

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID:		Case Type Prefix: Case Year: Case Number Case Type Suffix:			Existing Use:	
20110195			2011	0195	A	Residential
Legal Owners/Petitioner: Vitaily Galilov						
Street/House Number:		Street Number Range:		Street Number Suffix:	Street Prefix Direction	Street Prefix Type:
2118						
Street Name:		Street Suffix Type:		Street Suffix Direction:	Suite/Apt./Unit Number:	
Burdock		Rd				
Property Description: N/west side of Burdock Rd, 220 feet northeast of Denberg Rd.						
Existing Zoning Classification: D.R. 2		Area: 30, 132 sq. ft.		Election District: 3rd	Councilmanic District: 2nd	
Critical Area: NO	Floodplain: NO	Historic Area: NO		Related (Prior and Future) Cases:		
Violation Cases:		Concurrent Cases:				
Tax Account ID:		Deed Liber #:		Deed Folio #:		Miscellaneous Notes
1.) 1600012197		1.) 26516		/ 284		Case postponed Indefinitely. Case ultimately closed by W. Carl Richards, Jr., Zoning Review Supervisor on December 16, 2016.
2.)		2.)		/		
3.)		3.)		/		
Contract Purchaser:						
Attorney: David Karceski						
Petition Reviewer: WCR		Petition Reviewer 2:		Petition Filing Date:		
Day of Week:	Hearing Date:	Hearing Time:		Hearing Location:		
Wednesday	02/02/2011	1:30 PM		Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204		
Closing Date:	Adm. Law Judge Hearing Continued From		Adm. Law Judge Hearing Rescheduled From		Formal Request For Hearing	

Case Number

2011 0195

A

Petition Type # 1: VARIANCE

Petition Request # 1 to permit a radio operator antenna to be 76' in height instead of 54', which is horizontal distance from the base of structure to nearest property line at grade level.

Petition Type # 2:

Petition Request # 2:

Petition Type # 3:

Petition Request # 3:

Petition Type # 4:

Petition Request # 4:

200 Foot
Scale Map
Reference:

Existing Use:

Residential

Proposed Use:

Residential

Existing Zoning Classification

D.R. 2

Requested Zoning Classification:

1000 Foot
Scale Map
Reference:

Existing District:

Requested District:

North/South Coordinate:

East/West Coordinate:

Census Tract:

Adm. Law Judge Case Number 2011 0195 A

Administrative Law Judge's Name W. Carl Richards, Jr., Zoning R

Law Judge Order Date (or Withdrawal Date) 12/16/2016

Law Judge Decision: Case Closed

Law Judge Order Restrictions? NO

Board of Appeals Case Number

Appeal to Board of Appeals?:

Appellant:

Board of App. Description

Board of Appeals Filing Date

Date Case Sent to Board:

Board of Appeals Hearing Date:

Board of Appeals Decision Date:

Board of Appeals Decision

Circuit Court Case Number

Circuit Court Filing Date:

Circuit Court Decision Date

Circuit Court Decision:

MD Court of Special Appeals Filing Date

MD Court of Special Appeals Decision Date:

MD Court of Special Appeals Decision

MD Court of Appeals Filing Date

MD Court of Appeals Decision Date:

MD Court of Appeals Decision:

U.S. Supreme Court Filing Date

U.S. Supreme Court Decision Date

U.S. Supreme Court Decision

Add Record

Find Record

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Previous
Record

Preview ZAC
Agenda Report

Public
Hearings

Admin
Variances

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Access

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Image

**BEFORE THE ADMINISTRATIVE LAW JUDGE/ZONING COMMISSIONER
FOR BALTIMORE COUNTY**

**RE: PETITION FOR VARIANCE
2118 Burdock Road**

**2nd Election District
2nd Councilmanic District**

Vitaly and Maria Galilov,

Petitioners/Owners

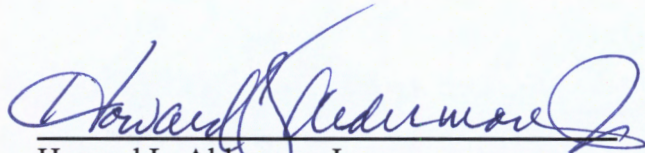
Case No.: **2011-0195-A**

ENTRY OF APPEARANCE/SUBSTITUTION OF COUNSEL

Madame Clerk:

With concurrence of the Owners/Petitioners and original counsel, David H. Karceski, Esquire, please enter the appearance of the undersigned as substitute counsel on behalf of the Petitioners in the above-captioned case and forward all further notices and other communications to me at the address listed below.

Thank you.



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April, 2010, a copy of the foregoing Entry of Appearance/Substitution of Counsel was mailed, via First-Class, United States Mail to: i) Mr. and Mrs. Vitaly Galilov, 2118 Burdock Road, Baltimore, Maryland 21209; ii) David H. Karceski, Esquire, Venable, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

February 3, 2011

Kristen Lewis, Docket Clerk
Baltimore County Department of Permits
Approvals and Inspections
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

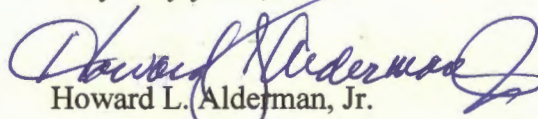
RE: 2118 Burdock Road
Case No. 2011-0195-A
Entry of Appearance

Dear Ms. Lewis:

I have just been retained by the Petitioners in the above-referenced case to represent their interests before the Zoning Commissioner in this matter. Please accept for filing my enclosed Entry of Appearance. At the request of Petitioners' original counsel, the hearing on this matter was postponed from its earlier hearing date of February 2, 2011. I have enclosed a copy of this letter which I request be date-stamped and returned to me in the enclosed envelope.

I anticipate that certain modifications to materials already filed may be necessary. Therefore, I would request a reasonable period of time to have any required modifications prepared. I will keep all counsel involved apprised of any subsequently filed modifications. Should you need additional information in support of this request, please do not hesitate to contact me.

Very truly yours,


Howard L. Alderman, Jr.

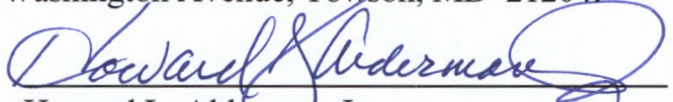
HLA/gk

Enclosure

c (w/encl.):

Mr. and Mrs. Vitaly Golilov
David H. Karceski, Esquire
Peter Max Zimmerman, People's Counsel
William S. Heyman, Esquire
The Honorable Vicki Almond
Lawrence M. Stahl, Administrative Law Judge
Adam M. Rosenblatt, Assistant County Attorney

21204; iii) Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Carole S. Demilio, Deputy People's Counsel, 105 W. Chesapeake Avenue, Suite 204, Towson, MD 21204; and iv) William S. Heyman, Esquire, Tydings & Rosenberg LLP, 100 East Pratt Street, 26th Floor, Baltimore, MD 21202; together with a courtesy copy to: i) The Honorable Vicki Almond, Baltimore County Council - 2nd District, Old Courthouse, 2nd Floor, 400 Washington Avenue, Towson, MD 21204; ii) Lawrence M. Stahl, Administrative Law Judge, The Jefferson Building, Suite 103, 105 West Chesapeake Avenue, Towson, Maryland 21204; and iii) Adam M. Rosenblatt, Assistant County Attorney, Baltimore County Office of Law, Old Courthouse, 2nd Floor, 400 Washington Avenue, Towson, MD 21204.



Howard L. Alderman, Jr.

January 18, 2011

David H. Karceski

T 410.494.6285
F 410.821.0147
dhkarceski@venable.com

HAND DELIVERED

Ms. Kristen Lewis
Department of Permits,
Approvals & Inspections
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: 2118 Burdock Road
Case No. 2011-195-A

Dear Ms. Lewis:

By way of this letter, I am writing to inform your Department that I am withdrawing my appearance in the above-referenced matter. For this reason, on behalf of Vitaly Galilov, legal owner of the property, I am also requesting that your Department postpone the public hearing in this case, currently scheduled for February 2, 2011, so that Mr. Galilov may retain new counsel to represent him.

I appreciate your attention to this request.

Very truly yours,

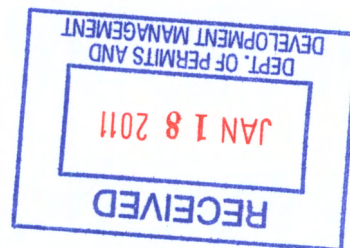


David H. Karceski

DHK

cc: Mr. Vitaly Galilov

TO1DOCS1/KNW01/#294423-v1





Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 2118 Burdock Road
which is presently zoned DR 2

Deed Reference: 26516 / 284 Tax Account # 1600012197

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)

426.A.E., BCZR, to permit a radio operator antenna to be 76' in height instead of 54', which is horizontal distance from the base of structure to nearest property line at grade level.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

to be presented at hearing

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:

David Karceski

Name - Type or Print

Signature

Venable, LLP

Company

210 West Pennsylvania Ave 410 494 6285

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Case No. 2011-0195-A

Legal Owner(s):

Vitaliy Galilov

Name - Type or Print

Signature

Maria Galilov

Name - Type or Print

Signature

2118 Burdock Road

Address Telephone No.

Baltimore, Maryland 21209

City State Zip Code

Representative to be Contacted:

David Karceski

Name

210 West Pennsylvania Ave 410 494 6285

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Office Use Only

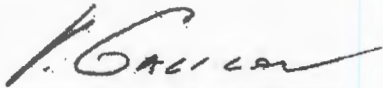
Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by WCR Date 12/17/10

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, has authorized David Karceski, Esq., Venable, LLP, 210 West Pennsylvania Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief and for the applicable use permit. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petition to be filed on our behalf. The petition(s) filed is/are for property located at 2118 Burdock Road, property we own.



Vitaliy Galilov

12/13/2010
(Date)

2118 Burdock Road, Baltimore, Maryland 21209
Address



Maria Galilov

12/13/2010
(Date)

2118 Burdock Road, Baltimore, Maryland 21209
Address

2011-0195-A

ZONING DESCRIPTION

Northwest side of Burdock Road, 220 feet northeast of Denberg Road

BEING known and designated as Lot No. 9 in Block "E", as shown on the Plat entitled "Plat 1, Section 4, Green Gate," which plat is recorded among the Land Records of Baltimore County in Plat Book EHK, Jr. No. 37, folio 27. The improvements thereon being known as 2118 Burdock Road.

BEING part of the tract of land which by Deed dated July 12, 1973 and recorded among the Land Records of Baltimore County in Liber EHK, Jr No. 5379, folio 392, was granted and conveyed by Cari, Inc., to HMM Construction Co., Inc., the grantor therein.

Note: the above description is for zoning purposes only and is not to be sued for contracts, conveyances or agreements.

2011-0195-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011-0195-A

Petitioner: VTALIA GALILOV

Address or Location: 2118 BUDDICK RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID KARPSKI

Address: 210 W PENNSYLVANIA AVE

TOWSON 21204

Telephone Number: 410 894 6285

Revised 2/20/98 - SCJ

2/2/11

2011 0195-A

2118 Burdock Rd

**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: # 2011-0195-A
2118 Burdock Road
N/west side of Burdock Road, 220 feet n/east of Denberg Road
3rd Election District
2nd Councilmanic District
Legal Owner(s): Vitally & Maria Galliov

Variance: to permit a radio operator antenna to be 76' in height instead of 54', which is horizontal distance from the base of the structure to nearest property line at grade level.

