

IN RE: **PETITION FOR VARIANCE**

S side of Forge Road; 420 feet E
of the c/l of Winkler Road
11th Election District
5th Council District
(5309 Forge Road)

Raymond and Shirley Winkler
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0199-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Raymond and Shirley Winkler, the legal property owners. Petitioners are requesting variance relief from Section 100.6 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a pigeon coup on a tract of land with the area of 0.459 acre in lieu of the required minimum area of 1 acre. The subject property and requested relief are more fully described on the site plan marked and accepted into evidence as Petitioners' Exhibit 4.

Appearing at the public hearing were the Petitioner Raymond Winkler, his son Philip Winkler, and Dennis Psoras, Esquire, and James D. Psoras, Esquire, attorneys for the Petitioners.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Planning dated March 29, 2012 which state:

"The Department of Planning has reviewed the petitioner's request, letter explaining hardship and accompanying site plan. The Department of Planning does not oppose the petitioner's request as it does not appear to have a negative impact on the surrounding area or neighboring properties. The petitioner's pigeon coup is located in the rear yard of the subject property and is farthest removed

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Date 4-27-12
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from residents of 5307 Forge Road. As indicated by the petitioner, a relative lives in the dwelling located at 5311 Forge Road who is also involved with the training, flying and care of the pigeons. Additionally the petitioner owns the lot described as lot 15 on the site plan, which is also noted as being vacant.

Provided there is no opposition from other neighbors in close proximity to the subject lot, this department does not oppose the request or pigeon operation at 5309 Forge Road."

This matter is currently the subject of an active violation case (Case No. CO-0099852) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits, Approvals and Inspections, which has the authority to issue Correction Notices and Citations and to impose fines and other penalties for violation of law. On the other hand, the role of the Administrative Law Judge in this matter is to decide the discreet legal issue of whether the Petitioners are entitled to the requested variance.

Testimony and evidence offered at the hearing demonstrated that the property which is the subject of this variance request consists of 0.344 acres, more or less, and is zoned DR 2. The property is located on the south side of Forge Road and has a street address of 5309 Forge Road. The property is improved with an existing single family dwelling with a 14 x 24 foot pigeon coop located in the rear yard. The Petitioner also owns a vacant lot located to the rear of his property.

Testimony demonstrated that Mr. Winkler, who currently resides at the property has raised pigeons at his home for the past 65 years. He stated that he built his house in 1947 and has raised pigeons open and continuously since 1947 and to the present time. There has been no interruption

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Date 4-27-12 2

By pm

in this use. Mr. Winkler has, at one time, housed as many 75 pigeons on his property. Currently, he has 60 pigeons – 40 for breeding and 20 which are used for racing. The testimony and evidence offered clearly showed that the Petitioner enjoys a non-conforming use for the keeping of pigeons on his property. However, he has chosen to file for a variance to allow the pigeons to remain on his property on a lot that is less than one acre in size. The Petitioner's son, Officer Philip Winkler, appeared at the hearing and resides on the next door property with has a street address of 5311 Forge Road. Mr. Winkler's son and grandson are also active in the care and maintenance of these pigeons.

It was clear from the testimony offered that the keeping of these pigeons on this property has been a family tradition and now spans three generations in the Winkler family. There is no reason why the continued keeping of pigeons on this property should not continue to exist into the future. The pigeons are well cared for, there have been no complaints regarding the pigeons, and letters of support were submitted into evidence from the surrounding property owners.

As stated previously, the Petitioner has chosen to request variance relief to allow the pigeons to remain on the property as they have for the past 65 years. It was quite possible that the Petitioner may have had one acre of land; however, he subdivided his property so that his son could construct a home next to his. In addition, the Petitioner's cousin lives on the other side of his dwelling. His cousin lives at the residence located at 5307 Forge Road and also has no objection to the pigeons remaining on the property.

Pigeons may be kept on a lot containing less than one acre only when they do not create a nuisance on the property. B.C.Z.R. § 100.6. A nuisance is generally defined as any activity that prevents a neighboring owner from the use and enjoyment of his property. No one expressed any

ORDER RECEIVED FOR FILING

Date 4-27-12
By [Signature]

opposition to the keeping of pigeons on this property, and the fact that these pigeons have existed at this location for the past 65 years without objection demonstrates that they are not a nuisance.

Based on the evidence presented, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners variance requests should be granted. I further find that based on the testimony and evidence that the Petitioner has proven a lawful non-conforming use, but has not petitioned for that relief. I have granted the variance. However, the Petitioner could have just as easily gotten approval for a non-conforming use.

THEREFORE, IT IS ORDERED by this Administrative Law Judge for Baltimore County this 27th day of April, 2012 that Petitioners' Petition for Variance from Section 100.6 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a pigeon coup on a tract of land with the area of 0.459 acre in lieu of the required minimum area of 1 acre, be and are hereby GRANTED.

The relief granted herein is subject to the following condition:

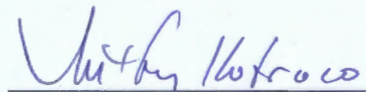
ORDER RECEIVED FOR FILING

Date 4-27-12 4

By pr

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 4-27-12

By pz



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 27, 2012

DENNIS PSORAS, ESQUIRE
JAMES D. PSORAS, ESQUIRE
608 BALTIMORE AVENUE
TOWSON MD 21204

RE: Petition For Administrative Variance
Case No. 2012-0199-A
Property: 5309 Forge Road

Dear Messrs. Psoras:

Enclosed please find a copy of the decision rendered in the above-captioned matter

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Baltimore County Code Enforcement



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 5309 FORGE RD. which is presently zoned DR-2
Deed References: 06166/00235 10 Digit Tax Account # 1123050675
Property Owner(s) Printed Name(s) Raymond E. & Shirley N. Winkler

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s) 100.6 OF BCZR TO PERMIT 'PIGEON COOP' ON A TRACT OF LAND WITH THE AREA OF 0.459 ACRE IN LIEU OF THE REQUIRED MINIMUM ACREAGE OF 1 ACRE.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

"See Attached Letter" AND TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2012-0199-A

Filing Date

2/23/12

Do Not Schedule Dates:

Reviewer

AT

Raymond E. Winkler

5309 Forge Rd.

White Marsh, MD 21162

(410)256-5137

To whom it may concern,

This letter will explain why it would be a hardship and a practical difficulty to remove my pigeons from my property. I have been raising and caring for homing pigeons at my home since 1947. I started flying pigeons with my brother Paul as a young kid. My brother Paul was a member of the Hamilton Pigeon Club until he was killed in an auto accident November 1961. I have been flying pigeons ever since then. During this time, I have not had one single complaint about the pigeons. I have passed the tradition of pigeon training and competition down to my sons Phil, Ed, and now my grandkids Zack, Allie, and Logan. I am a member of the Hamilton pigeon club. I joined the club to participate in pigeon flying events to involve my grandkids. Currently, my son Phil (who lives next to me at 5311 Forge Road) and my grandson Zachary continue to be involved in pigeon flying with me. The pigeons have had enormous educational benefits for my kids and grandkids. Caring for the pigeons has taught them a lot about being responsible. They are able to experience firsthand things about animals that most kids to ever get the chance to do. My grandson Zack has dedicated a huge amount of time learning about the history of pigeon flying. Zack has done school projects on pigeons and even has done a demonstration for his classmates at Chapel Hill Elementary School and also the members of his 4-H club. He told his classmates about pigeons used during the World War I and World War II and how they relayed messages. Zack pointed out a specific pigeon; Cher Ami, that was labeled as an American hero credited for saving the lives of over 200 Americans in World War I. Zack and my granddaughter Allie are also involved in County Life 4-H club. The 4-H club comes to my residences twice a year for the past 5 years with the topic of their meeting being homing pigeons, educating the kids about an important part of American history.

2012-0199-A

During my time raising and flying pigeons, it has been enjoyable to me and many of my neighbors. It is not uncommon for neighbors to bring their kids over to see the pigeons. Neighbors regularly sit outside with me or at their houses watching the pigeons as they return home from many training flights. I have talked to neighbors and obtained letters from them supporting me with keeping my pigeons.

If the pigeons are removed from my property, they will just fly back to their home at my residence that they are "hardwired" to do. The only way to keep the pigeons from flying back home is to have them destroyed which is unethical and inhumane. Last of all, it would be a financial hardship for me to remove the pigeons from my property. I would have to pay someone to construct a coupe which the pigeons will not stay at anyway.

Forcing me to remove my pigeons from my property would end a long standing family tradition that has lasted over 65 years. Not only is this unfair to me, but it is unfair to my sons, grandkids, and all the neighbors who enjoy the pigeons. Pigeons have been an educational part of the lives of my sons, grandchildren, and their many school friends. This experience has enriched their lives.

It is rewarding for me to watch the young children observe how pigeons interact with humans. Just knowing and realizing that our military relied on these little winged friends to deliver messages for the troops. Cher Ami is now honorably displayed at the Smithsonian Institution since its death shortly after arriving from the battlefields of France in World War I.

Thank you for your time and consideration.

Respectfully,

Raymond Wahl

2012-0199-A

ZONING DESCRIPTION FOR 5309 FORGE ROAD

Beginning at a point on the south side of Forge Rd. (22 ft. paved) 420 ft. east of the centerline of Winkler Rd. (22 ft. paved). Being a part of lot nos. 12 and 15, Block B in the subdivision of Forge Acres as recorded in Baltimore County plat book 0014/ folio 0088. (Deed Ref. 06166/0235 & 06166/0236, containing 15,000 sq. ft. and 5,000 sq. ft. respectively). Located in the 11th Election District and 5th Councilmatic District.

2012-0199-A

No. 73637

Date: _____

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Dep **S** **AND CHARLES MERF PONTON**

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Baltimore County, Maryland

Rev	Sub
Source/	Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
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001	806	0000		6150					\$ 75
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\$ 75

Total:

#25

Rec

From:

For:

5309 FORGE ROAD

2012-0199-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

TK 4-24-12
Dated
4-27-12

MEMORANDUM

DATE: June 4, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0199-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 29, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0199-A
5309 Forge Road
S/side of Forge Road, 420 feet E/of centerline of Winkler Road
11th Election District
5th Councilmanic District
Legal Owner(s): Raymond & Shirley Winkler
Variance: to permit a 'pigeon coup' on a tract of land with the area of 0.459 acre in lieu of the required minimum acreage of 1 acre.
Hearing: Tuesday, April 24, 2012 at 10:00 a.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 Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/4/655 Apr. 10 301458

CERTIFICATE OF PUBLICATION

4/12/, 2012

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 4/10/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry

Commercial and Residential

2944 Edgewood Avenue

Baltimore, MD 21234

Phone - 410-530-6293

E-mail - wdgjr@comcast.net

To: Balto. County, Zoning Office **Attn.:** Ms. Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies Date Description

1	April 9, 2012	Certificate of Posting
2	April 9, 2012	Site Photos

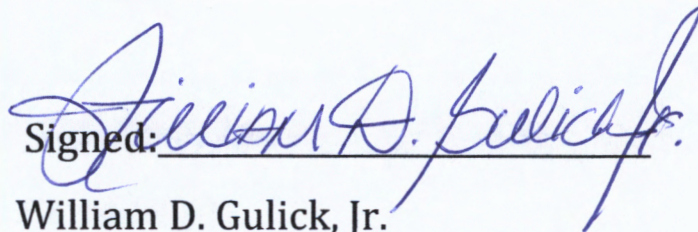
Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & content

Project: Case No.: 2012-0991-A, 5309 Forge Road

Remarks:

Signed: _____



William D. Gulick, Jr.

Project Manager

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: April 9, 2012

Attention: Zoning Office, Ms. Kristen Lewis

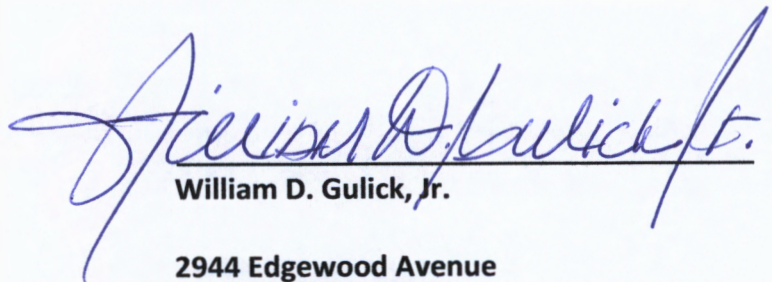
Re: Case Number: 2012-0199-A

Petitioner/Developer: Raymond & Shirley Winkler

Date of Hearing/Closing: April 24, 2012

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 5309 Forge Road

The sign(s) were posted on: April 9, 2012

A handwritten signature in blue ink, reading "William D. Gulick, Jr.", is written over a horizontal line.

