

IN THE MATTER OF
THE APPLICATION OF
KEVIN GEROLD - LEGAL OWNER
/ PETITIONER FOR VARIANCE ON
PROPERTY LOCATED ON THE NW/S OF
HART ROAD, 2,125' E OF DENBY ROAD
(1212 HART ROAD)

9TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 06-471-A

* * * * *

ORDER OF DISMISSAL

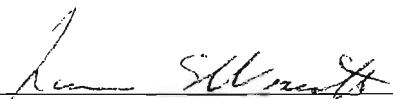
This matter comes to the Board of Appeals by way of an appeal filed by J. Carroll Holzer, Esquire, on behalf of Lawrence Williams, Appellant /Protestant, from a decision of the Deputy Zoning Commissioner dated June 8, 2006, in which the requested zoning relief was granted with conditions.

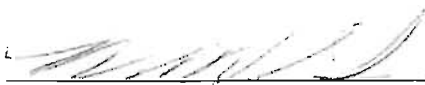
WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed on May 2, 2007 via facsimile by J. Carroll Holzer, Esquire, on behalf of Lawrence Williams, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of May 2, 2007 based upon the fact that the matter is now moot,

IT IS ORDERED this 16th day of May, 2007 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 06-471-A be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott


Wendell H. Grier

Edward W. Crizer, Jr.



LAW OFFICES

J. CARROLL HOLZER, PA

J. EDWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

~~XXXXXXXXXXXX~~

jcholzer@cavtel.net

May 2, 2007
#7629

Ms. Kathleen Bianco, Administrator
Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204

RE: *In the Matter of: Kevin Gerhold*
1212 Hart Road
Case No.: 06-471-A

Dear Ms. Bianco:

Please be advised that I received a Notice scheduling the above-captioned case for Tuesday, May 22, 2007 at 10:00 a.m.

Please be advised that I represent Lawrence Williams, the Appellant in this case who has requested that I move to dismiss this appeal based upon the fact that the matter is now moot.

Please consider this letter a Request to Withdraw this appeal and pass an Order accordingly.

Thank you for your cooperation.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Mr. Kevin Gerhold
Mr. Lawrence Williams

6/13/06

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S of Hart Rd., 2,125 feet east
of Denby Road
(1212 Hart Road)

9th Election District
3rd Councilmanic District

Kevin Gerold
Petitioner

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* Case No.: 06-471-A
*

* * * * *

NOTICE OF APPEAL

Lawrence Williams, 1210 Hart Road, Towson, MD 21286, Appellant in the above captioned matter, by and through his attorney, J. Carroll Holzer and Holzer and Lee, feeling aggrieved by the decision of the Deputy Zoning Commissioner in Case No. 06-471-A, hereby notes an appeal to the County Board of Appeals from Findings of Fact and Conclusions of Law of the Deputy Zoning Commissioner of Baltimore County dated June 8, 2006 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellant's check made payable to Baltimore County to cover the costs of the appeal. Appellant was a party below and fully participated in the proceedings.

Respectfully submitted,


J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellant

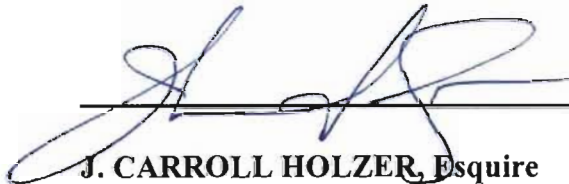

Per
JUN 13 2006
RECEIVED

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of June, 2006, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Kevin Gerold, 1212 Hart Road, Towson, MD 21286; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, M, 21204.



J. CARROLL HOLZER, Esquire

6/1/06

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S of Hart Road, 2,125 feet east
of Denby Road
9th Election District
3rd Councilmanic District
(1212 Hart Road)

Kevin Gerold
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-471-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Kevin Gerold. The variance request is for property located at 1212 Hart Road in the Towson area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (garage) with a height of 30 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 14, 2006.

Formal Demand for Public Hearing

On April 18, 2006, Lawrence W. Williams, 1210 Hart Road, filed a formal demand for public hearing. The hearing is scheduled for May 31, 2006 at 11:00 am in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD.

Applicable Law

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

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

NOTED FOR FILING
6-7-06
PZ

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated April 17, 2006, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Bill Fannon and Kevin Gerold, Petitioner. Appearing in opposition to the request was Lawrence Williams who was represented by J. Carroll Holzer, Esquire. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property contains 1.75 acres zoned DR 1 which is improved by the Petitioner's home. The Petitioner would like to build a second garage as the existing garage is for a single car and is too small to be practical. The Petitioner proposed a two car garage which would not require a height variance. However when the architect looked at the peaked roof design of the existing home, he recommended that a similar roof structure be added to the new garage. While this would make the new garage more compatible with the home, it raised the height to 26 feet.

RECEIVED FOR FILING
JUN 1 2006
BY [signature]

The Petitioner agreed to the Planning Office comment that the new garage not be used for commercial purposes, but objected to the restriction of no sleeping quarters, living area and bathroom facilities because the Petitioner may someday want to use the second floor as a guest room.

Upon questioning, the Petitioner admitted that this is one lot in a three lot subdivision, that the other lots were built out and generally similar with different sizes. He noted that the existing garage is 18 ft. x 18 ft. and is too small to be considered a two car garage with storage and other uses. He denied there was any other location which the new garage could be built. He also indicated that he had no need for a guest room presently but would like the option in the future. He admitted that this subdivision has private covenants which may control this proposal but has not yet submitted this proposal to the review committee.

Mr. Williams, an adjacent property owner who would be most affected by the new garage, presented aerial photographs of the neighborhood and photographs of the Petitioner's and his properties. See protestant's exhibits 1 and 2. He indicated that the height of the new garage would dominate his back yard and block his view of the trees in the rear of the subdivision. He also was worried about allowing someone to occupy the second floor of the garage as this would decrease his privacy, reduce the value of his property and encourage sale of the house in the future as having two dwellings.

In rebuttal Mr. Gerold indicated that he has four to five vehicles parked in the driveway at this home and would like to store at least some of these in the new garage. In addition he presented photographs of the Williams' home which showed there were no windows on the Williams' house on the Petitioner's side.

Mr. Gerold admitted that there would be windows on the front of the new garage on the second floor which he described as needed for architectural purposes.

Mr. Holzer argued that the Petitioner's property was not unique from a zoning standpoint, there was no hardship or practical difficulty and that the request at best is a self created hardship.

Findings of Fact and Conclusions of Law

As mentioned at the hearing, the case of *Cromwell v Ward* traditionally has been held to require some physical anomaly on the property in order to qualify as unique in a zoning sense. Those anomalies include the shape of the lot, environmental constraints, streams or water on the property etc. However almost all involve the horizontal plane. This request for variance is a vertical dimension and so it is difficult to see how any height variance could ever be granted if only horizontal impact are counted. I suppose that the property could lie on the side of a hill and therefore some vertical impediment exist but for the vast majority of cases, the subject property is flat and the lot is rectangular. If so, no height variances.

Yet height variances are specifically recognized in Section 307 of the BCZR at least three times. This Section surely allows height variances. Section 307 simply requires "special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request". So what in a vertical plane is peculiar to the land or structure? In my mind the roof line of the existing house is just such a peculiarity in the sense that any new structure on the property must match the roof line to be compatible architecturally. Therefore I find the property unique in a zoning sense and the regulations disproportionately impact the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Obviously the Petitioner could not build his garage.

The difficult question is whether or not the this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury

to the public health, safety and general welfare? First I note that Mr. Williams has a three car garage as shown in Petitioner's photographs exhibit 3 A. I also see that Mr. Williams has no windows on the side of his house from which he can see the new garage. He has windows on the rear of the house and may get a glimpse of the new garage if he looks sharply to the right but I do not see the garage blocking his view of the rear forest in any practical way.

On the other hand I am always concerned when someone says they may want a second floor use of an accessory building as a guest room. This can lead to second dwelling on the property, zoning violations and real headaches in the future. Also a garage strictly for storage is not going to dominate the Williams' back yard where an occupied guest room will decrease the Williams' privacy.

