

IN RE: PETITION FOR VARIANCE
N/S Johnson Street, 250' E of the c/l
Winters Lane
(5900 Johnson Street)
1st Election District
1st Council District

Frank L. Waterhouse Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-108-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, Frank L. Waterhouse, Sr.. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be located in the side yard in lieu of the required rear yard. 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 was Mr. Waterhouse, the property owner. John R. Griffin, a neighbor, appeared as an interested citizen/protestant in the matter.

The uncontroverted testimony and evidence offered by the Petitioner, Mr. Waterhouse, revealed that he constructed the subject dwelling himself in 1977 with 22,000 bricks, which included a 2 car garage under his kitchen. At a point in time, the Petitioner realized that he should have used 30,000 bricks, as his garage could no longer accommodate his vehicle and the junk he had accumulated therein over the years. Mr. Waterhouse, desirous of having a place to park his vehicle out of the weather, constructed a carport, 35 feet by 24 feet in the sideyard of his house.

As a result of the size and location of the carport, Baltimore County Code Enforcement received a complaint, which resulted in a citation being issued to the Petitioner for having an accessory structure located in the side yard in lieu of the required rear yard contrary to Section

ORDER RECEIVED FOR FILING

Date

By

400.1 of the Baltimore County Zoning Regulations (BCZR). The Code Enforcement file has been introduced and made a part of this zoning file. As a result of the citation, the subject variance request was filed.

Also appearing and testifying at the hearing was Mr. John R. Griffin, who resides at 5901 Johnson Street. Mr. Griffin testified that he constructed his home in 1973 using only 17,000 bricks. He conveyed that he finds the subject carport offensive and generally incompatible with the neighborhood, and that if it is permitted to remain, will adversely affect property values. Mr. Griffin testified that the structure is much higher than the permitted 15 feet, and that landscaping could not possibly do an effective job of screening the carport, at least within the reasonably foreseeable future, as the landscaping would need to be 30 feet in height. Mr. Griffin also testified that he is concerned about what the structure might be used for in the future in the event Mr. Waterhouse should ever decide to sell his home. Mr. Griffin submitted a "Petition" signed by other residents of Johnson Street indicating their shared concerns with Mr. Waterhouse's carport. Mr. Griffin offered in good faith, to remove the junk from Mr. Waterhouse's existing garage and haul it to the dump to enable Mr. Waterhouse to resume parking his vehicle therein. Mr. Waterhouse declined the offer.

After due consideration of the testimony and evidence presented, I am persuaded to deny the variance. I must consider the request in accordance with the mandate of Cromwell v. Ward, 102 Md. 691 (1995) and Section 307 of the B.C.Z.R. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, there was no evidence of unusual conditions or characteristics that are unique to this lot. Moreover, it was demonstrated at the hearing that Mr. Waterhouse had other reasonable options, namely, Mr. Griffin's offer to clean out the Petitioner's

ORDER RECEIVED FOR FILING
Date 11/14/05
By [Signature]

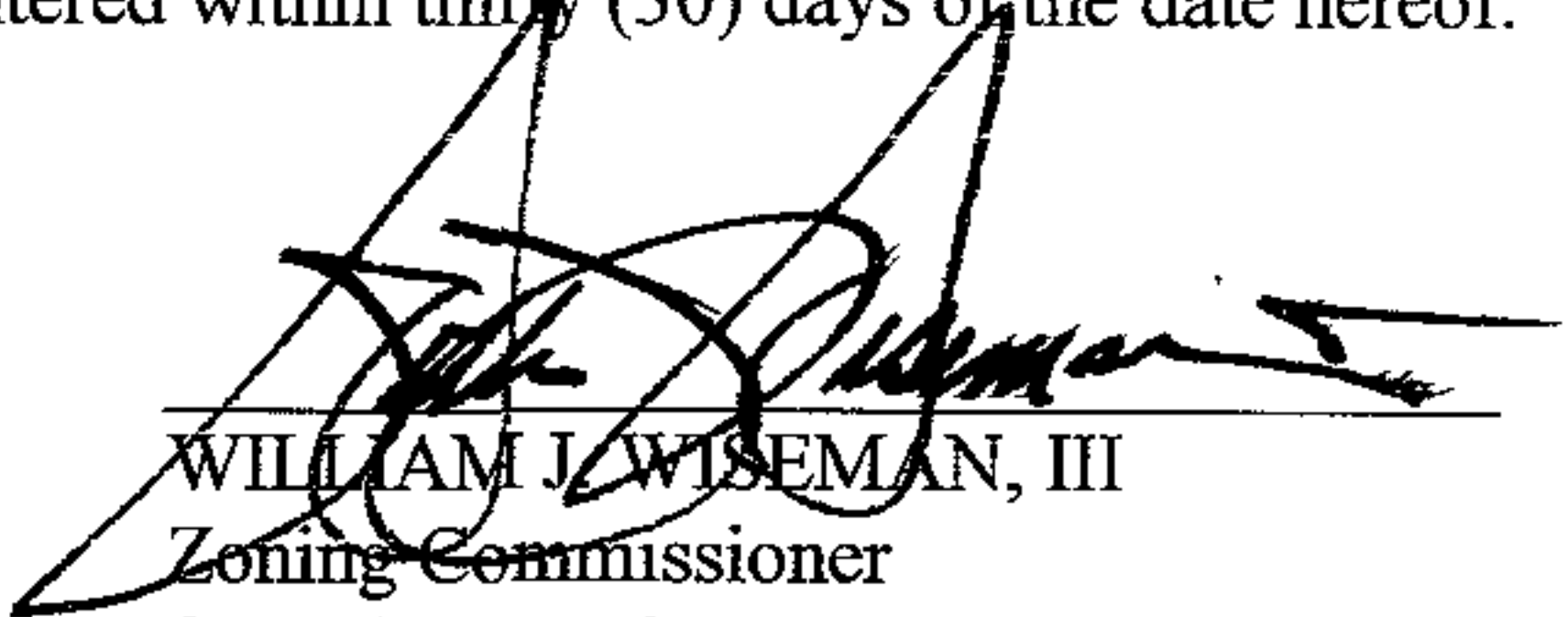
two-car garage to make room for Mr. Waterhouse's vehicle. Thus, I am persuaded to deny the variance.

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 should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November 2005 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have 180 days from the date of this Order in which to remove the subject carport from the property known as 5900 Johnson Street.

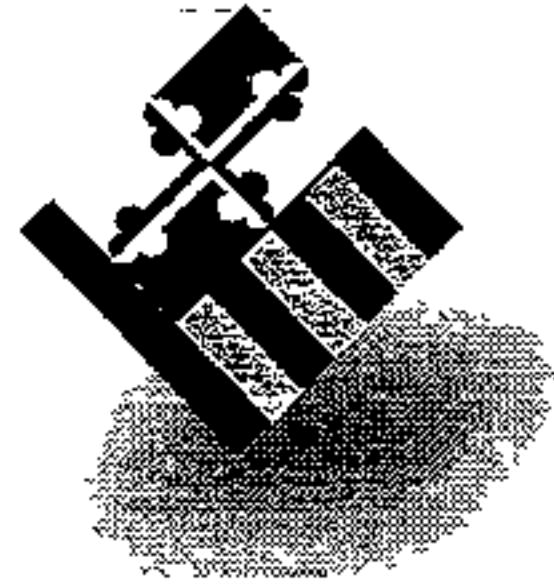
Any appeal of this decision shall be entered within thirty (30) days of the date hereof.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/14/05

By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 14, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Frank L. Waterhouse, Sr.
5900 Johnson Street
Catonsville, Maryland 21228-2823

RE: PETITION FOR VARIANCE
N/S Johnson Street, 250' E of the c/l Winters Lane
(5900 Johnson Street)
1st Election District – 1st Council District
Frank L. Waterhouse, Sr. - Petitioners
Case No. 06-108-A

Dear Mr. Waterhouse:

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 "Bill Wiseman", written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. John R. Griffin
5901 Johnson Street, Baltimore, Md. 21228
Code Enforcement Division, DPDM; People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5900 Johnson St - 21228

which is presently zoned DR S.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) 400.1 (BCZR)

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE)
TO BE LOCATED IN THE SIDEYARD IN LIEU OF THE
REQUIRED REARYARD.

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

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

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

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

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Zip Code

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

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Frank L. Waterhouse

5900 Johnson St.

Baltimore, MD 21228-2823

Frank L. Waterhouse, Sr.

Frank L. Waterhouse, Sr.

5900 Johnson St 410-744-1923

Cotonsville Md 21225

Representative to be Contacted:

Name

Address

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By LTm

Date 8/23/05

Estimated Posting Date 9/4/05

ORDER RECEIVED FOR FILING
Date 8/25/05
B5

CASE NO. 06-102-A

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at

Address

City

State

Zip Code

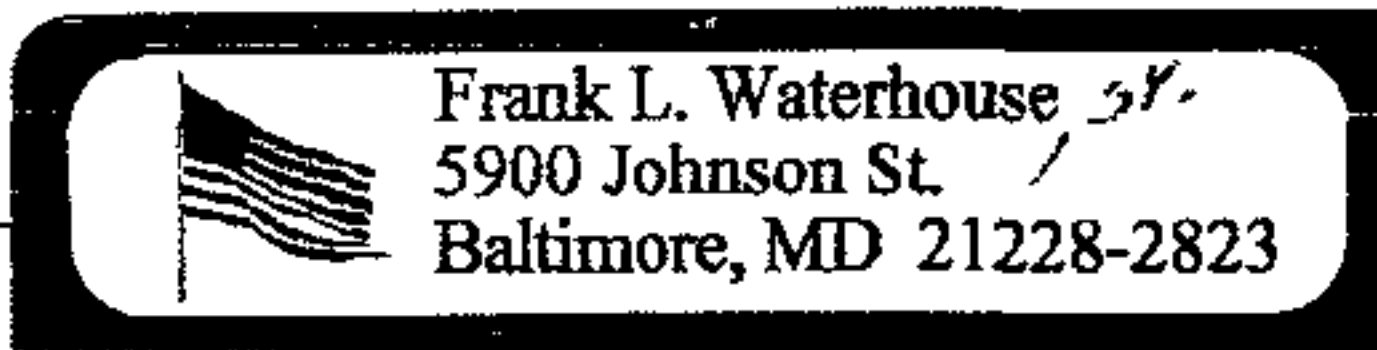
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. protection from bad weather, for family and autos.
2. - At 82, trying to remove ice and snow etc.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Frank L. Waterhouse Sr.
Signature

Name - Type or Print



Emma Waterhouse
Signature

Name - Type or Print

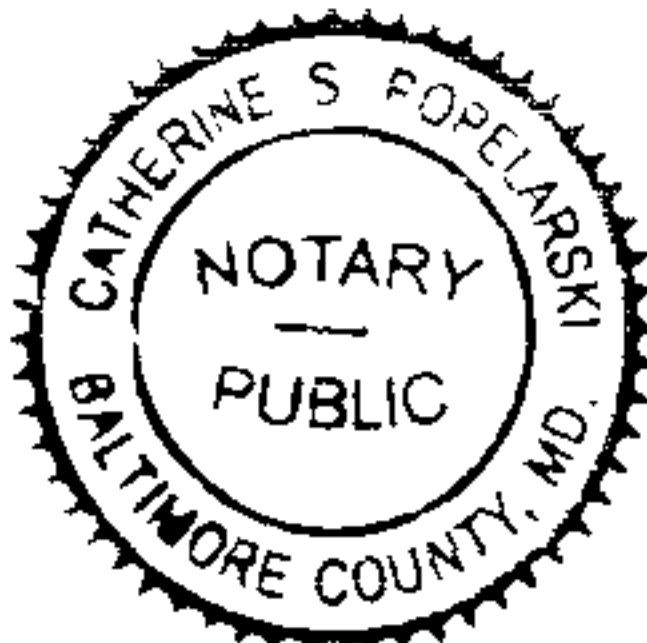
Emma Waterhouse

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of August 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



REV 10/25/01

Catherine S. Popelarski
Notary Public

My Commission Expires

4-08-09



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5900 Johnson St - 21228

which is presently zoned _____

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) 400.1 (BCZR)

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE)
TO BE LOCATED IN THE SIDEYARD IN LIEU OF THE
REQUIRED REARYARD.

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

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

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

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

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Frank L. Waterhouse
5900 Johnson St.
Baltimore, MD 21228-2823

5900 Johnson St 410-744-1923

Cotonsville MD 21228

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO. 06-108-A

Reviewed By Lin Date 8/23/05

REV 10/25/01

Estimated Posting Date 9/4/05

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at

Address

City

State

Zip Code

5900 Johnson St. Catonsville, MD,

212282328

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

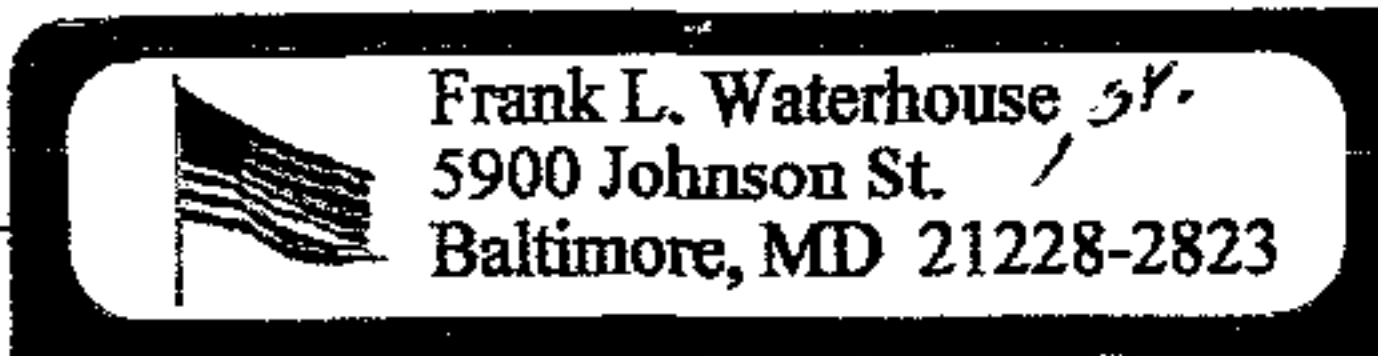
1. protection from bad weather, for family and autos.
2. - At 82, trying to remove ice and snow etc.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Frank L. Waterhouse Sr.