William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

CASE # 2012-0199-A

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

JEFFERSON BUILDING ROOM 205
105 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

TUESDAY
DATE AND TIME: APRIL 24, 2012 AT 10:00 AM

REQUEST: VARIANCE TO PERMIT
A 'PIGEON COUP' ON A TRACT OF LAND
WITH THE AREA OF 0.459 ACRE IN LIEU
OF THE REQUIRED MINIMUM ACREAGE
OF 1 ACRE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 667-3391 (410)

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

HANDICAPPED ACCESSIBLE

FORGE ROAD

FORGE

2



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 26, 2012

Corrected

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0199-A

5309 Forge Road

S/side of Forge Road, 420 feet E/of centerline of Winkler Road

11th Election District – 5th Councilmanic District

Legal Owners: Raymond & Shirley Winkler

Variance to permit a 'pigeon coup' on a tract of land with the area of 0.459 acre in lieu of the required minimum acreage of 1 acre.

Hearing: Tuesday, April 24, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Dennis Psoras, 608 Baltimore Avenue, Towson 21204
Raymond & Shirley Winkler, 5309 Forge Road, White Marsh 21162
Philip Winkler, 5311 Forge Road, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 9, 2012.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 10, 2012 Issue - Jeffersonian

Please forward billing to:
Raymond Winkler
5309 Forge Road
White Marsh, MD 21162

410-256-5137

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0199-A

5309 Forge Road

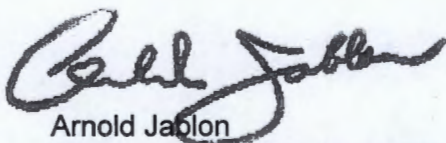
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Hearing: Tuesday, April 24, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Raymond Winkler

5309 Forge Road

White Marsh, MD 21162

(410)256-5137

443 790-3959

Baltimore County Zoning Office

111 West Chesapeake Avenue, Room 111

Towson, Maryland 21204

To whom it may Concern,

In reference to case # 2012-0199-A, I was just scheduled a zoning variance hearing on 4/4/12 at 1:30 P.M. Due to the fact that I will be out of the state on a prepaid vacation (its spring break week and my grandkids are out of school), I respectfully request that the hearing be rescheduled for any date and time after 4/8/2012. Please let me know if this can be done.

Thank You,



Raymond Winkler



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 12, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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:

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5309 Forge Road

S/side of Forge Road, 420 feet E/of centerline of Winkler Road

11th Election District – 5th Councilmanic District

Legal Owners: Raymond & Shirley Winkler

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Hearing: Wednesday, April 4, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Dennis Psoras, 608 Baltimore Avenue, Towson 21204
Raymond & Shirley Winkler, 5309 Forge Road, White Marsh 21162
Philip Winkler, 5311 Forge Road, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 20, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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HEARING**

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ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

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(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/3/668 Mar. 20 299702

CERTIFICATE OF PUBLICATION

3/22/ 2012

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 3/20/ 2012.

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

S. Wilkinson

LEGAL ADVERTISING

TK 4/24 10 AM
205CASE NO. 2012- 0199-ACHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-8</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>nc</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>3-29</u>	PLANNING (if not received, date e-mail sent _____)	<u>comments</u>
<u>3-5</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	<u>—</u>
_____	ADJACENT PROPERTY OWNERS	<u>—</u>
ZONING VIOLATION	(Case No. <u>CO-0099852</u>)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>4-10</u>	
SIGN POSTING	Date: <u>4-9</u> by <u>Mulick</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

see photos

4/24/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 29, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5309 Forge Road

INFORMATION:

Item Number: 12-199

Petitioner: Raymond and Shirley Winkler

Zoning: DR 2

Requested Action: Variance

RECEIVED

MAR 30 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request, letter explaining hardship and accompanying site plan. The Department of Planning does not oppose the petitioner's request, as it does not appear to have a negative impact on the surrounding area or neighboring properties. The petitioner's pigeon coup is located in the rear yard of the subject property and is farthest removed from residents of 5307 Forge Road. As indicated by the petitioner, a relative lives in the dwelling located at 5311 Forge Road who is also involved with the training, flying and care of the pigeons. Additionally the petitioner owns the lot described ass lot 15 on the site plan, which is also noted as being vacant.

Provided there is no opposition from other neighbors in close proximity to the subject lot, this department does not oppose the request or pigeon operation at 5309 Forge Road.

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

Prepared by:

Division Chief:

AVA/LL: CM

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/5/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/5/2012 10:50 AM
Subject: ZAC Comments - Distribution Mtg. of 3/5/12

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0198-A (4315 Notchcliff Rd.)
 Administrative Variance - Closing Date: 3/19/12

2012-0199-A (5309 Forge Rd.)
 No hearing date assigned as of 3/5/12

2012-0200-A (8624 Wise Ave.)
 Administrative Variance - Closing Date: 3/19/12

2012-0201-A (8112 Anita Rd.)
 No hearing date assigned as of 3/5/12

2012-0202-A (755 Seawall Rd.) - **CRITICAL AREA**
 Administrative Variance - Closing Date: 3/26/12

2012-0203-A (219 Gateswood Rd.)
 Administrative Variance - Closing Date: 3/26/12

2012-0204-A (8257 Bull Neck Rd.) - **CRITICAL AREA & FLOODPLAIN**
 Administrative Variance - Closing Date: 3/26/12

2012-0205-A (2315 Martin Dr. (Lot 136) - **CRITICAL AREA & FLOODPLAIN**
 No hearing date assigned as of 3/5/12

2012-0206-A (8808 Harkate Way)
 Administrative Variance - Closing Date: 3/26/12

Thanks.

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



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 17, 2012

Raymond & Shirley Winkler
5309 Forge Road
White Marsh MD 21162

RE: Case Number: 2012-0199A, Address: 5309 Forge Road, 21162

Dear Mr. & Ms. Winkler:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 23, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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 fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Dennis Psoras, Esquire, 608 Baltimore Avenue, Towson, MD 21204

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-5-12

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

RE: Baltimore County
Item No 2012-0199-A.
Variance
Raymond & Shirley Windler
5309 Forge Road.

Dear Ms. Lewis:

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. 2012-0199-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Steven D. Foster'.

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 08, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For March 19, 2012
Item Nos. 2012-198, 199, 200, 201, 202, 203, 205
And 206

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03192012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 29, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5309 Forge Road

INFORMATION:

Item Number: 12-199
Petitioner: Raymond and Shirley Winkler
Zoning: DR 2
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request, letter explaining hardship and accompanying site plan. The Department of Planning does not oppose the petitioner's request, as it does not appear to have a negative impact on the surrounding area or neighboring properties. The petitioner's pigeon coup is located in the rear yard of the subject property and is farthest removed from residents of 5307 Forge Road. As indicated by the petitioner, a relative lives in the dwelling located at 5311 Forge Road who is also involved with the training, flying and care of the pigeons. Additionally the petitioner owns the lot described ass lot 15 on the site plan, which is also noted as being vacant.

Provided there is no opposition from other neighbors in close proximity to the subject lot, this department does not oppose the request or pigeon operation at 5309 Forge Road.

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

Prepared by:

Division Chief:
AVA/LL: CM



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 12, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0199-A

5309 Forge Road

S/side of Forge Road, 420 feet E/of centerline of Winkler Road

11th Election District – 5th Councilmanic District

Legal Owners: Raymond & Shirley Winkler

Variance to permit a 'pigeon coup' on a tract of land with the area of 0.459 acre in lieu of the required minimum acreage of 1 acre.

Hearing: Wednesday, April 4, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Dennis Psoras, 608 Baltimore Avenue, Towson 21204
Raymond & Shirley Winkler, 5309 Forge Road, White Marsh 21162
Philip Winkler, 5311 Forge Road, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 20, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 20, 2012 Issue - Jeffersonian

Please forward billing to:
Raymond Winkler
5309 Forge Road
White Marsh, MD 21162

410-256-5137

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0199-A

5309 Forge Road

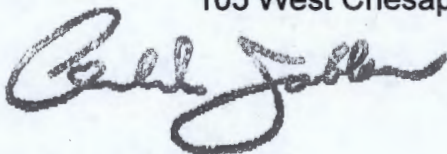
S/side of Forge Road, 420 feet E/of centerline of Winkler Road

11th Election District – 5th Councilmanic District

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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 ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
5309 Forge Road; S/S Forge Road, 420' E of *
c/line Winkler Road * OF ADMINISTRATIVE
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Raymond & Shirley Winkler * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2012-199-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

RECEIVED
MAR 09 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2012, a copy of the foregoing Entry of Appearance was mailed to Phillip Winkler, 5311 Forge Road, White Marsh, MD 21162 and Dennis Psoras, 608 Baltimore Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0199-A
Petitioner: RAYMOND WINKLER
Address or Location: 5309 FORGE RD, WHITE MARSH
MD 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: Raymond Winkler
Address: 5309 Forge Road
White Marsh, MD 21162

Telephone Number: 410-256-5137

CASE NAME _____
CASE NUMBER 2012-0199-A
DATE 9/24/12

[illegible]

Case No.: 2012-0199-A

TK 4-24

10am

Exhibit Sheet

4/27/12
P3

Petitioner/Developer

Protestant

6-4-12 10:00

No. 1	Narrative of testimony	
No. 2	Petition of Support	
No. 3	Site Plan of Property	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER' S

EXHIBIT NO. 1

Raymond E. Winkler

5309 Forge Rd.

White Marsh, MD 21162

(410)256-5137

To whom it may concern,

I have been raising and caring for homing pigeons at my home since 1947. I started flying pigeons with my brother Paul as a young kid. My brother Paul was a member of the Hamilton Pigeon Club until he was killed in an auto accident November 1961. I have been flying pigeons ever since then. During this time, I have not had one single complaint about the pigeons. I have passed the tradition of pigeon training and competition down to my sons Phil, Ed, and now my grandkids Zack, Allie, and Logan. I am a member of the Hamilton pigeon club. I joined the club to participate in pigeon flying events to involve my grandkids. Currently, my son Phil (who lives next to me at 5311 Forge Road) and my grandson Zachary continue to be involved in pigeon flying with me. The pigeons have had enormous educational benefits for my kids and grandkids. Caring for the pigeons has taught them a lot about being responsible. They are able to experience firsthand things about animals that most kids to ever get the chance to do. My grandson Zack has dedicated a huge amount of time learning about the history of pigeon flying. Zack has done school projects on pigeons and even has done a demonstration for his classmates at Chapel Hill Elementary School and also the members of his 4-H club. He told his classmates about pigeons used during the World War I and World War II and how they relayed messages. Zack pointed out a specific pigeon; Cher Ami, that was labeled as an American hero credited for saving the lives of over 200 Americans in World War I. Zack and my granddaughter Allie are also involved in County Life 4-H club. The 4-H club comes to my residences twice a year for the past 5 years with the topic of their meeting being homing pigeons, educating the kids about an important part of American history.

During my time raising and flying pigeons, it has been enjoyable to me and many of my neighbors. It is not uncommon for neighbors to bring their kids over to see the pigeons. Neighbors regularly sit outside with me or at their houses watching the pigeons as they return home from many training flights. I have talked to neighbors and obtained letters from them supporting me with keeping my pigeons.

Forcing me to remove my pigeons from my property would end a long standing family tradition that has lasted over 65 years. Not only is this unfair to me, but it is unfair to my sons, grandkids, and all the neighbors who enjoy the pigeons. Pigeons have been an educational part of the lives of my sons, grandchildren, and their many school friends. This experience has enriched their lives.