Considering all of the evidence and argument, I will grant the variance request for a height of 26 feet for the new garage but will impose the full Planning Office comments as a condition.

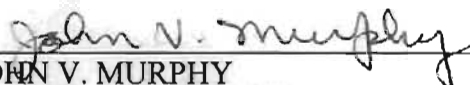
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8th day of June, 2006, that an administrative variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (garage) with a height of 26 feet in lieu of the maximum allowed 15 feet.

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

2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 7, 2006

KEVIN GEROLD
1212 HART ROAD
TOWSON, MD 21286

Re: Petition for Administrative Variance
Case No. 06-471-A
Property: 1212 Hart Road

Dear Mr. Gerold:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure

C: Bill Fanon, 1901 Green Hill Road, Jarrettsville, MD 21084
Lawrence W. Williams, 1210 Hart Road, Towson, MD 21286
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1212 HART RD. TOWSON
which is presently zoned DR 1

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)

400.3, BC2R, to permit a proposed
accessory building (garage) with a height of 30 feet in lieu of the maximum
allowed 15 feet.

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

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 6-7-06 day of June, 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. 06-471-A

Reviewed By JNP Date 3/28/06

REV 10/25/01

Estimated Posting Date 4/9/06

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

1212 HART ROAD
TOWSON, MD 21286
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. We plan to construct a garage with loft storage. We need to create an area for a workshop & lawn equipment w/ material storage above.
2. This will be detached building 30 feet tall which exceeds the height restriction set by the local zoning code.
3. We reside within a minor subdivision where several large towers & satellite equipment exist. These public facilities include large outbuildings as well.
4. We want to be careful to match the style & architecture of this building w/ that of our existing home. The current design will allow us to accomplish these goals.

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.

Signature

Kevin B Gerold
KEVIN GEROLD

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of February, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

Elizabeth J. Turner
8/1/08

6-7-06

12/6

06-471

Zoning Description

This is a Zoning Description for:

1212 Hart Road Towson, MD 21286-1632

Beginning at a point on the Northwest side of Hart Road on which the property fronts which is 16 feet wide and 2135 feet east along Hart Road from the centerline of Denby Road which is 30 feet wide.

This property is lot number 2 in Minor Subdivision named: 1102 Hart Road (98-056-M). ~~Record~~ The deed exists in Book No. 14674 and begins on page 453. This is parcel number 473.

From this Point of Beginning the typical metes and bounds are as follows: N29°49'13"E for 137.20 FT, then N32°35'24"E for 85.00 FT, then N29°56'15"W for 464.5 FT, then S69°29'57"W for 105.00 FT, then S21°13'38"E for 597' FT. returning to the Point of Beginning.

PREPARED BY: J. H. HARRIS
DATE: 10-7-06
BY: [signature]

06-471-A

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 06-471-A

1212 Hart Road

Northwest side of Hart Road, 2,135 feet east of Denby Road

9th Election District — 3rd Councilmanic District

Legal Owner(s): Kevin Gerold

Variance: to permit a proposed accessory building (garage) with a height of 30 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, May 31, 2006 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 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 5/674 May 16

95277

CERTIFICATE OF PUBLICATION

5/18/2006

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 5/16/2006.

- ☒ 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: 5/15/06

Case Number: 06-471-A

Petitioner/Developer: KEVIN GEROLD--JOHN FOX OF POST & BEAM, DESIGN-BUILD--LAWRENCE WILLIAMS

Date of Hearing (Closing): 05/31/06

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: 1212 HART ROAD

The sign(s) were posted on: 5/14/06

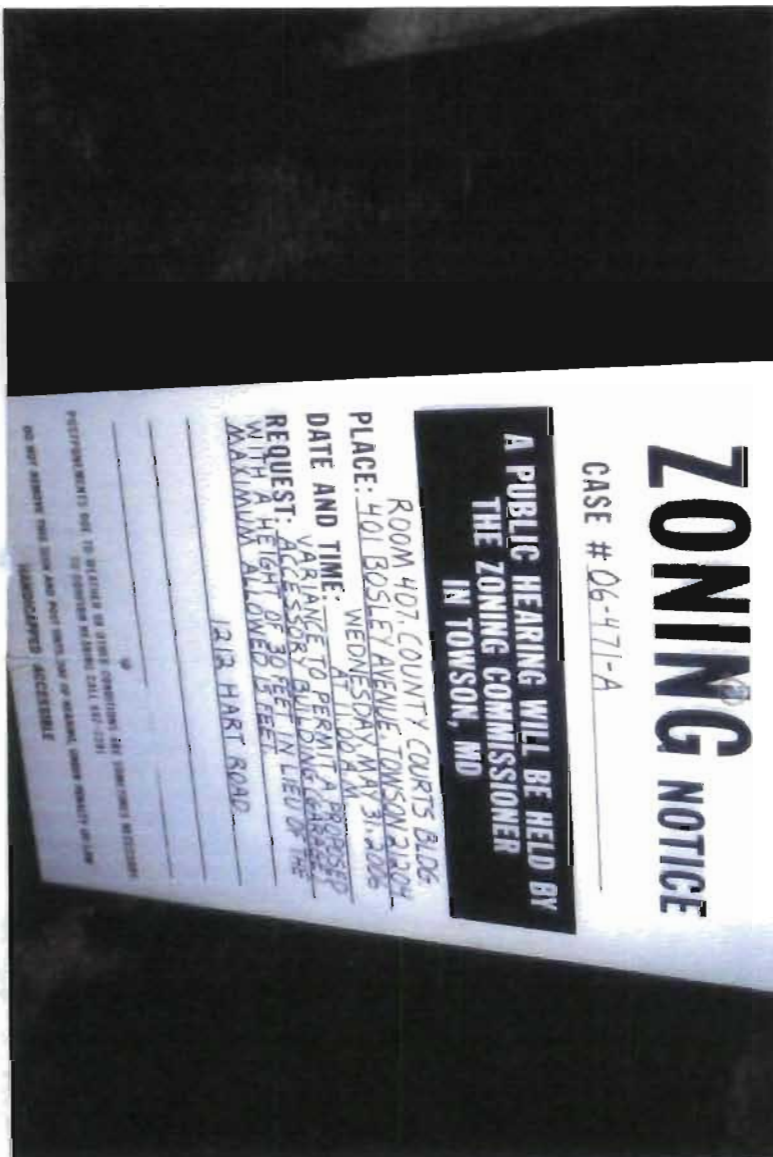
Linda O'Keefe
(Signature of Sign Poster)

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)



CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 4/11/07

Case Number: 06-471-A

Petitioner/Developer: KEVIN GEROLD- JOHN FOX OF POST & BEAM DESIGN & BUILD

Date of Hearing (Closing): 04/24/06

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: 1212 HART ROAD

The sign(s) were posted on: 4/8/06



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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 5/15/06

Case Number: 06-471-A

Petitioner/Developer: KEVIN GEROLD--JOHN FOX OF POST & BEAM, DESIGN-BUILD--LAWRENCE WILLIAMS

