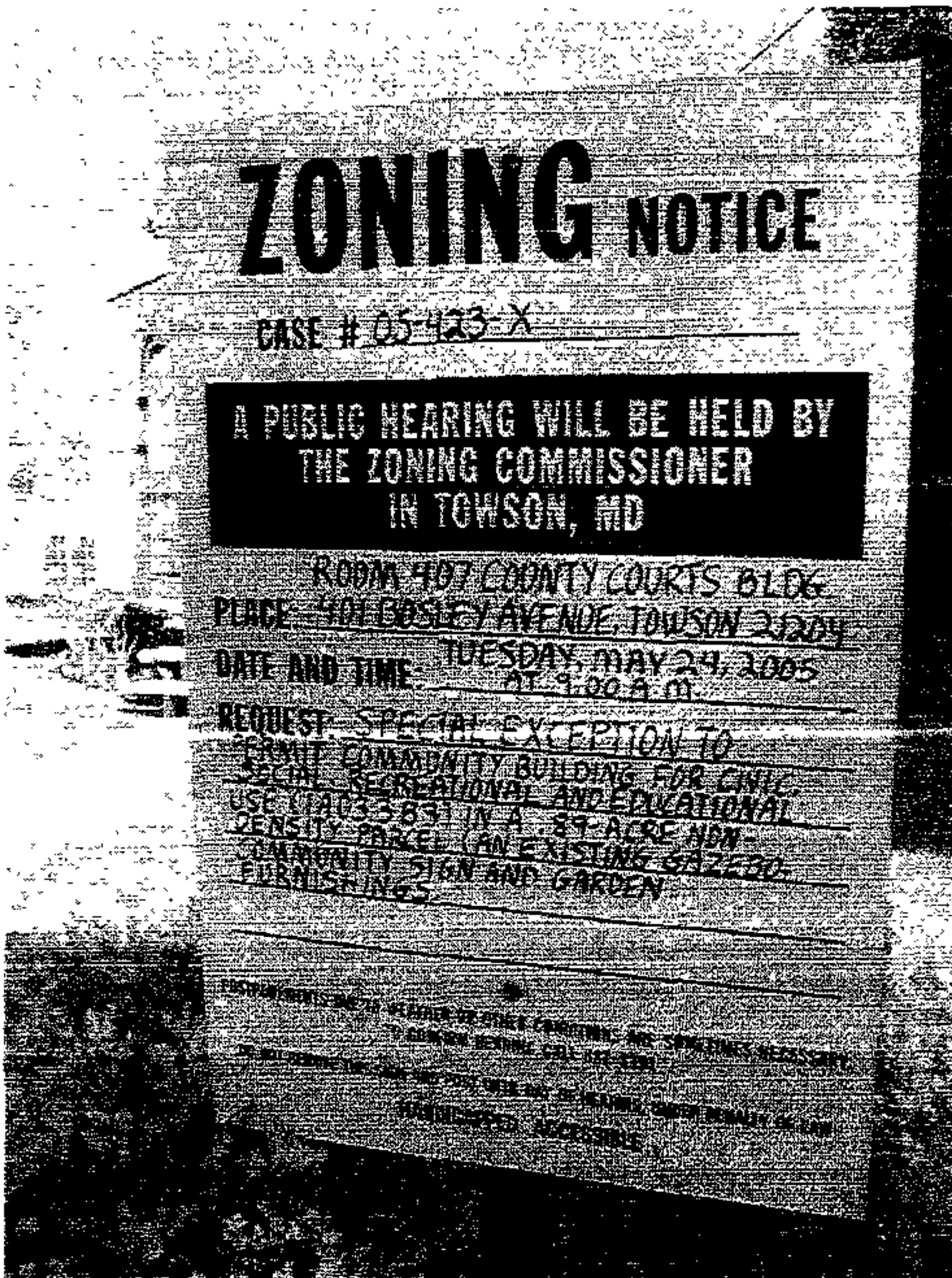
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)





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

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

April 20, 2005

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: 05-423-X

N/west corner of Phoenix Road and Maryland Avenue
N/west corner of Phoenix Road and Maryland Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Noel F. Henderson & Perry B. Stewart

Special Exception to permit community building for civic, social, recreational and educational use (1A03.3.B3) in a .89-acre non-density parcel (an existing gazebo, community sign & garden furnishings).

Hearing: Tuesday, May 24, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Noel Henderson, Perry Stewart, 1813 Maryland Avenue, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 9, 2005.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 10, 2005 Issue - Jeffersonian

Please forward billing to:

Noel Henderson/Perry Stewart
1813 Maryland Avenue
Phoenix, MD 21131

410-472-0270

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: 05-423-X

N/west corner of Phoenix Road and Maryland Avenue
N/west corner of Phoenix Road and Maryland Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Noel F. Henderson & Perry B. Stewart

Special Exception to permit community building for civic, social, recreational and educational use (1A03.3.B3) in a .89-acre non-density parcel (an existing gazebo, community sign & garden furnishings).

Hearing: Tuesday, May 24, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
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: 05-423 - SPA.
Petitioner: Perry B. Stewart
Address or Location: NE Corner Phoenix Rd. & Maryland Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Noel F. Henderson / Perry B. Stewart
Address: 1813 Maryland Ave.
Phoenix, Md. 21131

Telephone Number: 410-472-0270

Revised 2/20/98 - SCJ

05-423-SPA

**Department of Permits and
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*

May 16, 2005

Neel F. Henderson
Perry B. Stewart
1813 Maryland Avenue
Phoenix, Maryland 21131

Dear Mr. Henderson and Mr. Stewart:

RE: Case Number: 05-423-X

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 15, 2005.

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, appearing to read "Carl Richards Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



April 21, 2005

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

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 25, 2005

Item No.: 423,519

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

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant William F. Connolly, Jr.
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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

Maryland Department of Transportation

Date: 4.22.05

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

RE: Baltimore County
Item No. 423 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

BW
5/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 28, 2005

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-423, 5-511, and 5-519

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark Cunningham

Division Chief: Pat Keller

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: May 2, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, ^{DAK} Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 25, 2005
Item No. 423

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 423-05022005.doc

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NW/corner Phoenix Rd and Maryland Ave * ZONING COMMISSIONER
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Noel F. Henderson and * FOR
Perry B. Stewart *
Petitioner(s) * BALTIMORE COUNTY
* 05-423-X

* * * * *

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 and documentation filed in the case.

