

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
 E/S Locust Avenue, 20' S of the c/l
 Patuxent Avenue * ZONING COMMISSIONER
(8116 Locust Avenue)
 15th Election District * OF BALTIMORE COUNTY
 7th Council District * **Case No. 06-480-A**
 Thomas B. Horseman, et ux
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Thomas B. Horseman, and his wife, Karen F. Horseman. The Petitioners request variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the third of the yard closest to a side street in lieu of the third of the yard farthest removed, and with a height of 20 feet in lieu of the maximum allowed 15 feet. 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.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file

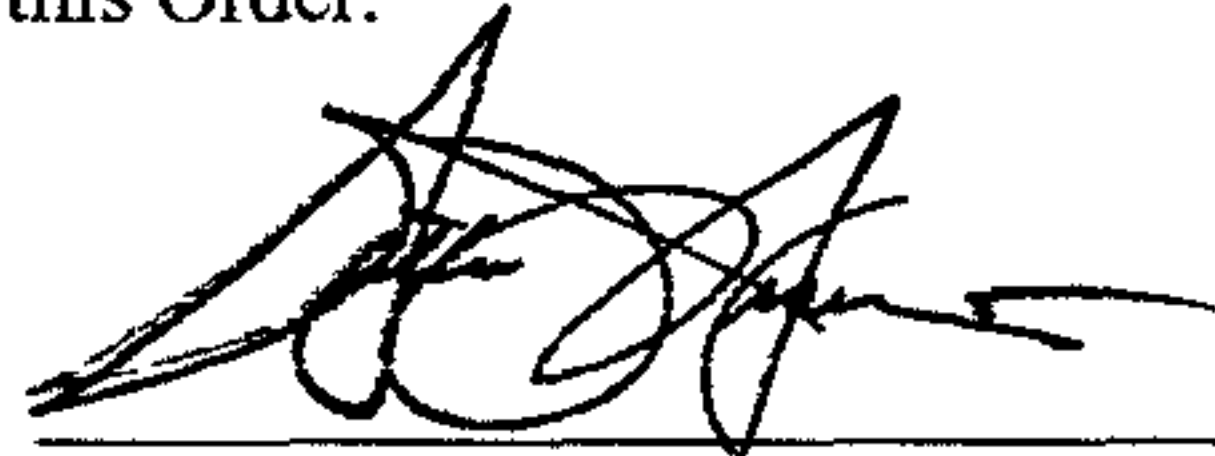
ORDER RECEIVED FOR FILING
 Date 5-22-09
 By [Signature]

Based upon the evidence contained therein, I am persuaded to grant the requested relief. As shown on the site plan, the Petitioners' property is located at the end of Locust Avenue, between Patuxent Road and Severn Avenue, and abuts the right-of-way for the Amtrak rail line. The Petitioners apparently obtained the requisite building permit to construct a 35' x 40' detached garage in the rear, northwest corner of their yard, in close proximity to where a bridge on Severn Avenue crosses over the Amtrak line; however, were required to file for variance relief to adjust the height of the structure as shown on the permit. It was indicated that there had been a number of thefts in the area, and that the increased height of the structure would accommodate the storage of a recreational vehicle, as well as other personal property. In this regard, the site plan shows that there is a steep hill that rises approximately 20 feet above-grade of the garage location, thereby shielding its view from adjacent and surrounding properties. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it is clear that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, due to the property's close proximity to North East Creek, compliance with Chesapeake Bay Critical Areas regulations is necessary, pursuant to the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of May 2006 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the third of the yard closest to a side street in lieu of the third of the yard farthest removed, and with a height of 20 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions.

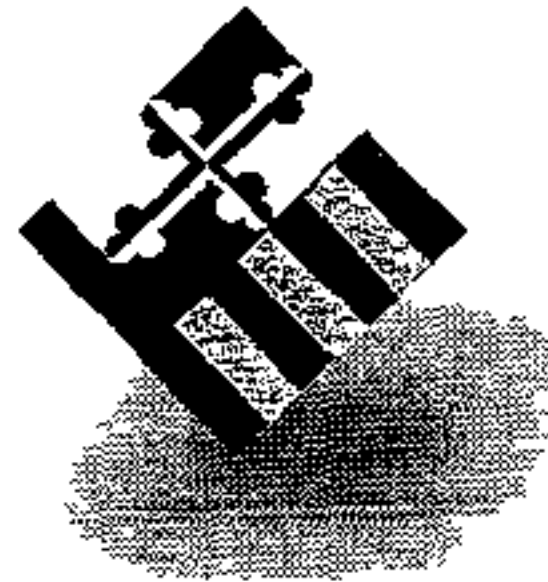
- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations, pursuant to the attached comments from the Department of Environmental Protection and Resource Management (DEPRM).
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