Date of Hearing (Closing): 05/31/06

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: 1212 HART ROAD

The sign(s) were posted on: 5/14/06

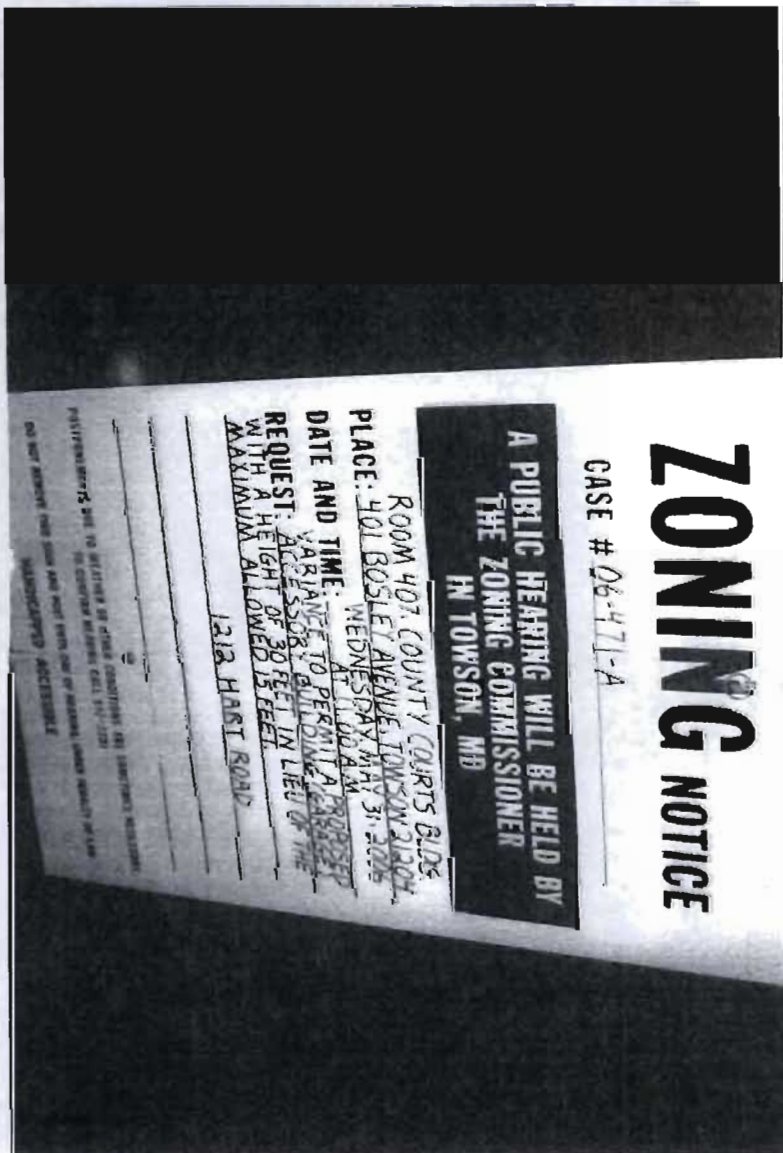
Linda O'Keefe
(Signature of Sign Poster)

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)



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

No. 4989

DATE

3/28/06

ACCOUNT

R-001-001-6150

AMOUNT

\$ 65.00

RECEIVED
FROM:

Kevin Gero

FOR:

Adm. Union - 1212 Hart Road

DB-471-A (GERO)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DSW

3/29/2006 3/29/2006 09:45:47 1

REG NO01 MALKIN JRIC JHR

RECEIPT # 279124 3/29/2006 OFLP

Dept 5 520 ZONING VERIFICATION

CR NO. 000000

Recpt Tot 165.00

165.00 CR 1.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5901

DATE 10/13/06 ACCOUNT 001-006-6030

AMOUNT \$ 400.00

RECEIVED FROM: J. Canoll

FOR: Appeal 106-471-A)

217 Hart Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS

DATE

DEBIT

RECEIVED

AMOUNT

DATE

RECEIVED

DATE

RECEIVED

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 16, 2006 Issue - Jeffersonian

Please forward billing to:
Kevin Gerold
1212 Hart Road
Towson, MD 21286

410-583-9848

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: 06-471-A

1212 Hart Road

Northwest side of Hart Road, 2,135 feet east of Denby Road

9th Election District – 3rd Councilmanic District

Legal Owner: Kevin Gerold

Variance to permit a proposed accessory building (garage) with a height of 30 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, May 31, 2006 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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 471 -A Address 1212 Hart Road

Contact Person: Jeffrey Penlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/28/06 Posting Date: 4/9/06 Closing Date: 4/24/06

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- 471 -A Address 1212 Hart Road

Petitioner's Name Kevin Gerold Telephone 410-583-9848

Posting Date: 4/9/06 Closing Date: 4/24/06

Wording for Sign: To Permit a proposed accessory building (garage) with a height of 30 feet in lieu of the maximum allowed 15 feet.

WCR - Revised 6/25/04

**Department of Permits and
Development Management**

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



Baltimore County

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

April 27, 2006

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: 06-471-A

1212 Hart Road

Northwest side of Hart Road, 2,135 feet east of Denby Road

9th Election District – 3rd Councilmanic District

Legal Owner: Kevin Gerold

Variance to permit a proposed accessory building (garage) with a height of 30 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, May 31, 2006 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: Kevin Gerold, 1212 Hart Road, Towson 21286
John Fox, P. O. Box 21050, Forest Hill 21050
Lawrence Williams, 1210 Hart Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 16, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

APPEAL SIGN POSTING REQUEST

CASE NO. 06-471-A

1212 HART ROAD

9TH ELECTION DISTRICT

APPEALED: 6/13/2006

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

map 27 J3

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-471-A

LEGAL OWNER: KEVIN GEROLD

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

1212 HART ROAD

The sign was posted on 9/20, 2006.

By:

[Signature]
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 16, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-471-A

IN THE MATTER OF: KEVIN GEROLD – Legal Owner /Petitioner
1212 Hart Road 9th E; 3rd C

6/08/06 – D.Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

ASSIGNED FOR:

TUESDAY, MAY 22, 2007 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Protestant
Appellant /Protestant

: J. Carroll Holzer, Esquire
: Lawrence Williams

Petitioner /Legal Owner

: Kevin Gerold

Bill Fannon
Dave Wright

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

*WLD by Appellant
5-02-07*

**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

May 25, 2006

Kevin Gerold
1212 Hart Road
Towson, MD 21286

Dear Mr. Gerhold:

RE: Case Number: 06-471-A, 1212 Hart Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2006.

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:amf

Enclosures

c: People's Counsel
John Fox P.O. Box 21050 Forest Hill 21050

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



jm *Formal Demand* *5/31*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 17, 2006

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

SUBJECT: 6-471 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 30 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:

Curtis Hughey

Section Chief:

Lynn Janham

AFK/LL: CM

RECEIVED

APR 24 2006

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date: 4.10.06

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

RE: Baltimore County
Item No. 471 JHP

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

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

April 11, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 10, 2006

Item Numbers: 471-483

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 14, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2006
Item Nos. 471, 473, 476, 477, 478, 479,
480, 481, and 483

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-04142006.doc

APPEAL

Petition for Administrative Variance
1212 Hart Road
NW Hart Road, 2,125 feet E/ of Denby Road
9th Election District – 3rd Councilmanic District
Legal Owners: Kevin Gerold

Case No.: 06-471-A

Petition for Administrative Variance (April 9, 2006)

Zoning Description of Property

Formal Demand for Hearing – April 18, 2006 – Lawrence Williams

Notice of Zoning Hearing (April 27, 2006)

Certification of Publication (The Jeffersonian – May 16, 2006)

Certificate of Posting (May 14, 2006) by Linda O'Keefe

Entry of Appearance by People's Counsel (None in file)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None in file

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plat
2. Declaration of Covenants, Conditions, Restrictions & Easements

Protestants' Exhibits:

1. Aerial Photo
2. Photographs (A thru C)
3. Letter dated May 25, 2006 in opposition from Thomas Sperl
Photograph

Miscellaneous (Not Marked as Exhibit)

Deputy Zoning Commissioner's Order (GRANTED w/conditions – June 8, 2006)

Notice of Appeal received on June 13, 2006 from J. Carroll Holzer on behalf of Kevin Gerold

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Kevin Gerold, 1212 Hart Road, Towson 21286
Bill Fanon, 1901 Green Hill Road, Jarrettsville 21084
Lawrence Williams, 1210 Hart Road, Towson 21286
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286

date sent July 17, 2006, klm

CASE #: 06-471-A

IN THE MATTER OF: KEVIN GEROLD – Legal Owner /Petitioner
1212 Hart Road 9th E; 3rd C

VAR – To permit a proposed accessory building (garage) with a height of 30' into maximum allowed 15'.