Hearing: Wednesday, February 2, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS 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/1/661 Jan 18 265125

CERTIFICATE OF PUBLICATION

1/20/, 2011

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 1/18/, 2011.

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

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 18, 2011 Issue - Jeffersonian

Please forward billing to:

David Karceski
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

410-494-6285

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: 2011-0195-A

2118 Burdock Road

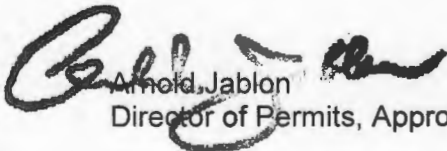
N/west side of Burdock Road, 220 feet: n/east of Denberg Road

3rd Election District – 2nd Election District

Legal Owner: Vitaliy & Maria Galilov

Variance to permit a radio operator antenna to be 76' in height instead of 54', which is horizontal distance from the base of the structure to nearest property line at grade level.

Hearing: Wednesday, February 2, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 10, 2011

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: 2011-0195-A

2118 Burdock Road

N/west side of Burdock Road, 220 feet n/east of Denberg Road

3rd Election District – 2nd Election District

Legal Owner: Vitaliy & Maria Galilov

Variance to permit a radio operator antenna to be 76' in height instead of 54', which is horizontal distance from the base of the structure to nearest property line at grade level.

Hearing: Wednesday, February 2, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Ave., Towson 21204
Mr. & Mrs. Galilov, 2118 Burdock Road, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 17, 2011.**
- (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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: January 31, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

SUBJECT: 2118 Burdock Road

JAN 31 2011

INFORMATION:

ZONING COMMISSIONER

Item Number: 2011-195

Petitioner: Vitaliy & Marian Galilov

Zoning: DR 2

Requested Action: Variance

The petitioners request a variance from Section 426.A.E. of the BCZR to permit a radio operator antenna 76 feet in height in lieu of 54 feet. The lot is in the wooded, single family subdivision of Greengate and within the Greenspring East Pikesville Community Action Plan. The property adjoins to the north a 20 foot wide strip of land owned by Baltimore County, a walkway easement to an 8.2 acre wooded local open space.

The site plan submitted with the variance application is not drawn to scale, does not accurately show two existing antennas and the lot dimensions do not agree with the lot dimensions shown on the record plat of Greengate, Liber 37 Folio 27 Plat 1 Section 4 Lot 9. The lot width is 117.09 feet along Burdock Road according to the record plat, not 148.5 feet.

Building permits were issued for one antenna 50 feet in height (the Rear Antenna) and another 65 feet in height (the Front Antenna). The front antenna is not shown on the site plan prepared by Mikada Design Group. The site plan should be resubmitted, drawn to scale and should accurately reflect existing conditions, i.e. show the two existing antennas and note that they are proposed to remain and note which antenna is proposed to be 76 feet in height.

It should be noted that a code enforcement complaint has been submitted on behalf of several Greengate residents involving the construction of the antennas, alleging that the antenna was constructed with a height being greater than allowed by Section 426 and the side setbacks are closer than the 65 feet shown on the building permit application.

It is unclear that Section 426A allows multiple antennas to be located on a single residential lot. Section 426A allows the radio hobbyist the right to construct "a radio operator antenna and related equipment." It "is considered an accessory structure if the radio antenna and related equipment meet the requirements of this section." A supporting structure may not be higher than the lesser of 100 feet or the horizontal distance from the base of the structure to the nearest property line at grade level.

The petitioner could request a special hearing for a determination on this issue of whether multiple antennas are permitted.

SUMMARY OF RECOMMENDATIONS:

It is the opinion of the Office of Planning that multiple antennas on this lot would be detrimental to the health, safety and welfare of the Greengate community and would not be in keeping with the local community plan, which is an amendment to the master plan. The applicant has created his own hardship by building an antenna taller than what is legally allowed.

If the administrative law judge determines that the applicant has demonstrated hardship or practical difficulty and the variance is granted, in the future, no additional ham radio antennas should be approved on this lot. If both antennas remain, they should be painted a dark color to minimize their appearance.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by: _____

Division Chief: _____

JM/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 10, 2011
Item Nos. 2011- 192, 193, 195 and
196

DATE: December 27, 2010

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

DAK: CEN: cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-011\2011-NO COMMENTS.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: DEC. 27, 2010

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

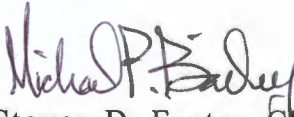
RE: Baltimore County
Item No 2011-0195-A
2118 BURDOCK ROAD
VITALY GALILOV PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0195-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Access Management Division

SDF/mb

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



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

January 3, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **December 27, 2010**

Item No.:

Administrative Variance: 2011-0192A - 0193A, 0196A.

Variance: 2011-0194A - 0195A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

RE: PETITION FOR VARIANCE
2118 Burdock Road; NW side of
Burdock Rd., 220 ft NE of Denberg Rd.
3rd Election & 2nd Councilmanic Dist.
Legal Owner: Vitaliy Galilov

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-195-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to David David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2011-0195-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 27, 2010

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

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 0195 A
Legal Owner/Petitioner: Vitaily Galilov
Contract Purchaser: N/A
Property Address: 2118 Burdock Rd.
Location Description: N/W side of Burdock Rd, 220' N/E
Of Denberg Rd.

VIIOLATION INFORMATION: Case No. CO0082946
Defendants: Vitaily Galilov

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Margaret Weiss	2002 Burdock Rd. Balto. Md.. 21209

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- X 1. Complaint letter/memo/email/fax (if applicable)
- ☐ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- X 8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).
- X 15. Building Permit

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/jk
C: Code Enforcement Officer

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



Received
Bldg. Insp.
8/17
[Signature]

TO: Mike Mohler, Deputy Director
Permits and Development Management
Office of Code Enforcement

FROM: Kevin Kamenetz *KK*
Councilman, Second District

SUBJ: 2118 Burdock Road, 21209

DATE: August 13, 2010

Enclosed please find correspondence from a constituent, Margaret Weiss, regarding the above property. Ms. Weiss is questioning the legality of the erection of a large antenna, extensive construction and parking of commercial vehicles at this location.

I would appreciate your investigation of this issue at your earliest opportunity. Please apprise both my office and Ms. Weiss of your findings.

As always, thank you for your cooperation.

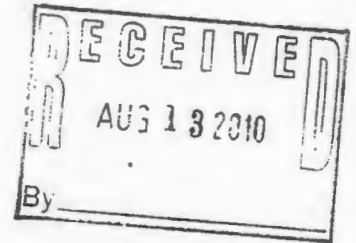
KBK:clh

cc: Ms. Margaret Weiss

G-21

August 10, 2010

Baltimore County Office of Planning
The Jefferson Building
105 W. Chesapeake Ave., Suite 101
Towson, Maryland 21204



Dear Sir or Madam:

Re: 2118 Burdock Road, Baltimore MD 21209

I am writing as a resident of 2002 Burdock Road concerned about recent construction, erection of a tall antenna, and parking of commercial vehicles at 2118 Burdock Road, up the street from me in a residential neighborhood of single-family homes known as Greengate.

Major renovation has been done with construction of seems to be a second home behind the first house, as well as an extensive fence, paving and a multi-vehicle garage. Much of the time a commercial van is parked in front, as shown on the enclosed photo taken on a Sunday morning this week.

Approximately a month ago a very large antenna of some type was erected in the back yard, a surprising eyesore with destruction of many large trees. It seems taller than what is allowed according to the zoning regulations on the county website.

I have enclosed a photo of the typical commercial van frequently parked in front (sometimes there is more than one), a photo of the recent antenna, a photo from google maps showing the site in 2010 under construction, and a printout from an online search done today of Advance Video, showing 2118 Burdock Road as the location of this business.

I appreciate your attention to this matter. Many of us in the neighborhood are very disturbed by the erection of this very large antenna and parking of commercial vehicles, and are wondering if permits were obtained for all the renovation and whether such an antenna is even allowed.

Thank you,

Margaret Weiss

Margaret Weiss

2002 Burdock Road Baltimore MD 21209

Cc:

Councilman Kevin Kamenetz
Old Courthouse
400 Washington Ave. Towson, MD 21204



Baltimore County
Department of Permits and
Development Management

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

OFFICE HOURS: 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 0082946	Property No. PA0174207	Zoning:
-------------------------------------	----------------------------------	-------------

Name(s): **Vitality Galilov**
Maria Galilov

Address: **2118 Burdock Rd Baltimore MD 21209**

Violation Location: **Same**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

**IRC 2006 R105.1 "Permit Required"; R105.4
"Validity of Permit"; AG105.2 "Outdoor
Swimming Pools"**

- 1) Please obtain permit for pavilion.**
- 2) Revise B738384 to reflect work done
or reduce Radio Tower to permitted
height**
- 3) Install or Modify Pool enclosure
gates to code (B700428)**

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

ON OR BEFORE: 9/17/10	DATE ISSUED: 9/30/10
---------------------------------	--------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **Jim Kemp**

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

INSPECTOR:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT



Timothy M. Kotroco
TIMOTHY M. KOTROCO, Director

Donald E. Brand
DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B738384 CONTROL #: RR DIST: 03 PREC: 01
DATE ISSUED: 05/05/2010 TAX ACCOUNT #: 1600012197 CLASS: 04

PLANS: CONST 0 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 2118 BURDOCK RD
SUBDIVISION: GREEN GATE

OWNERS INFORMATION
NAME: GALILOV VITALY & MARIA
ADDR: 2118 BURDOCK RD. 21209-1002

TENANT:
CONTR: XX TOWER
ENGR:
SELLR:
WORK: ERECT 50' HAM RADIO TOWER W/ANTENNA ON REAR
PROPERTY OF EX. SFD, MANUFACTURER'S INSTRUCTIONS
ATTACHED. PER 426A, EXEMPTED FROM 300 BCZR.