DATE 10-23-03
BY [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 22, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Thomas B. Horseman
8116 Locust Avenue
Baltimore, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Locust Avenue, 20' S of the c/l Patuxent Avenue
(8116 Locust Avenue)
15th Election District – 7th Council District
Thomas B. Horseman, et ux - Petitioners
Case No. 06-480-A

Dear Mr. & Mrs. Horseman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with restrictions, 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 "W. J. Wiseman, III", written over the words "Very truly yours,".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File

CBCA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8116 Locust Ave.
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, 400.3 BCZR

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE)
WITH A HEIGHT OF 20' LOCATED IN THE ONE THIRD OF LOT
CLOSEST TO A SIDE STREET IN LIEU OF THE REQUIRED
15' AND ONE THIRD LOT FARTHEST RESPECTIVELY.

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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

If a public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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):

Thomas B. Horseman
Name - Type or Print

Thomas B. Horseman
Signature

Karen F. Horseman
Name - Type or Print

Karen F. Horseman
Signature

8116 Locust Ave (410) 687-3776
Address Telephone No.

Baltimore MD 21237
City State Zip Code

Representative to be Contacted:

Same as above
Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By LTm Date

Estimated Posting Date 4/16/06

RECEIVED FOR FILING
APR 11 2006
REV 10/15/01

FILE NO. 06-480-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 8116 Locust Ave
Address
Baltimore MD 21237
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):

Permit has already been obtained (Permit # B596868) and the building constructed however variance is needed to adjust the height listed on the permit to accommodate the storage/parking of a recreational vehicle, and other personal property to avoid theft. Approximately 8 attempts (some successful) of burglaries have occurred prior to the building of this garage. Not allowing this variance will subject our belongings to future attempts of theft. Monitored Security System was not successful.

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.

Thomas B. Horseman
Signature

Thomas B. Horseman
Name - Type or Print

Karen F. Horseman
Signature

Karen F. Horseman
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas B. Horseman + Karen F. Horseman
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Patricia Markert
Notary Public

My Commission Expires April 1, 2007

ZONING DESCRIPTION FOR: 8116 LOCUST AVENUE

Beginning at a point on the East side of Locust Avenue which is 20 feet south of the centerline of the nearest improved intersecting street known as Patuxent Avenue which is 40 feet wide.

Being known and designated as Part of Lot 219, Lots 220 through 230 as shown on a plat entitled "Chesaco Park," which plat is recorded among the Plat Records of Baltimore County in Plat Book 6, Folio 164. Property No. 15-16-350036. District 15. Containing 22,106 square feet.

#486

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5823

Date 4/2/06 AMOUNT 001 006 5150

AMOUNT 65 00

RECEIVED FROM T. HERSHMAN

FOR 06-480-A

INTERVIEW WITH - CASHIER

FROM - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 4/14/2006 TIME 11:52 AM

RECEIPT NO. 47182147

DEPT. 5 2006 BUDGET VERIFICATION

OR. NO. 015221

Receipt for

\$65.00 - CR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-480-A

Petitioner Developer: KAREN HOLSEMAN

Date Of Hearing/Closing: 5/1/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 8116 LOCUST AVENUE

This sign(s) were posted on April 15, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 4/15/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