6/08/06 – D.Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

4/16/07 --Notice of Assignment sent to following; assigned for hearing on Tuesday, May 22, 2007 at 10:00 a.m.:

J. Carroll Holzer, Esquire
Lawrence Williams
Kevin Gerold
Bill Fannon
Dave Wright
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

5/02/07 – Letter of withdrawal of appeal filed by J Carroll Holzer, Esquire on behalf of Lawrence Williams, Appellant. Order of Dismissal to be issued; case pulled from 5/22/07 schedule.

**Department of Permits and
Development Management**

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



Baltimore County

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

April 27, 2006

Kevin Gerold
1212 Hart Road
Towson, MD 21286

Dear Mr. Gerold:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-471-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand concerning the above-proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: John Fox, Post & Beam, P.O. Box 190, Forest Hill 21050
Lawrence Williams, 1210 Hart Road, Towson 21286

**Department of Permits and
Development Management**

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



Baltimore County

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

July 17, 2006

Kevin Gerold
1212 Hart Road
Towson, MD 21286

Dear Mr. Hart:

RE: Case: 06-471-A, 1212 Hart Road

Please be advised that this office received an appeal of the above-referenced case in this office on June 13, 2006 from J. Carroll Holzer on your behalf. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3130.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Bill Fanon, 1901 Green Hill Road, Jarrettsville 21084
Lawrence Williams, 1210 Hart Road, Towson 21286
J. Carroll Holzer, 608 Fairmount Avenue, Towson 21286

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



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KEVIN B. GEROLD, LLC
ATTORNEY AT LAW

1212 HART ROAD
TOWSON, MARYLAND 21286-1632
TELEPHONE (410) 583-9848
FACSIMILE (410) 583-9875
E-MAIL LawOffice@kgerold.com

May 1, 2007

Kathleen Bianco, Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Case #: 06-471-A
IN THE MATTER OF: KEVIN GEROLD—LEGAL OWNER/PETITIONER
1212 Hart Road, 9th E; 3rd C

Dear Mr. Smith:

With regard to Case #: 06-471-A, I wish to withdraw my petition for a zoning variance to construct an accessory building (garage) exceeding the existing maxim allowed height of 15 feet.

As a consequence of the unfavorable restrictions imposed by the Zoning Commissioner, and Mr. Williams' continued objections to the variance, I revised the proposed plan and attached the structure to the house with a breezeway. Attaching the proposed structure to the house brought the proposed structure into conformity with existing zoning codes and the need for the zoning variance became moot. The County issued a building permit (#B635884) for the revised design on June 29, 2006.

Sincerely,



Kevin B. Gerold



Zoning Review Office
Baltimore County Office Building, Room 111
Towson, Md. 21204

C
4/15/06

Re: 1212 Hart Rd. Administrative Variance
Case # 06-471-A

To whom it may concern,

Please note that I am the owner of 1210 Hart Rd. and my property borders the above referenced case.

I object to this variance being approved to allow for a second floor above a proposed garage/out building at 1212 Hart Rd.

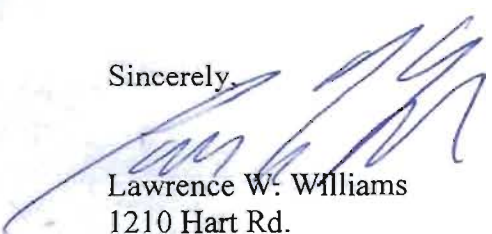
Not only is the owner of 1212 Hart Rd. requesting a variance to double the maximum allowable height of this structure from fifteen feet to thirty feet but there is the potential for the second floor of this structure to be later used for residential or business purposes.

The property owner of 1212 Hart Rd. presently has a perfectly good attached garage to the main home just like everyone else in the community. This proposed two story structure would tower over my backyard and potentially cause harm to the value of my contiguous property.

Lastly there isn't a health or safety need for this variance only a perceived economic savings for the owner of 1212 Hart Rd. This is what leads me to believe there are future plans to use this unnecessarily large building for some other financial purpose.

Enclosed please find my check for \$50.00 to request a hearing concerning this matter.

Sincerely,



Lawrence W. Williams
1210 Hart Rd.
Towson, Md. 21286
410-828-9412

RECEIVED

APR 18 2006

Per KLM

11/22/06

Linda:

RE: Case No. 06-471-A /In the Matter of: Kevin Gerold, Legal Owner

This morning, I sent a copy of Carroll Holzer's appeal and Jack's Order to a Mr. Dave Wright, PO Box 42042, Towson, 21284.

He indicated that he had spoken to someone who was sending it to him – I told him the mail was quite a problem lately – and that I would send a duplicate, just in case.

In looking at the file for him, I noticed that the cover sheet from Zoning indicates that Carroll took the appeal on behalf of Mr. Gerold. However, the Notice of Appeal indicates that Carroll is representing Lawrence Williams, a neighbor to Mr. Gerold who appeared in opposition below. Carroll also represented Mr. Williams before Jack.

Also note that Tim's letter went to Mr. Gerold, indicating that the appeal was filed on his behalf. Again, reading Carroll's Notice, that doesn't appear to be the case.

You may want to check your docket entry to be sure we have the correct Appellant. I've made a red-ink change to the file.

thanks

kathi

*If I
change my
docket entries
to Lawrence Williams
Linda -
This file can go to the
back of drawer 2 in cabinet
the closet - "waiting to
be scheduled"
Kathi*

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
REQUESTED COPY

DATE: November 22, 2006

TO: Dave Wright
P.O. Box 42042
Towson, MD 21284

FROM: Kathleen Bianco, Administrator
County Board of Appeals

SUBJECT: Case No. 06-471-A /In the Matter of: Kevin Gerold, Legal Owner 1212
Hart Road

Attached are the following documents that you requested by telephone this date:

- Copy of the Notice of Appeal filed by J. Carroll Holzer, Esquire, on behalf of Lawrence Williams, Appellant; and
- Copy of Deputy Zoning Commissioner's decision.

Should you have any further questions, please don't hesitate to contact this office.

Attachments (2)

*Cover-Linda
fui*

CASE NAME _____
CASE NUMBER _____
DATE _____

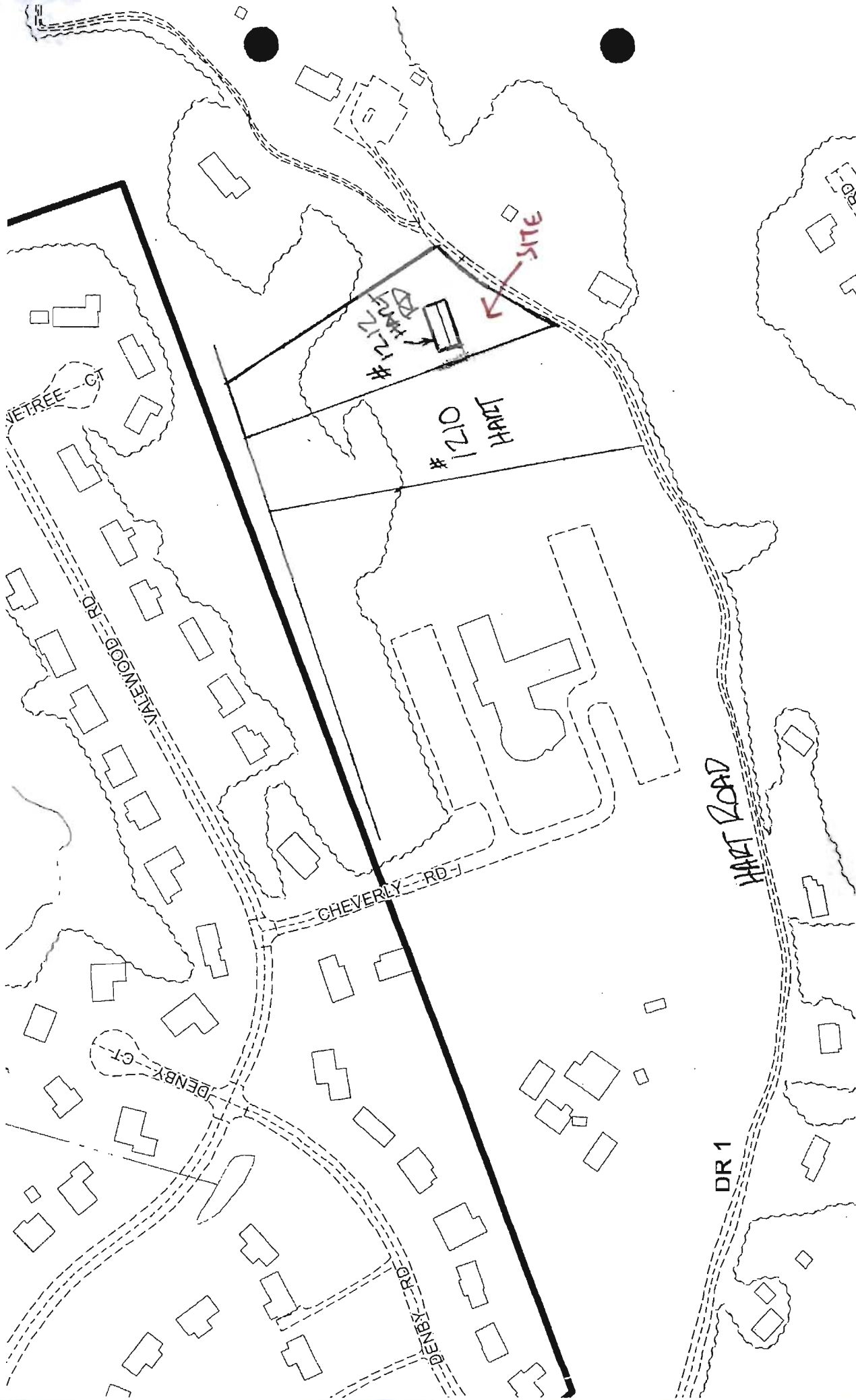
[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