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
PROPOSED USE: SFD AND TOWER WITH ANTENNA
EXISTING USE: SFD

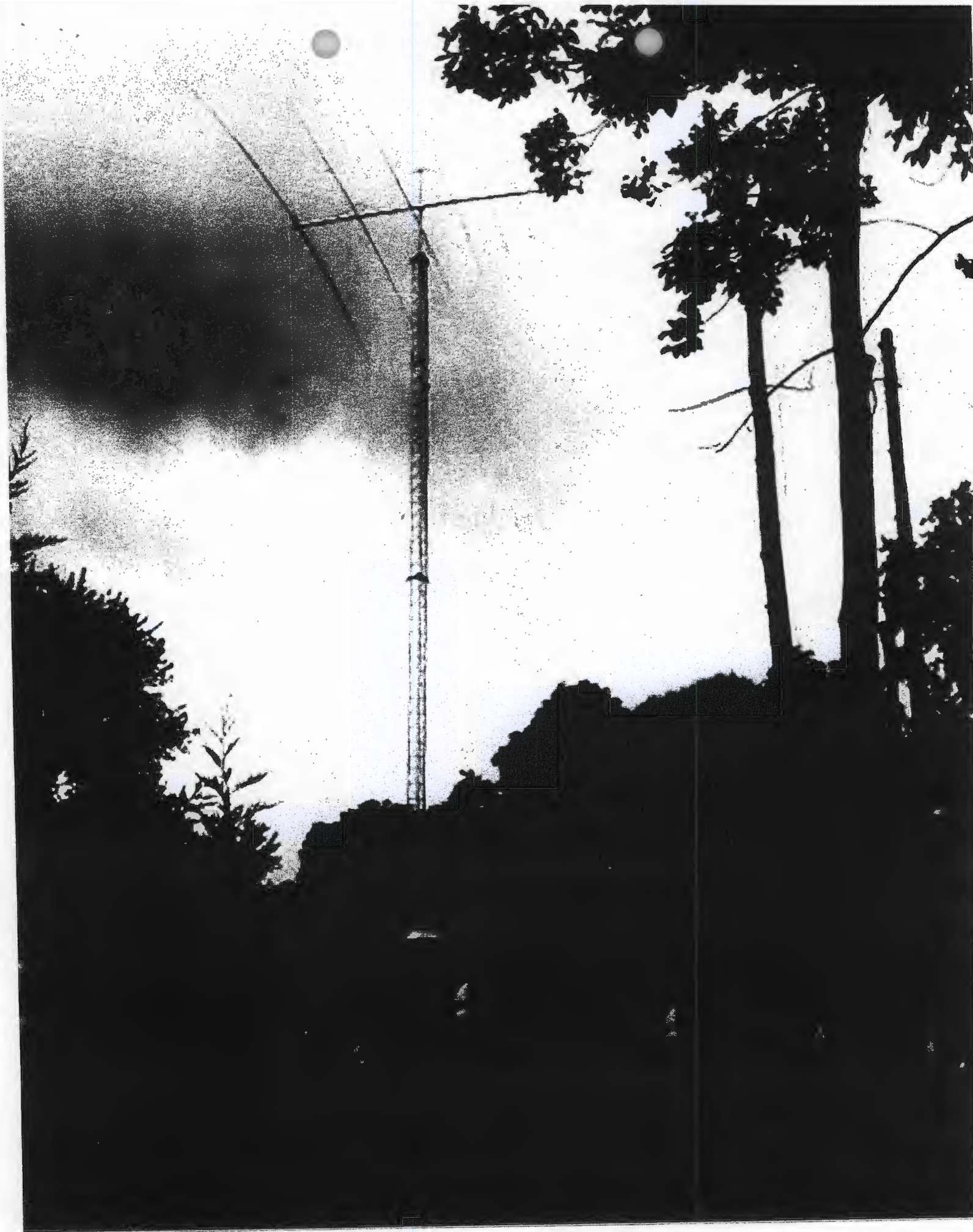
TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: OTHER - RESIDENTIAL
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 30132SF
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 52/52
SIDE STR SETB:
REAR SETB: 84

03R INSPECTOR COPY

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.



Glenn Berry - update for 2118 Burdock Rd.

From: Glenn Berry
To: Mohler, Mike
Date: 8/31/2010 9:30 AM
Subject: update for 2118 Burdock Rd.
CC: Brand, Donald

Mike, On 08/26/10 Jake Kemp met with the homeowner and contractor at 2118 Burdock Rd. After researching permits on property, on 08/30/2010 a correction notice was issued to Vitality and Maria Galilov owners of the property for these violations.

1. Radio tower exceeds the 50 foot height allowed on permit B738384.
2. Pool barrier gates are not in compliance with code, permit B700428.
3. Permit is required for a pavilion constructed on rear of house.

The correction notice requires these corrections to be made by 09/07/2010. Inspector Kemp also instructed the owners to obtain completion inspections on all other outstanding permits issued for this property. The owner has been in contact with inspector Kemp, he has contacted the installer of the radio tower to bring the height of tower to 50 feet and has boarded the gate of the pool fence until proper hardware can be installed.

If you have any questions please call Jake Kemp or myself, Monday - Friday between 7:30 a.m. - 3:30 p.m.

Glenn Berry, Baltimore County
Building Inspections
410-887-3953

From: Glenn Berry
To: Mohler, Mike
Date: 9/17/2010 12:22 PM
Subject: Fwd: Re: update for 2118 Burdock Rd

Mike, We originally received this complaint from you and K. Kamenetz's offices. Since our last update on 08/31/2010 the owners of the property have changed their minds and are applying for a variance for the antenna rather than complying to the 50 feet allowed on permit B738384. Permit B747310 has been obtained for the pavilion and attached gazebos. A contractor is repairing loose guard rails on deck. An electrical final inspection was disapproved on 09/13/2010 and a correction notice was issued for violations to be corrected by 09/27/2010. Plumbing Inspections is also issuing a correction notice for violations required to be corrected, so a final inspection can be approved. Inspector Kemp will reinspect property on 09/22/2010.

Glenn Berry
Acting Chief
Building Inspections

From: Carl Richards
To: Humphries, Anne Marie
Date: 1/14/2011 3:44 PM
Subject: Re: Joel Glazer/2118 Burdock Road
Attachments: Carl Richards.vcf

Ann, Room 111 COB, Zoning Review Office until a couple of days prior to the hearing, then the Zoning Commissioner's office, first floor Jefferson Building will have the file until the hearing in the Jefferson Building. The issue of two antennas can also be addressed at the hearing. There doesn't seem to be a specific limitation on the number of antennas allowed in the regulations, however I don't remember the number of antennas becoming an issue in the past and maybe it will be cleared up now

W. Carl Richards, Jr.
Zoning Review, Baltimore County
Permits and Development Management
Room 111, County Office Building
111 West Chesapeake Avenue
Towson, MD 21204
410-887-3391; 410-887-3048 (fax)
http://www.baltimorecountymd.gov/agencies/permits/pdm_zoning/index.html

>>> Anne Marie Humphries 1/14/2011 3:33 PM >>>

So he actually put up two antennas? It appears that part of the community's complaint is that the code only allows for "one" antenna. So I think they are also disputing the whole idea that there is more than one antenna to begin with. Did you have that perception as well? If they want to look at the copies of everything, what room do they go to for that?

Anne Marie Humphries
Special Assistant to the
County Executive for
Constituent Services
Baltimore County Executive Office
400 Washington Avenue
Towson, Maryland 21204
410-887-2450

>>> Carl Richards 1/14/2011 2:50 PM >>>

Ann, I believe he contended that he owned or has use of an easement adjoining his property, but the variance is for the lot not including the easement. I believe one of the antennas meets the zoning regulations and one is in doubt due to the easement

W. Carl Richards, Jr.
Zoning Review, Baltimore County
Permits and Development Management
Room 111, County Office Building
111 West Chesapeake Avenue
Towson, MD 21204
410-887-3391; 410-887-3048 (fax)
http://www.baltimorecountymd.gov/agencies/permits/pdm_zoning/index.html

>>> Anne Marie Humphries 1/14/2011 2:40 PM >>>

Thanks Carl. I need some additional clarification.

There were two permit applications. Copies of which I have attached.....one for 50ft and one for 65ft.

Why two permits?

You say that the antenna was installed 22ft higher than allowed, due to the inaccurate permit application.

Should the County have verified that the distance to the property line, provided by the applicant, was correct---before it issued the permit? and if the permits indicate either 50 or 65 feet, how did the applicant justify the installed 76 feet?

Thanks,
Anne Marie

**Anne Marie Humphries
Special Assistant to the
County Executive for
Constituent Services
Baltimore County Executive Office
400 Washington Avenue
Towson, Maryland 21204
410-887-2450**

>>> Carl Richards 1/14/2011 11:54 AM >>>

Ann, At permit application apparently the distance the applicant indicated to the property line was incorrect, which determines the permitted height of a HAM antenna. Subsequently, the antenna was installed 22ft. higher than allowed, due to the inaccurate permit application. A zoning variance was petitioned for on 12/17/10 case #**2011-0195-A** and a hearing is scheduled before the zoning commissioner on **February 2, 2011 at 1:30 in room 205, Jefferson Building, 105 West Chesapeake Ave, Towson 21204**. We have had several people review the file in the zoning office where it is available. Fifteen days before the hearing a sign will be posted on the lot with the above information.

W. Carl Richards, Jr.
Zoning Review, Baltimore County
Permits and Development Management
Room 111, County Office Building
111 West Chesapeake Avenue
Towson, MD 21204
410-887-3391; 410-887-3048 (fax)
http://www.baltimorecountymd.gov/agencies/permits/pdm_zoning/index.html

>>> Anne Marie Humphries 1/14/2011 10:12 AM >>>
Carl and Doug,

I talked to Dianna Itter about this issue and Adele also had some knowledge of it from having worked it early on when she was the Council Aide for the area. I am told that this was a client of Arnold's so that he should not be involved in it. So, can you give me the low-down on what has taken place here and what will potentially take place in the future, so I can respond appropriately to Mr. Glazer?

Thanks,
Anne Marie

**Anne Marie Humphries
Special Assistant to the
County Executive for
Constituent Services
Baltimore County Executive Office
400 Washington Avenue
Towson, Maryland 21204
410-887-2450**

>>> Joel Glazer <joel.glazer1@gmail.com> 1/11/2011 8:35 PM >>>

Hi Mr. Kamenetz. My name is Joel Glazer and I was recently elected president of the Green Gate community association. You were present at the meeting, which took place in summit Park elementary school. Kevin, the home owner of 2118 Burdock Rd (Mr. Vitaliy Galilov), received a permit to erect a 65 foot short wave radio tower (antenna).

In addition, he may have also received permits to greatly modify the a house and its surroundings at the corner of Shefflin Ct. and Pheasant cross Dr.

My question is how was he able to receive these permits? Did he need permits to cut trees in the back of his property that may extent beyond his property line?

How can I find out the information.

I am in communication with Ms. Diana Itter in Ms. Almonds office on this matter, however, I believe since you were a councilman at the time the permits may have been issued you should be aware of the situation.

Thanks you

Joel Glazer

--

Have a Quality Day

Debra Wiley - Re: Fwd: 2011-0195-A

From: Kristen Lewis
To: Wiley, Debra
Date: 5/24/2011 10:17 AM
Subject: Re: Fwd: 2011-0195-A

Please
 file.
 Thanks.
 2011-0195-A
 5/24

Hi Debbie,

I have yet to be contacted by Mr. Alderman, as to the ok to reschedule, I was last told that he would inform me when he was ready to reschedule, so as of now, I still have the file just pending.

>>> Debra Wiley 5/24/2011 10:07 AM >>>
 Hi Kristen,

The attached appeared to be scheduled for 2/2/11, however, got postponed due to Howard Alderman being retained. Do you know if it is in the process of being reset?

Thanks again.

Debbie Wiley
 Legal Administrative Secretary
 Office of Administrative Hearings
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

2011-0195-A
 Bill Heyman
 410 752 9769
 Tydings + Roan
 100 E. Pratt St
 Balt 21202
 notify of hearing

January 13, 2011

BY HAND DELIVERY

Ms. Diana Itter
Assistant Chief of Community Planning
Senior Planner
2nd Councilman District
Baltimore County Office of Planning
105 West Chesapeake Avenue, Suite 101
Towson, MD 21204

Re: 2118 Burdock Road

Dear Ms. Itter:

Attached is a letter that was sent today to Baltimore County Code Enforcement. It is being sent to you because I understand that the Baltimore County Office of Planning will be taking a position with respect to the variance request made by the owners of 2118 Burdock Road (the "Property") to increase the height of a proposed radio tower at the Property from 65 feet to 76 feet. From the plan (attached), it appears that the tower is currently 65 feet high, although it is my understanding that the actual height of the tower has not been measured since it was constructed.