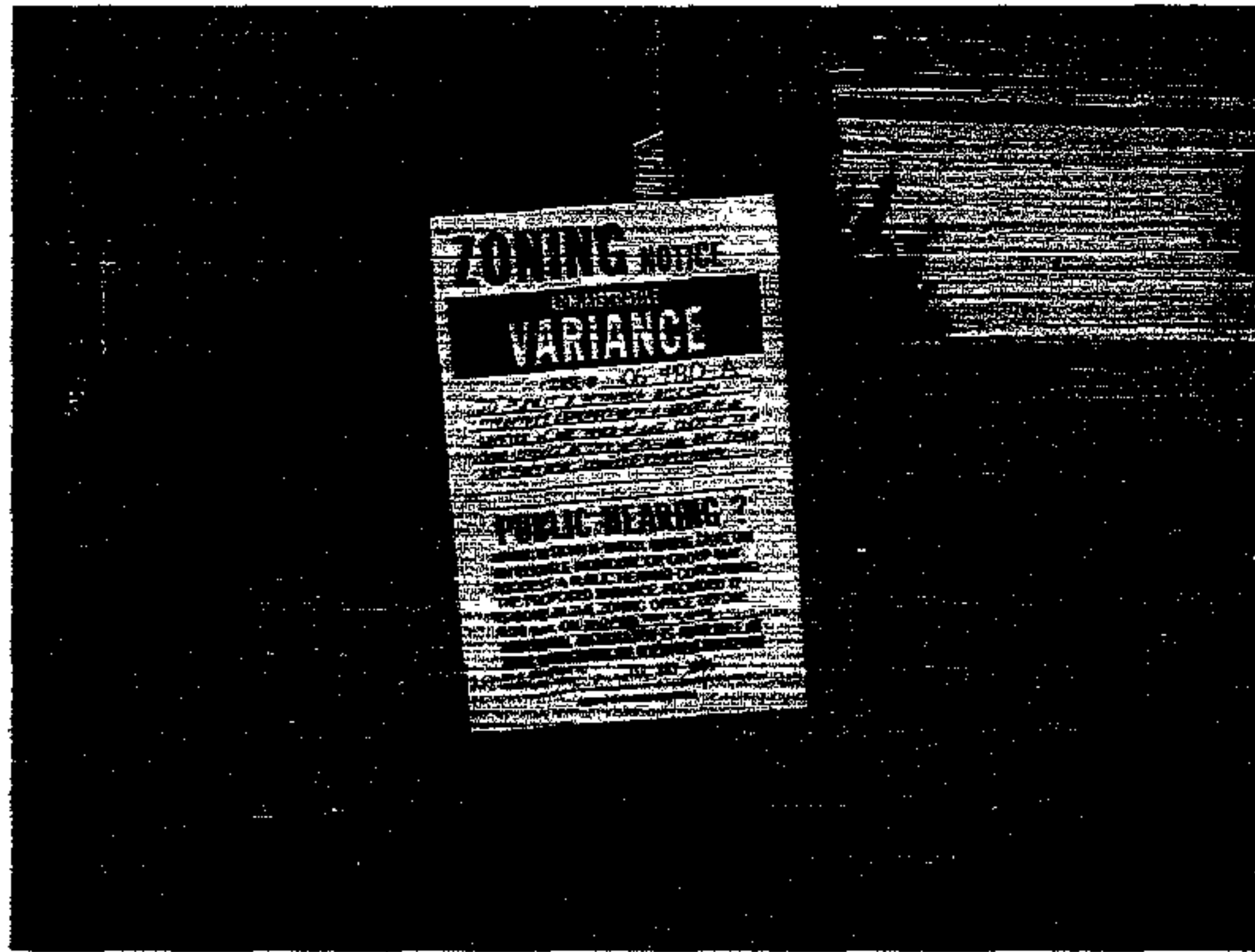
16 Salix Court

Address

Balto, Md 21220

(443-629-3411)

im000641 (1152x864x24b jpeg)



Master of 4/15/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 480 -A Address 8116 LOCUST AVE.

Contact Person: LLOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/2/06 Posting Date: 4/16/06 Closing Date: 5/1/06

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- 480 -A Address 8116 LOCUST AVE.

Petitioner's Name T. HOPSCOMAN ET UX Telephone 410 687 3776

Posting Date: 4/16/06 Closing Date: 5/1/06

Wording for Sign To Permit A DETACHED ACCESSORY STRUCTURE (GARAGE)
WITH A HEIGHT OF 20' LOCATED IN ONE THIRD OF LOT
CLOSEST TO A SIDE STREET IN LIEU OF 15' AND ONE THIRD LOT
FARTHEST REMOVED RESPECTIVELY

WCR - Revised 5-25-04

I HAVE RECEIVED POSTING NOTICE

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 06-480-A
Petitioner Thomas B. Horseman
Address or Location 8116 Locust Ave. Balto Md. 21237

PLEASE FORWARD ADVERTISING BILL TO

Name Thomas B. Horseman
Address 8116 Locust Ave.
Balto Md 21237

Telephone Number 410-687-3776

**Department of Permits and
Development Management**

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



Baltimore County

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

May 1, 2006

Thomas B. Horseman
Karen F. Horseman
8116 Locust Avenue
Baltimore, MD 21237

Dear Mr. and Mrs. Horseman:

RE: Case Number: 06-480-A, 8116 Locust Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 16, 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a cursive "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 14, 2006

FROM: ^{DAK} 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-0414,2006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 17 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination

DATE: May 18, 2006

SUBJECT: Zoning Item # #06-480
Address 8116 Locust Avenue
Baltimore, MD 21237

Zoning Advisory Committee Meeting of April 10, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Chesapeake Bay Critical Area (CBCA) regulations for Limited Development Area (LDA) must be met on this site. Impervious surface area is limited to 25% of the lot's area and 15% tree cover must be met and maintained onsite.