Signature

Name - Type or Print



Emma Waterhouse

Signature

Emma Waterhouse

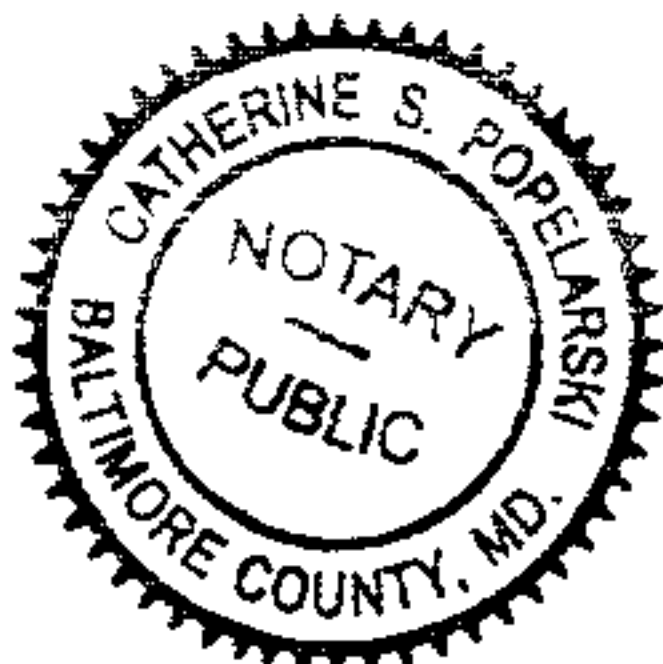
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Catherine S. Popelarski

Notary Public

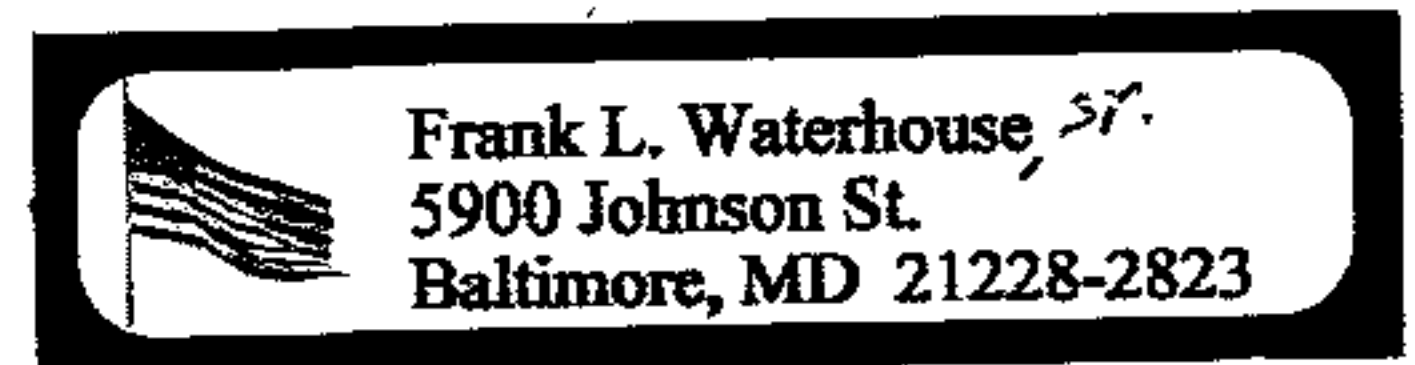
My Commission Expires

4-08-09

ZONING DESCRIPTION

Zoning Description For 5900 Johnson Street

Beginning at a point on the North side of Johnson Street, which is 40 feet wide at a distance of 250 feet east of the centerline of the nearest improved intersecting street Winters Lane which is 40 feet wide. Being Lot #15, Block N in the subdivision known as Catonsville Pines as recorded in Baltimore County Plat Book #0009, Folio# 0041, containing 13,200 square feet. Also known as 5900 Johnson Street and located in the 1st Election District, 1st Councilmanic District.



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/neighbor 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: + 06-108-A

Petitioner: Frank D. McFarhouse, Sr.

Address or Location: 5900 Johnson St. Catonsville, MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: Frank D. McFarhouse, Sr.

Address: 5900 Johnson St. Catonsville, MD 21228

Telephone Number: 410-744-1923

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 108 -A

Address 5900 JOHNSON ST

Contact Person: LOYD T. MOXLEY

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9/23/05

Posting Date: 9/4/05

Closing Date: 9/19/05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 108 -A

Address 5900 JOHNSON ST

Petitioner's Name FRANK WATERHOUSE

Telephone 410 744-1923

Posting Date: _____

Closing Date: _____

Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED IN THE SIDETARD IN LIEU
OF THE REQUIRED REARYARD.

WCR - Revised 6/25/04

**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: #06-108-A
5900 Johnson Street
N/side of Johnson Street,
250 feet east of centerline
Winters Lane
1st Election District
1st Councilmanic District
Legal Owner(s): Frank L.
Waterhouse

Variance: to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard.

Hearing: Wednesday, October 26, 2005 at 11:00 a.m. in Room 407, County Courts Building, 481 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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/10/660.Oct11 70574

CERTIFICATE OF PUBLICATION

10/13/2005

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 10/11/2005.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449132

DATE 9/23/05 ACCOUNT 12001 0060 150

AMOUNT \$ 65.00

RECEIVED FROM: FRANK WATKINS

FOR: 06-108-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

RECEIVED BY: WILLIAM J. WATKINS

DATE: 9/23/05

AMOUNT: 65.00

RECEIVED BY: WILLIAM J. WATKINS

DATE: 9/23/05

AMOUNT: 65.00

RECEIVED BY: WILLIAM J. WATKINS

DATE: 9/23/05

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RECEIVED BY: WILLIAM J. WATKINS

DATE: 9/23/05

AMOUNT: 65.00

RECEIVED BY: WILLIAM J. WATKINS

DATE: 9/23/05

CERTIFICATE OF POSTING

RE: Case No.: 06-108-A

Petitioner/Developer: F.L. WATERHOUSE

Date of Hearing/Closing: OCT-26, 2005

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

Attention: **Christen Matthews**

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 located at _____

5900 JOHNSON STREET

The sign(s) were posted on OCT. 11, 2005
(Month, Day, Year)

Sincerely,

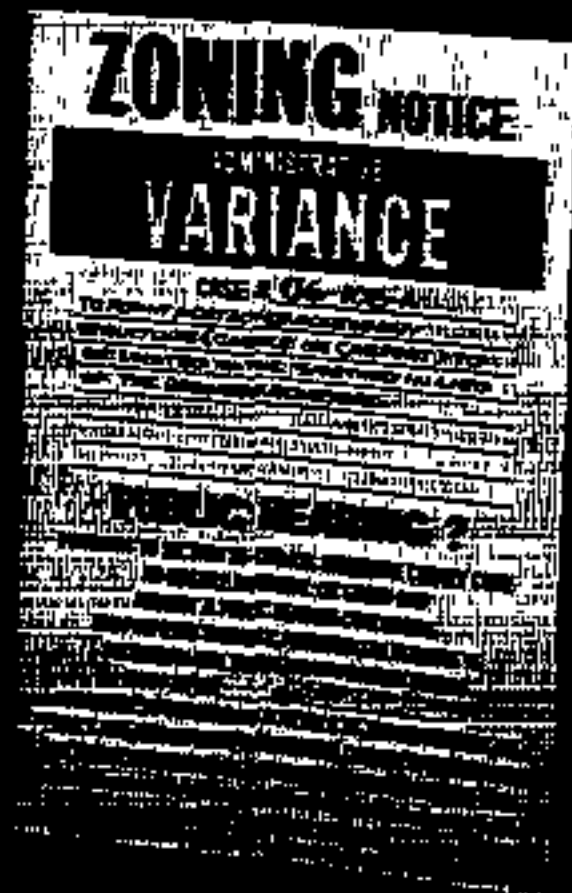
Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

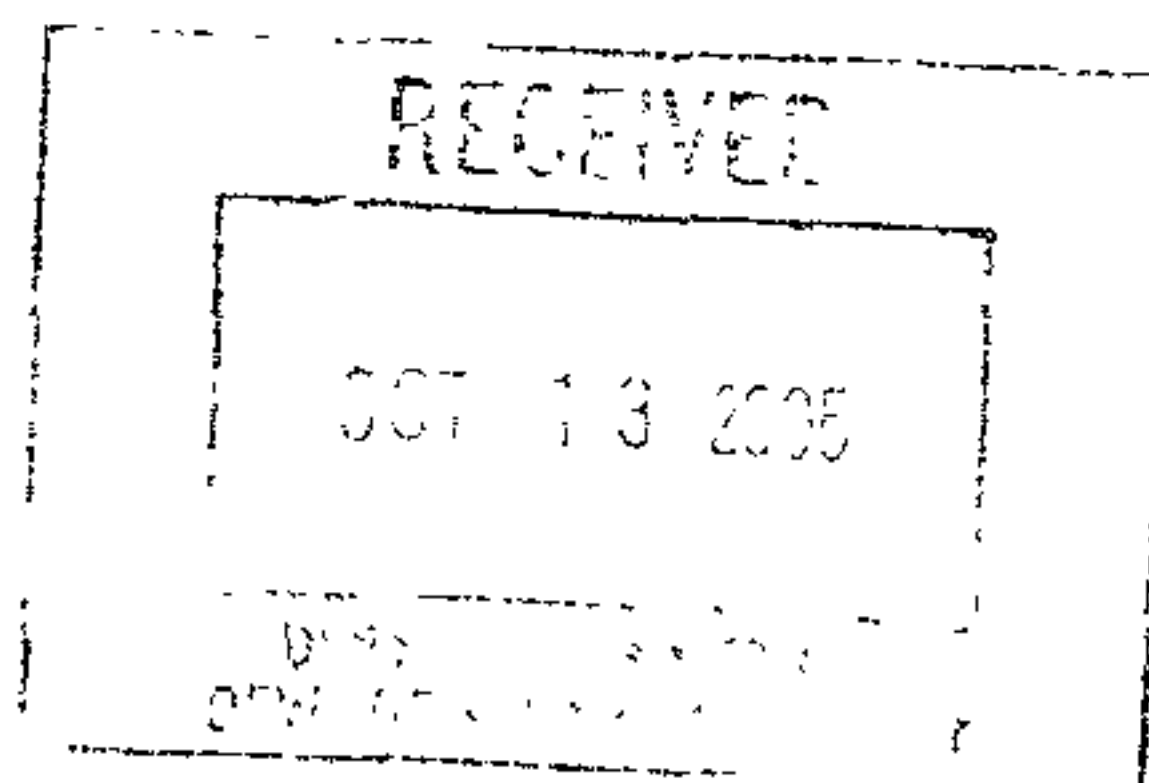
(410) 242-4263
(Telephone Number)



ZONING NOTICE
ADMINISTRATIVE VARIANCE

CASE # 06-108-A
TO PERMIT A DETACHED ACCESSORY
STRUCTURE (GARAGE OR CARPORT) TO
BE LOCATED IN THE SIDEYARD INSTEAD
OF THE REQUIRED REAR YARD.

PUBLIC HEARING ?
PURSUANT TO SECTION 25-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING DEPARTMENT OFFICE
FOR THE CITY OF BALTIMORE
ON OR BEFORE 4 SEPT 2006
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING
300 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 386-3300
OR BY VISITING OUR WEBSITE www.baltimorecountymd.gov UNDER THE PERMITS OF LAW
HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

RE: Case No.: 06-108A

Petitioner/Developer: FRANK WATERHOUSE

Date of Hearing/Closing: SEPT. 19, 2005

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

Attention: **Christen Matthews**

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 located at _____

5900 JOHNSON STREET

The sign(s) were posted on SEPT. 1, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ZONING NOTICE

CASE # 06-108-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 407, COUNTY OFFICE BUILDING
401 BOSLEY AVENUE
TOWSON, MD 21204

DATE AND TIME: WEDNESDAY, OCTOBER 26, 2005
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT A
DETACHED ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED IN THE SIDE
YARD IN LIEU OF THE REQUIRED REAR
YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3331

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 06-108-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 407, COUNTY OFFICE BUILDING
401 BOSLEY AVENUE
TOWSON, MD 21204

DATE AND TIME: WEDNESDAY, OCTOBER 26, 2005
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT A
DETACHED ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED IN THE SIDE
YARD IN LIEU OF THE REQUIRED REAR
YARD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3331

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

RECEIVED

SEP - 2

DATE: SEP 26 2005
TIME: 11:00 AM



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

September 28, 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: 06-108-A

5900 Johnson Street
N/side of Johnson Street, 250 feet east of centerline Winters Lane
1st Election District – 1st Councilmanic District
Legal Owner: Frank L. Waterhouse

Variance to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard.

Hearing: Wednesday, October 26, 2005 at 11:00 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: Frank Waterhouse, Sr., 5900 Johnson Street, Catonsville 21228

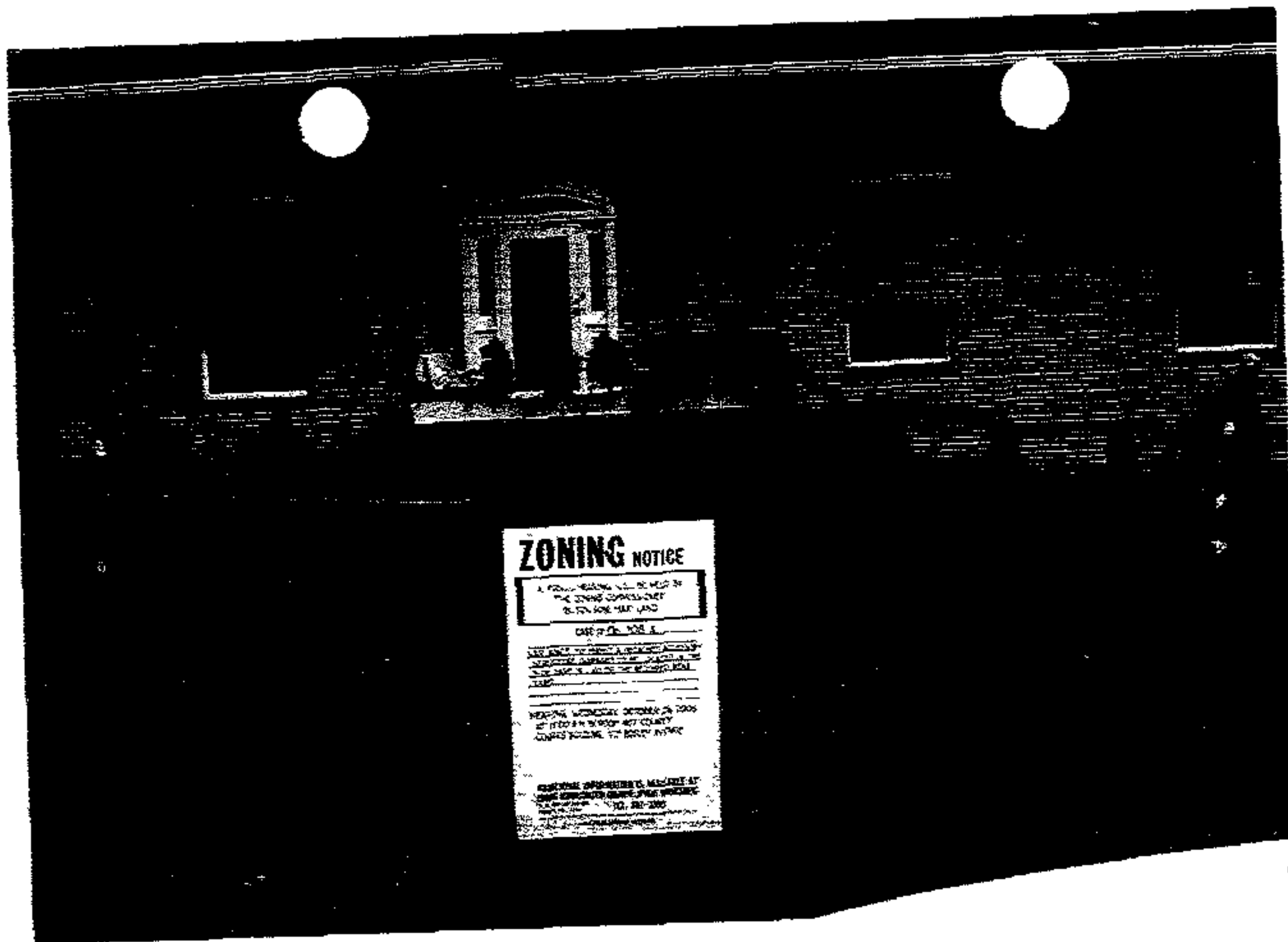
- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 11, 2005.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

sign posted 10/11/05. 10:05 AM.