As you can see from my letter to Code Enforcement, the Zoning Code clearly only permits one radio antenna as of right at a residential property. In addition, any tower at the Property that is taller than 58.56 feet is clearly in violation of the Zoning Code, given that the Property's widest point is 117.13 feet. Yet, according to the plans submitted, one of the towers is already 65 feet tall. Under these circumstances, to grant a variance for an even higher tower, or for the County to not object to an increase in one of the towers' height, would be entirely without justification.

Permitting a variance under these circumstances is not consistent with the 2010 update to the Greenspring-East Pikesville Community Action Plan that was adopted by the Baltimore County Planning Board on October 21, 2002 (the "Plan"). In the Plan's preface, it is stated that one of the goals of the plan is "[m]aintaining the quality of housing stock, gardens and landscaped areas." Plan, at p. viii. The Plan states that the quality of existing neighborhoods needs to be preserved and that the area "needs to evolve into a place where people would want to

Ms. Diana Itter
January 24, 2011
Page 2

stay, and a community in which everyone feels at home. *Id.* at 1. In bold letters, the plan states **“OUR EXISTING HOUSING STOCK MUST BE PROTECTED SO THAT IT DOES NOT LOSE ITS DESIREABILITY.”** *Id.* at 4. There is also a clear statement that any additional telecommunications towers within the community should require the approval of the surrounding community. *Id.* at 75. While we understand that the towers as built are allegedly not commercial towers, the one large tower certainly appears to be of a type that could be used for commercial use. It does not belong in a residential community. A tower of 74 feet would be above the tree-line located at the rear of the Property, and also would risk falling outside of the Property in the event that it had a structural failure.

Greengate is a residential community, and the two towers have obviously severely limited the property values of the adjoining homeowners. Who wants to live near a large radio tower? If you have not yet seen the towers in person, I urge you to do so before the County takes its position. Building one tower at the height permitted by the Code is one thing and, if that is all that had been done, there would be no issues. Building two towers, however, one of which appears to be taller than allowed, should not be permitted.

Thank you very much for your time in reviewing this letter. We sincerely hope that Baltimore County will act to enforce the Zoning Code, recognize that the second tower was not permitted by the Code, oppose the variance application, and take all necessary and appropriate action to ensure that the owners of 2118 Burdock comply with the Zoning Code.

WSH/rsm

Attachment
Councilwoman Vicki Almond (Council2@BaltimoreCountyMd.gov)



Pikesville-Greenspring Community Coalition, Inc.

Mical Wilmoth Carton, Executive Director

3004 Old Court Rd., Pikesville, MD 21208

410 486-6420 Phone / 410 484-8184 Fax / PGCC Inc@aol.com

<http://pgccinc.org>

January 18, 2011

2/2/11 Hkam

Re: Zoning Variance Case Number 2011-0195-A

To Whom It May Concern:

On behalf of the Pikesville-Greenspring Community Coalition, Inc. ("PGCC"), I am writing to express the PGCC's formal opposition to the variance petition submitted in the captioned case.

The variance petition seeks a variance to permit a ham radio operator antenna in the rear yard of 2118 Burdock Road (the "Property") to be 76 feet in height, instead of 54 feet, of which the variance application represents to be the "horizontal distance from the base of the structure to nearest property line at grade level." According to the variance petition, the maximum height of a tower, by right and without a variance, is 54 feet. The variance seeks permission for a tower at the Property that is substantially higher (at least 17 feet) than is permitted by the County's zoning regulations.

The PGCC's mission is to promote the welfare of the communities located within the Corporation's boundaries within the Second Election District of Baltimore County, Maryland. Because granting the requested variance for the radio tower at issue would be detrimental to the community's welfare, the PGCC is opposing the variance petition.

The 2010 update to the Greenspring - East Pikesville Community Action Plan that was adopted by the Baltimore County Planning Board on October 21, 2002 (the "Plan") has, as one of its goals, "[m]aintaining the quality of housing stock, gardens and landscaped areas" in the community. From our view of the tower at issue, it (like the other tower on the same Property) is detrimental to the physical and economic environment of the community. Residents of residential communities do not want to live near radio towers that, albeit not commercial, are of the height of the tower contemplated by the variance request. In addition to being unsightly and an insurance risk, the existence of a tower of the height contemplated will decrease the property values of neighboring homeowners. And it is important to note that, in our opinion, there are no special circumstances or conditions that are peculiar to the land or structure in this case, and denying this variance will certainly not result in practical difficulty or unreasonable hardship.

Allowing a variance in this case not only would affect the Greengate neighborhood, but it could also lead to a degradation of all PGCC neighborhoods. If multiple homeowners are permitted to construct radio

PGCC Inc. Member Associations

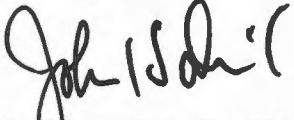
- Brookstone Condominium Assn. • Dumbarton-Stevenson Civic & Improvement Assn., Inc. • Falls Garden Condo Assn. •
- Greater Midfield Assn., Inc. • Greengate Community Assn. • Greenspring East HOA • Helmsley Court HOA, Inc. •
- Jones Valley Community Assn. • Old Court-Greenspring Improvement Assn., Inc. • Quarry Lake at Greenspring •
- Stevenson Commons Condominium, Inc. • Stevenson Ridge-Halcyon Assn. • Stevenson Village Condominium Assn., Inc. •
- Summit Chase HOA. • Summit Chase Townhouse Assn. • The Parke at Mt. Washington •

antenna towers, or to obtain other variances that are so in variance with what is contemplated by the county's zoning regulations, then both property values and the popularity of our neighborhoods will decrease.

To be clear, the PGCC is not taking a position against any tower or towers that are built to comply with the County's zoning regulations. But, after careful consideration, the PGCC respectfully requests that the variance petition submitted in this case be denied.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Denick". The signature is fluid and cursive, with the first name "John" being more prominent.

John H. Denick, President
Pikesville-Greenspring Community Coalition, Inc.

cc: Councilwoman Vicki Almond (by e-mail)
Mr. Joel Glazer, President, Greengate Community Association (by e-mail)
Ms. Diana Itter, Baltimore County Office of Planning (by e-mail)

File

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WILLIAM S. HEYMAN
410.752.9769
wheyman@tydingslaw.com

ATTORNEYS AT LAW

TYDINGS & ROSENBERG LLP

January 17, 2011

BY FEDEX

Baltimore County Code Inspections and Enforcement
County Office Building, Room 213
111 West Chesapeake Avenue
Towson, MD 21204

Re: **2118 Burdock Road**

To Whom It May Concern:

I represent several homeowners whose homes are near 2118 Burdock Road, Baltimore County, Maryland (the "Property") in the Greengate neighborhood. Two antenna radio towers have been installed at the Property, and neither tower is in accordance with the Baltimore County Zoning Code. This is to request that the County take all steps necessary to ensure that only radio towers that comply with the Zoning Code be permitted at the Property.

Section 426A.1 of the Baltimore County Zoning Regulations permits "[a] radio-operator antenna and related equipment" by right in any zone if the radio antenna and the related equipment meet the requirements of the section. Under that section, "[a] supporting structure plus attachments by radio operator antenna may not be higher than the lesser of 100 feet or the horizontal distance from the base of the structure to the nearest property line at grade level."

The widest point at the Property is the property line facing Burdock Road – at that location, the Property is 117.13 feet wide. See Attachment A (which is a plat showing 2118 Burdock Road (Lot No. 9), which reflects that the widest distance on the lot). The easement reflected on the plat is clearly not a part of the Property. No antenna at the Property can be higher than 58.56 feet, or the horizontal distance from the base of the tower to the nearest property line at grade level. Accordingly, no permit should have issued for a tower higher than 58.56 feet and no tower taller than that height should ever have been constructed without a variance.

On May 5, 2010, the Property's owners submitted an application to "[e]rect 50' ham radio tower w/antenna on rear Property." See Attachment B. This was the first ham radio antenna constructed at the Property, and, for ease of reference, is referred to as the "First Tower" herein. The site plan submitted with the application for the First Tower incorrectly shows the

TYDINGS & ROSENBERG LLP

Baltimore County Code Inspections and Enforcement
January 17, 2011
Page 2

distance from the base of the pole antenna to the neighboring property lines to be 52 feet. It also plainly recognizes that the Easement is not part of the Property. On May 5, 2010, Building Permit No. B738384 was issued for the construction of a 50 foot ham radio tower. Attachment C. Notwithstanding, the Property owners actually allowed for the construction of an antenna much higher than the 50 feet permitted. On August 30, 2010, after the Property was visited by a County building inspector, a Uniform Code Enforcement Correction Notice was issued to the owners (Citation Case No. 0082946) that stated, among other things, "Revise B738384 to reflect work done or reduce Radio Tower to permitted height." Attachment D.

According to an August 31, 2010, email from Glen Barry, of the Baltimore County Inspections office, an owner of the Property had told Jake Kemp, a County Building Inspector who had spoken with one of the Property's owners, that he had contacted the installer of the First Tower to reduce the height of the tower to fifty feet. Attachment E. This never happened. Instead, the owners changed their minds and applied for a variance. Attachment F. The First Tower is the subject of the variance petition that has been submitted by the Property's owners. The variance application (Attachment G) reflects that the First Tower, which was supposed to be 50 feet tall, is actually 76 feet tall.¹ The drawing submitted with the variance application is not to scale, and incorrectly could be read to give the impression that the Easement is part of the Property. Regardless, it also indicates (incorrectly) that the distance of the nearest property line to the base of the First Tower is 60 feet, five inches.

The second antenna tower constructed at the Property (the "Second Tower") is also in violation of the Zoning Code. Unfortunately, the actual permit request and attached site plan for the Second Tower are not yet available at the County Department of Permits & Development Management. But, computer records reflect that on or about October 15, 2010, Permit No. B749362 was issued for construction of a 68 foot high tower with a 6 foot mast. Attachment H. This permit (which stated that the side setbacks between the tower and the side property lines was 74 feet, six inches) was cancelled on October 20, 2010, due to a change in "setback." On October 20, 2010, a revised permit for the Second Tower was issued (Permit No. B749568, for a 65 foot high tower with a six foot mast. Attachment I. The application for the Second Tower incorrectly stated that the side setbacks were 65 feet.

As explained above, no radio antenna at the Property can be higher than 58.56 feet. Accordingly, a permit should not have been issued for the Second Tower, the permit issued should be rescinded, and the Second Tower found to be in violation of the Zoning Code. The plain impact of the towers' being constructed in violation of the Zoning Code can perhaps best demonstrated by the pictures that are attached as Attachment J. The pictures speak for

¹ The actual height of the First Tower (or the second Tower) is not known for certain, and the Property's owners will be asked whether they will give permission for a surveyor to enter the Property and measure the two towers' heights. Both clearly appear, however, to be higher than 60 feet.

TYDINGS & ROSENBERG LLP

Baltimore County Code Inspections and Enforcement

January 17, 2011

Page 3

themselves, and demonstrate the importance of not allowing homeowners to flout the Zoning Code by building radio towers that are higher than permitted by the code.