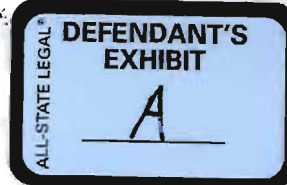
[illegible]

MAP # 061C3



MAP # 061C3

06-471-A



DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS

THIS DECLARATION, dated October 7, 1998, by G. H. DEVELOPMENT CORP., (the "Owner") and ROBERT A. WILLIAMS and DEBORAH A. EPPS, ("Trustees").

RECITALS

A. Owner owns a tract of land located in Baltimore County, Maryland. The tract (hereinafter called the "Property") consists of all of the land shown on the minor subdivision plat entitled "Minor Subdivision Plan #1102 Han Road" recorded with the title deed to the Property to be recorded among the Land Records of Baltimore County, Maryland, (the "Plat"), a copy of which Plat is incorporated herewith as Exhibit A, and is described in the Title Deed recorded as aforesaid in the Land Records of Baltimore County, Maryland.

B. The Company desires to subject the Property, and the three (3) lots located therein (the "Lots"), to the covenants, conditions, restrictions, and easements set forth below, which are for the purpose of protecting the value and desirability of the Property and the Lots.

C. The Trustees are the holder of a Deed of Trust to be recorded among the Land Records of Baltimore County. The Trustees are joining in this Declaration for the purposes of subordinating the Deed of Trust to the legal operation and effect of this Declaration.

D. The Owners and the Trustees hereby declare that the Property shall be held, sold, and conveyed subject to the Covenants, Conditions, Restrictions, and Easements set forth below.

ARTICLE I. COVENANTS, CONDITIONS, AND RESTRICTIONS

1. The Lots and any building or structure now or hereafter erected on a Lot shall be occupied and used for single family residence purposes only, and no building shall be erected, altered, placed, or permitted to remain on any Lot, except as follows

(a) One (1) Real estate sales, management, and construction office may, with the prior written consent of Owner, may be erected, maintained, and operated on any Lot or in any building or structure now or hereafter erected on any Lot provided the office is used solely in connection with the development of the Property or the construction of improvements on the property.

Pet #2

2. No building, fence, hedge, privacy enclosure wall, retaining wall, driveway, sign, swimming pool, tank, hot tub, greenhouse, free standing mailbox, gazebo, or structure of any kind (collectively called "Structures") shall be commenced, erected, or maintained on the Property, until the plans and specifications, in duplicate, showing the nature, kind, shape, height, materials, color, locations, and approximate cost of the Structure shall have been submitted to and approved in writing by the Owner. The Owner shall consider applications for approval of plans, specifications, etc., upon the basis of conformity with this Declaration and shall be guided by the extent to which the proposed Structure will insure conformity and harmony in exterior design and appearance, based upon, among other things, the following factors: the quality of workmanship; nature and durability of materials; harmony of external design with existing Structures; choice of colors; changes in topography, grade elevations, and/or drainage; factors of public health and safety; the effect of the proposed Structure, addition, or alteration on the use, enjoyment, and value of other neighboring properties, and/or on the outlook or view from adjacent or neighboring properties; and the suitability of the proposed Structure, taking into account the general aesthetic values of the surrounding area.

3. No animals may be kept, maintained, or bred on any Lot or in any dwelling houses or Structure erected thereon, except that no more than two dogs, cats, or similar domestic household pets may be kept on a Lot provided they are not kept, bred, or maintained for any commercial purpose and provided further that they are kept in such a manner as to avoid becoming a nuisance to neighbors or adjoining property owners.

4. No nuisance shall be maintained, allowed, or permitted on any part of the Property, and no use thereof shall be made or permitted which may be noxious or detrimental to health.

5. Each Lot and the Structures thereon shall be kept in good order and repair and free of debris; lawns shall be seeded and mowed, shrubbery trimmed, and painted exterior surfaces painted, all in a manner and with such frequency as is consistent with good property management.

6. No Structure other than a dwelling house shall be used at any time as a residence, either temporarily or permanently. No boats, trailers, or recreational vehicles shall be regularly parked or stored on any Lot except in a garage. No commercial vehicles shall be parked on any Lot longer than is reasonably necessary for the driver thereof to perform the business functions to which the commercial vehicle relates.

7. No advertising or display signs of any character shall be placed or maintained on any part of the Property or on any Structure except customary "For Rent" or "For Sale" signs, not larger than twenty-eight inches wide and twenty inches high, on or in front of a dwelling house by the owner thereof.

8. No outside television, radio antenna, or satellite dish shall be erected, installed, or maintained on any Lot, or on any Structures thereon, except that outside television or radio antennae not more than four feet in height or satellite dish not more than thirty-six (36) inches in diameter shall be permitted on the roof of a dwelling house, and in such event any such antenna or satellite dish shall be screened so that it is not visible from the front of each Lot, or from any adjoining Lot or neighboring property.

9. No permanent exterior clothes line shall be erected, installed, or maintained on any Lot, or on any Structure thereon. Only collapsible or retractable clothes lines shall be used and they shall be collapsed or retracted when not in use and shall be located in the rear yard behind the dwelling house.

10. The front yard of each Lot shall be kept only as a lawn, including trees, flowers, and shrubs. No trees or shrubs shall be located on any Lot which block the view of operators of motor vehicles so as to create a traffic hazard.

11. All fencing to be constructed within the Property on each Lot shall be of a post and board construction or post and rail construction containing no more than four (4) cross members.

12. No sheds, greenhouses, garages, children's play equipment or other accessory structures may be located in the front yard of any Lot. Such accessory structures and play equipment can only be located behind the house constructed on each Lot and must be maintained in good repair. The architecture of all such sheds or other accessory structures shall be similar in style, material, color and roof pitch and otherwise compatible with the house constructed on the Lot.

13. All exterior lighting shall be installed so as not to shine on adjacent Lots or adjacent Properties. All security lighting shall be oriented to illuminate only specific areas such as doorways and garage entrances. Lighting shall be shielded, when appropriate, to prevent unwanted or excessive intrusion of light from one Lot to another or to an adjacent Property. All exterior fixtures shall enhance the daytime appearance of the home and appear as an integral part of the design of the home and its landscaping. Any front post lights should not exceed eight (8) feet in height, and shall be no greater than fifteen (15) feet from the front of any home built on each Lot. Hooded ground driveway privacy lights are permitted.