A handwritten signature in black ink, appearing to read "Jeff Radcliffe".

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





ZONING NOTICE

A PROPOSED ZONING MAP IS NOW ON FILE IN THE ZONING DEPARTMENT OF THE CITY OF NEW YORK.

ANY PERSON WHO HAS AN INTEREST IN THE LAND SHOWN ON THE MAP SHOULD FILE A WRITTEN COMMENT WITH THE ZONING DEPARTMENT OF THE CITY OF NEW YORK.

THE ZONING DEPARTMENT OF THE CITY OF NEW YORK IS NOW ACCEPTING COMMENTS FROM THE PUBLIC.

ANY PERSON WHO HAS AN INTEREST IN THE LAND SHOWN ON THE MAP SHOULD FILE A WRITTEN COMMENT WITH THE ZONING DEPARTMENT OF THE CITY OF NEW YORK.

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TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 11, 2005 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3353

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: 06-108-A

5900 Johnson Street

N/side of Johnson Street, 250 feet east of centerline Winters Lane

1st Election District – 1st Councilmanic District

Legal Owner: Frank L. Waterhouse

Variance to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard.

Hearing: Wednesday, October 26, 2005 at 11:00 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**

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



Baltimore County

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

October 17, 2005

Frank L. Waterhouse, Sr.
5900 Johnson Street
Baltimore, Maryland 21228

Dear Mr. Waterhouse:

RE: Case Number: 06-108-A, 5900 Johnson Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



**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

September 19, 2005

Frank L. Waterhouse, Sr.
5900 Johnson Street
Baltimore, Maryland 21228

Dear Mr. Waterhouse:

RE: Case Number: 06-108-A, 5900 Johnson Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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



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

Maryland Department of Transportation

Date: 8.30.05

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

RE: Baltimore County
Item No. 108 LTM

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

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

September 1, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **September 12, 2005**

Item# 6-105-a, **6-108-A**, 6-109-SPH, 6-111-A, 6-112-A, 6-113-A, 6-114-SPH, 6-115-A

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D. Mezick
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 12, 2005
Item Nos. 106, 108, 110, 112, 114 and 115

DATE: September 6, 2005

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-09062005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 9, 2005

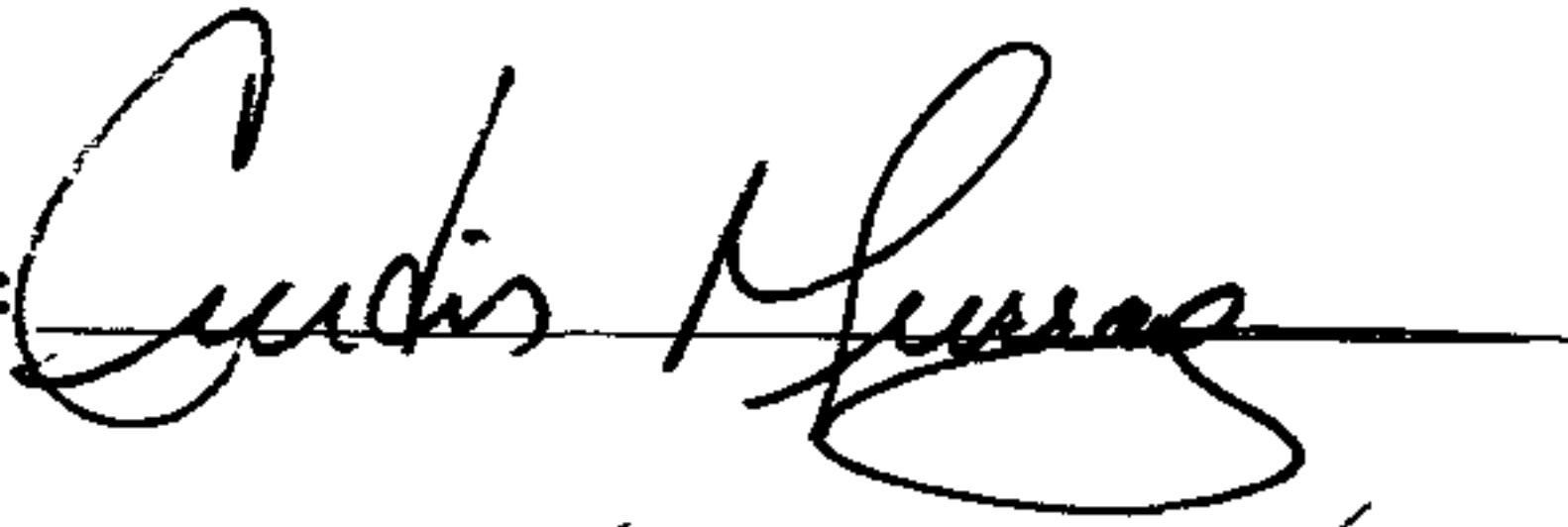
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s) Case(s) 6-108 Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

**Department of Permits and
Development Management**



Baltimore County

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

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

September 30, 2005

Frank L. Waterhouse
5900 Johnson Street
Catonsville, MD 21228

Dear Mr. Waterhouse:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-108-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded due to the strong opposition from affected neighbors at the suggestion of the zoning commissioner concerning the above proposed administrative procedure.

Attached is a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information, which will be handled at no charge by this office.

If you need any further explanation or additional information, please feel free to contact Lloyd Moxley at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

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



BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: September 1, 2005

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

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

SUBJECT: Item No.: 6-108-A
Legal Owner/Petitioner Waterhouse, Frank Sr. & Emma
Contract Purchaser: N/A
Property Address: 5900 Johnson St
Location Description:

VIIOLATION INFORMATION: Case No. 05-0212
Defendants: Waterhouse, Frank Sr & Emma

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) |
| X | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| X | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| X | 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/gh
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

Entered 1/14

DATE: 1/16/05 INTAKE BY: G.H. CASE #: 05-0212 INSPEC: 1

COMPLAINT LOCATION: 5900 Johnson ST

ZIP CODE: 21228 DIST: 1

COMPLAINANT NAME: Balt. Co. Building Insp PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: In violation of Plot Plan and Permit
Location of structure.

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: 16 00 010661 ZONING: _____

INSPECTION: Inspected on 1/6/05. Notice issued for violations
1/24/05 Attempted service no one at residence

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

R105.3.1.1 Substantially improved or substantially damaged existing buildings and structures. For applications for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall meet the requirements of Section R327.

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

R105.7 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R106.1.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

R106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

R106.1.3 Information for construction in areas prone to flooding. For buildings and structures in flood hazard areas as established by Table R301.2(1), construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries, and flood zones, and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade; and
3. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

R106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan

DATE: 01/06/2005

STANDARD ASSESSMENT INQUIRY

TIME: 14:12:44

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
16 00 010661	01	1-0	04-00	H	NO		10/07/04
WATERHOUSE FRANK L, SR				DESC-1.. IMPSLT 15-16-17-18-19-2			
WATERHOUSE EMMA C				DESC-2.. CATONSVILLE PINES			
5900 JOHNSON ST				PREMISE. 05900 JOHNSON		ST	

00000-0000

BALTIMORE

MD 21228-0000 FORMER OWNER: HANOR DEVELOPMEN T CO INC

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	28,550	39,300		FCV	ASSESS	ASSESS
IMPV:	149,830	161,250	TOTAL..	193,160	193,160	185,770
TOTL:	178,380	200,550	PREF...	0	0	0
PREF:	0	0	CURT...	193,160	193,160	185,770
CURT:	178,380	200,550	EXEMPT.		0	0
DATE:	08/00	06/03				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 193,160 08/10/04

ASSESS: 185,770

ASSESS: 0

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

/

Permit B 579322



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 05-0212	Property No. 1400010661	Zoning: PR
------------------------------	----------------------------	---------------

Name(s):
Frank L Waterhouse Sr
Emma C Waterhouse

Address:
5900 Johnson St Baltimore MD 21228

Violation Location:
SAME

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

* Accessory Structure Placement BCZC 101.102.1
400.

Detached structure (Accessory structure)
is only allowed in rear yard 2 1/2 feet
from side and rear yard.

Location of steel building will
require a variance.

* IRC R 105.1 R 106.1 (Permit # 579322)

Revise permit to show proper
location. Structure is not in compliance
with permit and Plot Plan.

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

On or Before: 1/13/05	Date Issued: 1/6/05
--------------------------	------------------------

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

INSPECTOR:

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: 1/13/05	Date Issued: 1/6/05
----------------------------	------------------------

INSPECTOR: GARY HUCK

AGENCY



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 05-0212	Property No. 16 000 10 661	Zoning: DR
Name(s): Frank L Waterhouse Sr. Emma C Waterhouse		
Address: 5900 Johnson St Baltimore MD 21228		
Violation Location: 5900 Johnson St 21228		
Violation Dates: 1/6/05 Through 1/21/05		

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

IRC 2000 R105.1; 105.4; 106.1
Failure to revise permit to
reflect location of structure.

Pursuant to Section 1-8, Baltimore County Code, a civil penalty
has been assessed, as a result of the violation cited herein, in
the amount indicated:

\$ **3000.00**

A quasi-judicial hearing has been pre-scheduled in Room 116,
111 West Chesapeake Avenue, Towson, Maryland, for:

Date: **3/2/05**

Time: **9:00 AM**

Citation must be served by:

Date: **2/5/05**

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true
and correct to the best of my knowledge, information, and belief.

Print Name: **GARY HUCIK**

Date: **1/21/05** Inspector's Signature: **Gary Hucik**

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: **X** Citation/Case No.: **05-0212**

Address: **X**

X Date: **X** Defendant's Signature

AGENCY

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. Frank & Emma Waterhouse, Defendant

Hearing Date 3/2/05 Issued Date 1/21/05 Expiration Date 2/5/05

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

☒ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

☒ A Citation and all other papers filed with it were served by personal delivery to Frank Waterhouse
Adult person's name

5900 Johnson St, on 2/1/05, at 11:44 am
At this address Date Time

Description of person served: Race _____ Sex _____ Height _____

Weight _____ Age _____ Other _____

☒ The premises at 5900 Johnson St were posted.

☐ I was unable to serve because _____

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

Gary Hunt
Signature

Building Inspector
Title

Address

410-887-3953
Telephone No.

Date

Time a.m./p.m.

1/24/05 no one premises time 12:20 pm
1/25/05 some was home but never answer door 10:25

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

In the Matter of

Civil Citation No.05-0212

Frank L. Waterhouse, Sr.
Emma C. Waterhouse

5900 Johnson Street

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 March 2, 2005 for a hearing on a citation for violations under the Baltimore County Building Code IRC 2000 R105.1, 105.4, 106 for failure to revise permit to accurately reflect location of structure under construction on residential property located at 5900 Johnson Street, 21228.

On January 21, 2005 pursuant to §3-6-205, Baltimore County Code, a code enforcement citation was issued by Gary Hucik, Code Enforcement Officer. The citation was legally served on the Respondents.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars) to be assessed. A code enforcement hearing date was scheduled for March 2, 2005.

Mr. Waterhouse, Respondent appeared for the hearing and testified.

Gary Hucik, Code Enforcement Officer also testified.

Testimony and evidence shows that a permit was issued to Mr. Waterhouse to construct an addition to the side of the existing single-family dwelling. The addition upon completion would serve as a carport. Mr. Waterhouse began construction of a detached metal structure, removed from the dwelling in the side yard and projecting past the front building line of the existing single-family dwelling. Mr. Waterhouse now needs to file for a variance to allow the structure to be placed in the side yard with a front yard projection. This will take considerable time to work through the variance process. In the meantime, all work should stop on the project until the Respondent receives variance approval from the Zoning Commissioner.

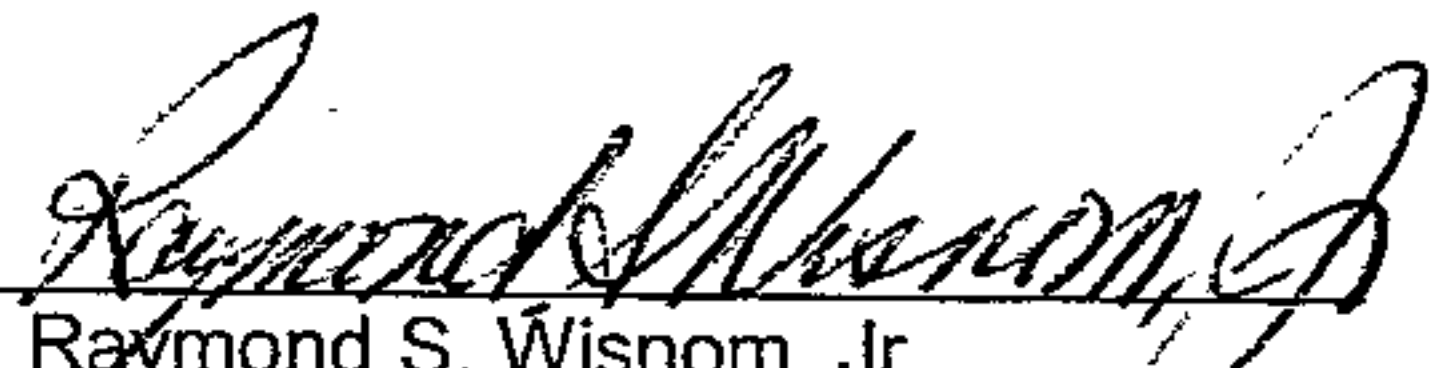
Failure to apply for a variance will require the structure to be removed as the structure is considered an illegal and non-complying structure. If a variance is granted, the Respondent shall meet all conditions of the variance as ordered by the Zoning Commissioner. Failure to apply for the variance or failure to prevail at the Zoning Hearing or appeals thereafter and failure to render the property to a position of compliance after exhausting all remedies shall subject property owner to a civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 3rd day of March 2005, that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the civil penalty in the amount of \$3,000.00 (three thousand dollars) shall be suspended on condition the Respondent applies and receives a variance or removes the non-complying structure on or before August 1, 2005. All work must stop until the Respondent is issued a valid building permit.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be \$3,000.00 (three thousand dollars).

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 §3-6-301(a), 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. §3-6-302(a)(b)(c)(d) 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.

PLOT PLAN

DIST.

B579322

OWNER

Frank J. Johnson SS

Application No.