In addition to the towers' height, it appears that the Zoning Code permits only one radio antenna and related equipment on one lot as of right. Any other reading of the Zoning Code would allow a property owner to install multiple antennas on a residential property, which cannot have been the intent of the Zoning Code's drafters.

Therefore, this is to request that Code Enforcement immediately find that the Second Tower is in violation of the Baltimore County Zoning Code, because (1) the Second Tower is higher than allowed, and (2) only one tower is permitted at each residential property as an accessory structure. This is also to request that all appropriate legal action be taken to force the Property's owners to reduce the First Tower's height if their request for a variance is not granted as a result of the scheduled February 2, 2010, variance hearing.

If the above requests should be directed to another County agency, please let me know immediately.

Please call me if you have any questions. I would appreciate a report as soon as you have completed your investigation.

Sincerely,

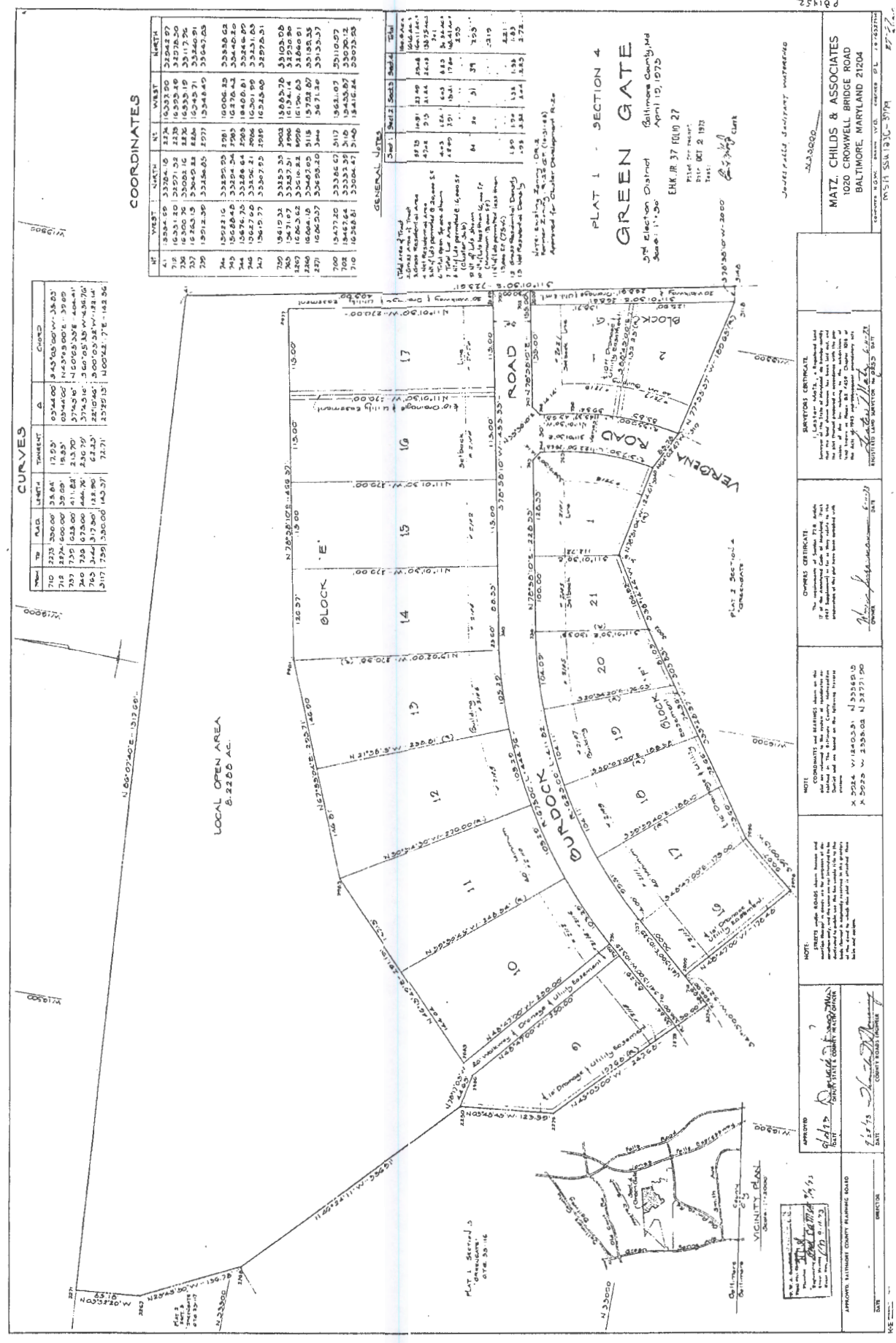


William S. Heyman

WSH/rsm

Attachments

cc: Councilwoman Vicki Almond (by email)
Arthur Putzel, Treasurer, Pikesville-Greenspring Community Coalition (by email)
Joel Glazer, President, Greengate Community Association (by email)
Ms. Diana Itter (by email)



CURVES				
STATION	PI	RAI	LEN	CHORD
710	2725	330.00	33.84	17.25
718	2734	330.00	33.84	17.25
727	2735	330.00	33.84	17.25
737	2735	330.00	33.84	17.25
740	2735	330.00	33.84	17.25
745	2735	330.00	33.84	17.25
750	2735	330.00	33.84	17.25
755	2735	330.00	33.84	17.25
760	2735	330.00	33.84	17.25
765	2735	330.00	33.84	17.25
770	2735	330.00	33.84	17.25
775	2735	330.00	33.84	17.25
780	2735	330.00	33.84	17.25
785	2735	330.00	33.84	17.25
790	2735	330.00	33.84	17.25
795	2735	330.00	33.84	17.25
800	2735	330.00	33.84	17.25
805	2735	330.00	33.84	17.25
810	2735	330.00	33.84	17.25
815	2735	330.00	33.84	17.25
820	2735	330.00	33.84	17.25
825	2735	330.00	33.84	17.25
830	2735	330.00	33.84	17.25
835	2735	330.00	33.84	17.25
840	2735	330.00	33.84	17.25
845	2735	330.00	33.84	17.25
850	2735	330.00	33.84	17.25
855	2735	330.00	33.84	17.25
860	2735	330.00	33.84	17.25
865	2735	330.00	33.84	17.25
870	2735	330.00	33.84	17.25
875	2735	330.00	33.84	17.25
880	2735	330.00	33.84	17.25
885	2735	330.00	33.84	17.25
890	2735	330.00	33.84	17.25
895	2735	330.00	33.84	17.25
900	2735	330.00	33.84	17.25
905	2735	330.00	33.84	17.25
910	2735	330.00	33.84	17.25
915	2735	330.00	33.84	17.25
920	2735	330.00	33.84	17.25
925	2735	330.00	33.84	17.25
930	2735	330.00	33.84	17.25
935	2735	330.00	33.84	17.25
940	2735	330.00	33.84	17.25
945	2735	330.00	33.84	17.25
950	2735	330.00	33.84	17.25
955	2735	330.00	33.84	17.25
960	2735	330.00	33.84	17.25
965	2735	330.00	33.84	17.25
970	2735	330.00	33.84	17.25
975	2735	330.00	33.84	17.25
980	2735	330.00	33.84	17.25
985	2735	330.00	33.84	17.25
990	2735	330.00	33.84	17.25
995	2735	330.00	33.84	17.25
1000	2735	330.00	33.84	17.25

COORDINATES

STATION	NORTH	EAST	SOUTH	WEST
1	1534.59	3320.10	3320.10	1534.59
2	1534.59	3320.10	3320.10	1534.59
3	1534.59	3320.10	3320.10	1534.59
4	1534.59	3320.10	3320.10	1534.59
5	1534.59	3320.10	3320.10	1534.59
6	1534.59	3320.10	3320.10	1534.59
7	1534.59	3320.10	3320.10	1534.59
8	1534.59	3320.10	3320.10	1534.59
9	1534.59	3320.10	3320.10	1534.59
10	1534.59	3320.10	3320.10	1534.59
11	1534.59	3320.10	3320.10	1534.59
12	1534.59	3320.10	3320.10	1534.59
13	1534.59	3320.10	3320.10	1534.59
14	1534.59	3320.10	3320.10	1534.59
15	1534.59	3320.10	3320.10	1534.59
16	1534.59	3320.10	3320.10	1534.59
17	1534.59	3320.10	3320.10	1534.59
18	1534.59	3320.10	3320.10	1534.59
19	1534.59	3320.10	3320.10	1534.59
20	1534.59	3320.10	3320.10	1534.59
21	1534.59	3320.10	3320.10	1534.59

GENERAL NOTES

1. The area of the tract is 1.0000 acre.
2. The area of the tract is 1.0000 acre.
3. The area of the tract is 1.0000 acre.
4. The area of the tract is 1.0000 acre.
5. The area of the tract is 1.0000 acre.
6. The area of the tract is 1.0000 acre.
7. The area of the tract is 1.0000 acre.
8. The area of the tract is 1.0000 acre.
9. The area of the tract is 1.0000 acre.
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13. The area of the tract is 1.0000 acre.
14. The area of the tract is 1.0000 acre.
15. The area of the tract is 1.0000 acre.
16. The area of the tract is 1.0000 acre.
17. The area of the tract is 1.0000 acre.
18. The area of the tract is 1.0000 acre.
19. The area of the tract is 1.0000 acre.
20. The area of the tract is 1.0000 acre.
21. The area of the tract is 1.0000 acre.

APPROVED FOR THE CLERK OF THE DISTRICT COURT

GREEN GATE

3rd Election District Baltimore County, Md

APRIL 19, 1975

ENR JR 37 1010 27

PLAT 1

PLAT 2

PLAT 3

PLAT 4

PLAT 5

PLAT 6

PLAT 7

PLAT 8

PLAT 9

PLAT 10

PLAT 11

PLAT 12

PLAT 13

PLAT 14

PLAT 15

MATZ, CHILDS & ASSOCIATES
1020 CROWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204

APPROVED FOR THE CLERK OF THE DISTRICT COURT

APPROVED FOR THE CLERK OF THE DISTRICT COURT

APPROVED FOR THE CLERK OF THE DISTRICT COURT

APPROVED FOR THE CLERK OF THE DISTRICT COURT

APPROVED FOR THE CLERK OF THE DISTRICT COURT

APPROVED FOR THE CLERK OF THE DISTRICT COURT

APPROVED FOR THE CLERK OF THE DISTRICT COURT

APPROVED FOR THE CLERK OF THE DISTRICT COURT

Attachment B

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 5/5/10
OEA: me/mr
HISTORIC DISTRICT/BLDG.

PERMIT #: B 738384
RECEIPT #: A622431
CONTROL #: RR
XREF #:

PROPERTY ADDRESS: 2118 BARDOCK RD
SUITE/SPACE/FLOOR: BALTIMORE, MD, 21209
SUBDIV: Green Gate
TAX ACCOUNT #: 1800012197
DISTRICT/PRECINCT: 3

FEE: \$10.00
PAID: \$10.00
PAID BY: Appl-
INSPECTOR:

OWNER'S INFORMATION (LAST, FIRST)
NAME: VITALY GALILOV & Maria
ADDR: 2118 BARDOCK RD BALTIMORE, MD, 21209-1002

DOES THIS BLDG.
HAVE SPRINKLERS
YES — NO —

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

APPLICANT INFORMATION

NAME: VITALY GALILOV
COMPANY:
STREET: 2118 BARDOCK RD
CITY, ST, ZP: BALTIMORE, MD, 21209
PHONE #: 410-365-4775 MHIO #
APPLICANT
SIGNATURE: V. Galilov DRC#
PLANS: CONST 0 PLOT 3 PLAT 0 DATA 0 EL 1 PL 2
TENANT
CONTR: XX Tower
ENGR:
SELLR:

TYPE OF IMPROVEMENT

1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

DESCRIBE PROPOSED WORK: Erect 50' Lam radio
tower w/ antenna on rear property of
ex. SFD. Manufacture specs
Attached.