It is rewarding for me to watch the young children observe how pigeons interact with humans. Just knowing and realizing that our military relied on these little winged friends to deliver messages for the troops. Cher Ami is now honorably displayed at the Smithsonian Institution since its death shortly after arriving from the battlefields of France in World War I.

Thank you for your time and consideration.

Respectfully,

Raymond E. Vintke

PETITIONER'S

EXHIBIT NO. 2

January 12, 2012

Re: Variance: 5309 Forge Road, Baltimore County, Maryland 21162

We, the undersigned neighbors of Raymond D. Winkler of 5309 Forge Road, White Marsh, Maryland, join in his request for variance to allow the continuance of owning and training homing pigeons on his property. There is no adverse or detrimental effect to us, there are no complaints. Further, we find the hobby to be educational and take delight when we see the pigeons returning home from their flights.

Betty E. Huber
Name

5307 Forge Rd
Address

Lisa Huber
Name

5306 Forge Rd.
Address

Deborah W. Winkler
Name

5316 Forge Rd.
Address

MI Winkler
Name

5312 Forge Rd.
Address

Will Tsismarakis
Name

5406 Forge Rd
Address

Al Benthem
Name

5400 Forge Rd
Address

January 12, 2012

Re: Variance: 5309 Forge Road, Baltimore County, Maryland 21162

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Erica Kinnear
Name

5310 Forge Rd
Address White Marsh MD 21162

Albert W. Braziel
Name

5205 Bush St White Marsh 21162
Address

Diane Braziel
Name

5205 Bush St White Marsh
Address 21162

[Signature]
Name

5419 FORGE RD WHITE MARSH
Address 21162

Michael Shulda
Name

5419 Forge Rd White Marsh 21162
Address

Robert M. Kaufman
Name

3426 Forge WHITE MARSH 21162
Address

January 12, 2012

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Philip Winkler
Name

5311 Forge Road 21162
Address

Heather Winkler
Name

5315 Forge Rd. 21162
Address

Name

Address

Name

Address

Name

Address

Name

Address

January 12, 2012

Re: Variance: 5309 Forge Road, Baltimore County, Maryland 21162

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CATHERINE Tien 5217 BUSH ST
Name Address Baltimore MD 21162

FRANK MARZELLA 5217 BUSH ST
Name Address Baltimore MD 21162

[Signature] 5200 BUSH ST WM
Name Address

Michelle Butzke 5200 Bush St. WM 21162
Name Address

Name Address

Name Address

January 12, 2012

Re: Variance: 5309 Forge Road, Baltimore County, Maryland 21162

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Mr. O'Don
Name

5206 Bush ST.
Address

Mike Brangel
Name

5209 Bush St.
Address

Kitty Windes
Name

5211 Bush St
Address

John
Name

5211 Bush St
Address

Debbie Vaux
Name

5403 Bush ST
Address

William T Vaux
Name

5403 Bush ST
Address

January 12, 2012

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NITSA EDZIERA 5210 BUSH ST
Name Address

STEVE EDZIERA 5210 BUSH ST
Name Address

Denny Hickman 5201 Bangert
Name Address

Carolee J. Hickman 5201 Bangert St.
Name Address

Pete Stukias 9707 WINKLER ST
Name Address

Genny Stukias 9707 Winkler Street
Name Address

To whom it may concern,

My wife and I have lived next to Mr. and Mrs. Winkler for the past 6 or 7 yrs now and my wife and her family have lived here for many , many years. We have never had any problems with them or their animals. I have enjoyed being able to visit the different animals he has had over the years. His grand kids are going to be the big losers in this whole ordeal. They learned so much about the animals. Those kids spent so much time outside instead of playing games indoors and being lazy. I wish there is something we could do to save these animals from being taken away, its just not right! I'm sure Butch wouldn't admit it but, he will miss all his pets as well. He has had animals as pets his whole life and truthfully don't know what he would do with out them. Bottom line, none of what he has going on at his property bothers me or my family one bit. So, please allow this man to keep doing what he has been doing forever.

THANK YOU

BRAD HOLBROOK

5307 FORGE RD

WHITE MARSH MD 21162

A handwritten signature in blue ink, appearing to read "Brad Holbrook", written in a cursive style.

12-14-11

Pet Ex #3

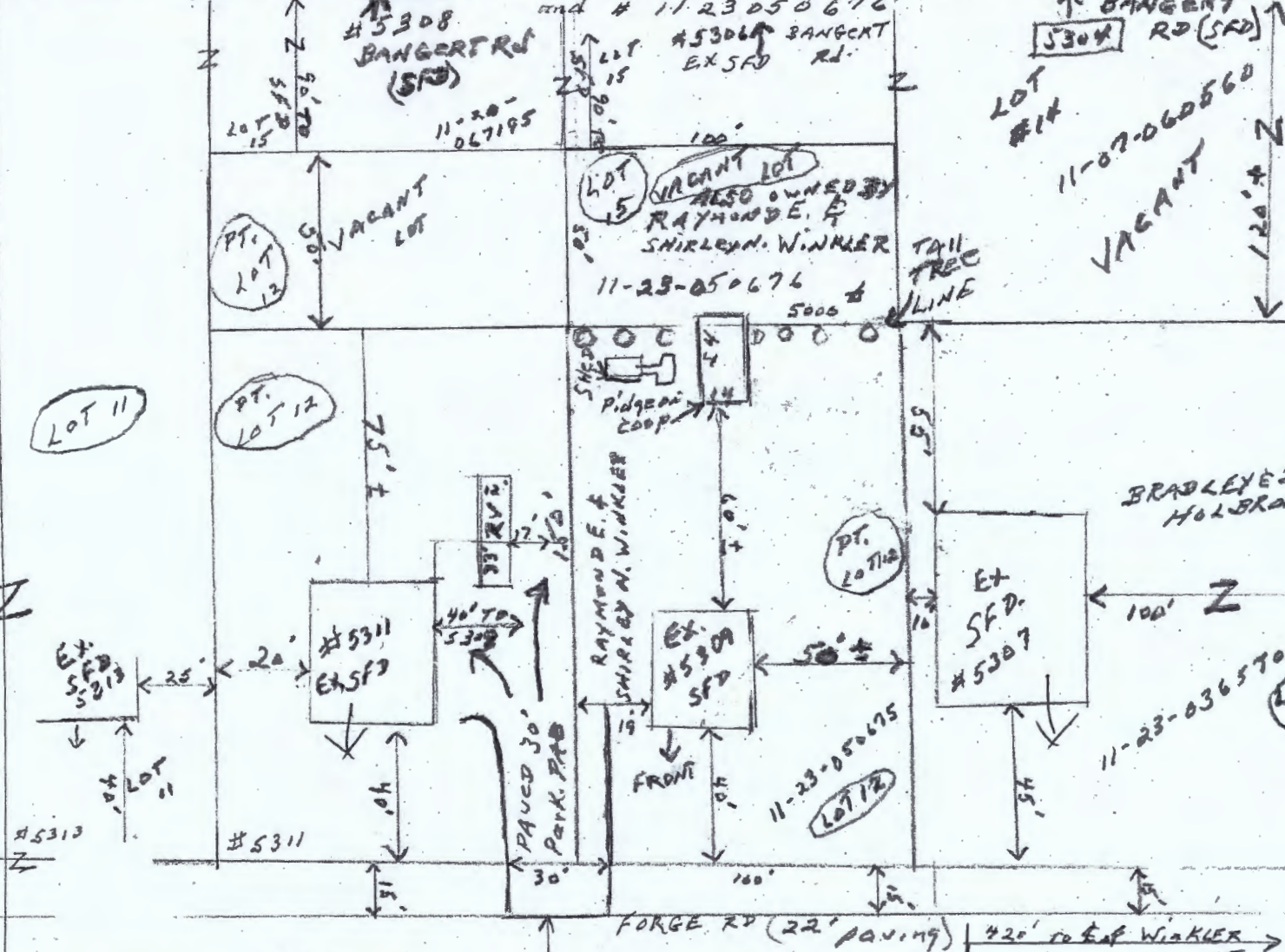
? NO EA. R/W PER R. MAIDLESI (BURY LAND ACQ)? NOT IN FLOOD ZONE OR RIVERINE ACQ. D. LYRENS (DEPRM).

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 5309 FORGE RD. OWNER(S) NAME(S) RAYMOND E. & SHIRLEY N. WINKLER

SUBDIVISION NAME FORGE ACRES LOT # 12 BLOCK # B SECTION # —

PLAT BOOK # 14 FOLIO # 088 10 DIGIT TAX # 1123050675 DEED REF. # 06166/0088-



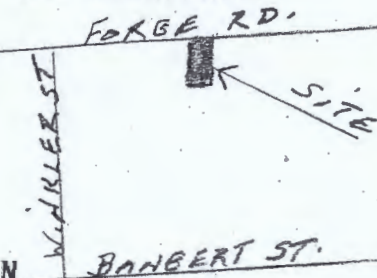
PLAN DRAWN BY J. J. [Signature]

DATE 2-15-12 SCALE: 1 INCH = 50 FEET

LOT SIZE & PER GIS, ZON. PRINTS and MR. RAYMOND WINKLER

(NAMED AFTER WINKLER FAMILY)

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 064A3 (NE. 11)

SITE ZONED DR-2

ELECTION DISTRICT 11th

COUNCIL DISTRICT 5th

LOT AREA ACREAGE 0.344

OR SQUARE FEET 15,000

HISTORIC? N/A

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS: PUBLIC X PRIVATE _____

SEWER IS: PUBLIC X PRIVATE _____

PRIOR HEARING? N/A

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

0099852

2012-0199-A

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2012-0991

CO0099852
5309 Forge Rd

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 7, 2012

TO: W. Carl Richards, Jr.

FROM: Lionel van Dommelen, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2012-0199-A
Legal Owner/Petitioner: Raymond & Shirley Winkler
Property Address: 5309 Forge Rd
Location Description: SS of Forge Road, 420 ft E of centerline of Winkler
Road

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: Ryan Fisher

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:

Case No: CO0099852
Correction Notices
Citation
Photographs

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Kaitlyn Heinbach in Room 213 in order that the appropriate action may be taken relative to the violation case.

LvD/kh
C: Keith Parker, Code Enforcement Officer

From: Jerry Chen <jchen@baltimorecountymd.gov>
To: kparker@baltimorecountymd.gov
Date: 2/17/2012 3:55 AM
Subject: Fwd: 5309 Forge Rd.

FYI

Regards,
Jerry Chen

FA0152188

Begin forwarded message:

> From: "John Sullivan <johnjsullivanjr@comcast.net>" <johnjsullivanjr@comcast.net>
> Date: February 16, 2012 11:00:16 PM EST
> To: "Jerry Chen" <jchen@baltimorecountymd.gov>
> Subject: 5309 Forge Rd.
>
>
>
> Jerry,
>
> Mr. Phillips and his attorney (Mr Psoras) and I have a
> variance filing apptmt. on Thursday, Feb. 23rd at 2:00. (violation
> case no. 0099852). Would you please inform Keith Parker?
>
> Thank You!
>
> John





Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000070 to EE0000070
Scheduled Date(s): 2/2/2012 to 2/5/2012
PE Range: EN01 to EN06

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0099852		Keith Parker	01/17/2012		Kaitlyn Heinbach	08/23/2011	Open - Normal		30A4

Complaint Description: FARM ANIMALS

2ND COMPL - OVERFLOWING DUMPSTER, 2 FRIG IN DRIVEWAY

BETSY ORNDORF
5300 FORGE RD
410-793-0421

Photo

Facility:	Owner :	Complainant:
182188 1123050675 5309 FORGE RD WHITE MARSH, MD, 21162	WINKLER RAYMOND EDWARD WINKLER SHIRLEY NIKOL 5309 FORGE RD WHITE MARSH MD 21162	MARY HOME: 4107321609 FILE MADE

Daily Activity Details

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0133308	Keith Parker	01/26/2012	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 1/26/12, SPOKE WITH RESIDENT (PHIL WINKLER) ON THE PHONE. HE INFORMED ME THAT THE APPLIANCES WILL BE GONE TONIGHT. ALSO MENTIONED THAT THE ATTORNEY HAS ALL OF THE SIGNED PAPER WORK FOR THE SPECIAL HEARING. REINSPECT, P/U 2/2/12. KLP					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0132661	Keith Parker	01/18/2012	REINSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED
Inspector Notes: 1/18/12, CORRECTION NOTICE ISSUED FOR APPLIANCES IN THE DRIVEWAY AND FILLED DUMPSTER NEEDS TO BE REMOVED. REINSPECT, P/U 1/25/12. KLP					

Violation Details

Violation Record ID: IV0067726 Comply By: 02/02/2012 Complied On:

Program Category/Section Source: BCC Public Health, Safety, Environment - Nuisances/BCC Violation Description: Lumber, Boxes, Bricks, Etc.-Accumulation

Status: NOT IN COMPLIANCE

Correction Text: Stack or pile on open racks lumber, boxes, bricks, etc. 18 inches above the ground.