RECEIVED

Per *KEM*

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 25th day of April, 2005, a copy of the foregoing Entry of Appearance was mailed Noel F. Henderson & Perry Stewart, 1813 Maryland Avenue, Phoenix, MD 21131, Petitioner(s).

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

CASE NAME _____
CASE NUMBER 05-423-X
DATE 5-24-05

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME Phoenix Rd. + Maryland Ave.
CASE NUMBER 05-423-X
DATE 5-24-05

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.:

05-423 X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	LOT LINE ADJUSTMENTS	
No. 3	PHOTOGRAPHS Collectively SOME BEFORE / SOME AFTER	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

717-227-3841 • Fax 717-227-1672

SALES ORDER

1999

SOLD TO:

PERRY STEWART

1813 MARYLAND AVE

PROFAUX MN 01131

COUNTY:

BALTIMORE

CROSS STREET:

PHOENIX ROAD

PHONE #:

410-472-6270

CELL #

FLI July 23 1-3

LOAD DOORS ON:

☐ Drivers ☐ Passenger ☐ Back ☒ Front

INSTALLER

DELIVERY DATE

6 WEEKS

QUANTITY	STYLE	DESCRIPTION	UNIT PRICE	AMOUNT
12'	OCTAGON	COLONIAL WOOD (NO. 1) GAZEO		3025 00
	DOUBLE ROOF			675 00
	OCTAGON	CUPOLA		140 00
	8 TURNED	POST		1150 00

Size & Style

D'octagonal colonial wood GREEN Press

Preassembled

KR □

Walls:

Trim:

Roofs:

Windows: Quantity & Color

Shutters: Quantity & Color

Xtras:

DOUBLE ROOF, OCTAGON CUPOLA, 8 TURNED POST

Comments:

TAKE 444 OFF AT DELIVERY, WILL BE SETTING ON

Drawing:

ALFORD

Changes to order after 7 days are subject to a \$100.00 charge

X

Installed by

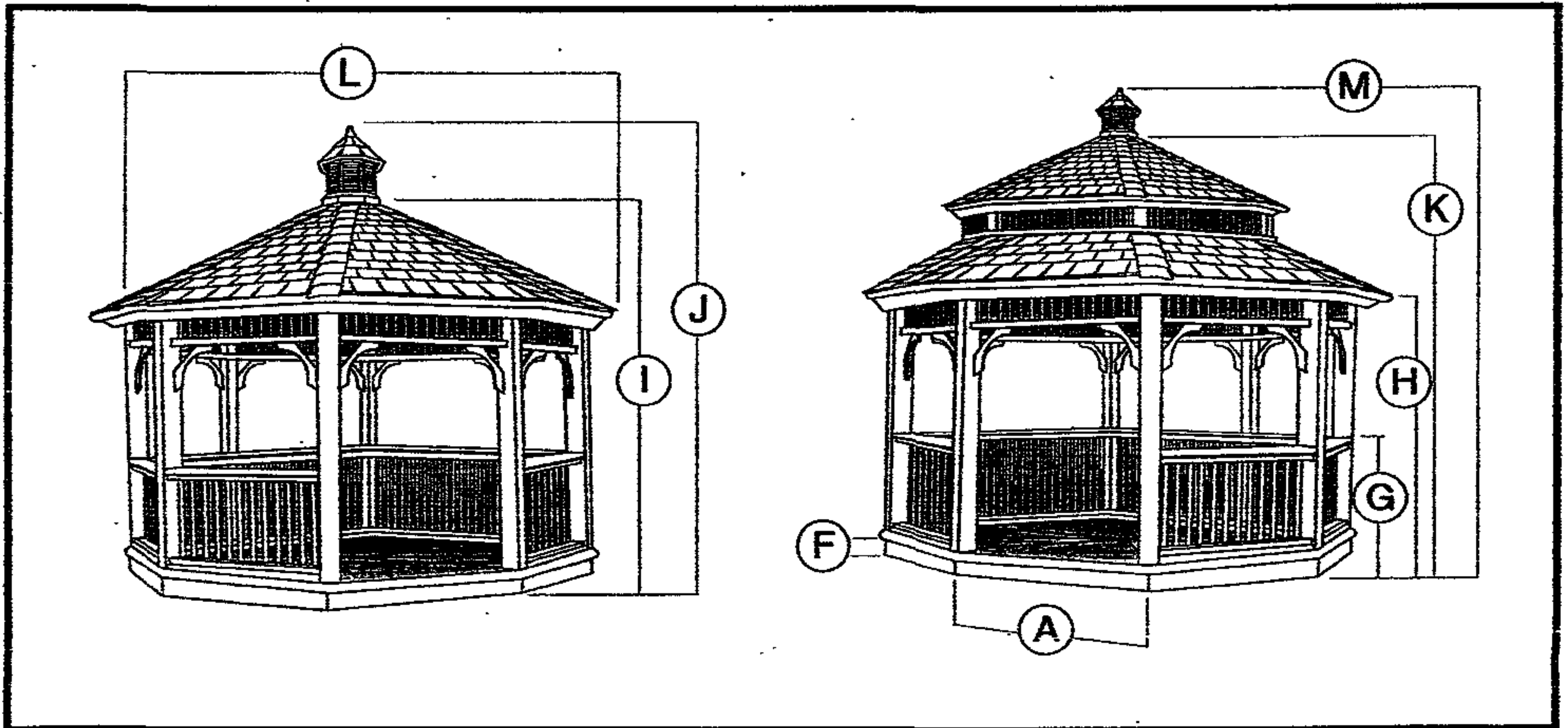
X

Merchandise received in good order and in proper location except as noted.

TERMS: Not responsible for damage to shrubbery, lawns, trees, driveways, inaccessible sites or unprepared sites. Customer agrees to pay extra shipping charges if site is inaccessible.