TYPE OF USE

RESIDENTIAL

01. ☐ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. ☐ SWIMMING POOL
06. ☐ GARAGE
07. ☒ OTHER Tower antenna

TYPE FOUNDATION

1. ☐ SLAB
2. ☐ BLOCK
3. ☐ CONCRETE

BASEMENT

1. ☐ FULL
2. ☐ PARTIAL
3. ☐ NONE

NON-RESIDENTIAL

08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH HEIGHT)
11. ☐ INDUSTRIAL, STORAGE BUILDING
12. ☐ PARKING GARAGE
13. ☐ SERVICE STATION, REPAIR GARAGE
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ☐ SIGN
19. ☐ STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. ☐ SWIMMING POOL
SPECIFY TYPE
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ☐ OTHER

per § 426 A.

exempted from
§ 300 BCR

TYPE OF CONSTRUCTION

1. ☐ MASONRY
2. ☐ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☐ GAS
2. ☐ OIL
3. ☐ ELECTRICITY
4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☒ PUBLIC SEWER EXISTS PROPOSED
2. ☐ PRIVATE SYSTEM EXISTS PROPOSED
- SEPTIC EXISTS PROPOSED
- PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. ☐ 2. ☐

ESTIMATED COST: \$15,000.00

OF MATERIALS AND LABOR

PROPOSED USE: SFD & Tower w/ antenna
EXISTING USE: SFD

OWNERSHIP

1. ☒ PRIVATELY OWNED
2. ☐ PUBLICLY OWNED
3. ☐ SALE
4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☒ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. ☐ HIRISE

1 FAMILY BEDROOMS

GARBAGE DISPOSAL 1. ☐ 2. ☐ BATHROOMS CLASS 04

POWDER ROOMS KITCHENS LIBER 37 FOLIO 27

110.29X

APPROVAL SIGNATURES

BUILDING SIZE

LOT SIZE AND SETBACKS

BLD INSP:

:

:

BALTIMORE COUNTY, MARYLAND**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT***Timothy Kotroco*

TIMOTHY M. KOTROCO, Director

*Donald E. Brand*

DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B738384 CONTROL #: RR DIST: 03 PREC: 01
 DATE ISSUED: 05/05/2010 TAX ACCOUNT #: 1600012197 CLASS: 04

PLANS: CONST 0 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO
 LOCATION: 2118 BURDOCK RD
 SUBDIVISION: GREEN GATE

OWNERS INFORMATION

NAME: GALILOV VITALY & MARIA
 ADDR: 2118 BURDOCK RD. 21209-1002

TENANT:

CONTR: XX TOWER

ENGR:**SELLR:**

WORK: ERECT 50' HAM RADIO TOWER W/ANTENNA ON REAR
 PROPERTY OF EX.SFD, MANUFACTURER'S INSTRUCTIONS
 ATTACHED. PER 426A, EXEMPTED FROM 300 BCZR.

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD AND TOWER WITH ANTENNA
 EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONTRUCTION

USE: OTHER - RESIDENTIAL

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT:

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 30132SF

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: 52/52

SIDE STR SETB:

REAR SETB: 84

03R INSPECTOR COPY

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.



Baltimore County
Department of Permits and
Development Management

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

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 0082946	Property No. FA0174207	Zoning:
-------------------------------------	----------------------------------	---------

Name(s): **Vitality Galilov**
Maria Galilov

Address: **2118 Burdock Rd Baltimore MD 21209**

Violation Location: **Same**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

**IRC 2006 R105.1 "Permit Required"; R105.4
"Validity of Permit"; AG105.2 "Outdoor
Swimming Pools"**

- 1) Please obtain permit for pavilion.
- 2) Revise B738384 to reflect work done or reduce Radio Tower to permitted height
- 3) Install or Modify Pool enclosure gates to code (B700428)

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

ON OR BEFORE: 9/15/10	DATE ISSUED: 9/30/10
---------------------------------	--------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **Jim Kemp**

INSPECTOR: **[Signature]**

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

INSPECTOR: _____

Glenn Berry - update for 2118 Burdock Rd.

From: Glenn Berry
To: Mohler, Mike
Date: 8/31/2010 9:30 AM
Subject: update for 2118 Burdock Rd.
CC: Brand, Donald

Mike, On 08/26/10 Jake Kemp met with the homeowner and contractor at 2118 Burdock Rd. After researching permits on property, on 08/30/2010 a correction notice was issued to Vitality and Maria Galilov owners of the property for these violations.

1. Radio tower exceeds the 50 foot height allowed on permit B738384.
2. Pool barrier gates are not in compliance with code, permit B700428.
3. Permit is required for a pavilion constructed on rear of house.

The correction notice requires these corrections to be made by 09/07/2010. Inspector Kemp also instructed the owners to obtain completion inspections on all other outstanding permits issued for this property. The owner has been in contact with inspector Kemp, he has contacted the installer of the radio tower to bring the height of tower to 50 feet and has boarded the gate of the pool fence until proper hardware can be installed.

If you have any questions please call Jake Kemp or myself, Monday - Friday between 7:30 a.m. - 3:30 p.m.

Glenn Berry, Baltimore County
Building Inspections
410-887-3953

Attachment F

Glenn Berry - Fwd: Re: update for 2118 Burdock Rd

From: Glenn Berry
To: Mohler, Mike
Date: 9/17/2010 12:22 PM
Subject: Fwd: Re: update for 2118 Burdock Rd

Mike, We originally received this complaint from you and K. Kamenetz's offices. Since our last update on 08/31/2010 the owners of the property have changed their minds and are applying for a variance for the antenna rather than complying to the 50 feet allowed on permit B738384. Permit B747310 has been obtained for the pavilion and attached gazebos. A contractor is repairing loose guard rails on deck. An electrical final inspection was disapproved on 09/13/2010 and a correction notice was issued for violations to be corrected by 09/27/2010. Plumbing Inspections is also issuing a correction notice for violations required to be corrected, so a final inspection can be approved. Inspector Kemp will reinspect property on 09/22/2010.

Glenn Berry
Acting Chief
Building Inspections



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 2118 Burdock Road

which is presently zoned DR 2

Deed Reference: 26516 / 284 Tax Account # 1600012197

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)

426.A.E., BCZR, to permit a radio operator antenna to be 76' in height instead of 54', which is horizontal distance from the base of structure to nearest property line at grade level.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

to be presented at hearing

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 bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County,

(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:

David Karceski

Name - Type or Print

Signature

Venable, LLP

Company

210 West Pennsylvania Ave 410 494 6285

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. 2011-0195-A

Legal Owner(s):

Vitaliy Gallov

Name - Type or Print

Signature

Maria Gallov

Name - Type or Print

Signature

2118 Burdock Road

Address

Baltimore, Maryland 21209

City

410-365-4775

Telephone No.

State

Zip Code

Representative to be Contacted:

David Karceski

Name

210 West Pennsylvania Ave 410 494 6285

Address

Towson, Maryland 21204

City

State

Zip Code

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

WCR

Date

12/17/10

Due 12/30/10

TIME: 09:05:22 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 10/20/2010
DATE: 01/12/2011 GENERAL PERMIT APPLICATION DATA DAS 11:22:14

PERMIT #: B749362 PROPERTY ADDRESS
RECEIPT #: A629795 2118 BURDOCK RD
CONTROL #: RR SUBDIV: GREEN GATE
XREF #: B749362 TAX ACCOUNT #: 1600012197 DISTRICT/PRECINCT 03 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 50.00 NAME: GALILOV VITALIY & MARIA
PAID: 50.00 ADDR: 2118 BURDOCK RD.21209-1002
PAID BY: APPLICANT

DATES

APPLICANT INFORMATION

APPLIED: 10/15/2010 NAME: VITALIY GALILOV
ISSUED: 10/15/2010 COMPANY:
CANCEL: 10/20/2010 ADDR1: 2118 BURDOCK RD.
FINAL INSPECT: ADDR2: BALTO.MD.21209
INSPECTOR: 03R PHONE #: 410-365-4775 LICENSE #:
NOTES: MR/MR
CANCEL-SEE RR B749568-CHG IN SETBACK-10/20/10

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

2

TIME: 09:04:21 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 10/20/2010
DATE: 01/12/2011 GENERAL PERMIT APPLICATION DATA MXR 10:08:21

PERMIT #: B749568 PROPERTY ADDRESS
RECEIPT #: A629957 2118 BURDOCK RD
CONTROL #: RR SUBDIV: GREEN GATE
XREF #: B749568 TAX ACCOUNT #: 1600012197 DISTRICT/PRECINCT 03 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 5.00 NAME: GALILOV VITALIY & MARIA
PAID: 5.00 ADDR: 2118 BURDOCK RD.21209
PAID BY: APPLICANT

DATES

APPLICANT INFORMATION

APPLIED: 10/20/2010 NAME: VITALIY GALILOV

ISSUED: 10/20/2010 COMPANY:

OCCPNY: ADDR1: 2118 BURDOCK RD.