Violation Text: Sec. 13-7-312(a)(2): A person may not accumulate or allow the accumulation of lumber, boxes, barrels, cans, leaves, brush, tree limbs, bricks, stones, containers, or similar materials on any premises, improved or vacant, or on any open lot or alley if the accumulation is conducive to a rat harborage unless piled or stacked on open racks that are elevated at least 18 inches above the ground.

Violation Comment:

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0132184	Keith Parker	01/10/2012	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 1/10/12, SPOKE WITH ATTORNEY, DENNIS PSORAS OF THE PHONE. HE WILL CALL LATER TO UPDATE ME ON THE PROGRESS ON REQUESTING A SPECIAL HEARING. MONITOR, P/U 1/17/12. KLP					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0130866	Keith Parker	12/20/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 12/20/11, CALLED OWNER'S ATTORNEY, UNABLE TO GET A RESPONSE OR LEAVE A VOICE MESSAGE. REINSPECT TO ASCERTAIN THE DISPOSITION OF FILING FOR SPECIAL HEARING. MONITOR, P/U 1/9/12. KLP					

Violation Details - No Data



CODE ENFORCEMENT

CORRECTION NOTICE

CASE NUMBER 0099852	FA NUMBER 0182188	PROP. TAX ID 112-30-50675	ZONE
-------------------------------	-----------------------------	-------------------------------------	------

☒ Owner ☐ Occupant ☐ Other

NAME(S): Raymond Edward Winkler Shirley Nikol Winkler			
MAILING ADDRESS: 5309 Forge Rd.			
CITY White Marsh	STATE md.	ZIP CODE 21162	
VIOLATION ADDRESS: 5309 Forge Rd.			
CITY White Marsh	STATE MARYLAND	ZIP CODE 21162	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

- | | |
|---|--|
| ☐ 431: Improper parked/ illegal commercial vehicle(s) | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 450: Non permitted sign(s) | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) in residential zone | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 100.6: Non permitted livestock / fowl / poultry |
| ☐ 102.5: Residential site line violation /obstruction | ☐ 408B: Non permitted rooming/ boarding house |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B01: Non permitted private kennel. Limit 3 dogs |
| ☐ 1B01.1, ZCPM: Cease service garage activities | ☐ 101; 102.1; ZCPM: Illegal home occupation |
| ☐ 402: Illegal conversion of dwelling | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-309; 13-7-310: Remove animal feces daily | ☐ 35-6-105: Obtain rental housing license |
| ☒ 13-7-310(a): Remove all trash & debris from property | ☐ 18-2-608: Exceeding time limit, Temp. Storage Unit |
| ☒ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 35-2-206: Install address numbers to property or home |
| ☐ 13-7-310(c): Cease all outside feeding of animals/birds | ☐ IBC 115; BCBC 121: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 13-7-305: Cease rat harborage on premise | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 13-7-306: Eradicate all rat infestation on premise | |
| ☐ 13-7-112: Remove graffiti | |

LIVABILITY CODE (B.C.C.)

- | | |
|--|---|
| ☐ 35-5-203: Condemnation of structure / equipment | ☐ 35-5-212: Repair heating / cooking equipment |
| ☐ 35-5-208(a): Repair exterior structure | ☐ 35-5-213: Provide fire and safety protection |
| ☐ 35-5-209(a): Repair interior structure | ☐ 35-5-231.1: Provide Carbon Monoxide detectors |
| ☐ 35-5-210 (a)(c): Provide proper lighting in structure | ☐ 35-5-214: Remove all accumulations & storage blocking egress, stairwells, passageways, doors, windows, etc |
| ☐ 35-5-211(c): Repair plumbing defects to structure | |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous / unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof / horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster / masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof / foundations |
| ☐ 35-2-404(a)(1)(vii): Repair ext. construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair / remove defective ext. sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure openings |

OTHER VIOLATIONS OR REMARKS:

Remove Appliances and Filled Dumpster.

Please Call.

Failure to comply with this correction notice, may result in a \$ _____ fine / penalty per day pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the assigned inspector below for more info. (See reverse side for important information)

COMPLIANCE DATE:

1/25/12

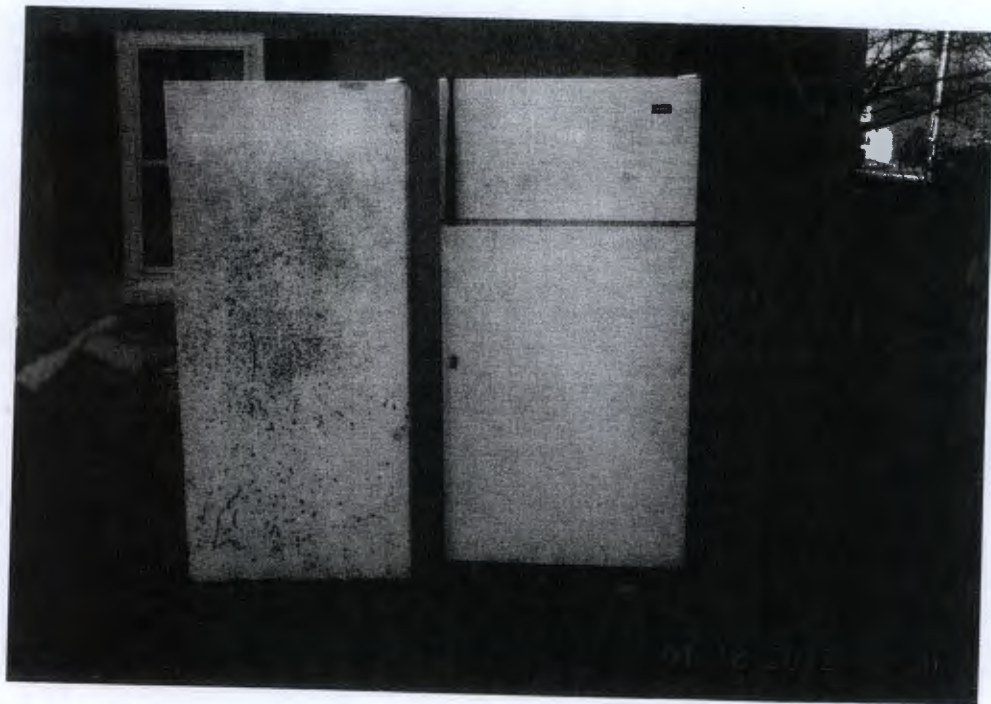
INSPECTOR NAME:

K. PARKER

(PRINT NAME)

ISSUED DATE

1/18/12





Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000070 to EE0000070
Scheduled Date(s): 1/17/2012 to 1/17/2012
PE Range: EN01 to EN06

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0099852		Keith Parker	01/17/2012		Kaitlyn Heinbach	08/23/2011	Open - Normal		30A4

Complaint Description: FARM ANIMALS

2ND COMPL - OVERFLOWING DUMPSTER, 2 FRIG IN DRIVEWAY

BETSY ORNDORF
5300 FORGE RD
410-793-0421

Facility:	Owner:	Complainant:
0182188. 1 1123050675 5309 FORGE RD WHITE MARSH, MD, 21162 <i>C. N. T. Agency APPS Dumpster</i>	WINKLER RAYMOND EDWARD WINKLER SHIRLEY NIKOL 5309 FORGE RD WHITE MARSH MD 21162 <i>photos</i>	MARY HOME: 4107321609 FILE MADE

Daily Activity Details

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0132184	Keith Parker	01/10/2012	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 1/10/12, SPOKE WITH ATTORNEY, DENNIS PSORAS OF THE PHONE. HE WILL CALL LATER TO UPDATE ME ON THE PROGRESS ON REQUESTING A SPECIAL HEARING. MONITOR, P/U 1/17/12. KLP					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0130866	Keith Parker	12/20/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 12/20/11, CALLED OWNER'S ATTORNEY, UNABLE TO GET A RESPONSE OR LEAVE A VOICE MESSAGE. REINSPECT TO ASCERTAIN THE DISPOSITION OF FILING FOR SPECIAL HEARING. MONITOR, P/U 1/9/12. KLP					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0128000	Keith Parker	11/16/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 11/16/11, SPOKE WITH THE OWNER'S ATTORNEY ON THE PHONE THIS AFTERNOON. HE INFORMED ME THAT HIS CLIENT IS GATHERING THE NEEDED PAPER WORK TO SUBMIT TO ZONING. MONITOR, P/U 12/16/11. KLP					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0126166	Keith Parker	10/31/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 10/31/11, WILL CONTACT ATTORNEY ON THE DISPOSITION OF APPLYING FOR SPECIAL HEARING. MONITOR, P/U 11/14/11. KLP					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0122166	Keith Parker	09/29/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 9/29/11, THE PROPERTY OWNER HAS TO APPLY FOR A SPECIAL HEARING TO ALLOW HIM TO KEEP THE CARRIER PIGEONS. SPOKE TO OWNER'S ATTORNEY (DENNIS PSORAS) EARLIER THIS WEEK. MONITOR, P/U 10/28/11. KLP					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action

PSORAS & PSORAS

LAW OFFICES
608 BALTIMORE AVENUE
TOWSON, MARYLAND 21204

JAMES D. PSORAS

DENNIS J. PSORAS
OF COUNSEL

OFFICE (410) 821-7070
FAX (410) 828-8713

September 22, 2011

FA0182188
CD0099852

Insp. Keith Parker Rm 213
111 W. Chesapeake Ave
Towson, Md 21204

Re: Case Number: 99852
FA No.: 0182188
Prop. Tax ID: 1123050675

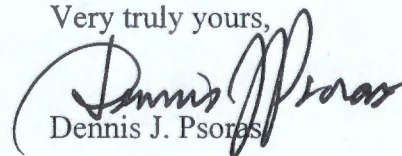
Dear Mr. Parker:

Enclosed please find a copy of the lease executed on 9-21-11 by the Holbrooks and Winklers. I think that this will satisfy the land use requirement for raising homing pigeons.

Please call me should you have any questions.

Thank you for your cooperation.

Very truly yours,


Dennis J. Psoras

enc/m.l.w.

LEASE

RECITALS

WHEREAS Bradley Holbrook and Dawn Ensor Holbrook, husband and wife, are the owner of the property known as 5307 Forge Road, Baltimore County, Maryland, and

WHEREAS Philip Winkler and Diane Winkler, husband and wife, are the owners of the property known as 5311 Forge Road, Baltimore County Maryland, and

WHEREAS Raymond Winkler and Shirley Winkler, husband and wife, are the owners of the property known as 5309 Forge Road, Baltimore County, Maryland, and

WHEREAS Bradley Holbrook, Dawn Ensor Holbrook, Philip Winkler and Diane Winkler are hereinafter collectively referred to as "Landlord" and Raymond Winkler and Shirley Winkler are hereinafter referred to as "Tenant".

NOW THEREFORE, for Five Dollars (\$5.00) and other good and valuable considerations, the sufficiency and receipt thereof is hereby acknowledged the parties agree as follows:

PREMISES

1. The Landlord hereby rents to the Tenant all the property situate in Baltimore County, Maryland and known as 5307 Forge Road and 5311 Forge Road.

TERM

2. The term of this lease shall be for a period of five years commencing on the first day of September, 2011 and terminates on the 31st day of August, 2016.

RENT

3. The amount of rent shall be One Dollar (\$1.00) per year, and other good and valuable consideration, payable on the first day of September, 2011 and on the first day of September of the subsequent years.