ADDRESS

5900 Johnson St.
Cotonsville Md. 21228

PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback

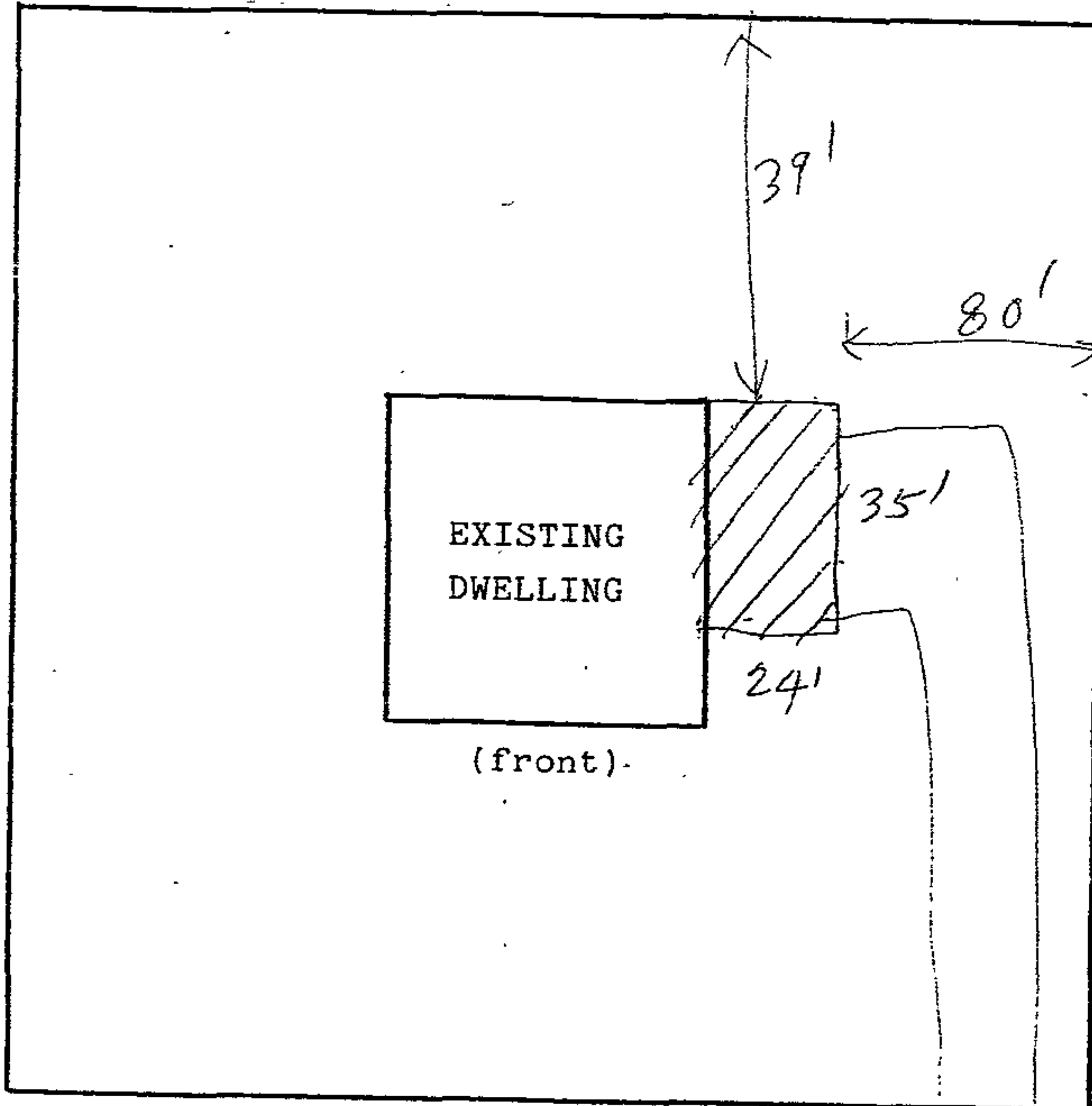
Left side setback

Rear yard setback

Right side setback

NOTE:

Cannot fence access easements.



ROAD NAME

5900 Johnson St.

6/91



Printed with Soybean Ink
on Recycled Paper

514522



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DIRECTOR

John R. Reisinger
JOHN R. REISINGER
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B579322 CONTROL #: MR DIST: 01 PPEC: 01
DATE ISSUED: 12/22/2004 TAX ACCOUNT #: 1600010661 CLASS: 04

PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 5900 JOHNSON ST
SUBDIVISION: CATONSVILLE PINES

OWNERS INFORMATION

NAME: WATERHOUSE FRANK SR & EMMA
ADDR: 5900 JOHNSON ST BALTIMORE MD 21228

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CONSTRUCT 1-STORY ADDITION TO SIDE OF EX SFD;
TO BE USED AS: 3-CAR CARPORT 24'X35'X15'=840SF
NAIVE CONST DWGS PER JAV 12/22/04

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & ADDITION

EXISTING USE: SFD

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION: CONCRTE

BASEMENT: NONE

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 13200SF

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC/80

SIDE STR SETB:

REAR SETB: NC

Coc Enforcement - Daily Works t

Inspector - HUCIK, G

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	05-0212	5900 JOHNSON ST		21228	1/06/2005	8/01/2005

Tax Acct #: 1600010661

Owner:

Complainant Name: (Last) BALTO CTY INSP (First)

Addr:

Str #

Dir Street Name

Type

Apt

City

ST Zip

Phone: (Home)

(Work)

Problem: IN VIOLATION OF PLOT PLAN & PERMIT LOCATION OF STRUCTURE
PERMIT B579322

Notes:

05-0212 1/6/05 INSPECTED. NOTICE ISSUED FOR VIOLATIONS. P/U
1/13/05 G.HUCIK/NS*** 1/13/05 INSPECTED. OWNER (MR.WAT
ERHOUSE) EXTEND COMPLIANCE DATE FOR PERMIT & PLOT PLAN CORRE
CTION. P/U 1/21/05 G.HUCIK/NS*** 01/21/05
NO REVISED PERMIT TO SHOW LOCATION OF ADD. (STRUCTURE) CITA
TION ISSUED. HEAR. DATE 03/02/05. CK. FOR SERVICE 02/05/05.
G.HUCIK/KH.*** 1/24/05 ATTEMPTED SERVICE AT
RESIDENCE AT 12:20PM. NO ONE WAS HOME. 1/25/05
ATTEMPTED SERVICE. VEHICLE IN DRIVEWAY. NO ANSWER AT DOOR @1
0:25AM. 2/1/05 CITATION SERVED BY HAND TO MR.WATERHOUSE
AT 11:44AM. HEARING SET FOR 3/2/05. P/U 2/28/05 G.HUCIK/NS**
* **2/2/05
ON DOCKET FOR 3/2/05 FILE TO G HUCIK /JF**.
03/02/05 HEAR. WAS HELD ON 03/02/05. WAITING ON
A FINAL ORDER. P/U 03/17/05. G.HUCIK/KH.***
**3/7/05
FINAL ORDER SENT TO FRANK & EMMA WATERHOUSE FILE TO G HUC
IK /JF**. 3/9/05 FINAL ISSUED STATING RESPONDENT IS TO APP
LY FOR A VARIANCE OR REMOVE STRUICTURE ON OR BEFORE AUGUST 1
, 2005. IF PROPERTY NOT IN COMPLIANCE BY AUGUST 1,2005 A FIN
E OF \$3000. IS TO BE IMPOSED. P/U 8/1/05 G.HUCIK/NS***

Reinspected on 8/2/05 Property is still not
in compliance a \$3000.00 fine is to be impose
for violation of final order. Gary Hukik
2 Photographs were taken.

CASHER USE ONLY

FRANK T. WATERHOUSE SR
EMMA C WATERHOUSE
5900 JOHNSON STREET
BALTIMORE MD 21228

INVOICE NO. 260256

INVOICE DATE 8/2/05

SUBMITTING AGENCY AND ORGANIZATION 017-1715 PROVIDER CODE INVOICE TYPE TOTAL AMOUNT DUE \$3,000.00

LINE NO	FUND	AGCY	ORGN	SUB ORGN	ACTY	OBJ	SUB OBJ	REV SOURCE	SUB REV	REPT CATG	BS ACCT	LINE AMOUNT
01	001	006						3120				\$3,000.00
02												
03												

COMMENTS: CIVIL PENALTY

DESCRIPTION: PROPERTY # 16-00-010661 PREMISE: 05900 JOHNSON ST
REPRESENTS PENALTY ASSESSED PURSUANT TO CIVIL CITATION # 05-0212
THIS INVOICE CONSTITUTES A LIEN AGAINST THE REAL PROPERTY
COLLECTED IN THE SAME MANNER OF TAXES
IF THE CHARGES ARE NOT PAID WITHIN 30 DAYS OF INVOICE DATE THEY
WILL BE SUBJECT TO INTEREST AT THE RATE OF ONE (1) PERCENT PER MONTH
INSPECTOR: GARY HUCKER #05-0212

INVOICE NO. 260256 BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE • COURTHOUSE ROOM 150 • TOWSON, MARYLAND 21204-4665
ORIGINATING AGENCY COPY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Case No.:

06-108A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Photo - Contained in Violation Case
No. 2	PROPOSED LANDSCAPING TREES TO BUFFER	OPPOSITION FROM 75% OF HOMEOWNERS
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

The Needle-leaf Evergreens



Mr. Frank Waterhouse
5900 Johnson Street
Baltimore, MD 21228-2823

083875

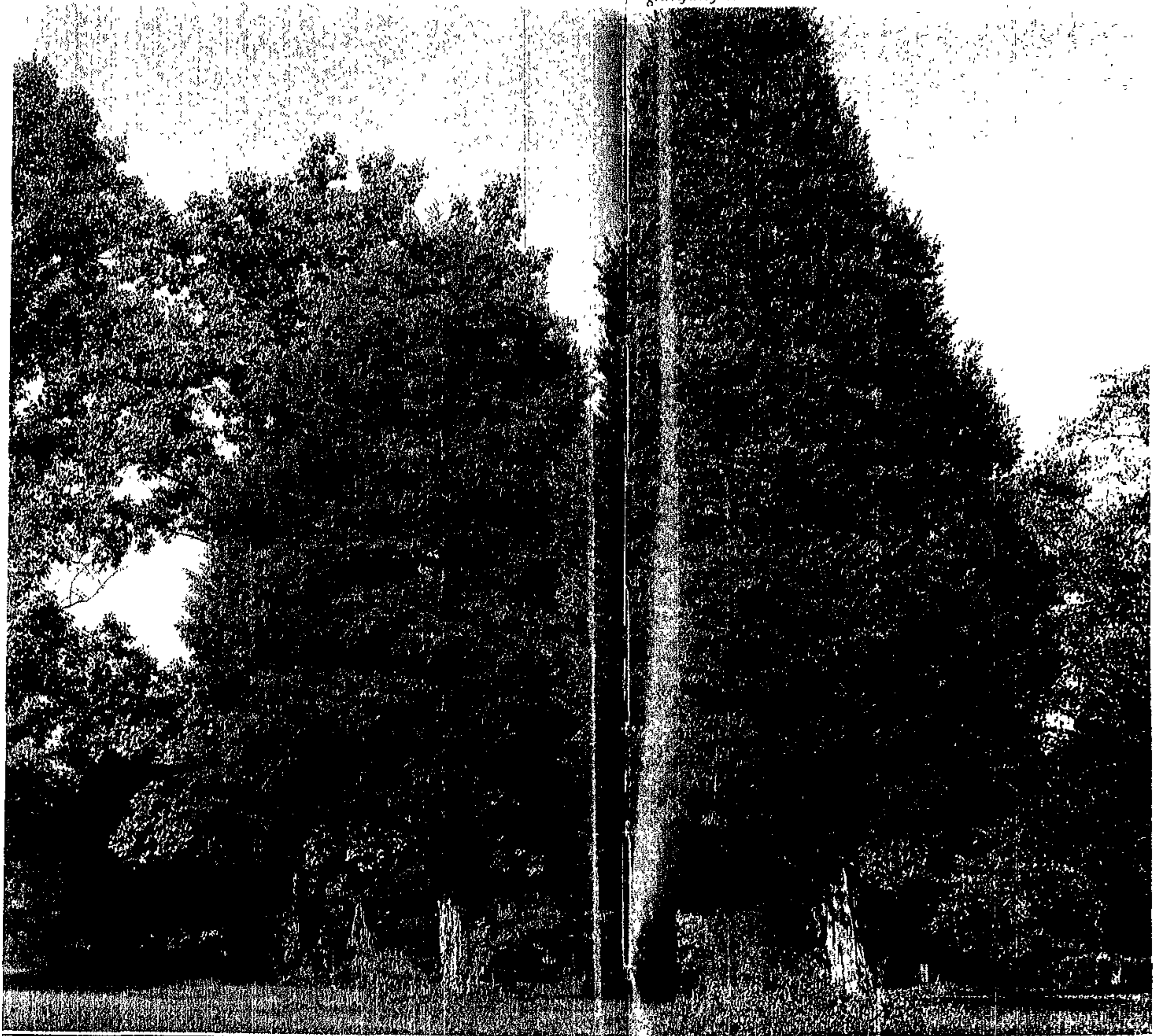
PETITIONER'S

EXHIBIT NO.

2

*Needle-leaf
Ornamentals*

*Use the distinctive
forms and foliage
textures of these
evergreens to create
year-round landscape
accents. Choices range
from narrowly
columnar species to
gracefully tiered ones.*



Cupressus sempervirens
'Stricta Glauca'

Columnar Italian
Cypress
•Height at 15 years:
18 ft.
At 40 years: 50 ft.
At maturity: 75 ft.
Zones 8-10

Cones in fall



Juniperus scopulorum

Rocky Mountain
Juniper
•Height at 15 years:
12 ft.
At 40 years: 25 ft.
At maturity: 40 ft.
Zones 4-10

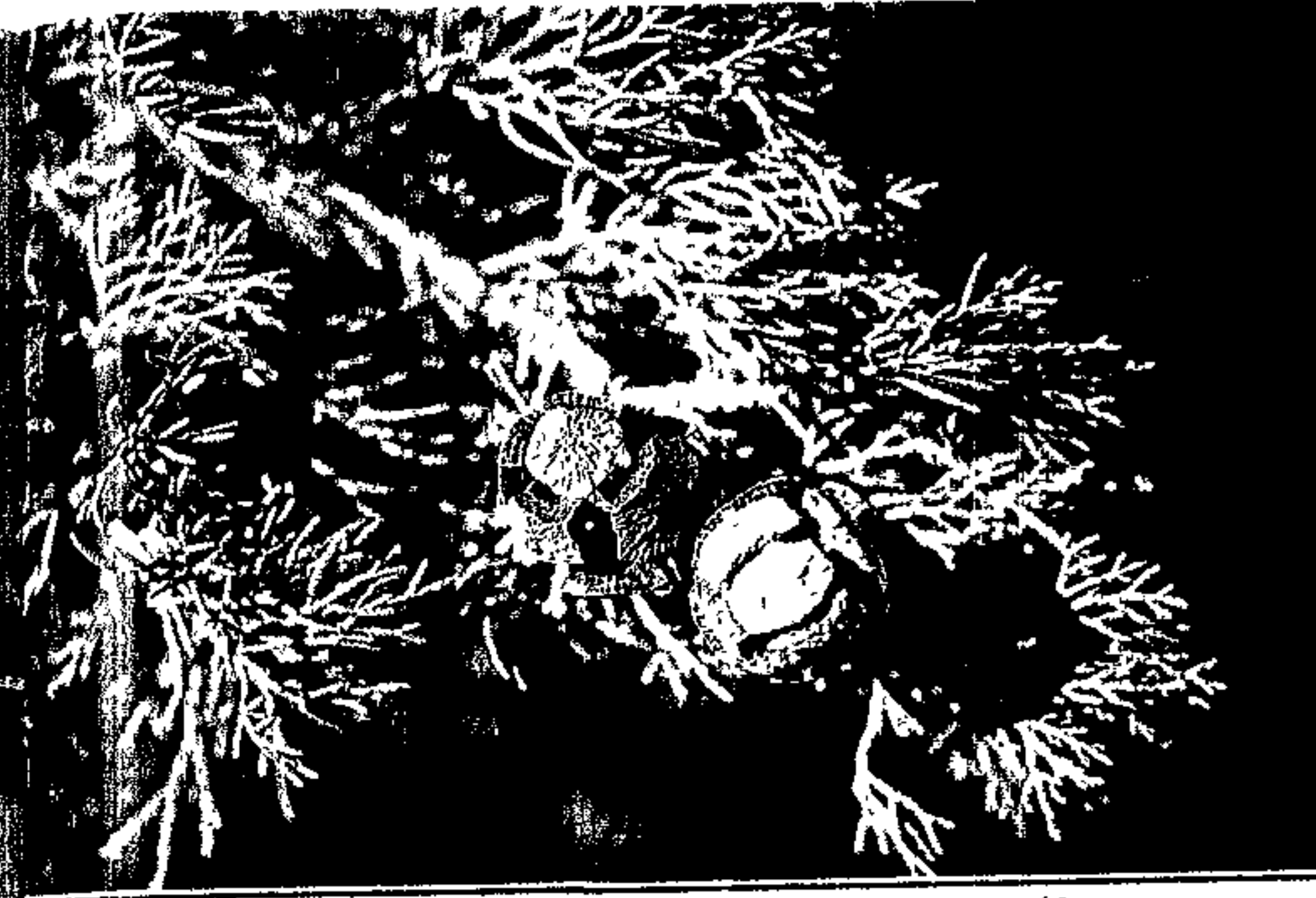
Fruit in fall
Tolerates drought



Cupressus sempervirens
'Stricta'