Customer Signature X

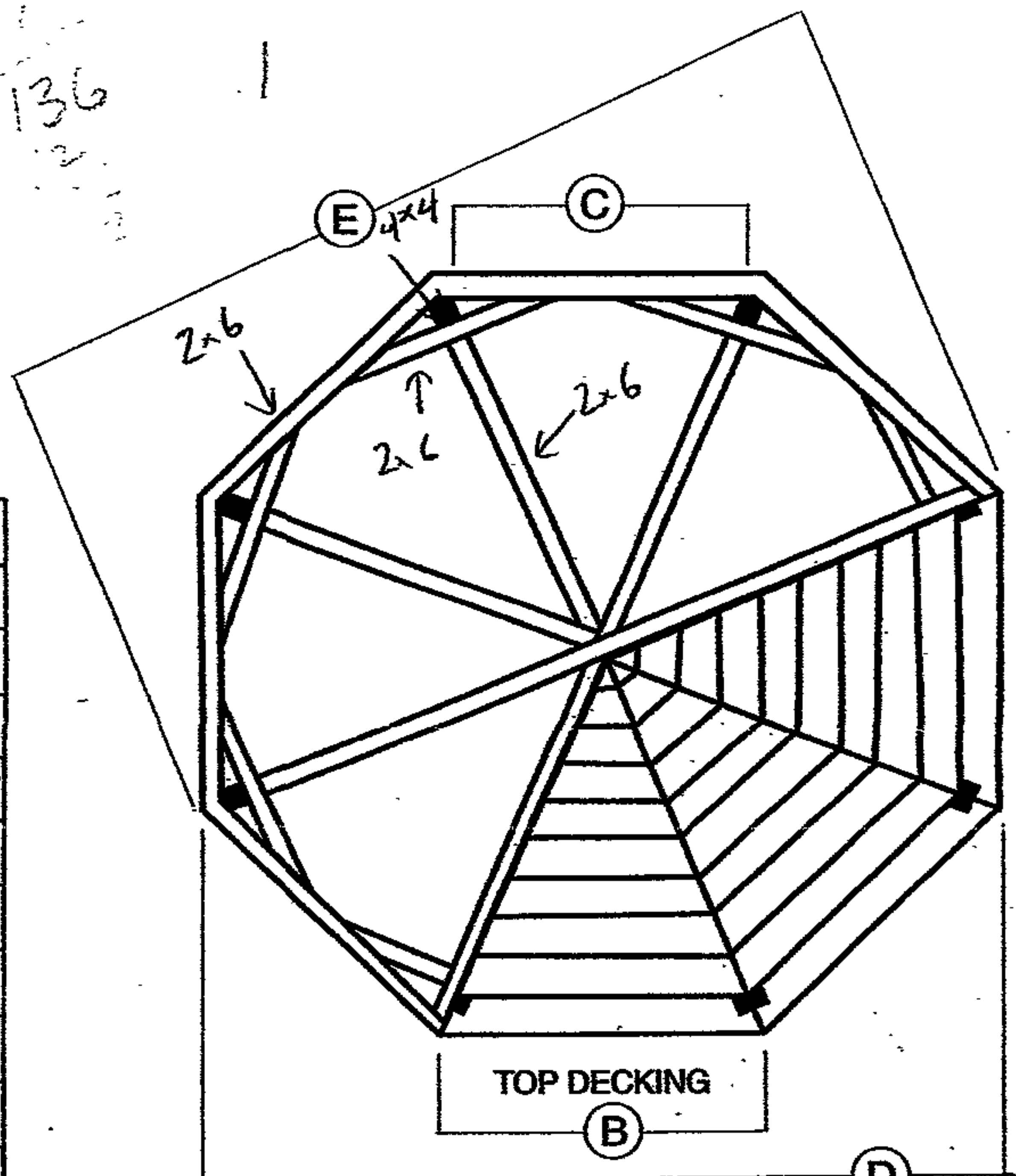
05.423.5 ✓



SAWSALL
MITRE SAW
CIRCULAR SAW
BT END TREATMENT

56 1/2

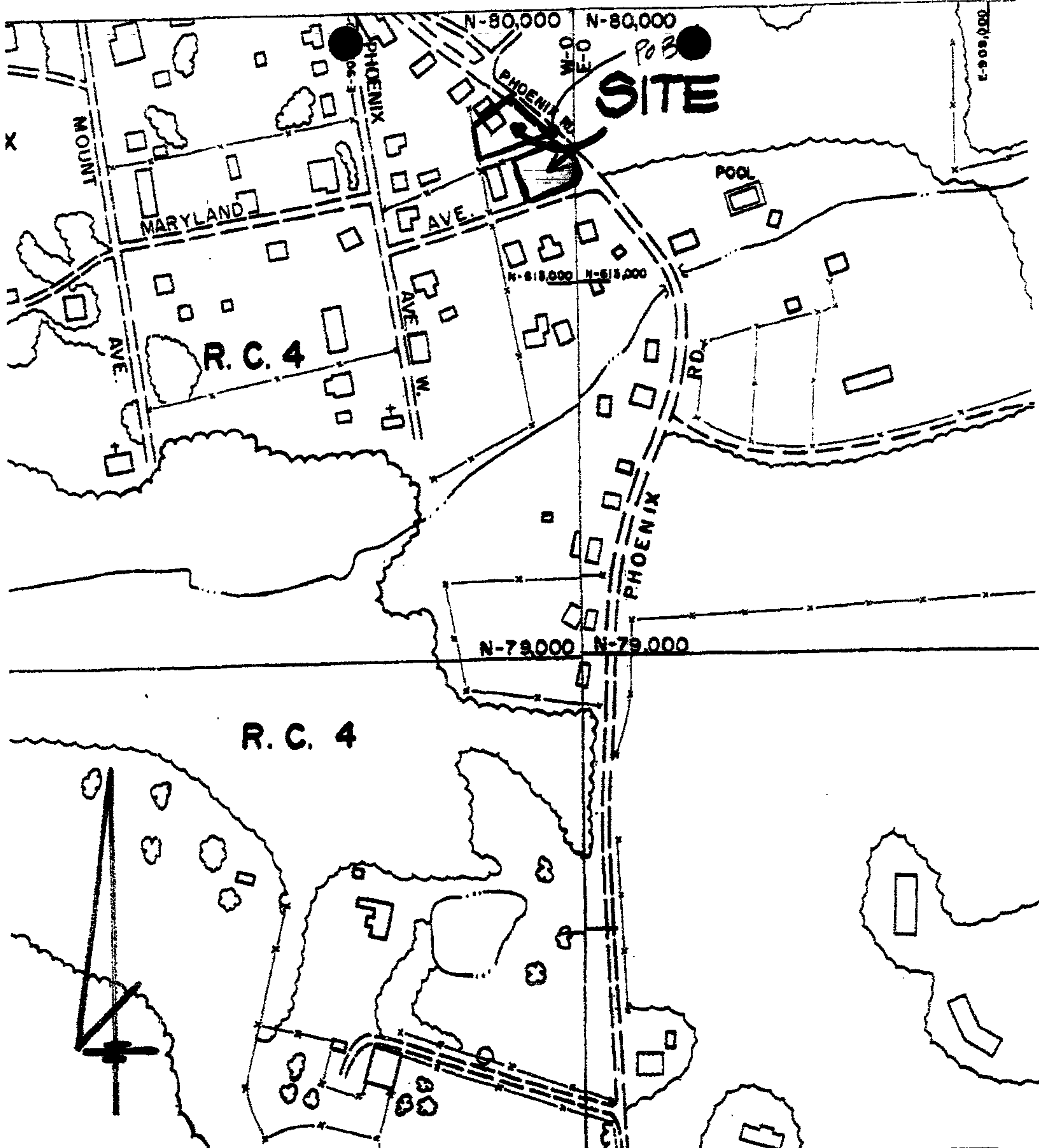
	6'	8'	10'	12'	14'	16'	20'
A	30"	37 1/2"	46 1/2"	55 1/2"	64 1/2"	78"	96"
B	30 3/4"	38 1/4"	47 1/4"	56 1/2"	65 1/4"	78 3/4"	96 3/4"
C	25 1/4"	32 1/4"	41 1/2"	51"	60"	73 1/4"	91 1/4"
D	74"	92 1/2"	114 1/2"	136"	157 1/2"	189 3/4"	232 3/4"
E	80"	100"	123"	146 1/2"	171"	206"	253"
F	4 3/4"	6 3/4"	6 3/4"	6 3/4"	6 3/4"	6 3/4"	6 3/4"
G	36"	37 1/2"	37 1/2"	37 1/2"	37 1/2"	37 1/2"	37 1/2"
H	81"	84"	84"	84"	84"	84"	84"
I	99"	103 1/2"	110 1/2"	115 3/4"	123 1/2"	130"	145"
J	123"	127 1/2"	134 1/2"	139 3/4"	147 1/2"	154"	169"
K	--	--	122 1/2"	128 1/2"	137 1/2"	145"	162"
L	86"	104 1/2"	126 1/2"	148"	169 1/2"	201 3/4"	244 3/4"
M	--	--	146 1/2"	152 1/2"	161 1/2"	169"	186"