OPTION TO RENEW

4. The Tenant shall have the right to renew this lease for three additional five year terms, provided however that:
 - a) Tenant is not in violation of any of the terms of this lease
 - b) Tenant provides forty-five days (45) written notice of their intention to renew. Said notice shall be sent by certified mail, return receipt requested at the home address of each of the Landlords.
 - c) The Tenant is not in violation of any of the terms and conditions of their lease

USE OF PREMISES

5. Tenant shall have the right to use the premises for any lawful activity, including but not limited to the raising and keeping of pigeons.

ASSIGNMENT/SUBLET

6. Tenant shall not assign, transfer, pledge or hypothecate their lease without the prior written consent of the Landlord. Said consent shall be in the sole discretion of the Landlord. Tenant is specifically prohibited from subletting the premises.

INSPECTION OF PREMISES

7. Tenant has had an opportunity to inspect the premises and accept same in an "AS IS" condition.

ALTERATIONS

8. Without the prior written consent of the Landlord, the Tenant shall not make any alterations, additions, or improvements to the premises.

LIABILITY INSURANCE

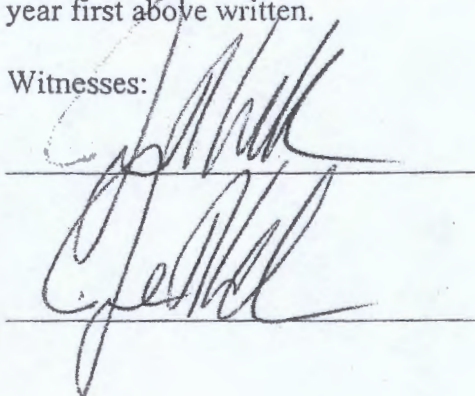
9. Tenant shall keep in force for the benefit of the Landlord general accident and public liability insurance policies, protecting the Landlord against any and all liability by accident or disaster, in the amount of One Million Dollars (\$1,000,000.00) in respect to any one accident or disaster, and of Five Hundred Thousand Dollars (\$500,000.00) in respect to injury to any one person.

RULE OF LAW/JURY TRIAL

10. This lease shall be governed by the laws of the State of Maryland and each of the parties waives the right to a jury trial.

INWITNESS WHEREOF the parties hereto have executed these presents the day and year first above written.

Witnesses:

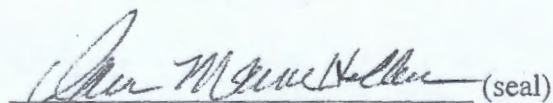


Two handwritten witness signatures, one above the other, each followed by a horizontal line.



Signature of Bradley Holbrook, followed by a horizontal line and the word "(seal)".

BRADLEY HOLBROOK, Landlord



Signature of Dawn Ensor Holbrook, followed by a horizontal line and the word "(seal)".

DAWN ENSOR HOLBROOK, Landlord

[Signature]
[Signature]
[Signature]
[Signature]

[Signature] (seal)
PHILIP WINKLER, Landlord

[Signature] (seal)
DIANE WINKLER, Landlord

[Signature] (seal)
RAYMOND WINKLER, Tenant

[Signature] (seal)
SHIRLEY WINKLER, Tenant

**BALTIMORE COUNTY ZONING REGULATIONS 2011 Edition Updated 06-01-2011,
v4 / THE REGULATIONS / ARTICLE 1, GENERAL PROVISIONS / SECTION 100,
Zones and Districts; Boundaries [BCZR 1955] / § 100.6. Land used for stabling
and pasturing of animals. [Bill Nos. 51-1993; 63-2009]**

§ 100.6. Land used for stabling and pasturing of animals. [Bill Nos. 51-1993; 63-2009]

A tract of land used for the accessory stabling and pasturing of animals and which is not a commercial agricultural operation is subject to the following provisions:

Type	Limitation	Minimum Acreage
Large Livestock:		
Horses, burros and cattle	1 animal for each acre of grazing or pasture land*	3
Small Livestock:		
Sheep, goats and pigs, except an Asian potbellied pig (see Section 400) ponies and miniature horses	2 animals for each acre of grazing or pasture land*	3
Fowl or Poultry:		
Chickens, ducks, turkeys, geese, pigeons	No numerical limit, provided that a nuisance is not created or allowed to exist on the property	1

* Sucklings and weanlings under 12 months of age will not be counted.^{EN(1)}

Property Search



Layers

Visible Active

- ☒ ☐ Roads
- ☒ ☐ County Outline
- ☐ ☐ MET Boundary
- ☐ ☐ URDL
- ☒ ☐ Parcels
- ☒ ☐ Address Points
- ☐ ☐ Contours
- ☐ ☐ Buildings
- ☒ ☐ Zoning
- ☐ ☐ Cycle Amends Water
- ☐ ☐ Cycle Amends Sewer
- ☒ ☐ Lakes and Ponds
- ☐ ☐ Streams and Rivers
- ☐ ☐ Water Plan
- ☐ ☐ Sewer Plan
- ☐ ☐ Geology
- ☒ ☐ Image

Refresh Map

Zoom Out



CODE ENFORCEMENT

CORRECTION NOTICE

CASE NUMBER 99852	FA NUMBER 0182188	PROP. TAX ID 1123050675	ZONE
-----------------------------	-----------------------------	-----------------------------------	------

☒ Owner ☐ Occupant ☐ Other

NAME(S): Raymond Edward Winkler Shirley Nikol Winkler		
MAILING ADDRESS: 5369 Forge Rd.		
CITY White Marsh	STATE Md.	ZIP CODE 21162
VIOLATION ADDRESS: SAME		
CITY	STATE	ZIP CODE
	MARYLAND	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

- | | |
|---|--|
| ☐ 431: Improper parked/ illegal commercial vehicle(s) | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 450: Non permitted sign(s) | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 100.6: Non permitted livestock / fowl / poultry |
| ☐ 102.5: Residential site line violation /obstruction | ☐ 408B: Non permitted rooming/ boarding house |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B01: Non permitted private kennel. Limit 3 dogs |
| ☐ 1B01.1, ZCPM: Cease service garage activities | ☐ 101; 102.1; ZCPM: Illegal home occupation |
| ☐ 402: Illegal conversion of dwelling | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|---|--|
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-309; 13-7-310: Remove animal feces daily | ☐ 35-6-105: Obtain rental housing license |
| ☐ 13-7-310(a): Remove all trash & debris from property | ☐ 18-2-608: Exceeding time limit, Temp. Storage Unit |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 35-2-206: Install address numbers to property or home |
| ☐ 13-7-310(c): Cease all outside feeding of animals/birds | ☐ IBC 115; BCBC 121: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 13-7-305: Cease rat harborage on premise | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 13-7-306: Eradicate all rat infestation on premise | |
| ☐ 13-7-112: Remove graffiti | |

LIVABILITY CODE (B.C.C.)

- | | |
|--|---|
| ☐ 35-5-203: Condemnation of structure / equipment | ☐ 35-5-212: Repair heating / cooking equipment |
| ☐ 35-5-208(a): Repair exterior structure | ☐ 35-5-213: Provide fire and safety protection |
| ☐ 35-5-209(a): Repair interior structure | ☐ 35-5-231.1: Provide Carbon Monoxide detectors |
| ☐ 35-5-210 (a)(c): Provide proper lighting in structure | ☐ 35-5-214: Remove all accumulations & storage blocking egress, stairwells, passageways, doors, windows, etc |
| ☐ 35-5-211(c): Repair plumbing defects to structure | |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous / unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof / horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster / masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair ext. construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair / remove defective ext. sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure openings |

OTHER VIOLATIONS OR REMARKS:

BCZR 100.6 - MUST have at least 1 acre for Chickens, duck, pigeons. MUST Have at least 3 Acres for goats, Cattle and other small and large Cattle.

Pursuant to BCC:1-2-217; 32-3-602, a potential per day, per violation civil penalty has been assessed & may be placed as a lien upon your tax bill: ➔

\$ **200.00**

COMPLIANCE DATE:

9.23.11

INSPECTOR NAME:

K. Parker
(PRINT NAME)

ISSUED DATE

9.24.11



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000070 to EE0000070
Scheduled Date(s): 8/23/2011 to 8/24/2011
PE Range: EN01 to EN06

<u>Record ID</u>	<u>AS/400 Case</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Scheduled Time</u>	<u>Received By</u>	<u>Received Date</u>	<u>Status</u>	<u>Hearing Date</u>	<u>ADC Grid</u>
CO0099852		Keith Parker	08/23/2011		Kaitlyn Heinbach	08/23/2011	Open - Normal		30A4

Complaint Description: FARM ANIMALS

.35 sq. ft. / 15,000 sq.

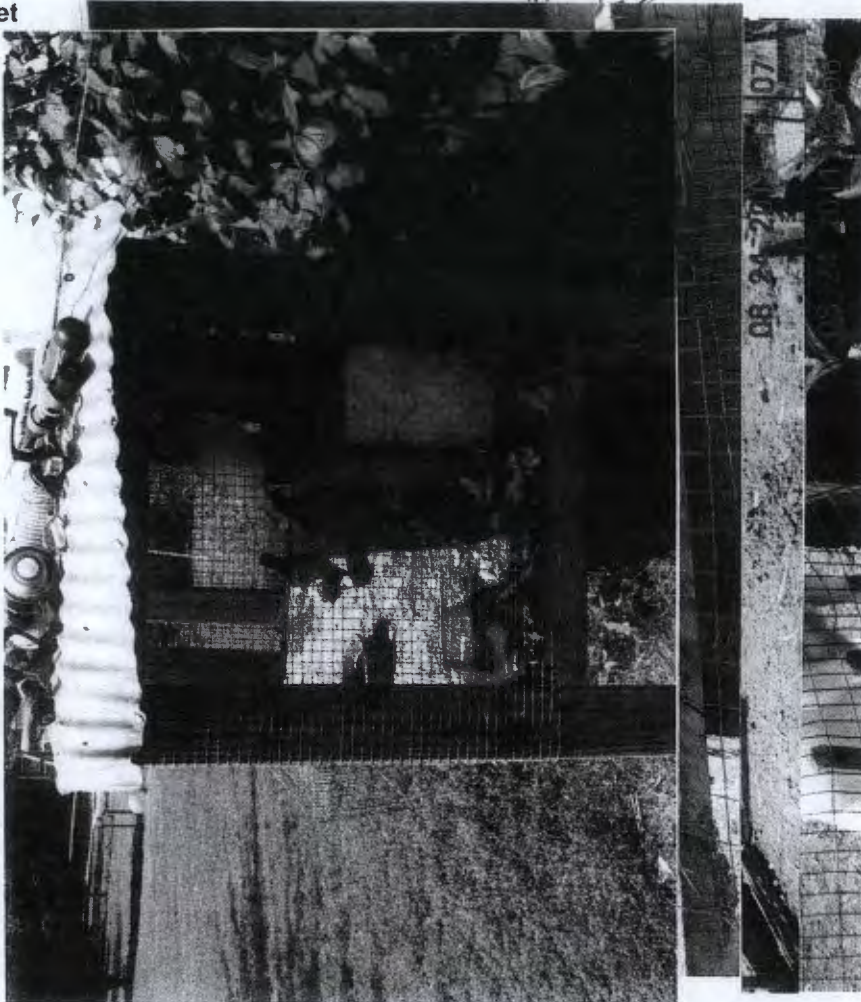
<u>Facility:</u> FA0182188 PDM 1123050675 5309 FORGE RD WHITE MARSH, MD, 21162	<u>Owner:</u> WINKLER RAYMOND EDWARD WINKLER SHIRLEY NIKOL 5309 FORGE RD WHITE MARSH MD 21162	<u>Complainant:</u> MARY HOME: 4107321609
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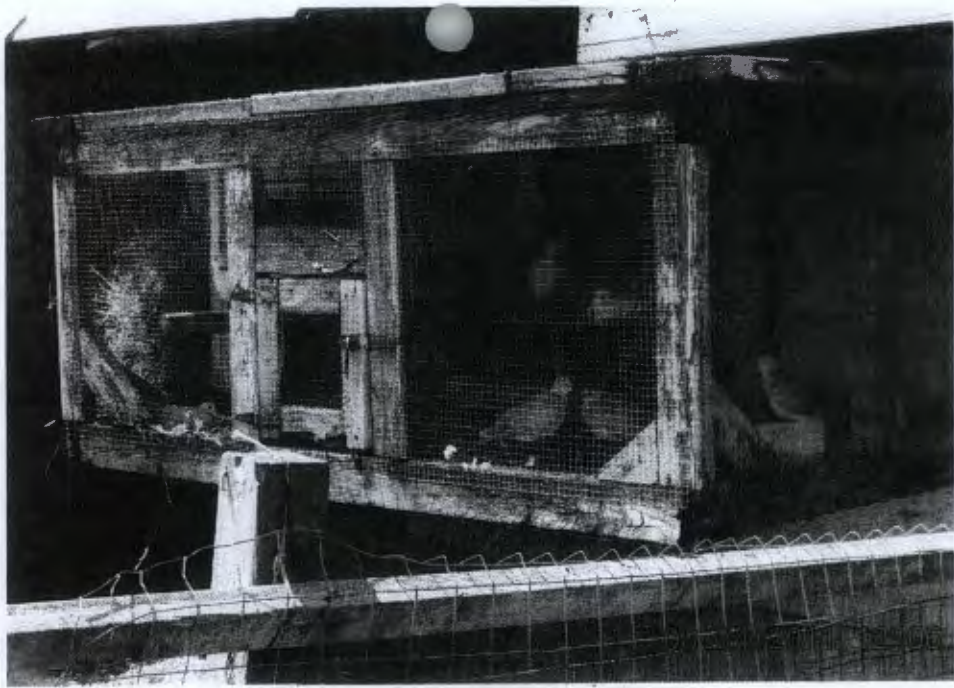
Daily Activity Det
Violation