Reviewer: Kevin Brittingham

Date: May 3, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 12, 2006

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

SUBJECT: 6-480 – Administrative Variance

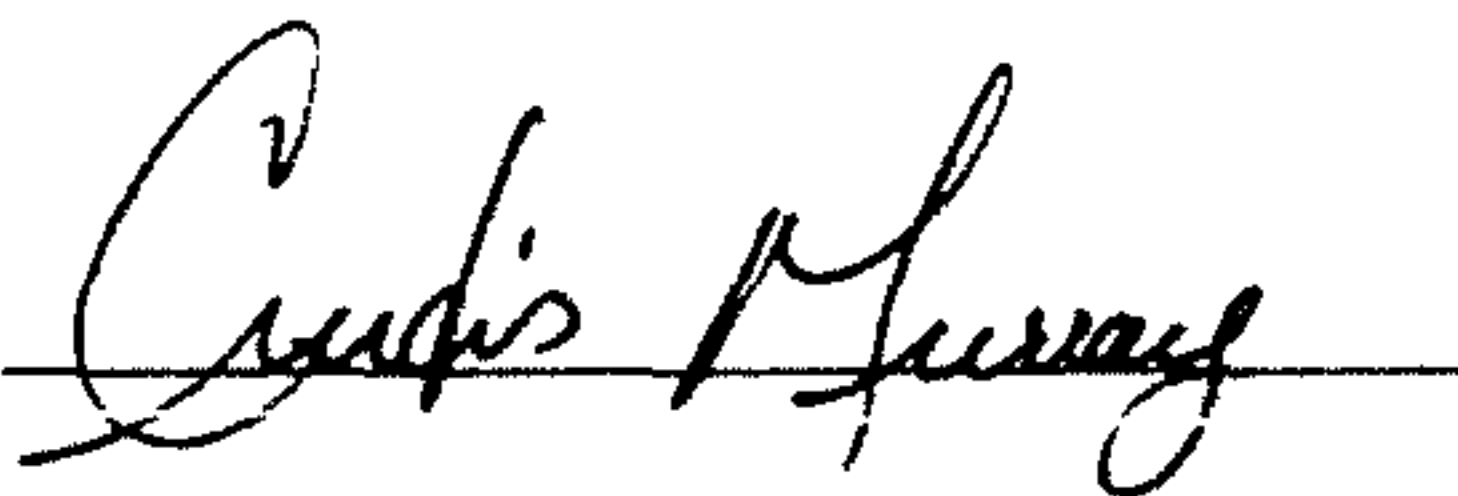
The Office of Planning is concerned about the petitioner's variance request and that the construction occurred in the side yard in lieu of the required rear yard and at a height of 20 feet in lieu of the maximum required 15 feet.

If the petitioner is able to demonstrate a hardship or practical difficulty, resulting in the Zoning Commissioner granting the variance, the Office of Planning has no objection but requests the following conditions be placed on any approval:

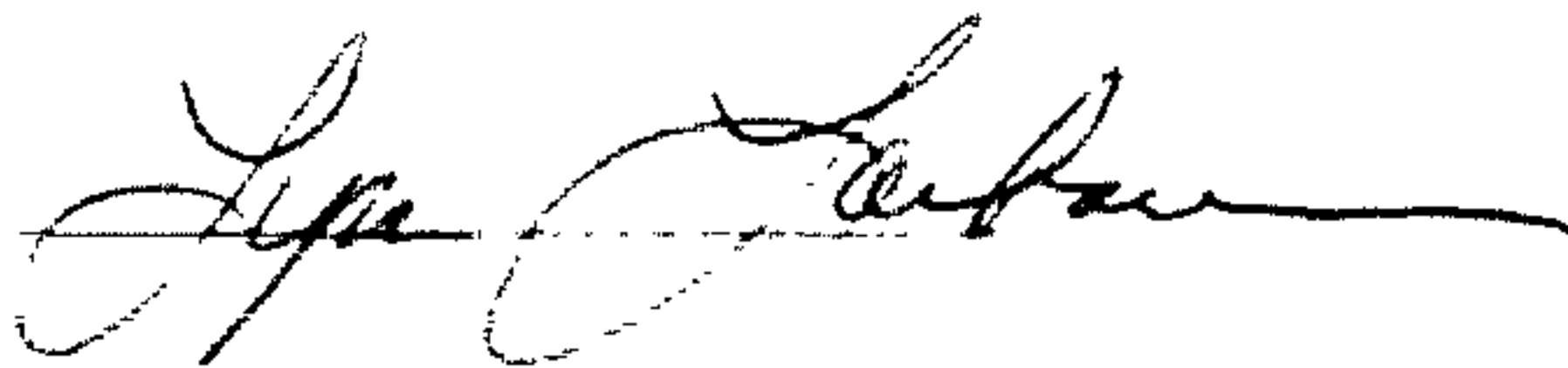
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:



Section Chief:



AFK/LL: CM

RECEIVED

APR 12 2006

2006-04-12 10:00 AM

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

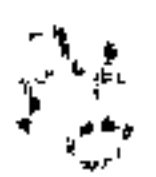


Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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





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

State Highway Administration
From the State to the People

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. 480 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

From: Debra Wiley
To: Livingston, Jeffrey
Date: 05/17/06 9:09:55 AM
Subject: Fwd: Comment Needed - Admin. Variance/Closing Date 5/1 - 06-480-A

Hi Jeff,

Just a reminder that we have not received a DEPRM comment and this closing date was 5/1 (15 days ago)

Could you please get us a comment or let us know if there's a problem. Thanks.

Thomas & Karen Horseman
8116 Locust Avenue
Baltimore, MD 21237

>>> Debra Wiley 05/09/06 3:23 PM >>>
Hi Jeff,

This is an Administrative Variance that is awaiting a CBCA comment from your department. The closing date was 5/1.

Could you please let me know the status?

Thanks for your usual cooperation.

Thomas & Karen Horseman
8116 Locust Avenue
Baltimore, MD 21237

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

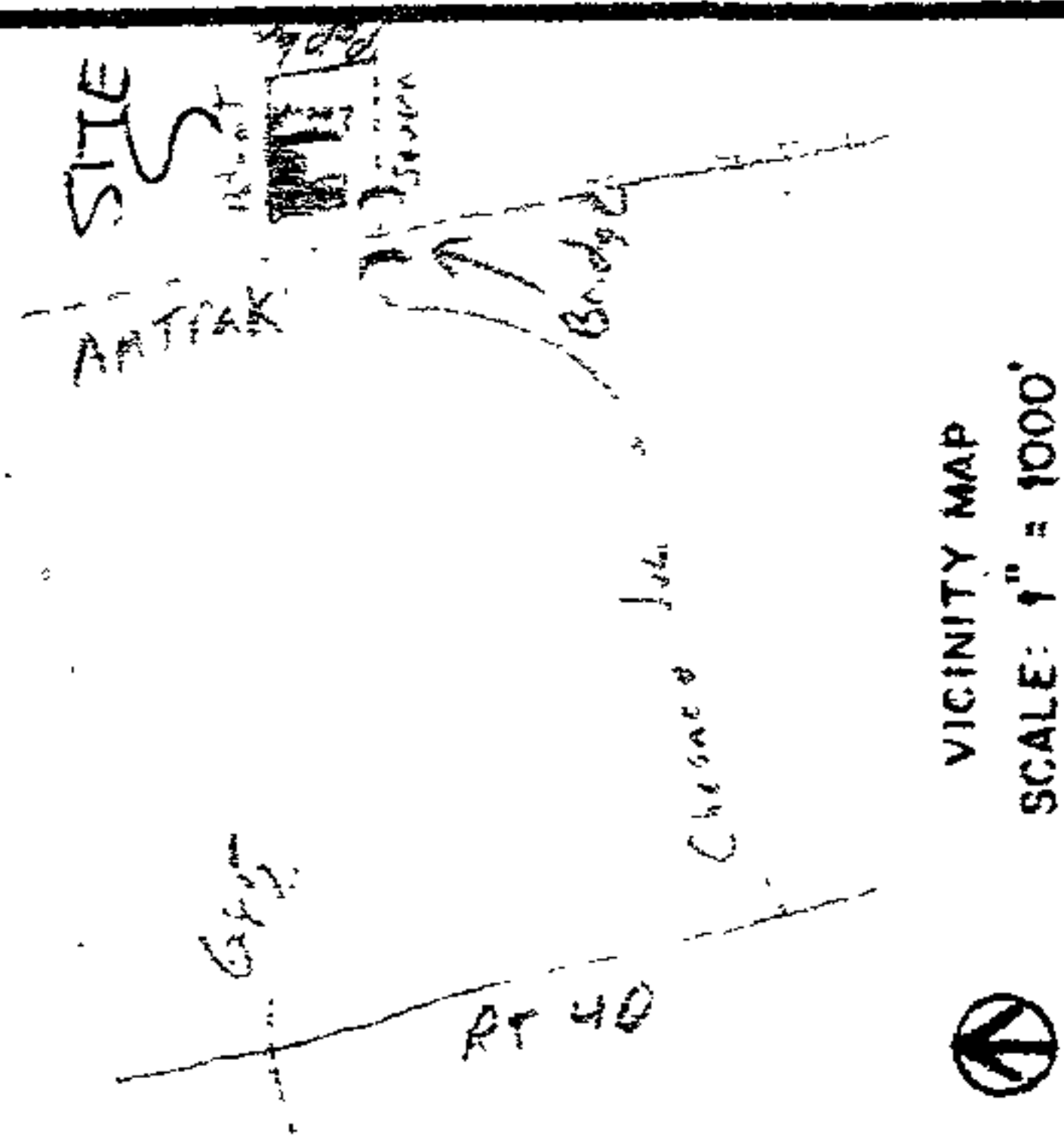
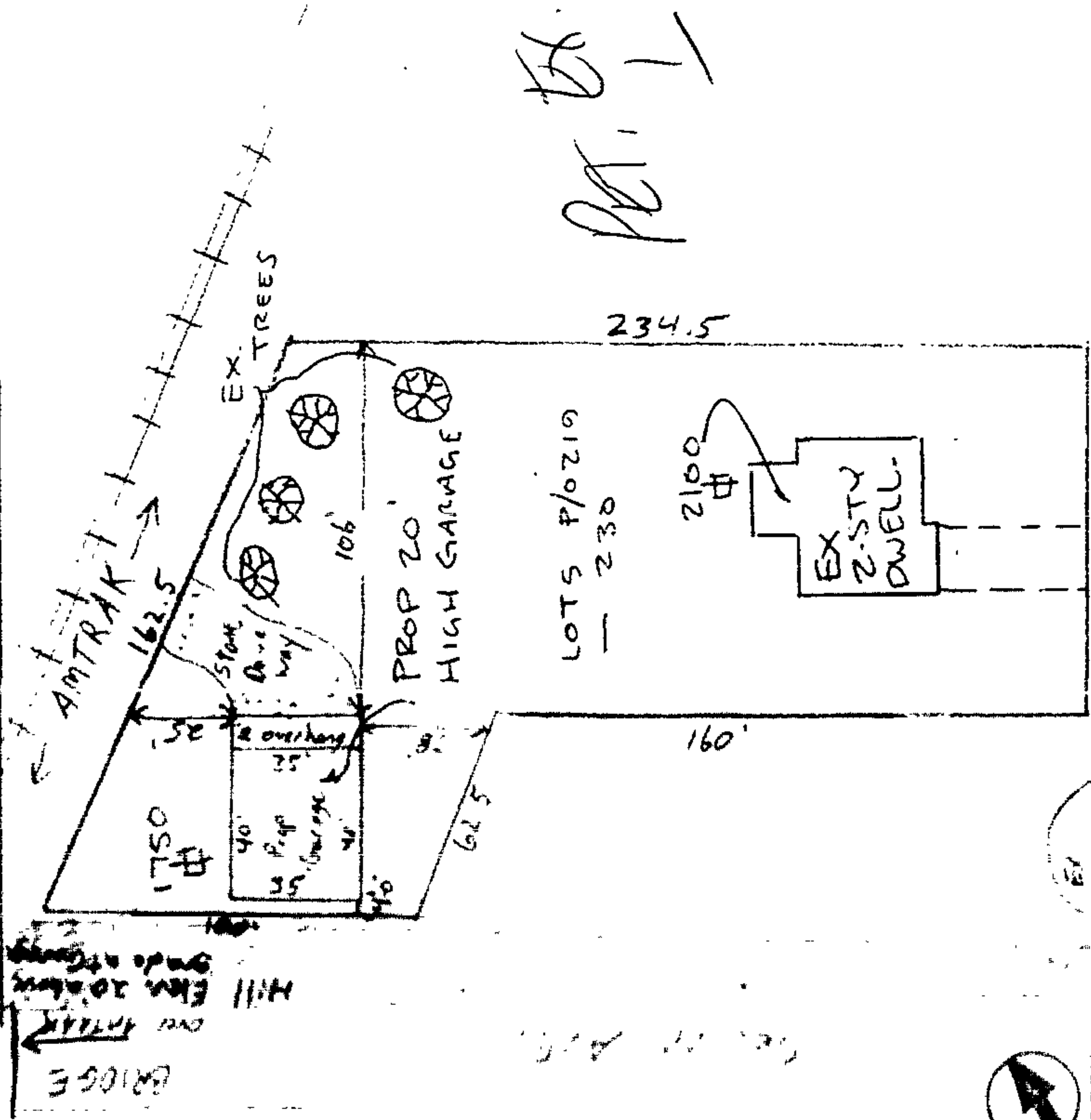
PROPERTY ADDRESS 3116 Locust Ave