SIZE OF POSTS? *only thing we buy?*
RAILINGS? *supplied?*

Overall Height w/ 20" base
from ground - 172 1/2" (14' 4 1/2")

OS-423-571 X



OS-473. Sp. 11

SCALE 1" = 200' ±	LOCATION SOUTHEAST OF PHOENIX	SHEET N.E. N.W. 20-A
DATE OF PHOTOGRAPHY JANUARY		





Frames U.M.
Church
Sun. Worship 10:30 a.m.
←

FRAMES



513900 0036 0 THE HOUSE OF LORDS





512900 0006 0 NH 100000 141 000

















STUDY ON THE
EFFECTS OF
THE
NEW
ECONOMIC
POLICY
ON THE
LIFE OF THE
PEOPLE



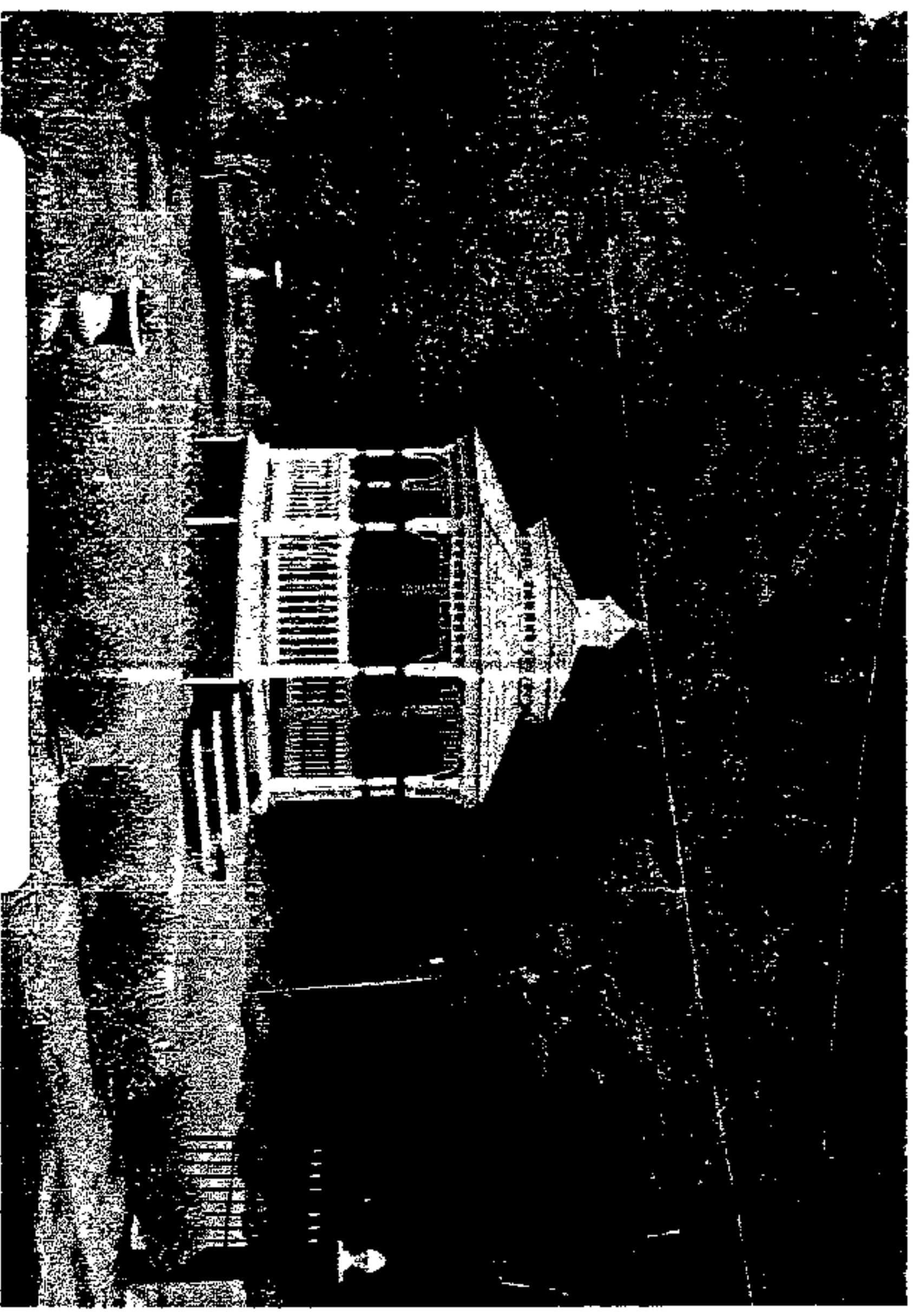
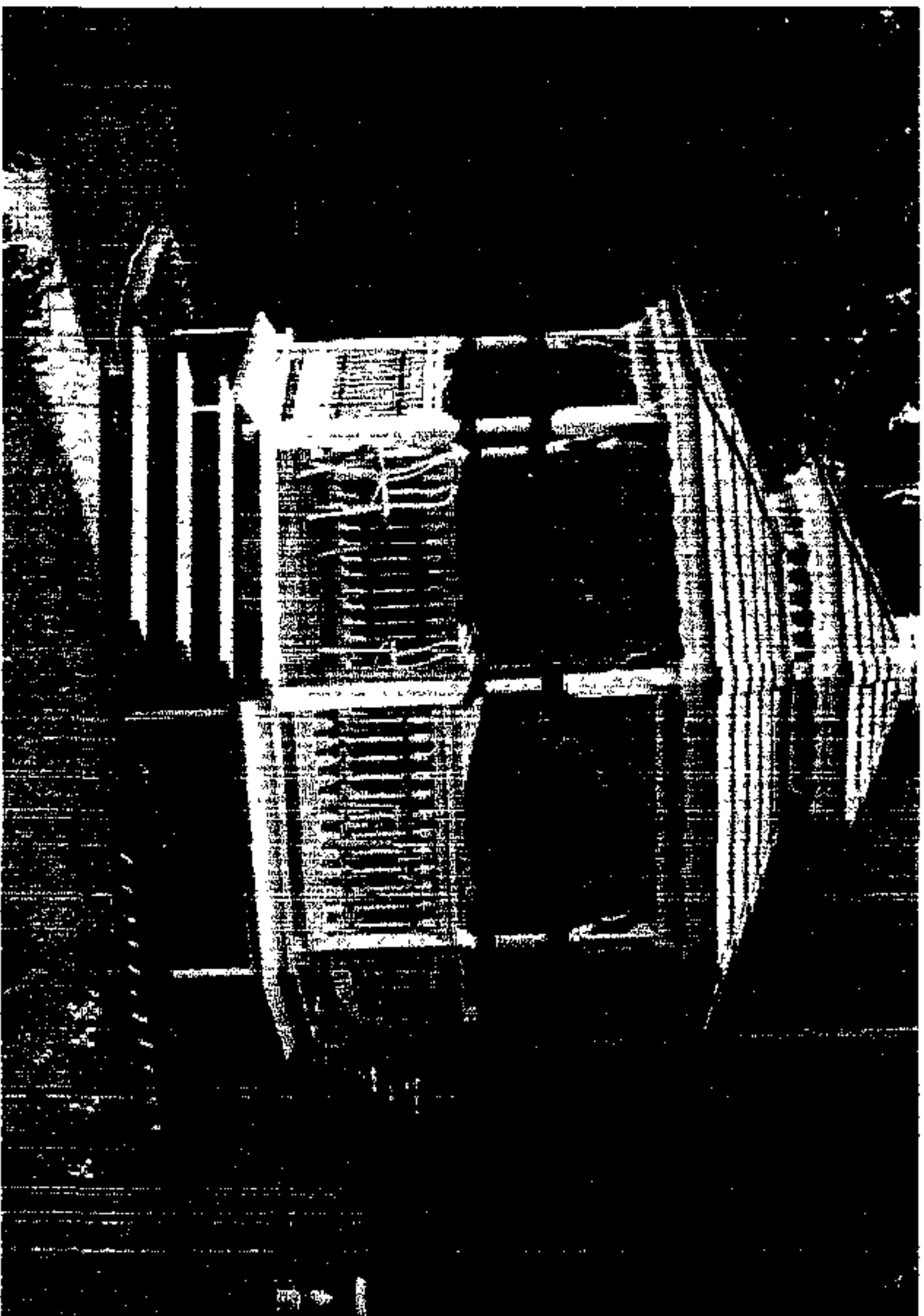
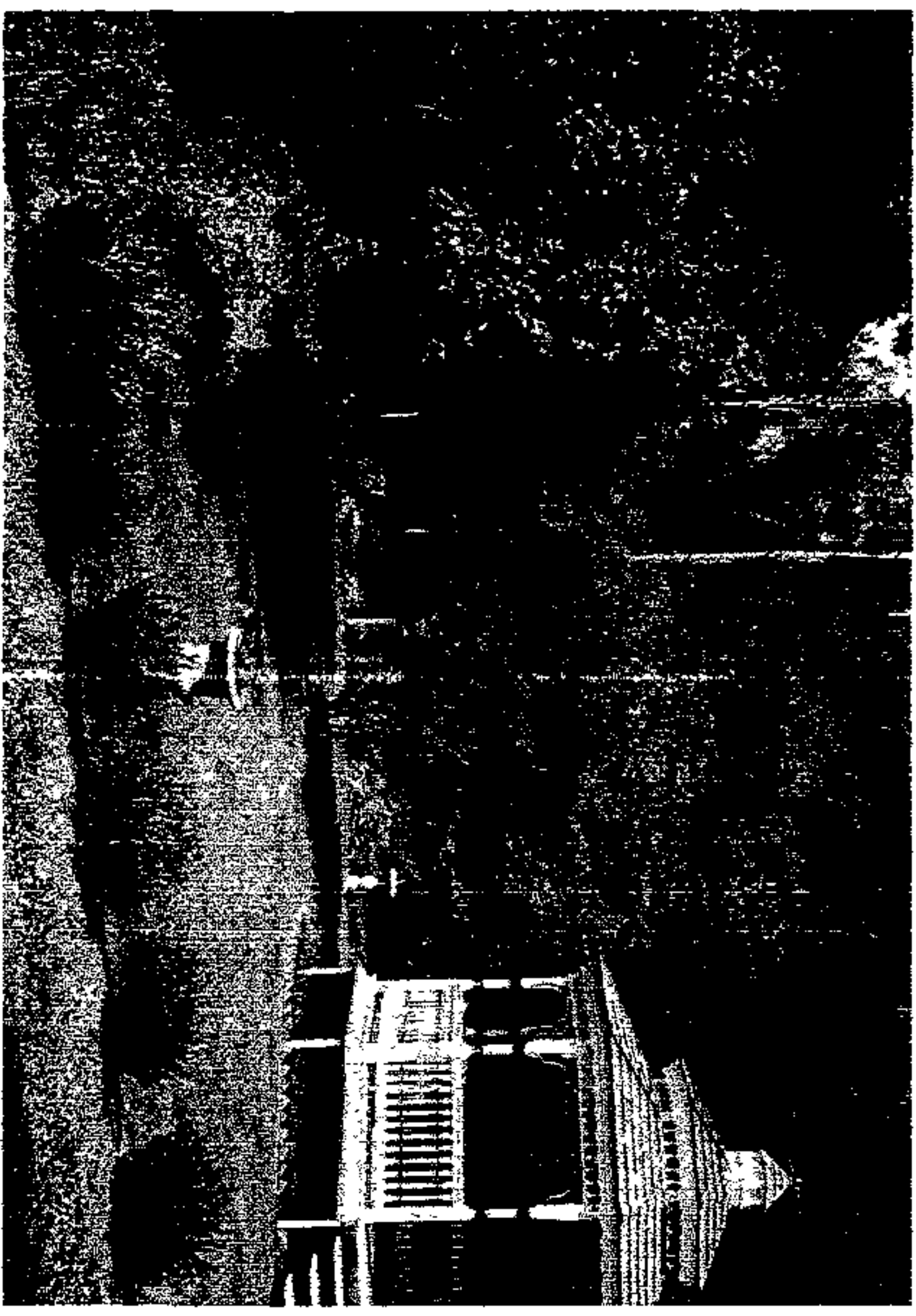
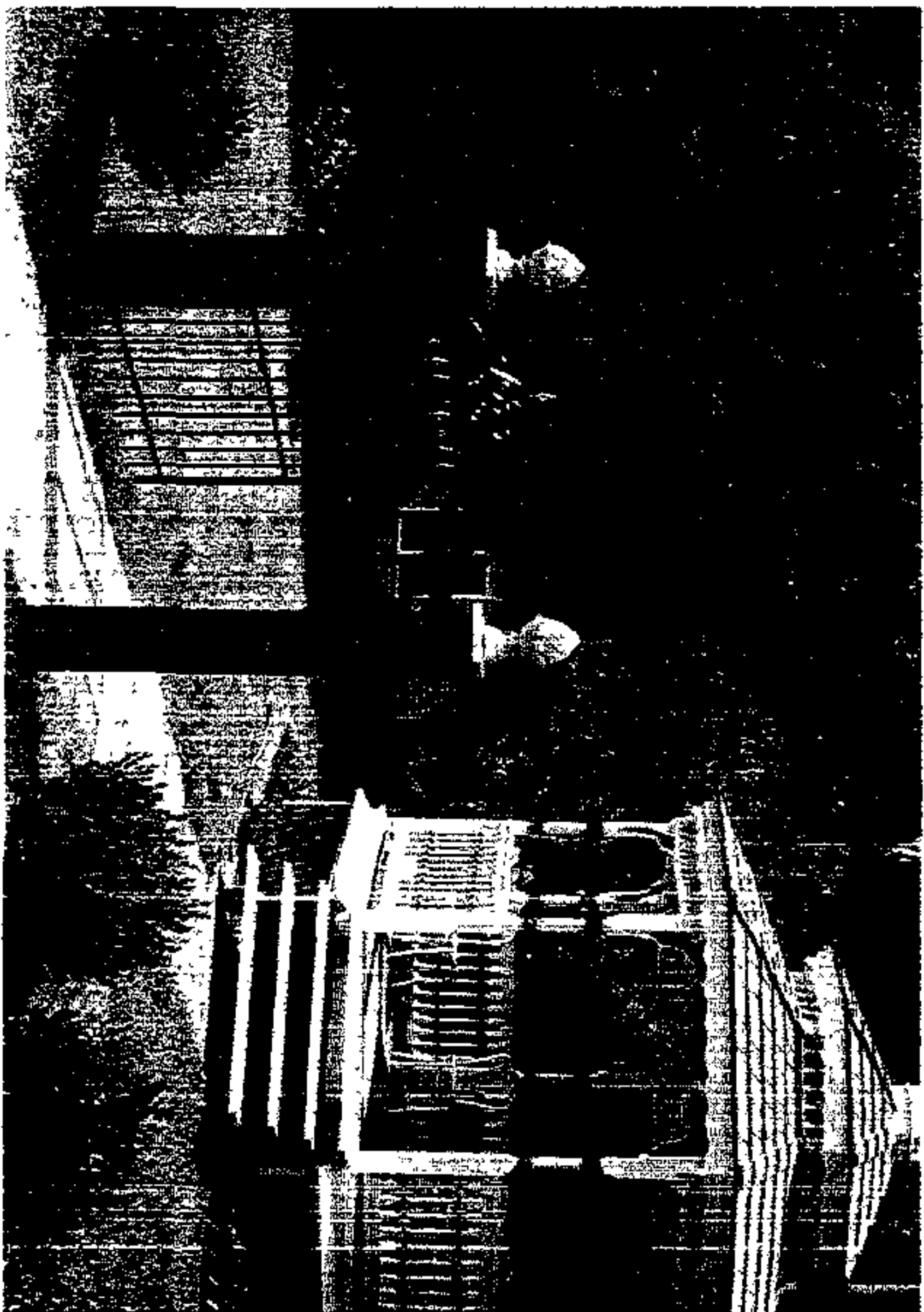