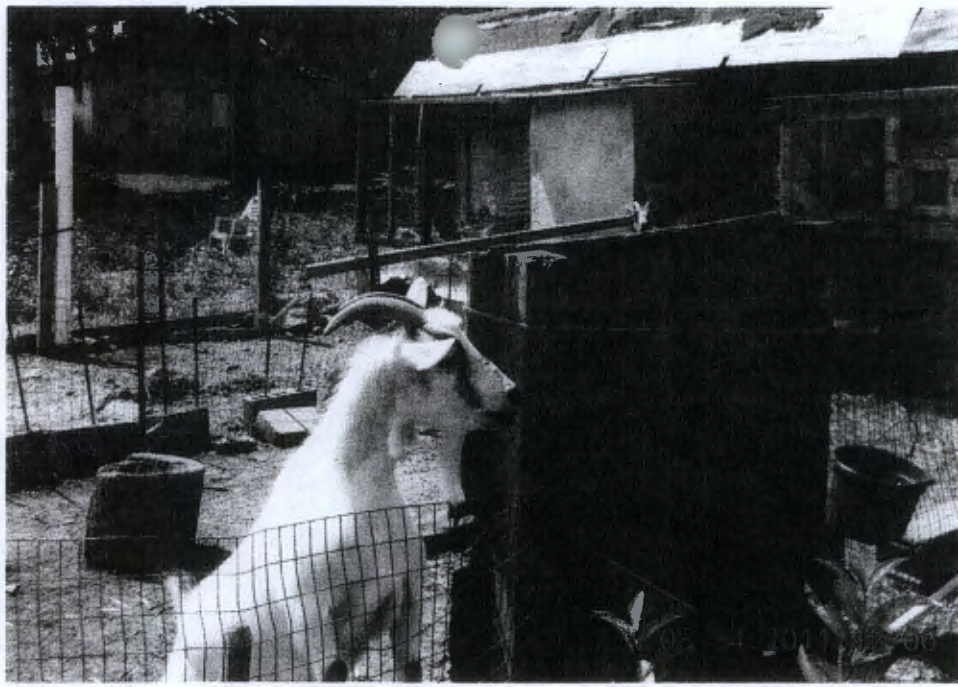
Comment Det

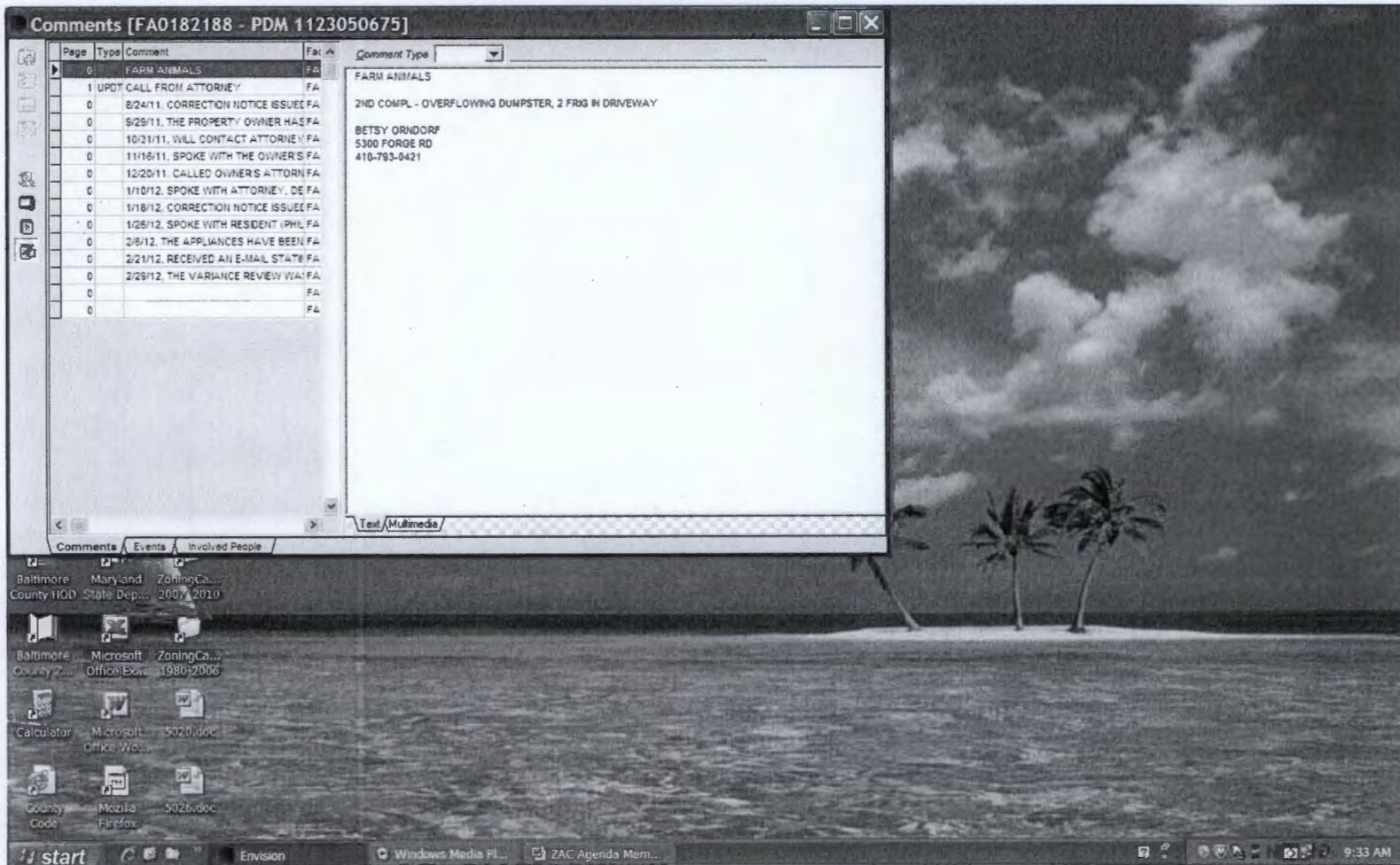
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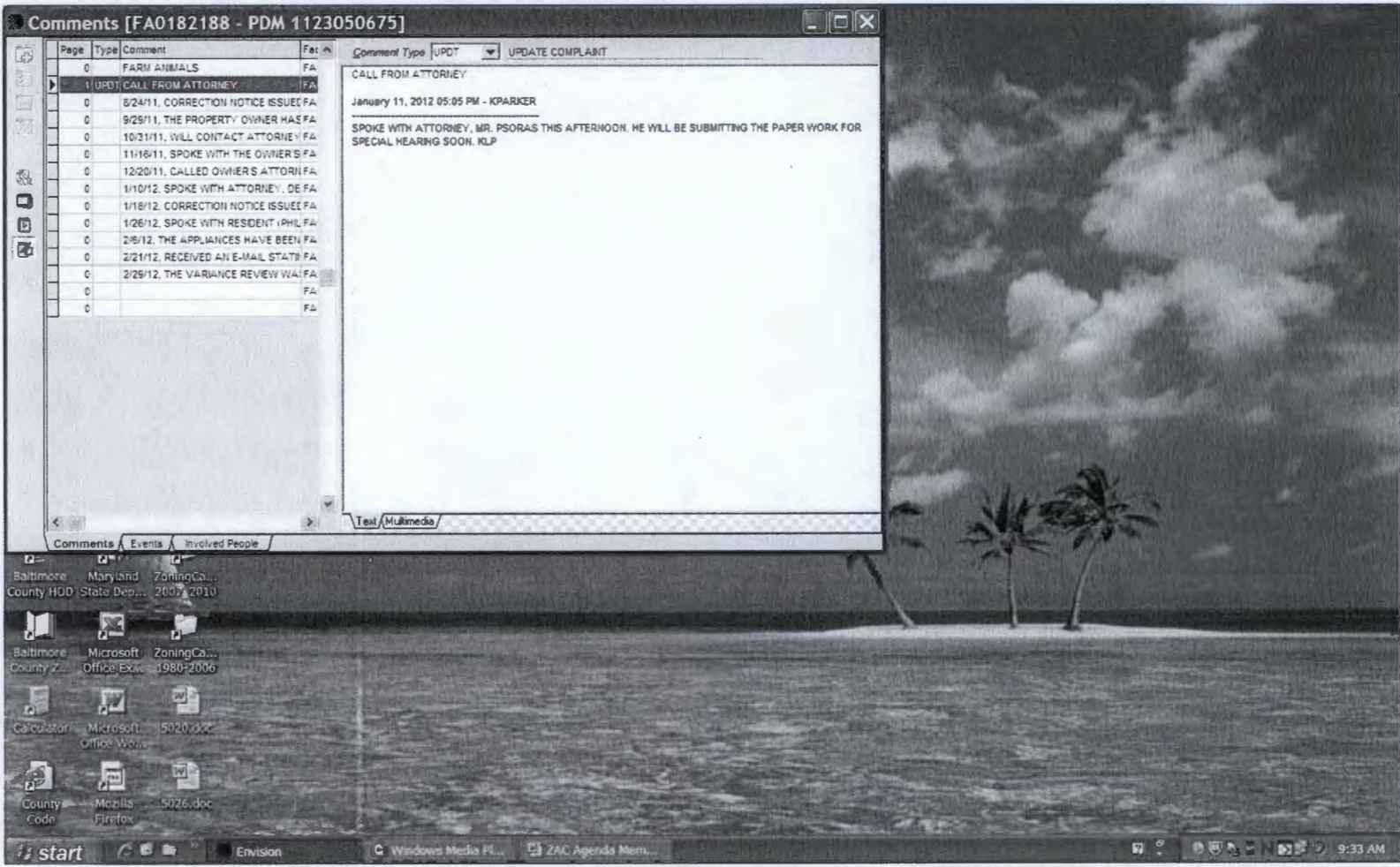
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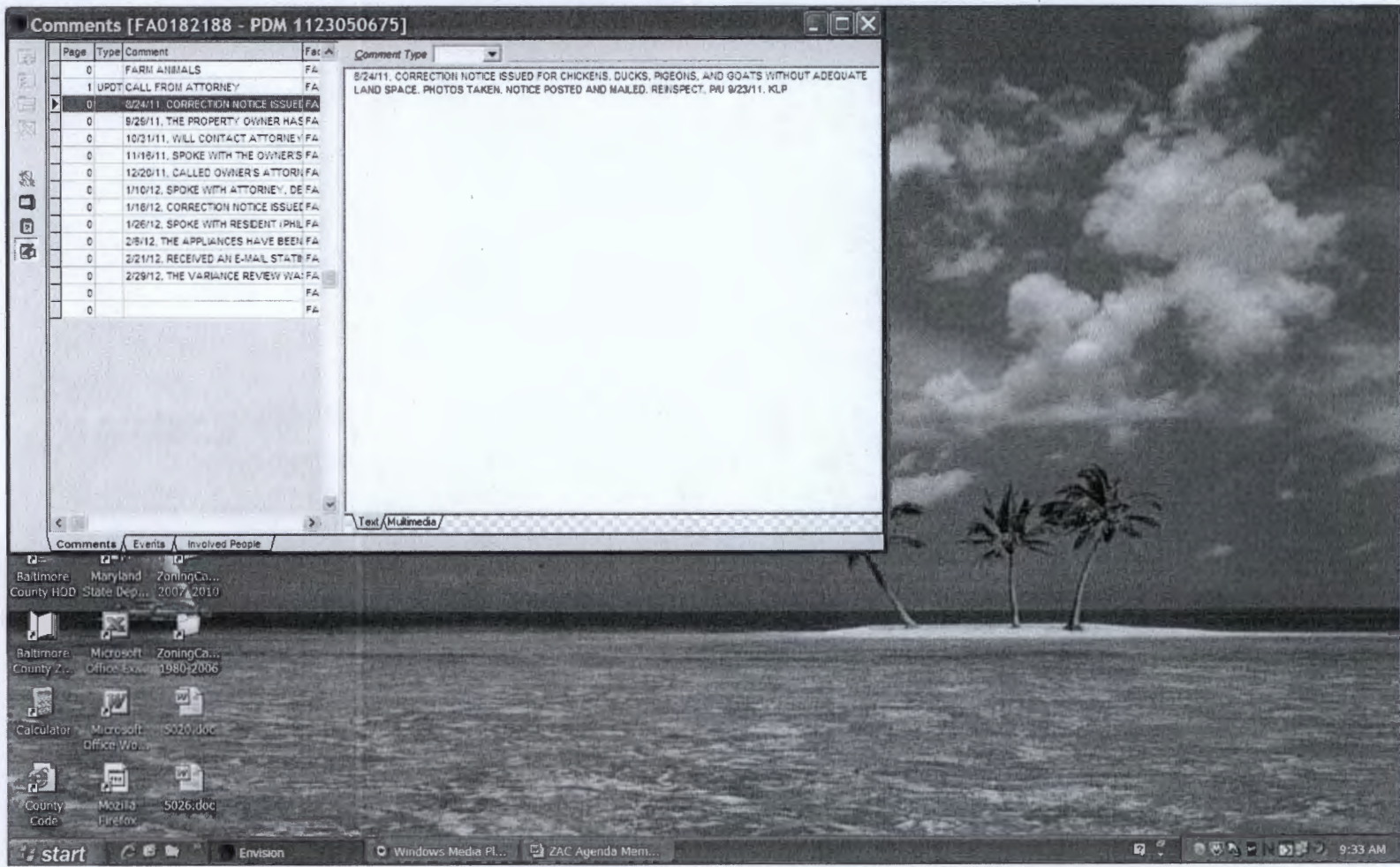