14. All Lots shall be used for private single family residential purposes only. No lot shall be split, divided or sub-divided for sale, resale, gift, transfer or otherwise after acquisition from the Owner.

15. These restrictions shall not be taken as permitting any action or thing prohibited by the applicable zoning laws or the laws, rules or regulations of the applicable governmental authority to which the Lot is subject.

16. No structure of a temporary character such as, but not limited to, a trailer, shack, or tent shall be placed or used on any Lot as a residence or for storage or as an auxiliary building, either temporarily or permanently, except that a temporary structure may be placed or used thereon if used and operated solely in connection with the construction of permissible permanent improvements; provided, however, that such temporary structure shall be removed from the premises within thirty (30) days after the completion of the construction of the permissible improvements; and provided, further, that such structure be removed within a period of twelve (12) months from the date of the commencement of such construction.

17. Covenants, conditions, and restrictions numbered 1 through 16 above (the "Covenants") shall run with and bind the Property and shall be enforceable by the Owner and by the owners of the Lots located on the Property. All or any part of the rights and powers (including discretionary powers and rights) conferred upon the Owner by this Declaration may be assigned or transferred by the Owner to the Lot owners by the Owner such that said covenants herein will be exclusively vested in the Lot owners. Any such assignment or transfer shall be evidenced by an appropriate instrument recorded among the Land Records of the jurisdiction referred to above, and upon recordation thereof the grantee or grantees of such rights and powers shall thereafter have the right to exercise and perform all of the rights and powers reserved by or conferred upon the Owner by this Declaration.

18. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain the violation or to recover damages. In the event that any Lot owner is determined by a court of competent jurisdiction, to be in violation of this Declaration of Covenants, Conditions, Restrictions and Easements, then that Lot owner shall in addition to other damages ordered by the court, be liable for all costs and expenses as a result of said violation, including (but not limited to) court costs, expert witness fees and attorney's fees. And said award and judgment shall be a binding personal obligation of the Lot owner, as well as a lien (enforceable in the same manner as a mortgage) on the Lot of the owner.

ARTICLE II. RESERVED EASEMENTS

1. Easements for the installation and maintenance of utilities and drainage facilities are hereby reserved by the Owner over the front, side, and rear five (5) feet of each Lot for the installation and maintenance of utilities, storm water sewers, and surface drains. No Structure, planting, or other material shall be placed or permitted to remain within these easements or within any utility, reversible slope easement, access easement, road right of

way or similar easements shown on the Plat, which may damage or interfere with the installation and maintenance of utilities and the proposed public roadway, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each Lot and all improvements in it shall be maintained continuously by the owner of the Lot, except for those improvements whose maintenance is the responsibility of a governmental body or agency or a public authority or utility company. No conveyance by the Owner of any Lot, or of any interest therein, shall be deemed to be, or construed as, a conveyance or release of these easements, or any of them, even though the conveyance purports to convey the Lot in fee simple, or by other language purports to convey the Owner's entire interest therein.

2. The Owner further reserves to itself, its successors and assigns, the right to grant easements, rights-of-way and licenses to any person, individual, corporate body, or municipalities; to install and maintain, pipelines, underground or above ground lines, with the appurtenances necessary thereto, for public utilities or quasi-public utilities or to grant such other licenses or permits as the Owner may deem necessary for the improvement of the Property in, over, through, upon, and across any and all of the Lots.

ARTICLE III. GENERAL PROVISIONS

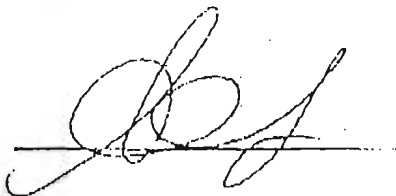
1. The Owner shall have the right, by instrument duly recorded among the Land Records of the jurisdiction referred to above, which need only be signed by the Owner and the holder of any mortgage or similar lien on the portion of the Property then owned by the Owner to modify the provisions of this Declaration if the modification is required by the Veterans Administration, the Federal Housing Administration, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association or any successor agencies thereto as a condition of the approval by such agency of the Property or any part thereof or any Lot thereon for approved mortgage financing purposes under applicable Veterans Administration, Federal Housing Administration, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, Government National Mortgage Association, or similar programs, and the consent to the modification by any Lot Owner or of the holder of any mortgage or lien on such Owner's Lot shall not be required even though the modification relates to portions of the Property no longer owned by the Owner.

2. The invalidity of any of the provisions of this Declaration shall not affect any of the other provisions, all of which shall remain in full force and effect.

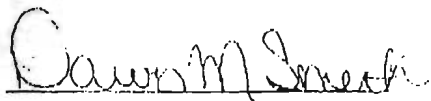
3. Each conveyance of a Lot, or of any interest in the Lot by the Owner, shall be deemed to be subject to this Declaration, whether or not the deed conveying the Lot shall so state.

WITNESS the due execution of this Declaration of Covenants, Conditions, Restrictions, and Easements by the Owner, and the Trustees.

WITNESS:



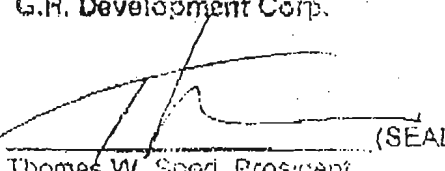
WITNESS:



OWNER:

G.H. Development Corp.

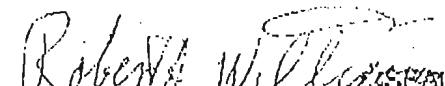
By:


Thomas W. Spert, President

(SEAL)

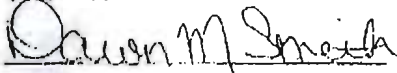
TRUSTEES:

By:

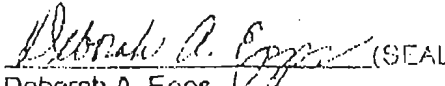

Robert A. Williams

(SEAL)

WITNESS:



By:


Deborah A. Epps

(SEAL)

STATE OF MARYLAND, COUNTY OF Baltimore TO WIT:

I HEREBY CERTIFY, that on this 17th day of Oct, 1998, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared THOMAS W. SPERT, as President of G. H. Development Corp., Owner, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged that he executed it as President of Owner for the purposes therein set forth, and that it is his act and deed.

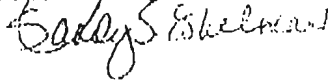
AS WITNESS, my hand and Notarial Seal.

My Commission expires:

Dec 1, 1998

6


NOTARY PUBLIC



NDV-17-1998 15:58

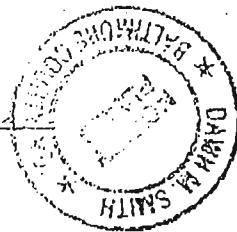
My Commission expires:

STATE OF MARYLAND, COUNTY OF Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 9th day of October, 1998, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared ROBERT A. WILLIAMS and DEBORAH A. EPPS, Trustees, known to me or satisfactorily proven to be the persons whose names are subscribed to the foregoing instrument, who acknowledged that they executed it as Trustees for the purposes therein set forth, and that it is their act and deed.

WITNESS, my hand and Notarial Seal.