194 12 6







PETITIONER'S

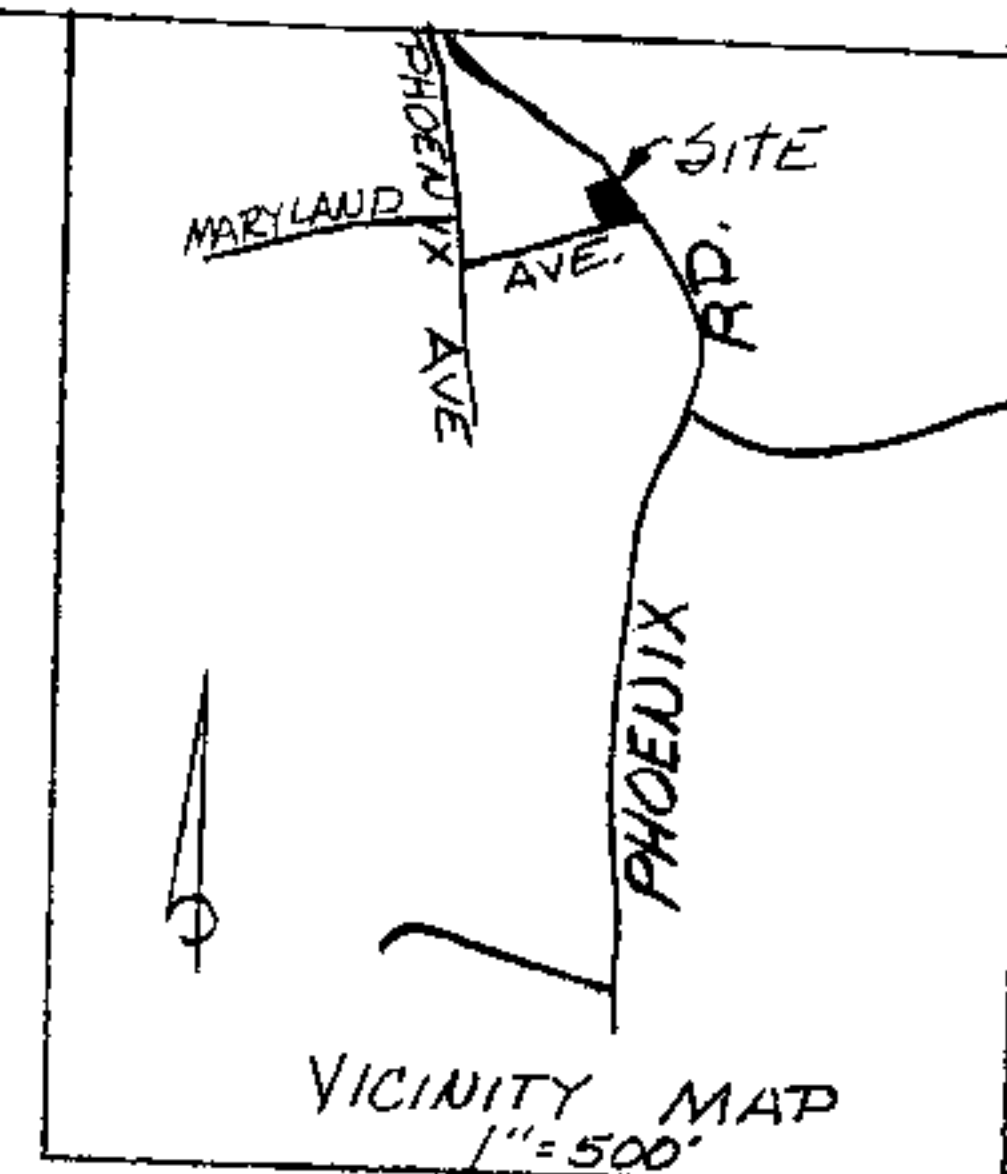
EXHIBIT NO.

3

OS-423-Sp4

OS-423.8PM



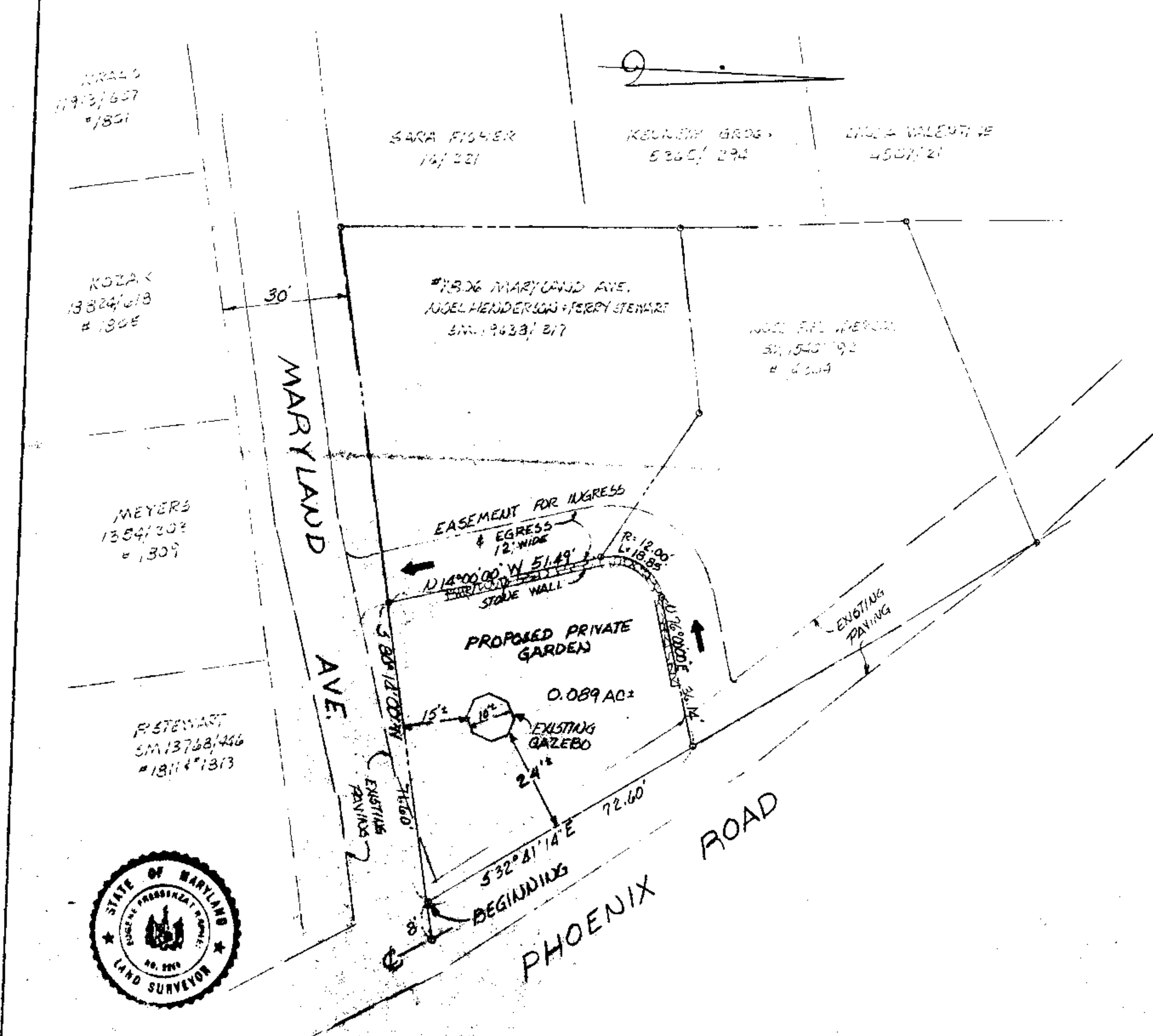


ZONING MAPS: NE & NW 20A

EXISTING ZONE AC-4
 AREA OF SITE 0.089 AC±
 LOCHRAVEN WATERSHED
 3RD COUNCILMANIC DIST.
 PRIVATE WELL & SEPTIC SYSTEMS

OWNERS OF PROPERTY
 NOEL HENDERSON 532 S. ANN ST. BALTO, MD. 21231-2905 PHONE 410-675-3894
 PERRY STEWART #1813 MARYLAND AVE PHOENIX MD. 21131 PHONE 410-472-0270
 TAX # 08-04-05071