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

SUBDIVISION NAME Chesaco Park

PLAT BOOK # 6 FOLIO # 164 LOT # 1750 SECTION # 330

OWNER Thomas B. Horsman and Karen F. Horsman



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 096C1

ZONING DR 5.5

LOT SIZE 1/2 +/- ACRES 22106 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐

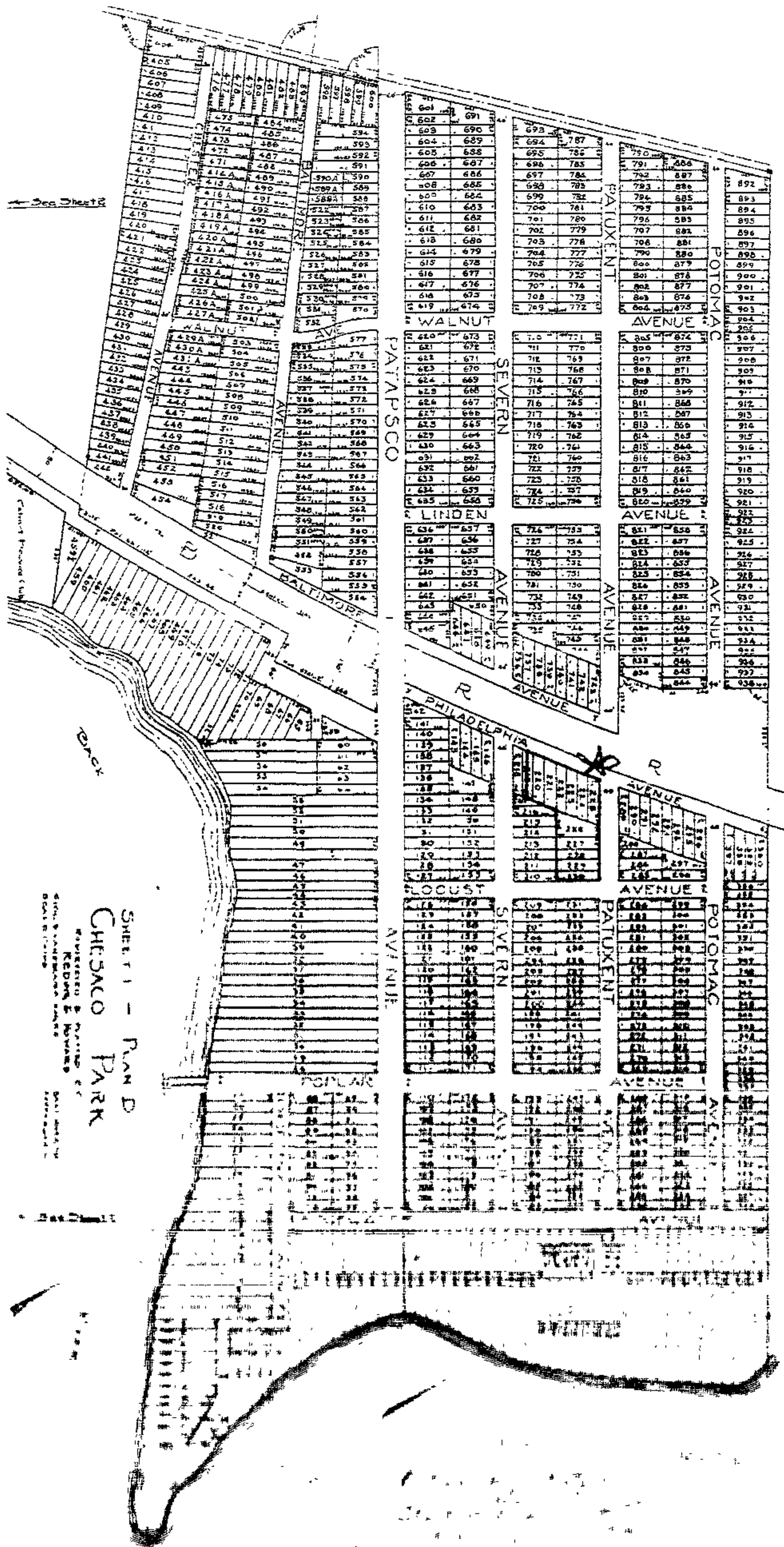
100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY CTR ITEM # 480 CASE #