Dawn M. Smith
NOTARY PUBLIC



My Commission expires:

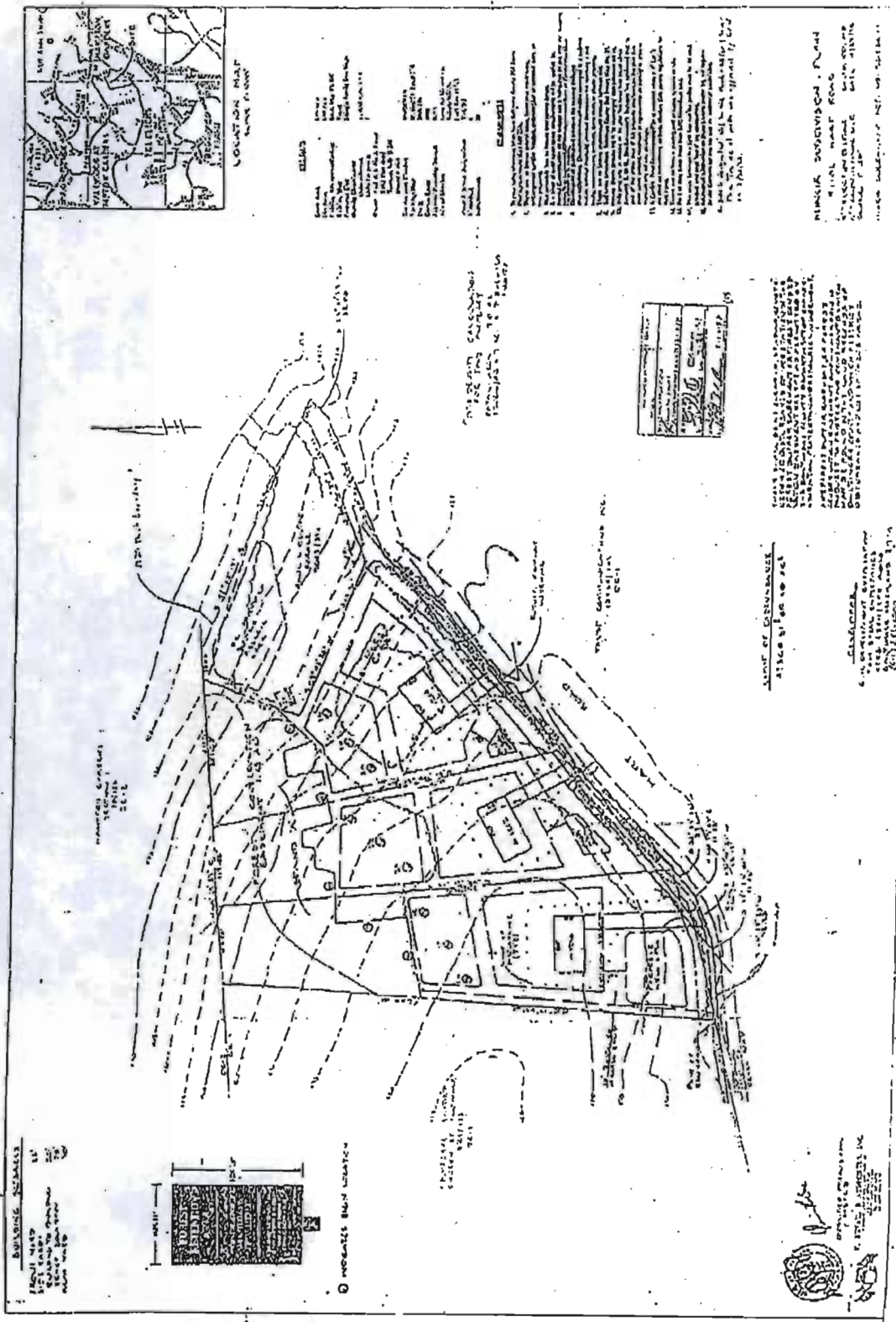
DAWN M. SMITH, NOTARY PUBLIC
BALTIMORE COUNTY, MARYLAND
MY COMMISSION EXPIRES JUNE 1, 2002

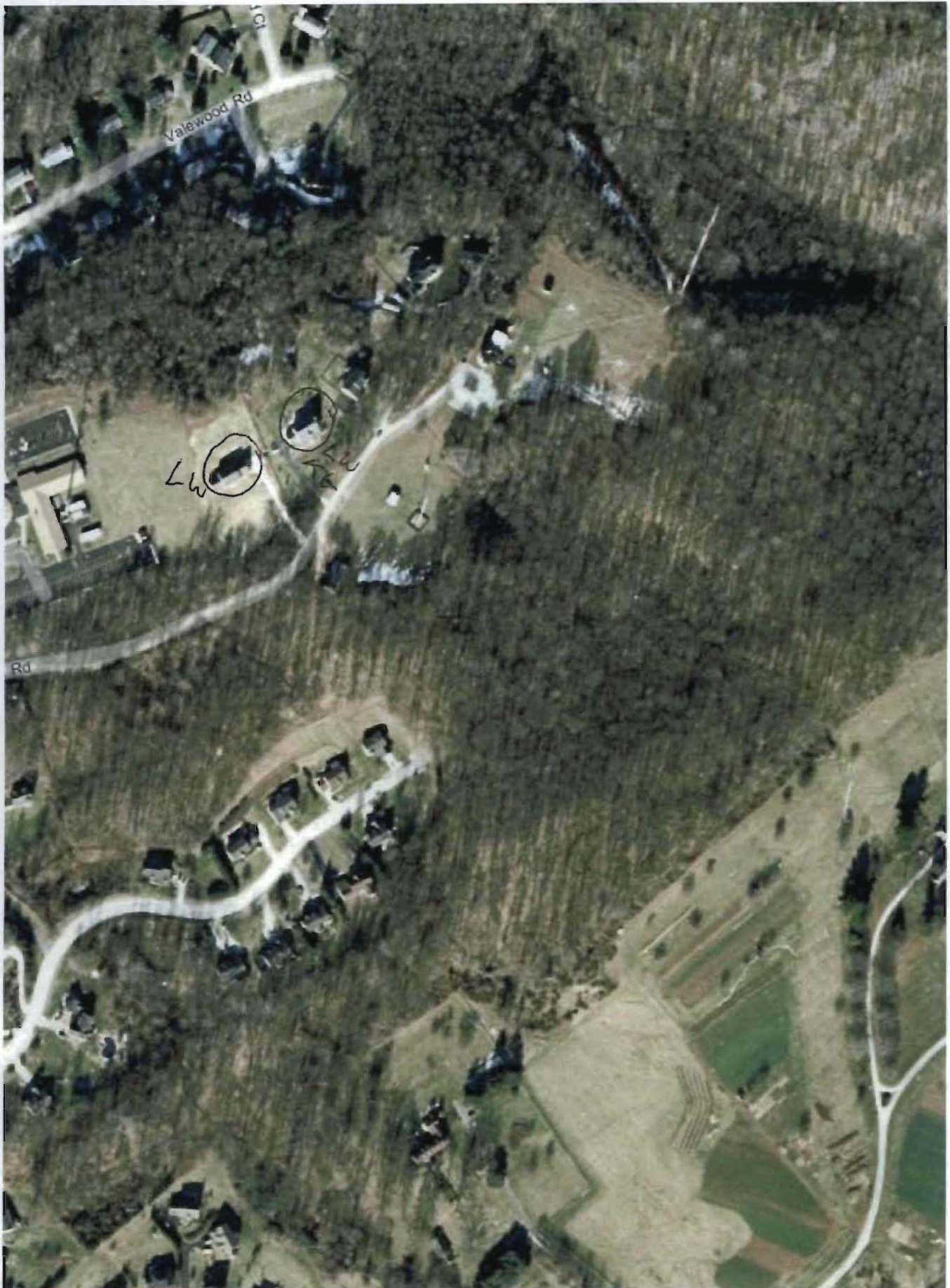
This instrument has been prepared by David M. Meadows, an attorney, under such attorney's supervision, or by one of the parties named in this instrument.

David M. Meadows
David M. Meadows

EXHIBIT A

NOTE: A FULL SIZE PRINT OF THIS PLAN IS AVAILABLE, AND IS ON FILE IN KENTMORE COUNTY GOVERNMENT OFFICES.





P20 #1



1210 HART RD. - STREET



1212 HART RD. - STREET

Prot 2A



FROM 1210'S BACK PATIO



FROM 1210'S - DRIVE WAY

2B



FROM 1210 HART - SHOWING AREA OF PROPOSED STRUCTURE



FROM 1210'S BACKYARD - SHOWING 1212'S EX. GARAGE

20



ALL-STATE LEGAL®

DEFENDANT'S
EXHIBIT

B 3A

May 25, 2006

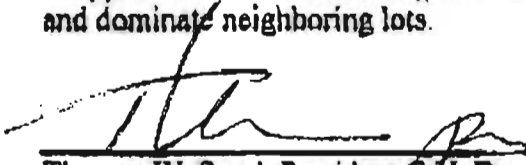
To: The zoning commissioner of Baltimore County

Re: Variance hearing #06-471-A
1212 Hart Rd., 21286

Please be advised that I am the President of G.H. Development Corporation which both developed and recorded covenants on the above referenced property.