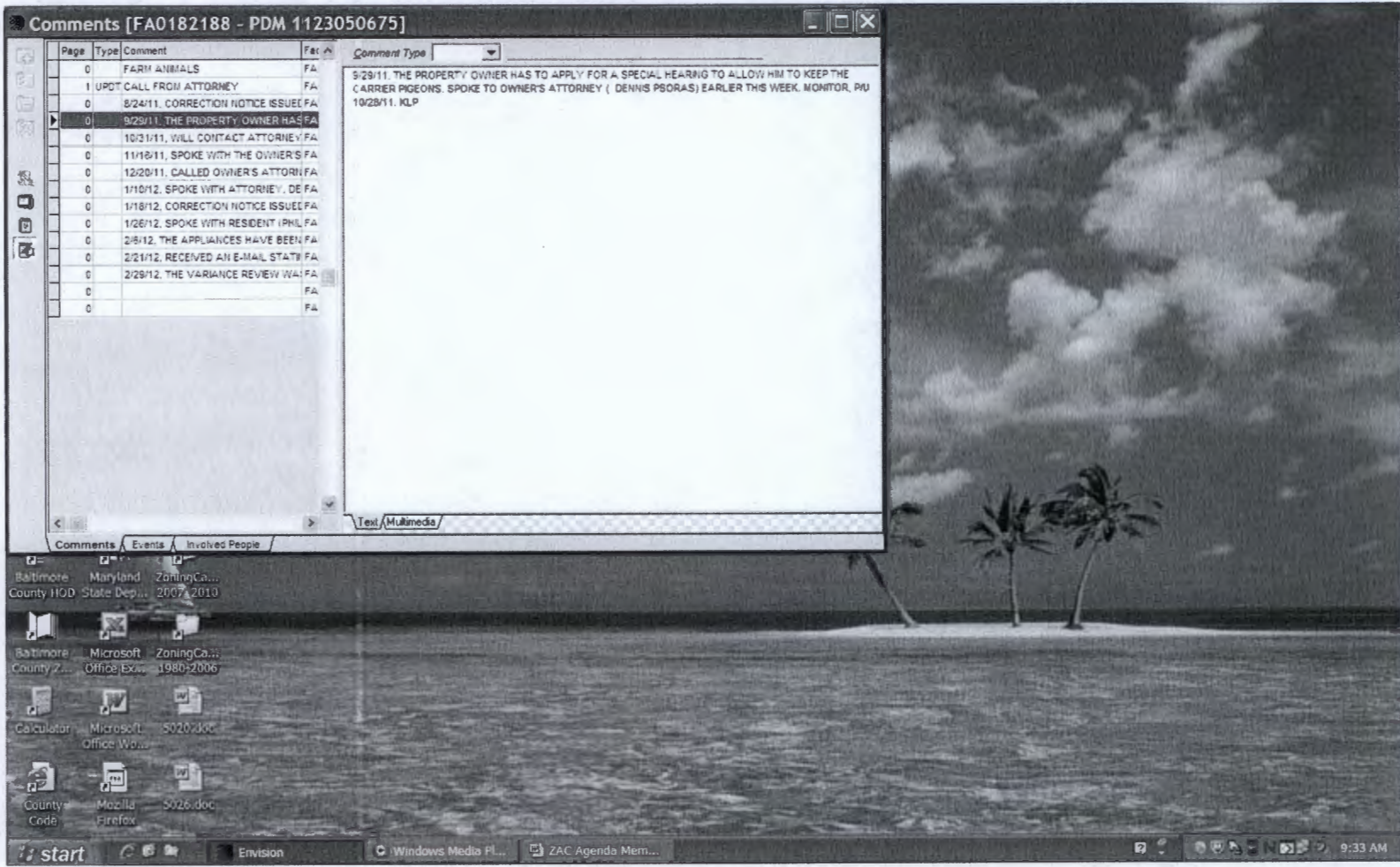












Comments [FA0182188 - PDM 1123050675]

Page	Type	Comment	Fac
0		FARM ANIMALS	FA
1		UPDT CALL FROM ATTORNEY	FA
0		8/24/11, CORRECTION NOTICE ISSUED	FA
0		9/29/11, THE PROPERTY OWNER HAS	FA
0		10/31/11, WILL CONTACT ATTORNEY	FA
0		11/18/11, SPOKE WITH THE OWNER'S	FA
0		12/20/11, CALLED OWNER'S ATTORNEY	FA
0		1/10/12, SPOKE WITH ATTORNEY, DE	FA
0		1/18/12, CORRECTION NOTICE ISSUED	FA
0		1/26/12, SPOKE WITH RESIDENT (PHIL)	FA
0		2/6/12, THE APPLIANCES HAVE BEEN	FA
0		2/21/12, RECEIVED AN E-MAIL STATE	FA
0		2/29/12, THE VARIANCE REVIEW WAS	FA
0			FA
0			FA

Comment Type

9/29/11, THE PROPERTY OWNER HAS TO APPLY FOR A SPECIAL HEARING TO ALLOW HIM TO KEEP THE CARRIER PIGEONS. SPOKE TO OWNER'S ATTORNEY (DENNIS PSORAS) EARLIER THIS WEEK. MONITOR, PHU 10/29/11, KLP

Comments [FA0182188 - PDM 1123050675]

Page	Type	Comment	FA
0		FARM ANIMALS	FA
1	UPDT	CALL FROM ATTORNEY	FA
0		8/24/11, CORRECTION NOTICE ISSUED	FA
0		9/29/11, THE PROPERTY OWNER HAS	FA
0		10/31/11, WILL CONTACT ATTORNEY	FA
0		11/15/11, SPOKE WITH THE OWNER'S	FA
0		12/20/11, CALLED OWNER'S ATTORNEY	FA
0		1/10/12, SPOKE WITH ATTORNEY, DE	FA
0		1/18/12, CORRECTION NOTICE ISSUED	FA
0		1/26/12, SPOKE WITH RESIDENT (PHIL)	FA
0		2/6/12, THE APPLIANCES HAVE BEEN	FA
0		2/21/12, RECEIVED AN E-MAIL STAT	FA
0		2/29/12, THE VARIANCE REVIEW WA	FA
0			FA
0			FA

Comment Type

10/31/11, WILL CONTACT ATTORNEY ON THE DISPOSITION OF APPLYING FOR SPECIAL HEARING. MONITOR, PAU 11/14/11, KLP

Text/Multimedia

Comments Events Involved People

Baltimore Maryland ZoningCa...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCa...
County Z... Office(Ex... 1980-2006

Calculator Microsoft S020.doc
Office W...

County Mozilla S026.doc
Code Firefox

start Envision Windows Media PL... ZAC Agenda Mem... 9:33 AM

Comments [FA0182188 - PDM 1123050675]

Page	Type	Comment	FA
0		FARM ANIMALS	FA
1	UPDT	CALL FROM ATTORNEY	FA
0		8/24/11, CORRECTION NOTICE ISSUED	FA
0		9/26/11, THE PROPERTY OWNER HAS	FA
0		10/31/11, WILL CONTACT ATTORNEY	FA
0		11/16/11, SPOKE WITH THE OWNER'S	FA
0		12/20/11, CALLED OWNER'S ATTORNEY	FA
0		1/10/12, SPOKE WITH ATTORNEY, DE	FA
0		1/18/12, CORRECTION NOTICE ISSUED	FA
0		1/26/12, SPOKE WITH RESIDENT (PHIL)	FA
0		2/5/12, THE APPLIANCES HAVE BEEN	FA
0		2/21/12, RECEIVED AN E-MAIL STATE	FA
0		2/26/12, THE VARIANCE REVIEW WAS	FA
0			FA
0			FA

Comment Type

11/16/11, SPOKE WITH THE OWNER'S ATTORNEY ON THE PHONE THIS AFTERNOON. HE INFORMED ME THAT HIS CLIENT IS GATHERING THE NEEDED PAPER WORK TO SUBMIT TO ZONING. MONITOR, PU 12/16/11, KLP.

Text/Multimedia

Comments Events Involved People

Baltimore Maryland ZoningCo...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCo...
County Z OfficeEx... 1980-2006

Calculator Microsoft 5026.doc
Office Word...