PREPARED BY T.H. SCALE OF DRAWING: 1" = 50'



SHEET 1 - PLAN D
CHESACO PARK
REDACTED & REVERSED
REDACTED & REVERSED
REDACTED & REVERSED

71420

Baltimore County - My Neighborhood

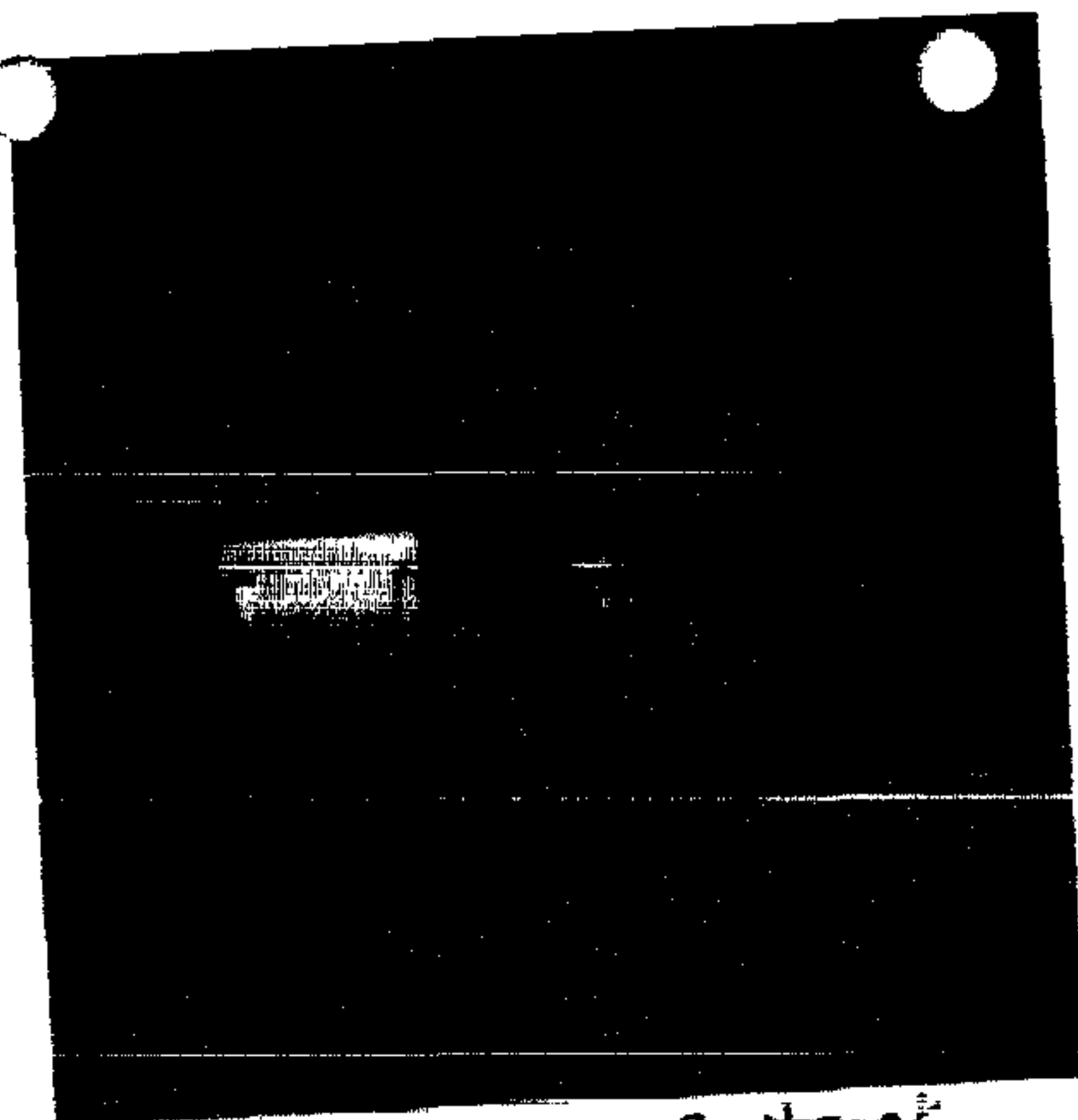




Amtrak provides thieves easy access to entering on & leaving property.



View of garage/RV from Severn Ave Bridge



Garage backs to Amtrak and does not impede view of any neighbors.