Columnar Italian
Cypress
Cones: 1 1/2 in. wide

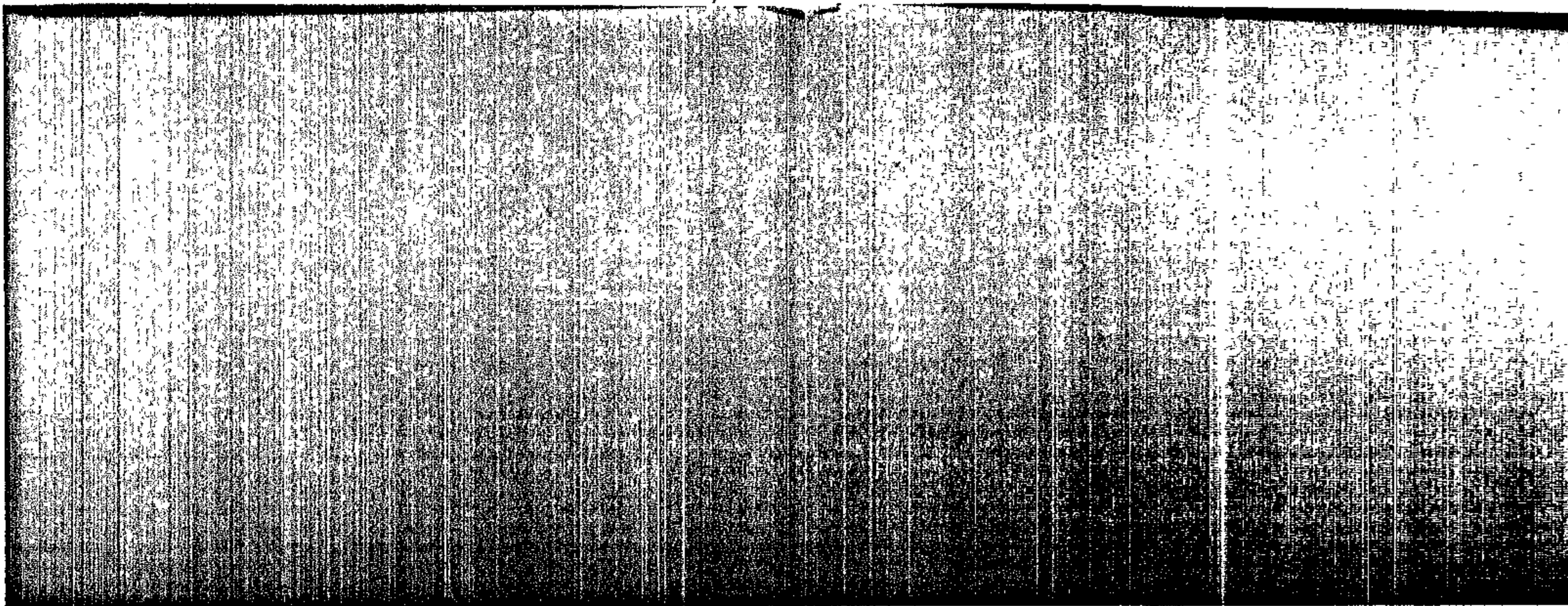
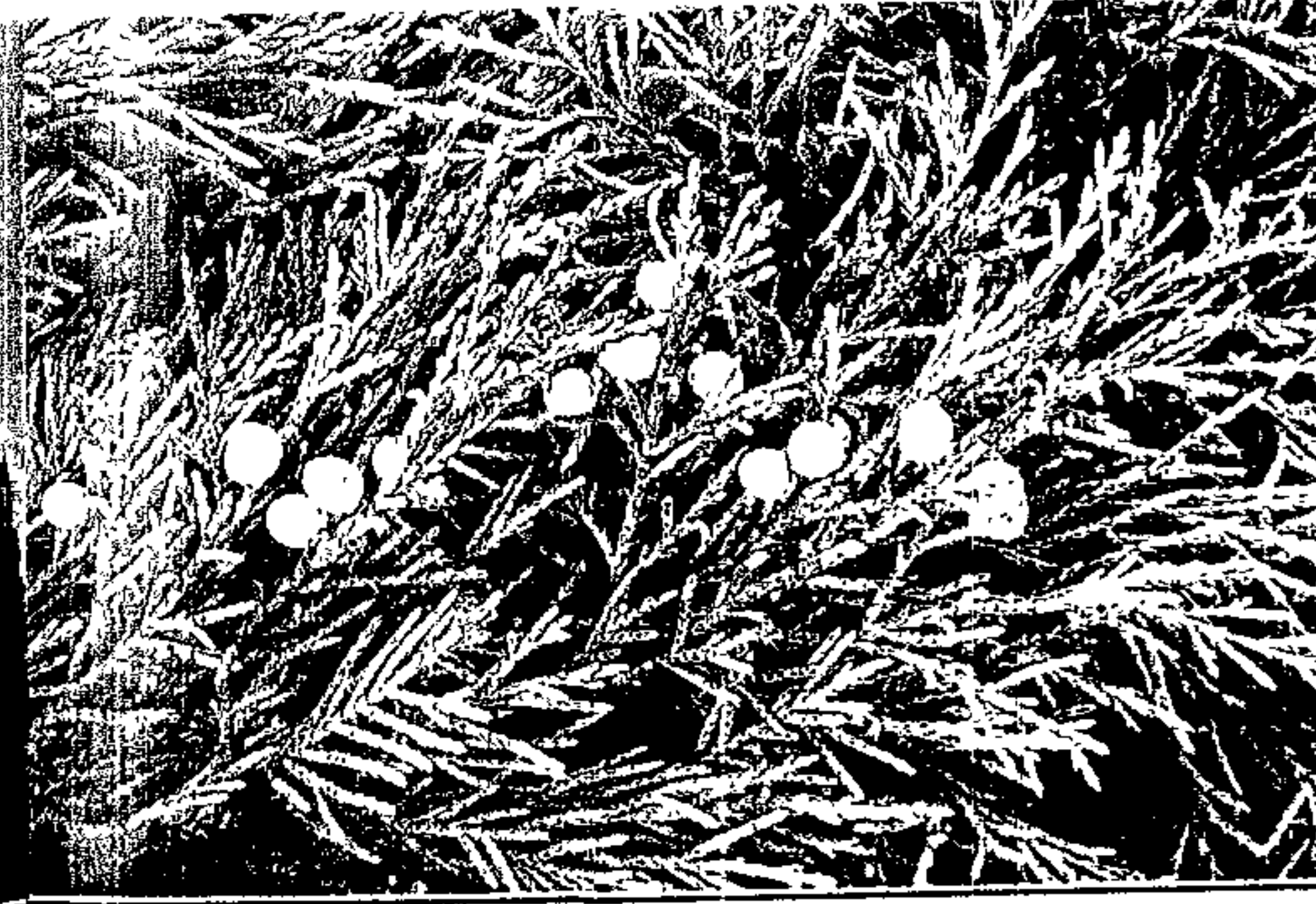
p. 327



Juniperus scopulorum

Rocky Mountain
Juniper
Fruits: 1/3 in. wide

p. 348



Juniperus
virginiana

Red Cedar

•Height at 15 years:

12 ft.

At 40 years: 30 ft.

At maturity: 75 ft.

Zones 3-9

Fruit in fall
Tolerates drought

Juniper
virgin



Thuja occidentalis

American Arborvitae

Tolerates wet

Thuja

Height at 15 years:

15 ft.

•At 40 years: 35 ft.

At maturity: 60 ft.

Zones 3-7;

semihardy 8

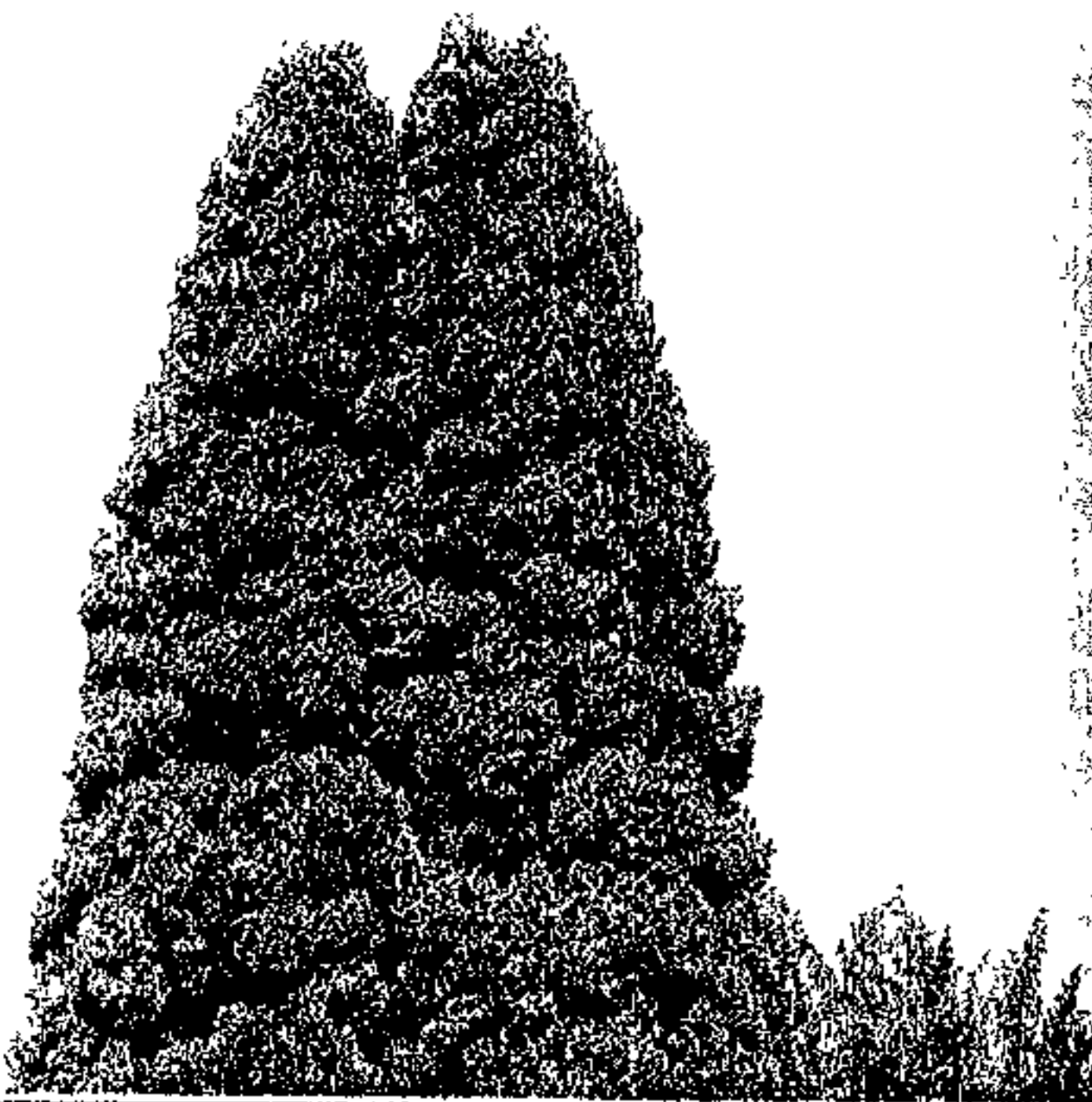


Thuja plicata

Giant Arborvitae
 Height at 15 years:
 30 ft.
 •At 40 years: 80 ft.
 At maturity: 100 ft.
 Zones 5-7; semihardy
 4 and 8

*Thuja plicata**Giant Arborvitae*

p. 400



× *Cupressocyparis*
leylandii

Leyland Cypress
 Height at 15 years:
 30 ft.
 •At 40 years: 65 ft.
 At maturity: 100 ft.
 Zones 6-10

Cones in fall
Tolerates salt

× *Cupressocyparis*
leylandii

Leyland Cypress
Cones: 3/8 in. wide

p. 326



Picea orientalis

Oriental Spruce

Cones fall to winter

Picea orie

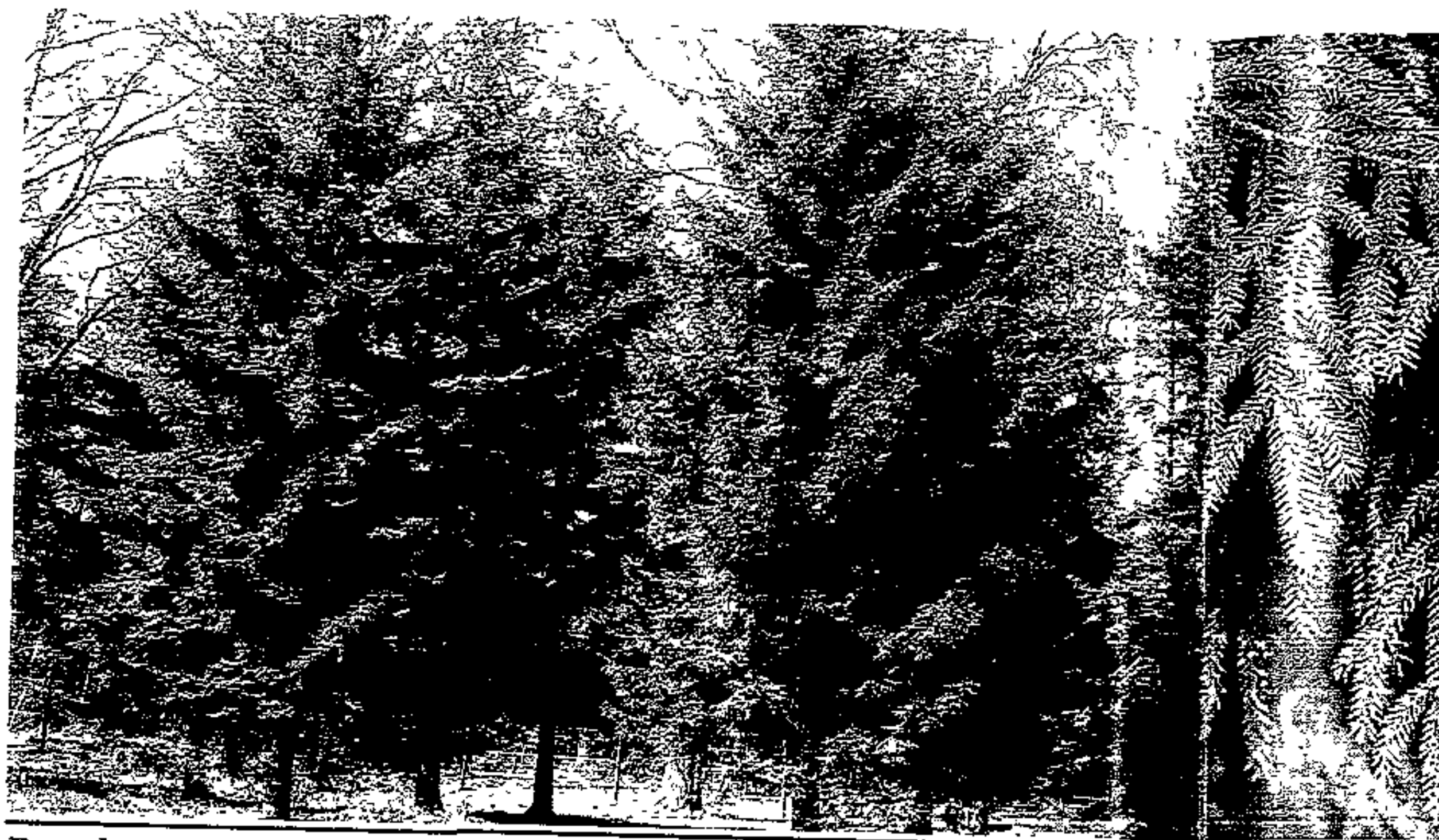
Height at 15 years:

12 ft.