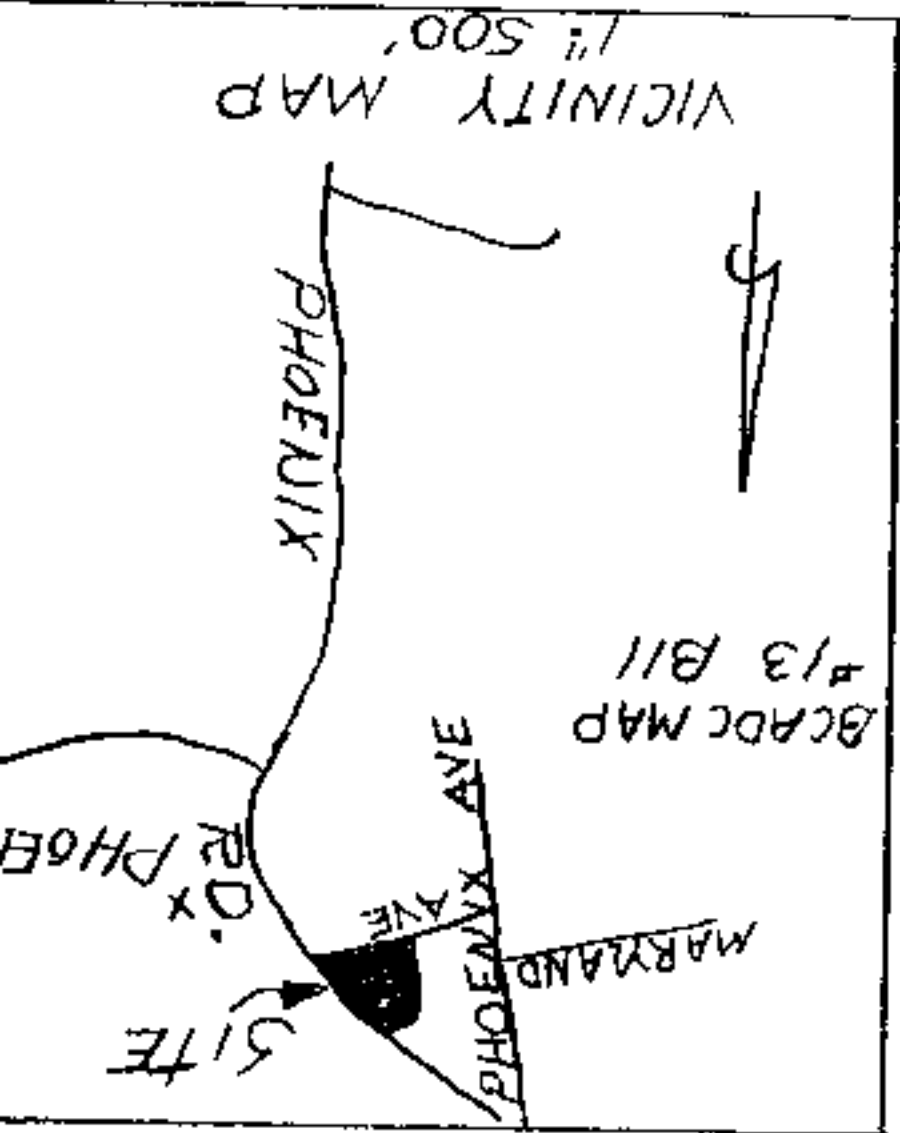
THIS SITE IS NOT LOCATED IN:
 1) CBCA AREA
 2) A FLOOD PLAIN
 3) IS NOT A HISTORICAL SITE
 4) THERE IS NO CURRENT VIOLATIONS
 5) NO PRIOR ZONING HEARINGS



E. F. RAPHEL & ASSOC.
 205 COURTLAND AVE.
 TOWSON, MD. 21204
 410-825-3908

PLAT TO ACCOMPANY ZONING PETITION FOR A
 SPECIAL HEARING PETITIONER'S
 05-423 SPR.
 PROPERTY OF
 NOEL F. HENDERSON & PERRY STEWART
 COUNCIL DIST. C-3
 SCALE 1" = 20'
 BALTO. CO. MD.
 APRIL 8, 2005

05-423 SPR



ZONING MAPS: NEB NW 20A

EXISTING ZONE RC-4

LOCH RAVEN WATERSHED
3RD COGNAC DISTRICT
PRIVATE WATER & SEPTIC SYSTEM

OWNERS OF #1806 MARYLAND AVE
PARCEL #1 = TAX #08-04-0507/2 ACRES: 0.081
SM. 19638/317
PARCEL #2 = TAX #08-04-0507/1 ACRES: 0.170
SM. 19638/317
TAX MAP = 35 GRID 19 PARCEL #43 7434#

Old Property Lines
New Property Lines

Dedicated to County

2/22/05

At the intersection
of the
Maryland Ave
and Phoenix Ave
the following
has been
dedicated to
the County

PLAT TO ACCOMPANY VARIANCE REQUEST

PROPERTY OF

NOEL F. HENDERSON & PERRY B. STEWART

8TH EJECT DIST

SCALE: 1" = 20'

BALTO. CO. M.D.
JAN. 22, 2005

PETITIONER'S

EXHIBIT NO.

LINDA VALENTINE
4507/21

KENNETH T. GROGG
5365/294

SARA FISHER
16/221

KRAUS
11913/657
#1801

KOZAK
18824/618
#1805

MEYERS
1354/203
#1809

PERRY STEWART
SM 13768/446
#1811-1813

RECORDED IN BALTO. CO. M.D.
TOWSON, MARYLAND

OWNERS:
NOEL HENDERSON
532 S. ANN ST
BALTO. MD. 21231-2905
PHONE 410-675-3994

PERRY STEWART
1813 MARYLAND AVE.
PHOENIX, MD. 21131
PHONE 410-472-0270