FINAL INSPECT: ADDR2: BALTO.MD.21209

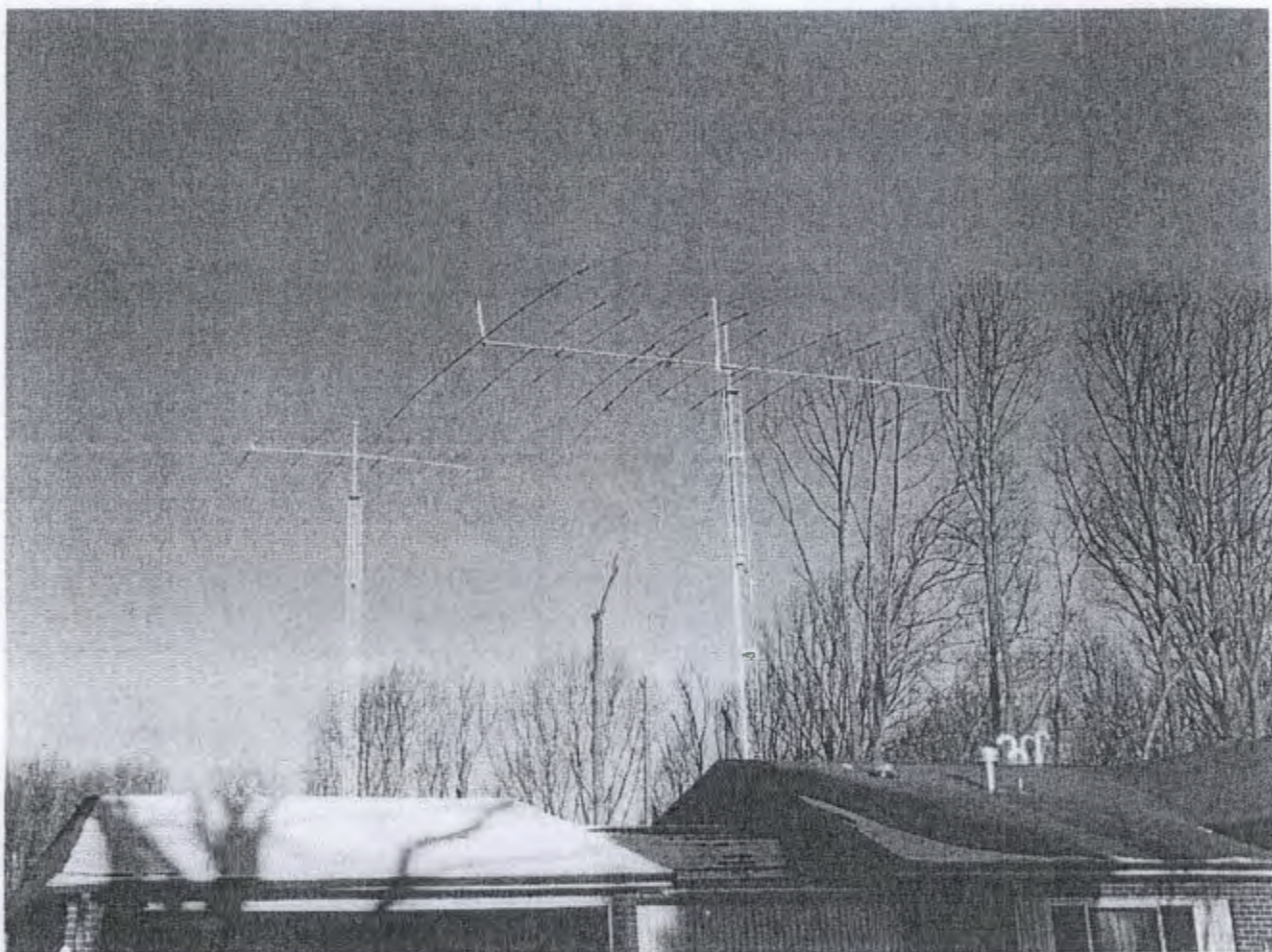
INSPECTOR: 03R PHONE #: 410-365-4775 LICENSE #:

NOTES: TLM/MR

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY





HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

February 3, 2011

RECEIVED

FEB 04 2011

Kristen Lewis, Docket Clerk
Baltimore County Department of Permits
Approvals and Inspections
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: 2118 Burdock Road
Case No. 2011-0195-A
Entry of Appearance

Kristen 4:05 1/27

Bill Hayman
410-752-9769

2011-0195-A

postponed -
but
not on website

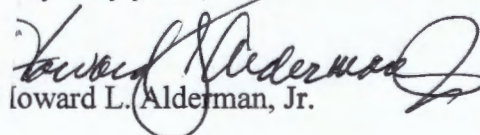
P/P from 2/2 ER
Per data base (2/25)
no new hearing set.
also, not on
Jan. cal.
Data base: 3/9 5/24
4/27 5/10
5/17

s in
nat
origi

try 2, 2011. I have enclosed a copy of this letter
me in the enclosed envelope.

aterials already filed may be necessary. Therefore,
e any required modifications prepared. I will keep
y filed modifications. Should you need additional
not hesitate to contact me.

ery truly yours,


Howard L. Alderman, Jr.

David H. Zimmerman, People's Counsel
Peter Max Zimmerman, People's Counsel
William S. Heyman, Esquire
The Honorable Vicki Almond
Lawrence M. Stahl, Administrative Law Judge
Adam M. Rosenblatt, Assistant County Attorney

Aaron Tsui - Fwd: Re: permits for ham radio antennas - 2118 Burdock Road 2011-195a

From: Carl Richards
To: Tsui, Aaron
Date: 01/12/11 9:45 AM
Subject: Fwd: Re: permits for ham radio antennas - 2118 Burdock Road 2011-195a

Aaron, more on the antenna. Possibly the inspector would have some answers.

>>> Diana Itter 1/11/2011 4:32 PM >>>

I think that is a question for the Department that reviews, approves and inspects the permits.

Carl Richards is the Zoning Review Supervisor, he can be reached at 410-887-3391.

The building inspector who checked it in the field would also be someone you or your attorney may wish to contact.

>>> <cohlerent@aol.com> 01/11/11 3:30 PM >>>

How does the zoning department allow him to build something that he is not permitted for? Isn't there an approval process and inspection? Isn't it a little later after the fact to go after him if the tower is already erected?

Toby

THIS IS NOT TRUE
SEE COMMENTS.

* DISCUSSED WITH CARL RICHARDS,
ZONING SUPERVISOR, ON 1.12.11
ABOUT THIS E-MAIL RESPONSE

-----Original Message-----

From: Diana Itter <ditter@baltimorecountymd.gov>

To: cohlerent@aol.com

Sent: Tue, Jan 11, 2011 2:58 pm

Subject: Re: permits for ham radio antennas - 2118 Burdock Road

I think one of the antennas was actually built higher than what the permit stated and the variance for 76' height is to legalize what is already there.

Assistant Chief of Community Planning
Senior Planner

2nd Councilmanic District
Baltimore County Office of Planning
105 West Chesapeake Avenue
Suite 101

Towson, MD 21204

410-887-3480

>>> <cohlerent@aol.com> 01/11/11 2:53 PM >>>

Dear Diana,

- THIS IS A MISLEADING ASSUMPTION BY THE PLANNER WITHOUT VERIFYING WHAT ACTUALLY BUILT
- THE ^{ISSUED} BUILDING PERMIT WAS BASED ON INFORMATION PROVIDED BY THE OWNER AND ZONING REGULATION.

One is 65 foot and the other is 50 foot. Which one is he trying to get to 75 feet tall?

Toby

AARON TSUI
ZONING REVIEW
1.12.2011

-----Original Message-----

From: Diana Itter <ditter@baltimorecountymd.gov>

To: cohlerent@aol.com

Sent: Tue, Jan 11, 2011 2:44 pm

Subject: permits for ham radio antennas - 2118 Burdock Road

Attached are the two permits that were issued by Baltimore County Department of Permits and Development Management.

DATE: 01/12/2011

AUTOMATED PERMIT TRACKING SYSTEM

BP1072M

TIME: 09:06:10

FULL SCREEN INQUIRY

SEL	STREET ADDRESS	PERMIT NO	CONTROL NO
2118	BURDOCK RD	B692945	MR
2118	BURDOCK RD	B699104	MR
2118	BURDOCK RD	B700428	RS
2118	BURDOCK RD	B700571	MR
2118	BURDOCK RD	B700678	MR
2118	BURDOCK RD	B702323	RR
2118	BURDOCK RD	B705406	RR
2118	BURDOCK RD	B738384	RR
2118	BURDOCK RD	B747310	MR
2118	BURDOCK RD	B749362	RR
2118	BURDOCK RD	B749568	RR
100	BURKE AVE	B660370	MR
20	BURKE AVE	B750012	C-
20	BURKE AVE	B751986	RRC-
219	BURKE AVE	B737888	GR
233	BURKE AVE	B750693	C-
26	BURKE AVE	B684863	RA
30	BURKE AVE	B655532	RA

PAGE SCROLL (F/B) F

CLEAR TO RETURN TO THE MENU

ENTER THE LETTER -X- NEXT TO THE ADDRESS TO RECEIVE PERMIT DETAIL

AT- → Toby Lipsitz
443-802-5396

Diana Ditter

2011-19517

60
50

2118 Burdock Rd.
2 Towers

749362

Spoke to
m Lipsitz

- She is aware of the 2/2/11 hearing
- Also informed her that the variance asked for 76 ft ht. tower

AT 1/12/11

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID
[SEARCH ON THIS FIELD]:

20110195

Case Type Prefix: Case Year: Case Number: Case Type Suffix:

2011

0195

A

Existing Use:

Residential

Legal Owners/Petitioner

[SEARCH ON THIS FIELD]: Vitaily Galilov

House/St. Number:	House/Street Number Range:	House/St. No. Suffix:	Prefix Dir.:	Pre. Type:	Street Name [SEARCH ON THIS FIELD]:	Suf. Type:	Suffix Dir.:	Suite/Apt./Unit Number:
2118					Burdock	Rd		

Property Description [SEARCH ON THIS FIELD]:

N/west side of Burdock Rd, 220 feet northeast of Denberg Rd.

Existing Zoning Classification: D.R. 2 Area: 30,132 sq. ft. Election District: 3rd Councilmanic District: 2nd

Critical Area: NO Floodplain: NO Historic Area: NO Related (Prior and Future) Cases:

Violation Cases: Concurrent Cases:

Tax Account ID: Deed Liber #: Deed Folio #: Miscellaneous Notes:

1.) 1600012197	1.) 26516 / 284
2.)	2.) /
3.)	3.) /

Miscellaneous Notes:

Find Record

Next Record

Previous Record

Preview ZAC Agenda

Public Hearings

Admin Variances

Open MS Word

Exit Access

Scanned Image

Record: 147 of 26401

Form View

Microsoft Access - [GenInputFrm_View : Form]

File Edit View Insert Format Records Tools Window Help

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

Attorney: David Karceski

Petition Reviewer: WCR Petition Reviewer 2: Petition Filing Date:

Day of Week: Hearing Date: Hearing Time: Hearing Location:

Wednesday 02/02/2011 1:30 PM Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

Closing Date: Commissioner Hearing Continued From: Commissioner Hearing Rescheduled From: Formal Request For Hearing:

Case Number:

2011 0195 A

Petition Type # 1: VARIANCE

Petition Request # 1: to permit a radio operator antenna to be 76' in height instead of 54', which is horizontal distance from the base of structure to nearest property line at grade level.

Petition Type # 2:

Petition Request # 2:

Find Record Next Record Previous Record Preview ZAC Agenda Public Hearings Admin Variances Open MS Word Exit Access Scanned Image

Record: 147 of 26401

Form View

start Novell GroupWise - M... Microsoft Access - [G... 9:59 AM

SECTION 426A
Radio Operator Antennas
[Bill No. 30-1998]

§ 426A.1. Conditions for use as accessory structure.

- A. A radio operator antenna and related equipment, including any supporting structure, is considered an accessory structure or use and is permitted by right in any zone if the radio antenna and the related equipment meet the requirements of this section.
- B. A radio operator antenna shall be operated by an amateur radio operator who is licensed by the Federal Communications Commission and whose domicile is on the lot where the antenna and the related equipment is placed.
- C. A supporting structure for a radio operator antenna may not be located within 20 feet of any property line.
- D. A radio operator antenna may not extend closer than the front building line to any street on which the lot fronts. An antenna made of wire no larger than the smallest diameter specified for that purpose in the Electrical Code may not extend farther than the property line of the lot. **[Bill No. 65-2008]**
- E. A supporting structure plus attachments for a radio operator antenna may not be higher than the lesser of 100 feet or the horizontal distance from the base of the structure to the nearest property line at grade level. **[Bill No. 65-2008]**

SECTION 427

Fences

[Bill Nos. 111-1986; 137-2004; 65-2005³²]

§ 427.1. Conditions for use; exceptions.