•At 40 years: 25 ft.

At maturity: 70 ft.

Zones 5-8

*Pseudotsuga
menziesii*

Douglas-fir

Cones fall to winter

*Pseudotsuga
menziesii*

•Height at 15 years:

15 ft.

At 40 years: 35 ft.

At maturity: 80 ft.

Zones 6-8;

semihardy 5



Picea pungens

Colorado Spruce

Cones fall to winter

Picea
'Hoc

•Height at 15 years:

15 ft.

At 40 years: 35 ft.

At maturity: 100 ft.

Zones 3-7

*Picea glauca*

White Spruce

Cones fall to winter

Picea

Height at 15 years:

15 ft.

•At 40 years: 30 ft.

At maturity: 70 ft.

Zones 3-6



Abies homolepis

Nikko Fir

Height at 15 years:
12 ft.

•At 40 years: 35 ft.

At maturity: 60 ft.

Zones 5-6

Cones summer to winter
Requires moist, acid
soil

Abie

*Abies koreana*

Korean Fir

•Height at 15 years:
10 ft.

At 40 years: 18 ft.

At maturity: 35 ft.

Zones 5-6

Cones summer to winter
Requires moist, acid
soil

Abie



You have selected a tree compatible with the soil and other conditions in its new environment, and you have planted it in the recommended fashion. To keep that tree healthy, you must now give it at least as much attention and care as you show to the other garden plants on your property.

Watering

The water needs of trees are often neglected. Some people water garden beds and allow trees to desiccate; others water lawns regularly and unknowingly overwater trees. Unfortunately, there is no easy formula for irrigating trees. But if you know the factors influencing soil and water relationships, you will be better able to judge when and how long to water your trees.

Judging Water Needs

Water retention varies according to soil type. Sandy soils hold the least water and dry out the fastest. Silt loams are intermediate, while clay loams hold the most water and dry out more slowly than other soil types. These basic soil conditions are influenced by a number of variables. Organic matter in soil improves its water-holding capacity. A porous or impervious subsoil obviously has great influence on the drainage of excess water. A tree's terrain is another important factor affecting its watering needs. Water applied equally to all parts of a rolling terrain, especially if applied rapidly, often runs off high spots and accumulates in low areas.

Soil coverings also influence water absorption and water loss. The same soil will have differing water needs if bare, grassed, planted with ground cover, or mulched. The type of cover within each category is also important. For example, ground with tall grass requires more water than grass mowed short, and ground with a wood chip mulch requires more waterings than if it were covered with black plastic.

Various tree species and cultivars have vastly differing water requirements and tolerances. Even the age of trees affects their water needs. Other factors to consider are the season—the amount of sun, the temperature, wind, pollution, and even, some say, the phase of the moon.

Watering Guidelines

Luckily, a few generalities do exist to guide you when watering a tree. Trees usually need water less often than flower beds because their roots penetrate more deeply. Also, trees need more water at one time than other plants because of these deeper roots. Apply water for trees slowly so that it will soak into the soil. A complete watering may take a long time; for example, to moisten dry clay soil to a depth of four feet may require a day and a half of irrigation.

form of rain or applied water. In heavier soils, irrigation should be less frequent. During drought periods, water trees deeply each week. However, trees in lawns are often damaged by regular lawn irrigation, especially in zones 8 to 10.

Seek advice from local experts, and if necessary supplement your knowledge with a soil sampler probe to check soil moisture at 18 to 20 inches. Use a rain gauge, it is far more accurate than the local weather station.

Protective Staking

The Planting chapter discusses staking for support. However, two problems are so prevalent they are worth mentioning here—trees that do not need stakes are often given them, and stakes are usually left on newly planted trees too long. One growing season should suffice.

Protective staking is another matter, and in some cases it can save the life of a tree. Large stakes, painted white or plastic-ribboned, while not beautiful, will help protect young and even established trees from accidental damage in high-risk areas near streets and walks.

Trenching and soil movement 100 yards away from a mature tree can cause damage by changing soil and water relationships. If such activities are within twice the branch spread, they will surely cause damage. If earth changes are imminent, install stakes in the vicinity of prized trees and monitor the work to be sure earth-moving equipment does not encroach on the land near those trees.

Mulching

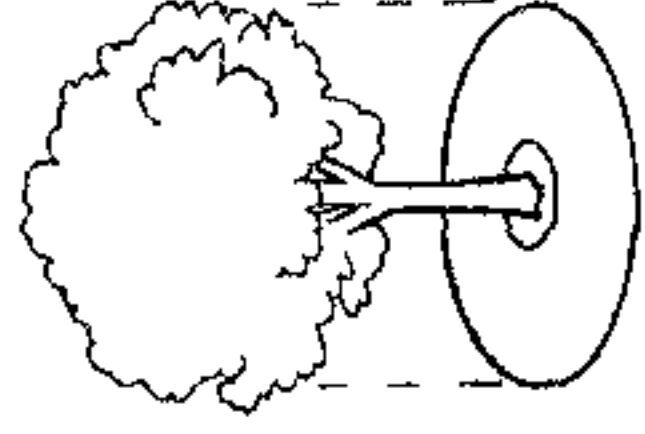
A mulch is an organic or inorganic material placed on the soil surface in relatively thin layers. Ideally for the gardener, a mulch should be inexpensive, readily obtainable, aesthetic, and resistant to blowing or washing away. Mulches benefit trees by increasing the moisture retention of soil, moderating soil temperatures, reducing water runoff and erosion, improving the soil's structure and fertility, and reducing the weed population.

Mulch Materials

The most common organic mulches are composted leaves, wood chips, shredded bark, bark nuggets, sawdust, peat moss, lawn clippings, peanut shells, buckwheat hulls, corn cobs, mushroom compost, manure, conifer needles, newspaper, sludge, and a wide assortment of locally available materials.

Inorganic mulches include limestone pebbles, granite pebbles, crushed brick, marble chips, polyethylene and other plastic films, synthetic fabrics, coal nuggets, and others. Stone and stonelike materials are formal and harsh to the eye, and are best reserved for large-scale urban landscaping or specialized gardens. Trees planted

Apply mulches 2-6 in deep, under the dripline. A bare ring around the trunk prevents disease.



Potential Hazards

Unfortunately, not all mulches boast the ideal qualities, and the possible disadvantages of specific materials and their remedies are best mentioned at the outset.

Toxicity and Leaching

The rapid decay of a fresh organic material such as sawdust or grass clippings can deplete nitrogen in the soil. Compost the material before using it as a mulch, use shredded bark or another material that decomposes more slowly, or add nitrogen fertilizer to the soil to compensate for the loss.

Some plant products, especially when fresh, may be toxic to plants, especially young plants, mulched with them. Avoid the sawdust and leaves of eucalyptus; any parts of walnuts; the bark of spruces, Douglas-firs, and larches; and sawdust from cedars and redwoods. Limestone pebbles have a considerable alkalinizing effect on soil, interfering with the ability of some species to obtain minerals, especially iron, resulting in foliar chlorosis. Use limestone only near *alkaline-tolerant species*, use other materials, or use a soil barrier such as black plastic sheeting, which will also inhibit weed growth, but may retain excess moisture.

Moisture Retention

Finely textured, compact organic materials such as peat moss or sawdust may retain excessive amounts of soil moisture for some tree species. If problems develop, use a material with a coarse texture and apply it no deeper than two inches.

Plastic sheet mulch, unbroken, can prevent water from entering the soil. Plastic with holes punched into it will allow water in but not out, often causing water-logged soil. The larger the surface area of the plastic, the more likely you are to encounter these problems. Don't use plastic on areas larger than 25 square feet.

Delayed Dormancy

Mulched trees, especially younger trees, may continue to grow in fall, delaying the onset of dormancy. This is most serious for those species at the limits of their hardiness, and could cause severe winter injury. If you plant a tree that you believe will be sensitive to cold, you should delay mulching until the second year; remove at least part of the mulch at the end of summer and replace it after a few winter freezes; and plant the tree in a protected site, usually an eastern exposure with a slight slope.

Other Dangers

Some materials, such as straw and dry peat moss, are fire hazards. Keep them moist, and use them only in nonpublic areas to reduce the possibility of fire caused by discarded matches or cigarettes.

various pebbles, become dangerous projectiles when struck by rotary lawn mower blades. The particles, when they inexorably find their ways to walking surfaces, will turn an ankle or bruise a heel. Bark nuggets are only somewhat less hazardous. Use these materials only in areas with steel-strip edging or some other lawn barrier, or in areas edged regularly with a spade.

Applying Mulch

In cold climates, mulch should be applied to trees planted in fall only after several heavy frosts. In zones 1 to 5, trees planted in spring, especially those that are questionably hardy, may fare better if the mulch is withheld during the first summer and fall, and applied only after some freezing occurs.

Existing trees benefit from larger mulched areas as they grow. Though mature trees often lack mulch altogether. The larger the mulched area, the better. A ten-foot circle under a tree spreading 40 feet will have much less benefit than mulch under the entire canopy.

Rather than strip sod with a spade, which may damage shallow roots or strain your back, use the herbicide glyphosate, sold as Roundup or Kleenup. Mark out the area to be treated. A can of spray paint is handy for this—mistakes can be crossed out and new lines drawn. Follow the application directions on the herbicide container. On a calm day, at the correct temperature, treat the expendable grass or other vegetation, working carefully within the lines.

A few days later, even though the grass is still more or less green, apply the mulch as uniformly as possible, about two inches thick for finely textured materials, four inches for coarse material. Large trees in light, sandy soil will tolerate as much as six inches of coarse mulch. Keep the mulch at least six inches away from trunks to deter mice and minimize fungal activity, and use a lawn barrier or edging to hold the mulch in place. Replenish organic mulches as they decompose, after the last frost of spring, or after the first freezes of early winter.

Animal Damage

Mulches may attract and harbor rodents. Materials such as corn cobs and peanut hulls usually contain stray edible seeds. Keep a six-inch bare ring around the tree trunk or use rodent poison in cans or jars with small openings so pets can't get in, buried under the mulch so children won't see them, and slanted slightly downward to keep water out.

Domestic animals sometimes cause problems. Sleeves made of hardware cloth will discourage cats from scratching small trees; be sure to adjust the size annually as trees grow. Urinating dogs can be a serious problem, especially in crowded suburbs. Experiment

Spraying and other pest control methods are discussed in the chapter on Pests and Diseases.

Lightning Protection

Trees are frequently hit by lightning, sometimes with extreme violence. Tall trees can be protected with properly installed lightning rods and cables, though an arborist with lightning protection expertise may be hard to find. Some species of trees are more susceptible to lightning strikes than others. Lists vary, but the following trees are most vulnerable: oaks, maples, ashes, Tulip Trees, sycamores, pines, spruces, poplars, elms, and hemlocks. Those trees that are relatively safe are beeches, birches, and others with thin, smooth bark. Theoretical explanations differ, but thick bark seems pivotal to a tree's susceptibility to lightning.

Fertilizing

Trees, just as other plants, need essential elements, called fertilizer, for growth. Fertilizer can improve tree vigor, induce bigger, greener leaves, and improve resistance to various adversities, including attacks by certain insects and diseases. However, don't assume that normal lawn fertilization will help trees. Be aware that too much fertilizer is detrimental, and that fertilizer is not a panacea for the symptoms of trees affected by other agents than nutrient deficiencies.

The major elements, necessary in relatively large amounts, are nitrogen, phosphorus, and potassium. Commercial fertilizers specify the percentages they contain of these three elements. A package marked 25-5-10 contains 25 percent nitrogen, 5 percent phosphorus, and 10 percent potassium.

Minor elements, or trace elements, are necessary in minute quantities. Some commercial fertilizers indicate these in general, and label the product "including trace elements"; most make no mention of them but may contain some. Trace elements, particularly iron and manganese, may be lacking or simply unavailable to trees in alkaline soils. Acid, sandy soils may lack phosphorus, and certain local soils may be short of zinc or copper.