According to the recorded covenants G.H. Development reserves the right to approve any proposed major improvements to this property. As of this date the owner of 1212 Hart Rd. has not presented for my review his plans or specifications concerning this project.

The Hart Road lots were developed as estate lots and I would not be willing to approve a detached building with a second floor or one that would clutter and dominate neighboring lots.



Thomas W. Sperl, President G.H. Development Corporation

P-10 #3



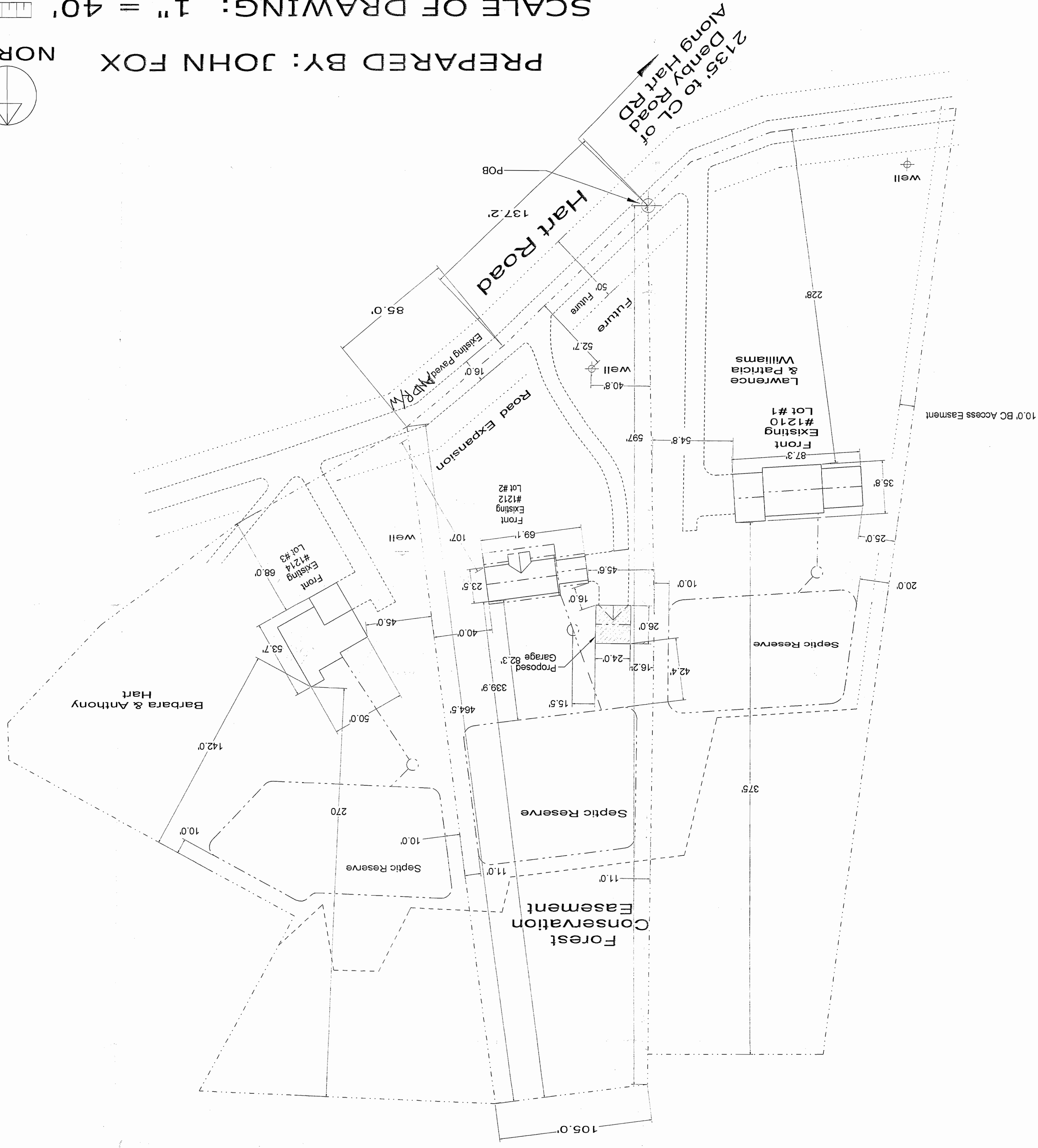
ALL-STATE LEGAL®

DEFENDANT'S
EXHIBIT

E 3B

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 1212 HART RD
SUBDIVISION NAME: 1102 Hart RD LOT: 2
OWNER: KEVIN B. GEROLD
WITH REF # 98-050-M



SCALE OF DRAWING: 1" = 40'

PREPARED BY: JOHN FOX

NORTH

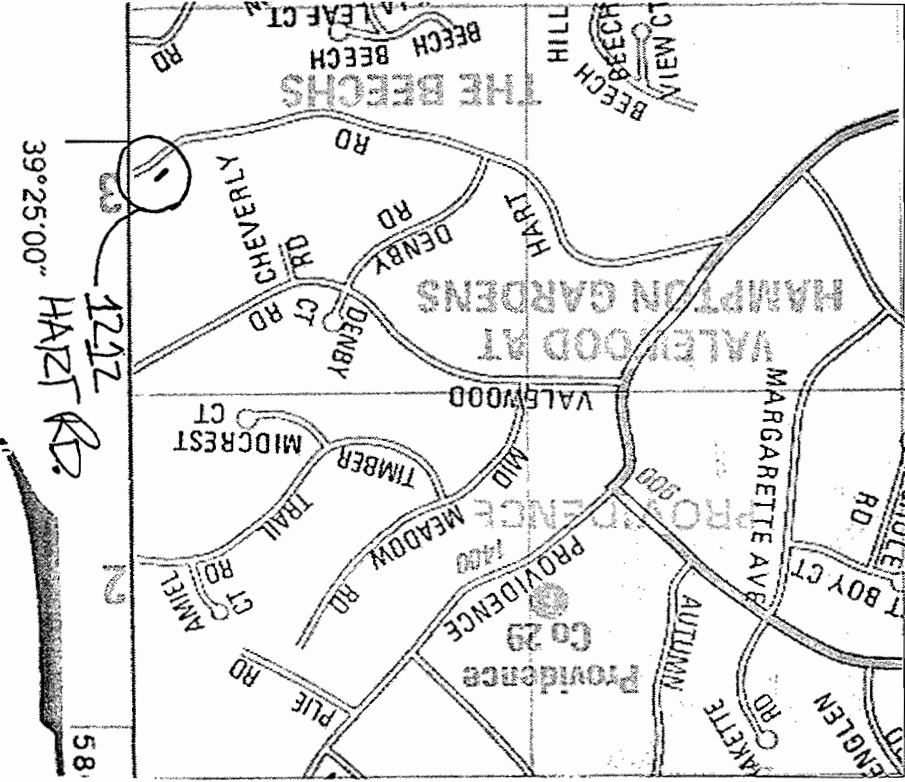
A circular symbol with a vertical line passing through the center. The top half of the circle is shaded, and the bottom half is white. This is a standard symbol for North in technical drawings.

ZONING OFFICE USE ONLY

ELECTION DISTRICT: 9
COUNCILMANIC DISTRICT: 3
1" = 200' SCALE MAP # 061C3 (.PDF)
ZONING: DR 1
LOT SIZE: 1.75 AC = 76230 SQ. FT.
SEWER: PRIVATE
WATER: PRIVATE
CHESAPEAKE BAY
CRITICAL AREA: NO
100 YEAR FLOOD PLAIN: NO
HISTORIC PROPERTY/
BUILDING: NO
PRIOR ZONING HEARING: NO

LOCATION INFORMATION

VICINITY MAP
SCALE: 1" = 1000'



REVIEWED BY: JNP	ITEM #: 471	CASE #: 06-471-A
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#268