- A. Notwithstanding any other provisions of this Code or the Baltimore County Code, in a D.R. or R.C. 5 Zone located in a historic district, the maximum height of a residential occupancy fence is 42 inches if the fence is erected in the side yard of a lot that adjoins a public road.
- B.
 - 1. A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this section.
 - 2. The fence may not exceed 42 inches in height if situated within 10 feet of the adjoining front yard property line.
 - 3. Any person may request a variance from the requirements of this subsection.
- C. Applicability.

32. Editor's Note: See also Section 3111.0 of the Building Code of Baltimore County.



2011-0195-A

DR 1

1600012201

Lot # 13

1600012206

Pt. Bk. 37, Folio 27

1600007857

Lot # 5

Lot # 12

1600012200

GREENSPRING EAST (SECTION 4) (PDM File/Project #)

1600012199 Lot # 11

2108

Lot # 6
1600007858

Pt. Bk./Folio # 037027

2110

1600012198 Lot # 10

2112

1600007859 Lot # 7

PDM # 030138

Flood Zone X
7209

1600012197 Lot # 9

NW 9-C

069A3

2 CD

3 ED

DR 2

2118

Lot # 18

20020361

1600012210

2111

Lot # 17
1600012209

BURDOCK RD

2113

Lot # 16

20100230

1600012208

2115

Lot # 15
1600012863

Lot # 6
1600012857

7208

Lot # 17
1600007851

7206

1600007852

Lot # 18

20000498

1600007853

Lot # 19

1600007854 Lot # 20

DENBERG RD

Lot # 13
1600007862

2117

1600012862

Pt. Bk. 37, Folio 28

Lot # 14

Pt. Bk./Folio # 037028

1600012858 Lot # 7

7204

Lot # 8

1600012859

20040206

1600012861

Lot # 10

1600012860

Lot # 9

2011-0195-A

Lot # 12
1600012200

1600012206

Lot # 11

1600012199

11

2110

GREENSPRING EAST (SECTION 4) (PDM File/Project #)

Lot # 10

Pt. Bk. 37, Folio 27

1600012198

10

2112

1600007859

Lot # 7

2 CD

3 ED

PDM # 030138

DR 2

Lot # 9 1600012197

59244 - 20110195

9

2118

9117

Lot # 17
1600012209

2111

8

Lot # 8
1600007860

7207

Pt. Bk. 35, Folio 116

Pt. Bk./Folio # 035116

BURDOCK RD

1600012208

Lot # 16

59006 - 20100230

16

Pt. Bk. 37, Folio 28

1600012863

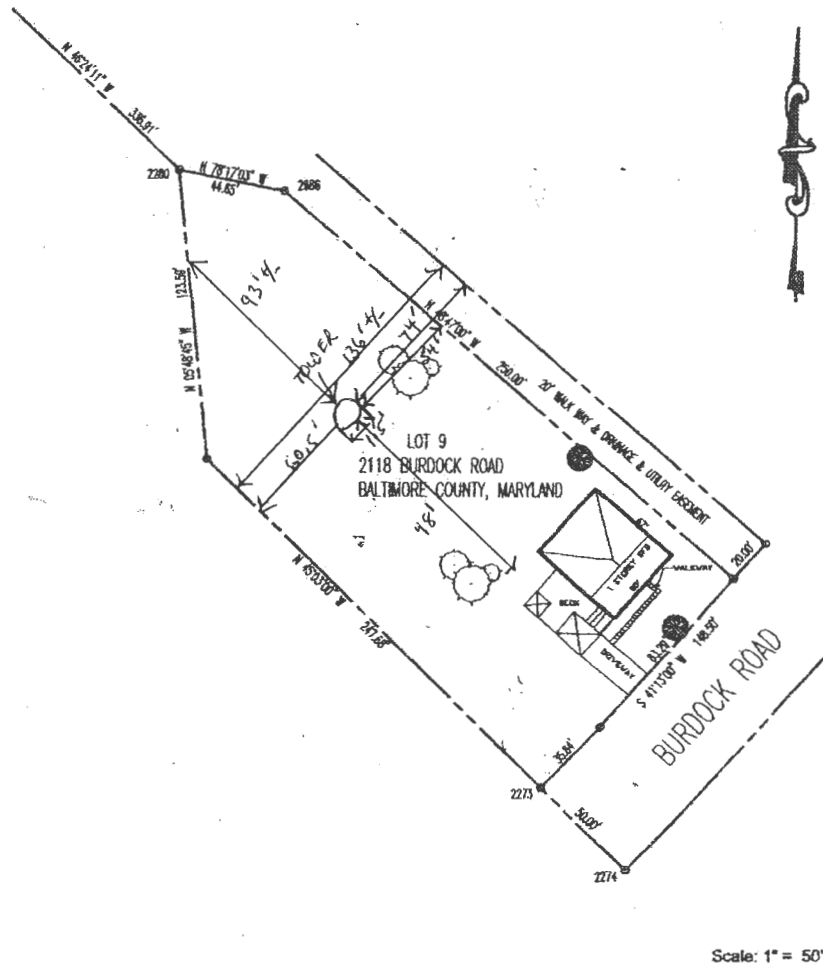
Lot # 15

Pt. Bk./Folio # 037028

1600012862

Lot # 14

15



GENERAL NOTES

1. Area of property: 30,132 SF
2. Existing Zoning of Property: DR 2
3. Existing Use of Property: residential
4. Proposed Zoning of Property: DR 2
5. Proposed Use of Property: residential
6. Property served by: public utilities
7. Radio Operator Antenna: 70' tower + 6' mast
8. Petitioner Requesting: variance to the height of the proposed radio operator tower of 76' in lieu of 60', which is distance from nearest property line to structure at grade level
9. Existing dwelling constructed: 1975
10. Existing zoning history: None
11. Not within Critical Area

PLAN TO ACCOMPANY PETITION FOR VARIANCE

2118 Burdock Road
Owners: Vitaliy and Maria Galilov

Election District: 3rd
Councilmanic District: 2nd

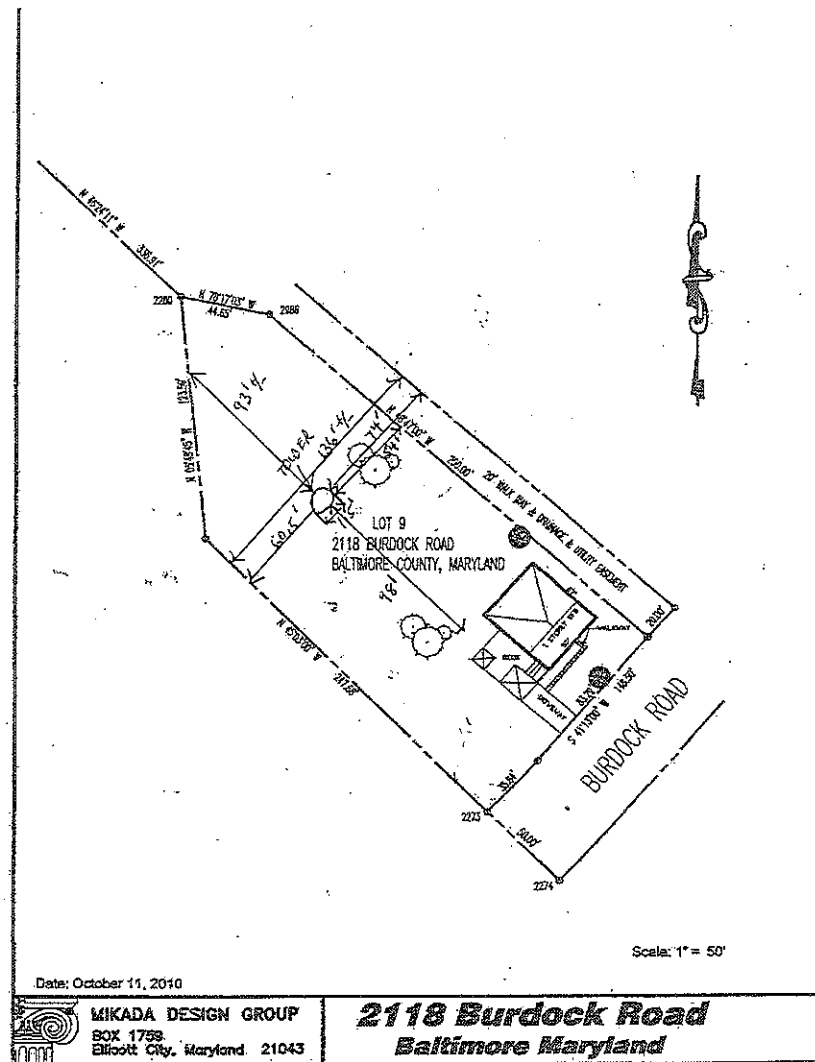
Date: October 11, 2010



MIKADA DESIGN GROUP
BOX 1759
Ellicott City, Maryland 21043

2118 Burdock Road
Baltimore Maryland

2011-0195-A



GENERAL NOTES

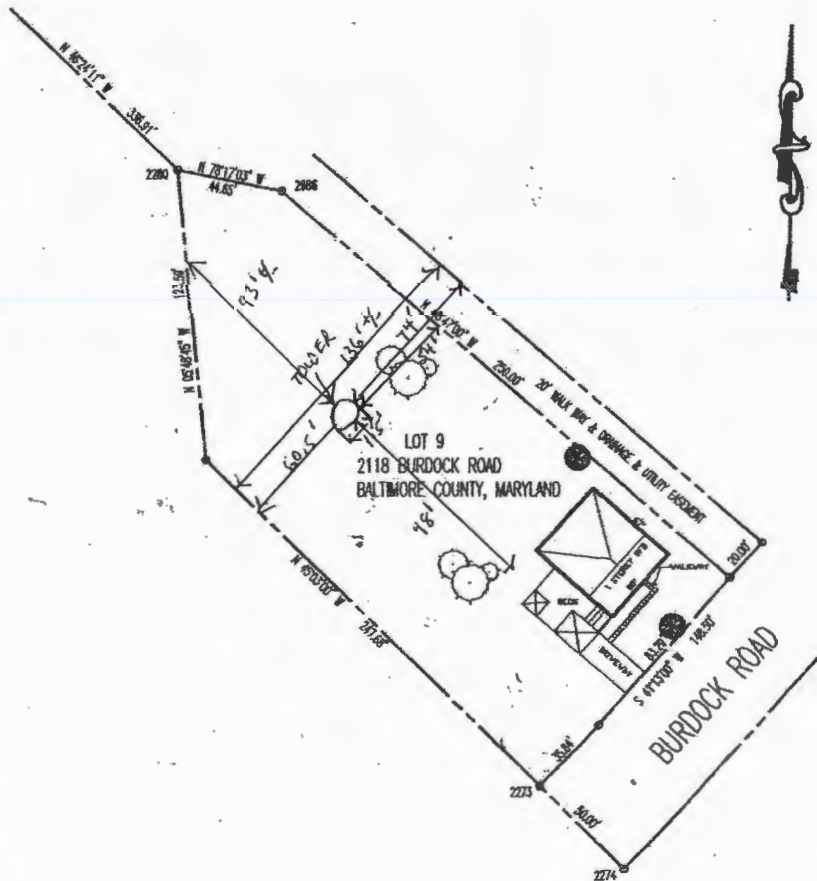
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2011-0195-A



Scale: 1" = 50'

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