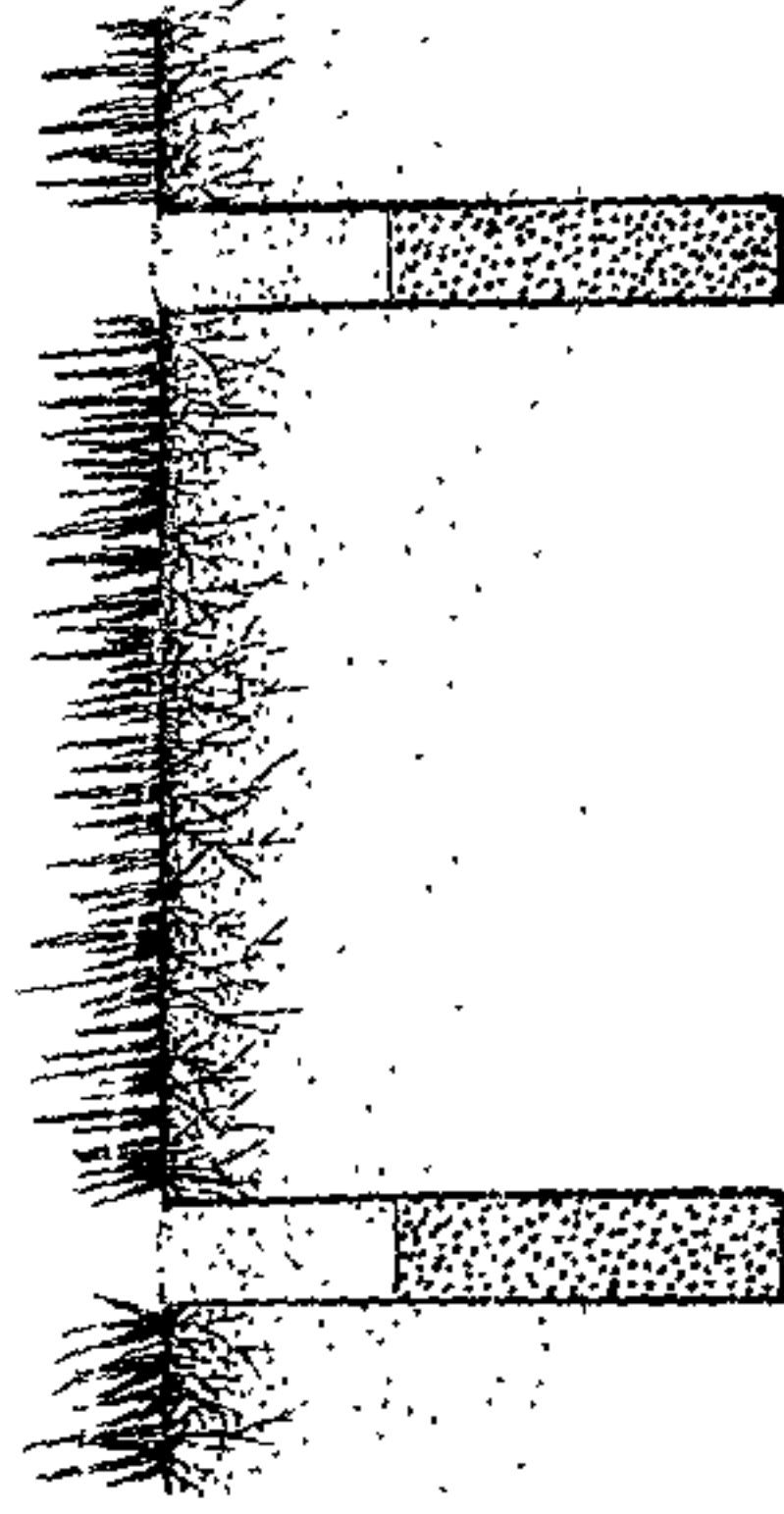
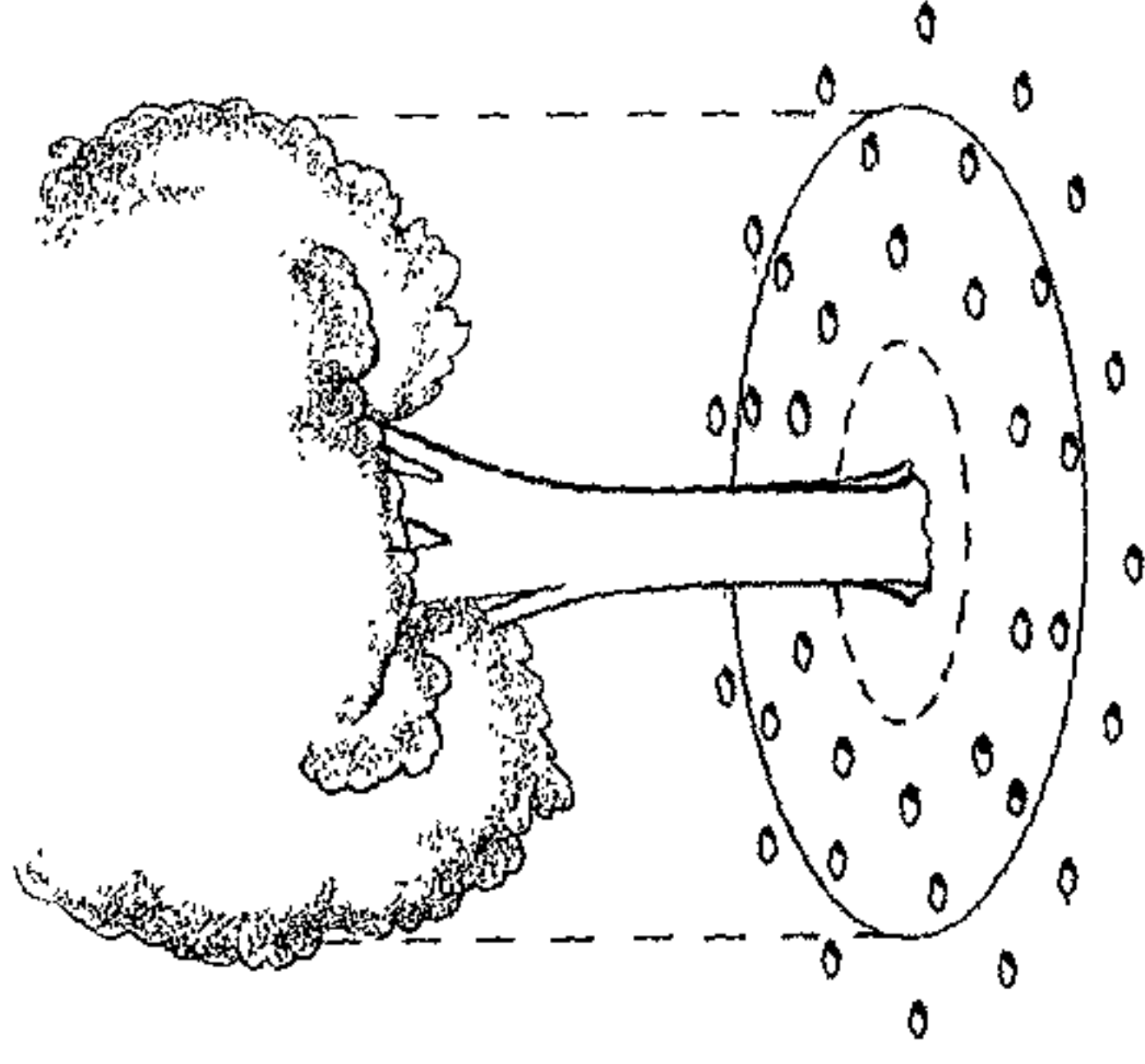
When to Fertilize

Visually assessing the fertilizer needs of trees is difficult. A tree with stunted, yellowed foliage may benefit from fertilizer, but may have other problems. A complete soil test, including tests for minor elements and toxic substances, is your best method of diagnosis. Some laboratories will also test leaves for element content. See your county Cooperative Extension office or other experts to obtain reliable, complete testing.

As a general rule, trees in good condition need little fertilizer and

To fertilize in lawn area, drill evenly spaced 2 in. holes 2-3 ft apart in the root zone.

Apportion a slow-release fertilizer, keeping it below grass roots, 4 in. or more from surface. Top holes with sand or mulch, or lawn hay.



include the proper application rates. If you haven't tested your soil, apply only nitrogen at a rate of three or four pounds of actual nitrogen for each 1,000 square feet every two years. For some trees in some soils, this rate may be light, or a bit heavy. If you have unusual conditions, don't trust the rule of thumb. Have your soil tested.

Timing

Many studies of fertilizer applications by qualified researchers have turned up a variety of results. Some have found little difference in effectiveness when changing the application seasons, others suggest avoiding summer and fall applications, especially of nitrogen, to minimize late growth that could be winterkilled. In sandy soils, some say nitrogen is best applied just before growth starts in spring to minimize loss by leaching before the tree can use it. Another recommendation is to apply nitrogen at the time of burgeoning spring growth, when tree needs are greatest and nitrogen uptake will be most efficient. Until more research gives solid answers, it seems we can fertilize trees, moderately, at any time.

Application Methods

Surface broadcasting of granular fertilizer is the easiest application method. It works well for nitrogen fertilizers, because nitrogen is soluble in water and will quickly enter the soil after rain or watering. Insolubles such as phosphorus, potassium, and most minor elements should be applied by other means.

If there is a sizable mulched area beneath a tree, scatter nitrogen atop the mulch by hand at any time. If grass is under the tree, apply nitrogen uniformly with a mechanical spreader in late winter or very early spring when grass is dormant. The grass should be dry at the time of application. Sprinkle with water slowly and thoroughly immediately, and again the following day, to soak the fertilizer down into the soil.

Drill Hole Fertilization

To apply insoluble or slow-release formulations of fertilizer, or nitrogen during the grass-growing seasons, the drill hole method is often chosen. Use a two-inch diameter bit in an electric or gasoline-powered drill. Never drill in wet soil or use a punch bar at any time—the sides of the hole will be compacted. Make holes a foot deep and two or three feet apart, beginning three feet from the trunk of a smaller tree, six feet for a large tree, and extending into a circle well beyond the dripline. Count the holes, estimate the surface area, and apportion the fertilizer to each hole.

In lawn areas, if the figured amount of fertilizer will fill the holes more than two-thirds full, drill more holes. The fertilizer must be

spills and a measuring cup to ensure even distribution. The holes may be topped with coarse sand or mulch, or left alone—they are not a hazard and will gradually disappear.

Other Application Methods

The high-pressure injection of fertilizer solutions into the soil requires several applications over a growing season to be effective, but is often combined with waterings. The fertilizer can be applied by commercial operators with proper equipment. Foliage application of soluble fertilizer is expensive and is used as a short-term treatment of certain deficiencies. Sometimes a foliar-spray test is advisable—if the sprayed material corrects the tree's symptoms even briefly, it indicates the probable efficacy of soil application of the same element.

Trunk implants of fertilizer are available, more sophisticated trunk injection systems usually require licensed operators. Both are short-term methods that injure a tree and create the possibility of decay. But if a tree's roots are surrounded by paving or buildings, trunk treatment may be the only method available.

Vertical Mulching

Recent tests showed that if trees growing in poorly drained soil simply had holes drilled in the surrounding soil, they responded as well or better than similar trees with fertilizer placed in the holes. Drilling these holes is called vertical mulching by some arborists, and perhaps the term refers to the mulch material sometimes put into the holes. By whatever name, it is a great boon to trees that are sulking in heavy soil.

Residents/Homeowners
5900 Block Johnson Street
Baltimore, MD 21228
September 2, 2005

Department of Permits and Development
Management County Office Building
111 West Chesapeake Ave
Towson, MD 21204
Case#06-108-A
Pursuant to Section 26-127(b) 1

To Whom It May Concern:

We the residents/homeowners of the 5900 block Johnson Street oppose the zoning-rezoning, special variance, or any consideration to the completion or construction of building at 5900 Johnson Street. We the residents/homeowners feel that the construction of this building or any building resembling this type of building is destructive to the value of our neighborhood.

Opposed

<u>Name</u>	<u>Address</u>	<u>City/State</u>	<u>Zip</u>	<u>Date</u>
Mr & Mrs John R. Gifford	5901 Johnson St	Balt	21228	9-2-05
RICHARD & HEATHER FELL	5909 JOHNSON ST	BALTO.	MD 21228	9-3-05
Vince & Leta Shepard	5908 Johnson St.			9-9-05
Erin [Signature]	5910 Johnson St.			
Dea [Signature]	5918 Johnson St.	Balt.	MD 21228	

PROTESTANT'S

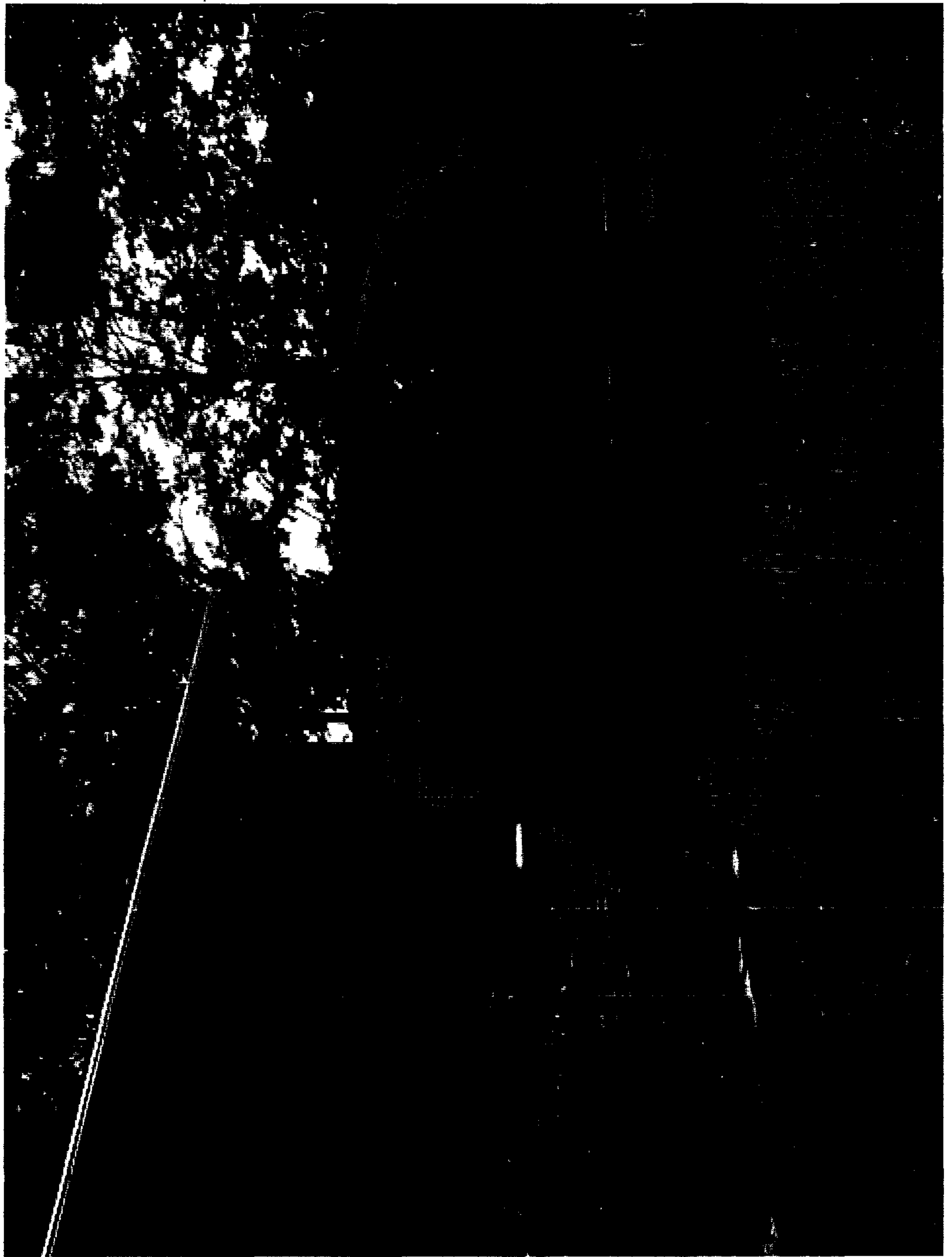
EXHIBIT NO. 2

P.S. -

There are eight homes with Johnson Street Addresses.
The signatures above represent 75 percent of the land.

9-14-05

Respectfully yours,
John R. Gifford



Date : 8/2/05

Address: 5900 Johnson St 21228

Case #: 05-0212

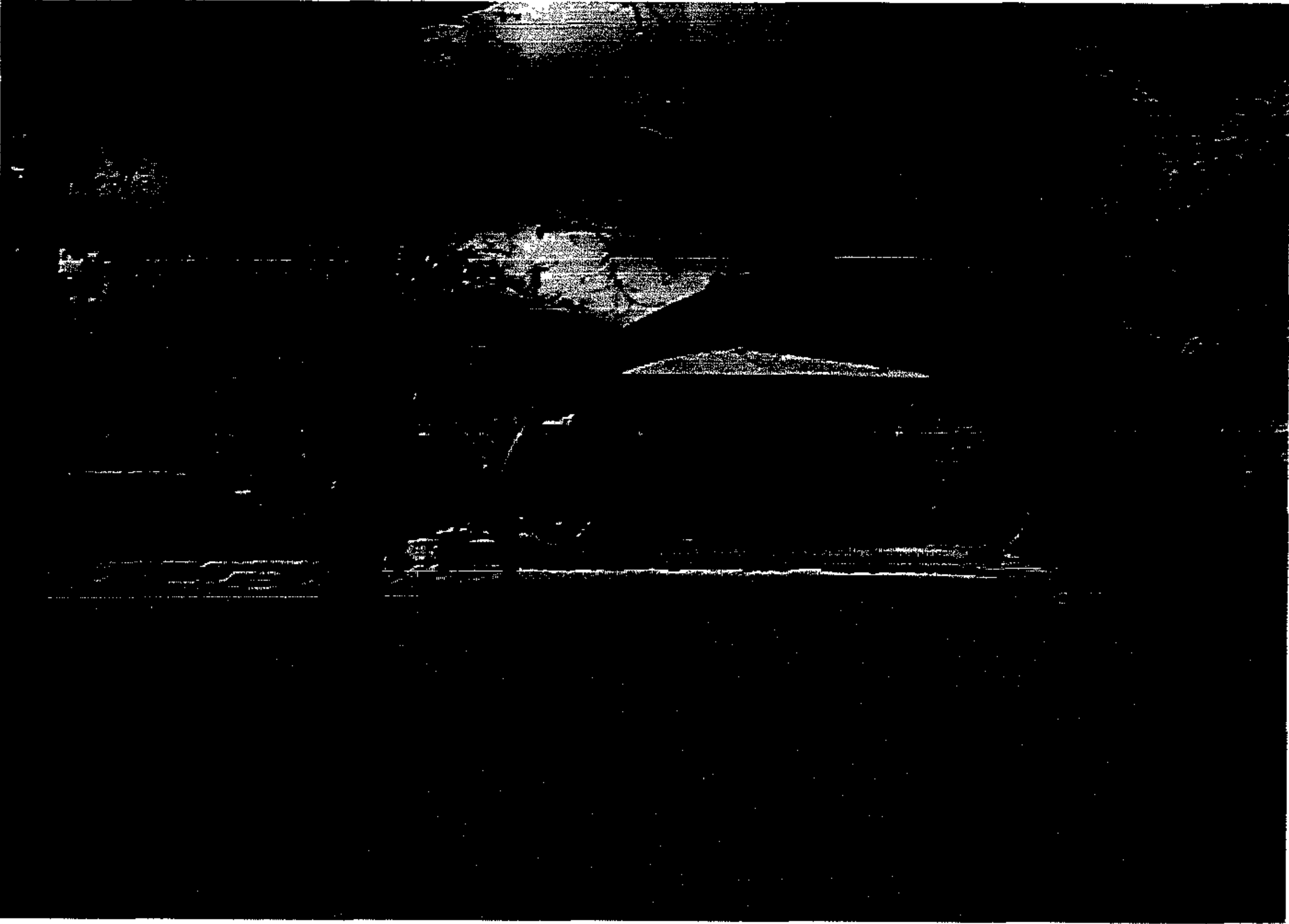


Date: 8/2/05
Address: 5900 Jonson St 21228
Case #: 05-0212

Citation # 05-0212

date - 3/1/05

Address: 5900 Johnson ST

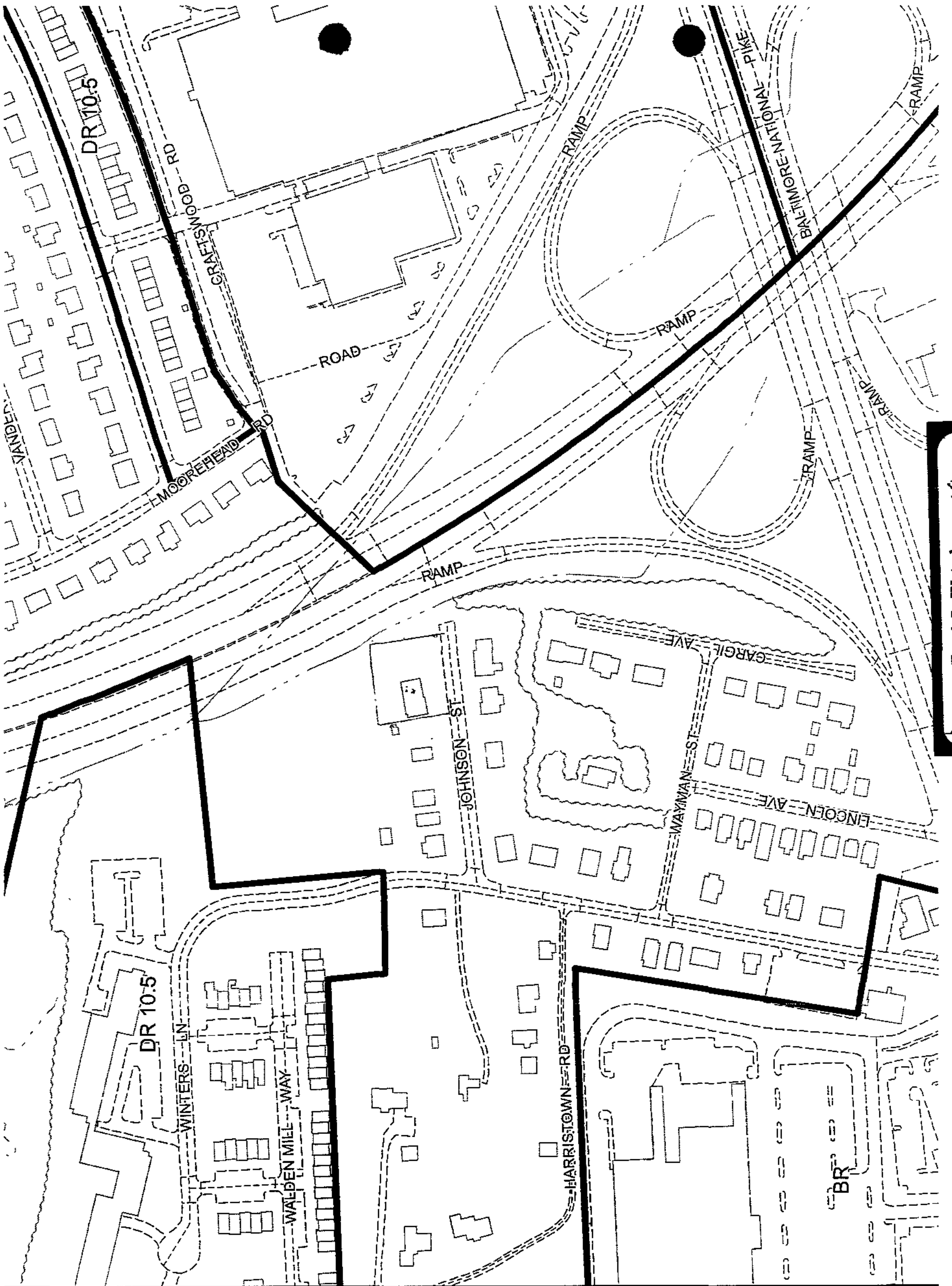


citation # 05-0212

date - 3/1/05

Address - 5900 Johnson St





Frank L. Waterhouse Sr.
5900 Johnson St.
Baltimore, MD 21228-2823

Map # 095 A 3

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

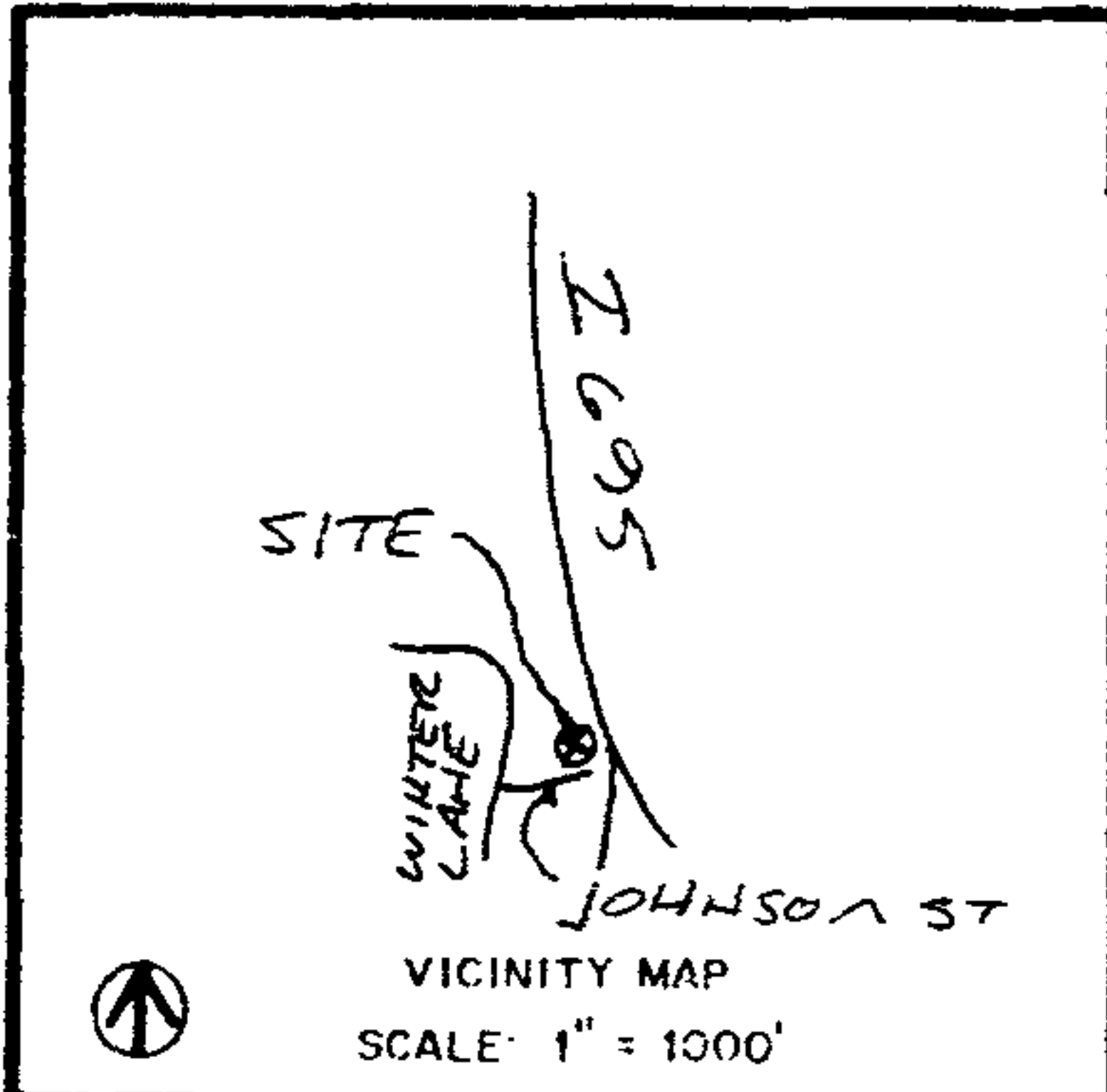
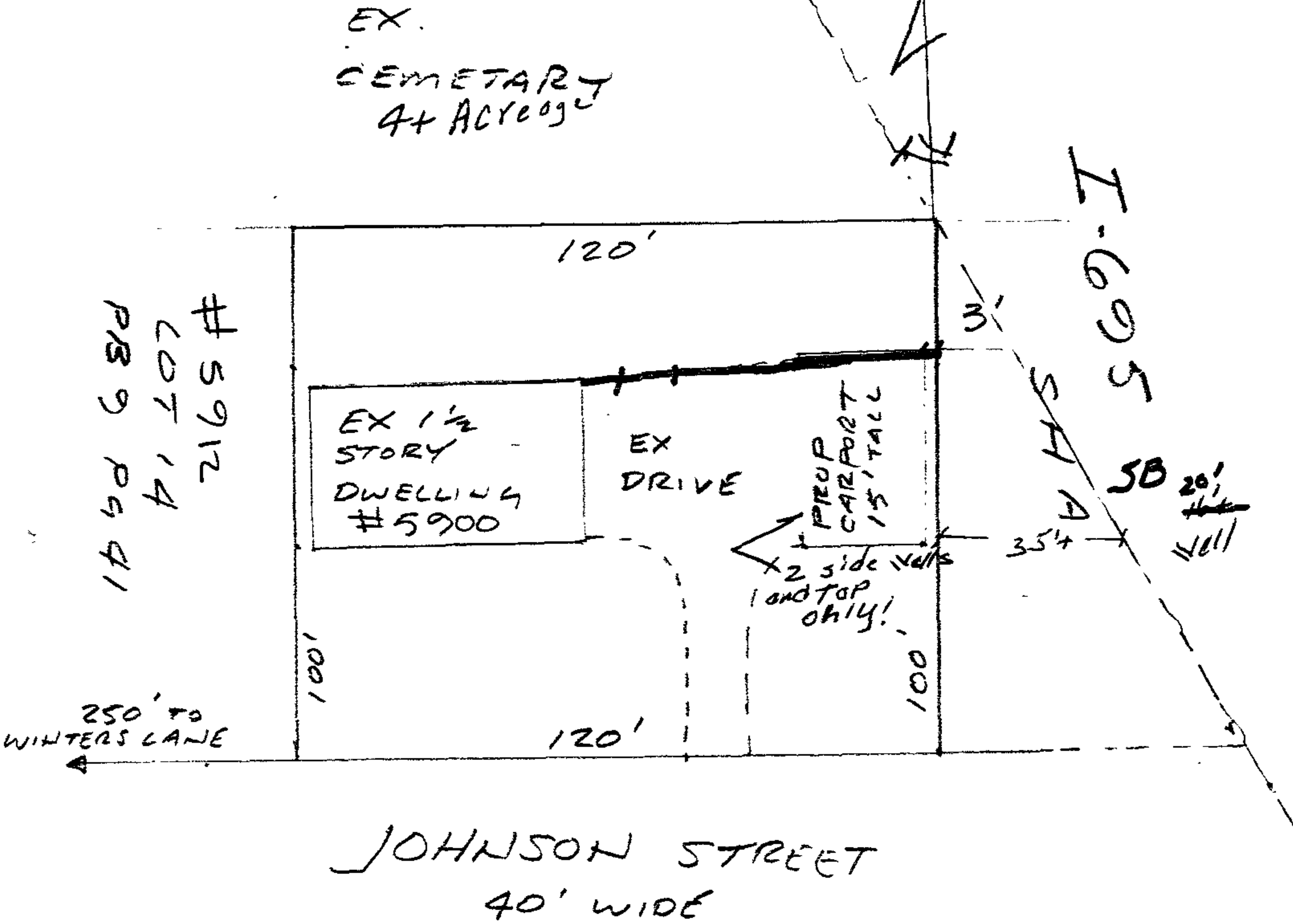
PROPERTY ADDRESS 5900 JOHNSON ST

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME CATONSVILLE PINES

PLAT BOOK # 9 FOLIO # 41 LOT # 15-20 SECTION #

OWNER FRANK WATERHOUSE SR



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1"=200' SCALE MAP # 095A3

ZONING DR 5.5

LOT SIZE 13,200 SQUARE FEET

	ACREAGE	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 LT ITEM # CASE #

PETITIONER'S

EXHIBIT NO. 1

SCALE 1" = 30'