County Mozilla 5026.doc
Code Firefox

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9:33 AM

Comments [FA0182188 - PDM 1123050675]

Page	Type	Comment	Fat
0		FARM ANIMALS	FA
1	UPDT	CALL FROM ATTORNEY	FA
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0		10/21/11, WILL CONTACT ATTORNEY	FA
0		11/18/11, SPOKE WITH THE OWNERS	FA
0		12/29/11, CALLED OWNERS ATTORNEY	FA
0		1/10/12, SPOKE WITH ATTORNEY, DE	FA
0		1/18/12, CORRECTION NOTICE ISSUE	FA
0		1/26/12, SPOKE WITH RESIDENT (PHIL)	FA
0		2/6/12, THE APPLIANCES HAVE BEEN	FA
0		2/21/12, RECEIVED AN E-MAIL STATE	FA
0		2/29/12, THE VARIANCE REVIEW WA	FA
0			FA
0			FA

Comment Type

12/29/11, CALLED OWNERS ATTORNEY, UNABLE TO GET A RESPONSE OR LEAVE A VOICE MESSAGE. RESPECT TO ASCERTAIN THE DISPOSITION OF FILING FOR SPECIAL HEARING MONITOR, RAU 1/9/12, KLP

Comments Events Involved People

Baltimore Maryland ZoningCo...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCo...
County Z... Office Ex... 1940-2000

Calculator Microsoft 5020.doc
Office Word

County Mozilla 5026.doc
Code Firefox

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Comments [FA0182188 - PDM 1123050675]

Page	Type	Comment	Fac
0		FARM ANIMALS	FA
1	UPDT	CALL FROM ATTORNEY	FA
0		8/24/11, CORRECTION NOTICE ISSUED	FA
0		9/29/11, THE PROPERTY OWNER HAS	FA
0		10/31/11, WILL CONTACT ATTORNEY	FA
0		11/16/11, SPOKE WITH THE OWNER'S	FA
0		12/20/11, CALLED OWNER'S ATTORNEY	FA
0		1/10/12, SPOKE WITH ATTORNEY, DENNIS PSORAS OF THE PHONE HE WILL CALL LATER TO UPDATE ME ON THE PROGRESS ON REQUESTING A SPECIAL HEARING MONITOR, PU 1/17/12. KLP	FA
0		1/18/12, CORRECTION NOTICE ISSUED	FA
0		1/26/12, SPOKE WITH RESIDENT (PHIL)	FA
0		2/6/12, THE APPLIANCES HAVE BEEN	FA
0		2/21/12, RECEIVED AN E-MAIL STATING	FA
0		2/29/12, THE VARIANCE REVIEW WAS	FA
0			FA
0			FA

Comment Type

Text / Multimedia

Comments Events Involved People

Baltimore Maryland ZoningCa...
County HOD State Dep... 2007 2010

Baltimore Microsoft ZoningCa...
County Z... Office Ex... 1980 2006

Calculator Microsoft 5020.doc
Office Wo...

County Mozilla 5026.doc
Code Firefox

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Comments [FA0182188 - PDM 1123050675]

Page	Type	Comment	Fac
0		FARM ANIMALS	FA
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0		11/16/11, SPOKE WITH THE OWNERS	FA
0		12/20/11, CALLED OWNER'S ATTORNEY	FA
0		1/10/12, SPOKE WITH ATTORNEY, DE	FA
0		1/18/12, CORRECTION NOTICE ISSUED	FA
0		1/26/12, SPOKE WITH RESIDENT (PHIL)	FA
0		2/6/12, THE APPLIANCES HAVE BEEN	FA
0		2/21/12, RECEIVED AN E-MAIL STAT	FA
0		2/26/12, THE VARIANCE REVIEW WA	FA
0			FA
0			FA

Comment Type

1/18/12, CORRECTION NOTICE ISSUED FOR APPLIANCES IN THE DRIVEWAY AND FILLED DUMPSTER NEEDS TO BE REMOVED. RESPECT. PAU 1/25/12. KLP

Text/Multimedia

Comments Events Involved People

Baltimore Maryland ZoningCo...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCo...
County Z... Office Ex... 1980-2006

Calculator Microsoft 5020.doc
Office Wa...

County Mozilla 5026.doc
Code Firefox

start Envision Windows Media Pl... ZAC Agenda Mem... 9:33 AM

Comments [FA0182188 - PDM 1123050675]

Page	Type	Comment	FA#
0		FARM ANIMALS	FA
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0		12/20/11, CALLED OWNER'S ATTORNEY FA	
0		1/10/12, SPOKE WITH ATTORNEY, DE FA	
0		1/18/12, CORRECTION NOTICE ISSUED FA	
0		1/26/12, SPOKE WITH RESIDENT (PHIL FA	
0		2/5/12, THE APPLIANCES HAVE BEEN FA	
0		2/21/12, RECEIVED AN E-MAIL STAT FA	
0		2/25/12, THE VARIANCE REVIEW WAIT FA	
0			FA
0			FA

Comment Type

1/26/12, SPOKE WITH RESIDENT (PHIL WINKLER) ON THE PHONE. HE INFORMED ME THAT THE APPLIANCES WILL BE GONE TONIGHT. ALSO MENTIONED THAT THE ATTORNEY HAS ALL OF THE SIGNED PAPER WORK FOR THE SPECIAL HEARING. REINSPECT, PU 2/2/12. KLP

Text/Multimedia

Comments Events Involved People

Baltimore Maryland ZoningCa...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCa...
County Z... Office Ex... 1980-2006

Calculator Microsoft 5020.doc
Office Wro...

County Mozilla 5026.doc
Code Firefox

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Comments [FA0182188 - PDM 1123050675]

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0		1/10/12, SPOKE WITH ATTORNEY, DE	FA
0		1/18/12, CORRECTION NOTICE ISSUED	FA
0		1/26/12, SPOKE WITH RESIDENT (PHIL)	FA
0		2/8/12, THE APPLIANCES HAVE BEEN	FA
0		2/21/12, RECEIVED AN E-MAIL STAT	FA
0		2/29/12, THE VARIANCE REVIEW WAIT	FA
0			FA
0			FA

Comment Type

2/8/12, THE APPLIANCES HAVE BEEN REMOVED. WAITING TO HEAR FROM THE ATTORNEY ON A REVIEW DATE WITH ZONING FOR THE SPECIAL HEARING. MONITOR, PU 2/29/12. KLP

Text / Multimedia

Comments Events Involved People

Baltimore Maryland ZoningCa...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCo...
County Z... Office Ex... 1980-2006

Calculator Microsoft 5020.doc
Office Wo...

County Mozilla 5026.doc
Code Firefox

start Envision Windows Media PL... ZAC Agenda Mem... 9:33 AM

Comments [FA0182188 - PDM 1123050675]

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0		2/21/12, RECEIVED AN E-MAIL STATING	FA
0		2/29/12, THE VARIANCE REVIEW WAS	FA
0			FA
0			FA

Comment Type

2/21/12, RECEIVED AN E-MAIL STATING THAT THE OWNER IS SCHEDULED FOR A VARIANCE FILING APPOINTMENT ON 2/23/12. MONITOR, PU 2/28/12. KLP

Text/Multimedia

Comments Events Involved People

Baltimore Maryland ZoningCa...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCa...
County Z... Office/Exa... 1980-2006

Calculator Microsoft 15020.doc
Office/Work

County Mozilla 5026.doc
Code Firefox

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Comments [FA0182188 - PDM 1123050675]

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0		FARM ANIMALS	FA
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0		2/6/12, THE APPLIANCES HAVE BEEN	FA
0		2/21/12, RECEIVED AN E-MAIL STAT	FA
0		2/29/12, THE VARIANCE REVIEW WAIT	FA
0			FA
0			FA

Comment Type

2/29/12, THE VARIANCE REVIEW WAS HELD WITH ZONING. THE CASE # IS 2012-0199. THE HEARING DATE HAS NOT BEEN SCHEDULED. MONITOR, PU 3/30/12. KLP

Text/Multimedia

Comments Events Involved People

Baltimore Maryland ZoningCa...
County HOD State Dep... 2007-2010

Baltimore Microsoft ZoningCa...
County Z... Office Ex... 1980-2006

Calculator Microsoft S020.doc
Office Wa...

County Mozilla S026.doc
Code Firefox

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Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 11 Account Number - 1123050676

Owner Information

Owner Name: WINKLER RAYMOND EDWARD
WINKLER SHIRLEY NIKOL
Use: RESIDENTIAL
Mailing Address: 5311 FORGE RD
WHITE MARSH MD 21162-1021
Principal Residence: NO
Deed Reference: 1) /06166/ 00235
2)

Location & Structure Information

Premises Address
FORGE RD
0-0000
Legal Description
PT LT 15 REAR 150 FT
320 E WINKLER ST
FORGE ACRES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0073	0001	0341		0000		B	15	3		0014/ 0088

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		5,000 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	1,200	1,200		
Improvements:	0	0		
Total:	1,200	1,200	1,200	1,200
Preferential Land:	0			0

Transfer Information

Seller: WINKLER RAYMOND EDWARD	Date: 09/25/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06166/ 00235	Deed2:
Seller: WINKLER MARY H	Date: 05/16/1980	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06166/ 00235	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class:

2012-099-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 11 Account Number - 1123050675

Owner Information

Owner Name: WINKLER RAYMOND EDWARD
WINKLER SHIRLEY NIKOL
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 5309 FORGE RD
WHITE MARSH MD 21162-1021
Deed Reference: 1)/06166/ 00235
2)

Location & Structure Information

Premises Address 5309 FORGE RD
0-0000
Legal Description PT LT 12
SS FORGE RD
FORGE ACRES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0073	0001	0341		0000		B	12	3	Plat Ref: 0014/ 0088

Town NONE

Special Tax Areas
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,248 SF	15,000 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value		Phase-In Assessments	
		As Of	As Of	As Of	As Of
Land	87,500	87,500	07/01/2011	07/01/2012	
Improvements:	117,400	90,200			
Total:	204,900	177,700	204,900	177,700	
Preferential Land:	0			0	

Transfer Information

Seller:	Date:	Price:
WINKLER MARY H	08/04/1981	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/06166/ 00235	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: HOMEOWNERS TAX CREDIT

2012-0199-A



100' scale 2012-0199A



5312

Lot # 13

1119052650

Lot # 19

1116015950

Lot # 20

PDM # 110008

Lot # 21 Pt. Bk. 16, Folio 4

Pt. Bk./Folio # 016004C

1119001301

5308

5306

Lot # 22
1108067001

FORGE RD

5313

1108068880

Lot # 11

Pt. Bk. PDM # 110097

11 ED 064A3

DR2

UNDISTRICTED SUBAREA 5CD

NE 11-J

5309

1700009266

Lot # 12

1123050675

Lot # 12

5307

Lot # 13

Pt. Bk. 14, Folio 88

1123036570

PDM # 110002

Pt. Bk./Folio # 014088F

Lot # 12

1123050676

Lot # 15

Pt. Lot # 3A110 36

1107060560

Lot # 14

1113057790

Lot # 15

1120067195

Lot # 15

5308

5306

2012-0199A



Lot # 18

1119052650 Lot # 19

5308 PDM # 110008

1116015950 Lot # 20
Pt. Bk./Folio # 016004C

Lot # 21 Pt. Bk. 16, Folio 4
1119001301

FORGE RD

1118050100
Lot # 2

Pt. Bk. 23, Folio 83

5313

5311

1700009266 Lot # 12

Lot # 11 Pt. Bk. 14, Folio 88
1108068880

PDM # 110097
Pt. Bk./Folio # 034036A

5307

1123050675 Lot # 12

5309

5 CD

11 ED

DR2

UNDISTRICTED SUBAREA

1123036570
Lot # 13

Lot # 12

PDM # 110002

Pt. Bk./Folio # 014088F

1123050676 Lot # 15

Lot # 3A
Pt. Bk. 34, Folio 36
1600001344

1120067195 Lot # 15

5308

1107060560 Lot # 14

1113057790 Lot # 15

5306

2012-0199A

5304

BANGERT ST



5312

Lot # 18

1119052650 Lot # 19

1116015950 Lot # 20

PDM # 110008

Lot # 21 Pt. Bk. 16, Folio 4

Pt. Bk./Folio # 016004C

1119001301
5308

5306

Lot # 22
1108067001

FORGE RD

5313

1108068880
Lot # 11

Pt. Bk./PDM # 110097A

11-ED 064A3

DR 2

UNDISTRICTEDSUBAREA 5 CD

5309

1700009266 Lot # 12

NE 11-J

1123050675 Lot # 12

5307

Lot # 13

Pt. Bk. 14, Folio 88
1123036570

PDM # 110002

Pt. Bk./Folio # 014088F

R & HATE

245

Lot # 12

500

1123050676 Lot # 15

110308077 111307790 Lot # 14A

1107060560

Lot # 14

1113057790 Lot # 15

1120067195 Lot # 15

Pt. Lot # 3A/10 36

5308

5306

2012-0199-A

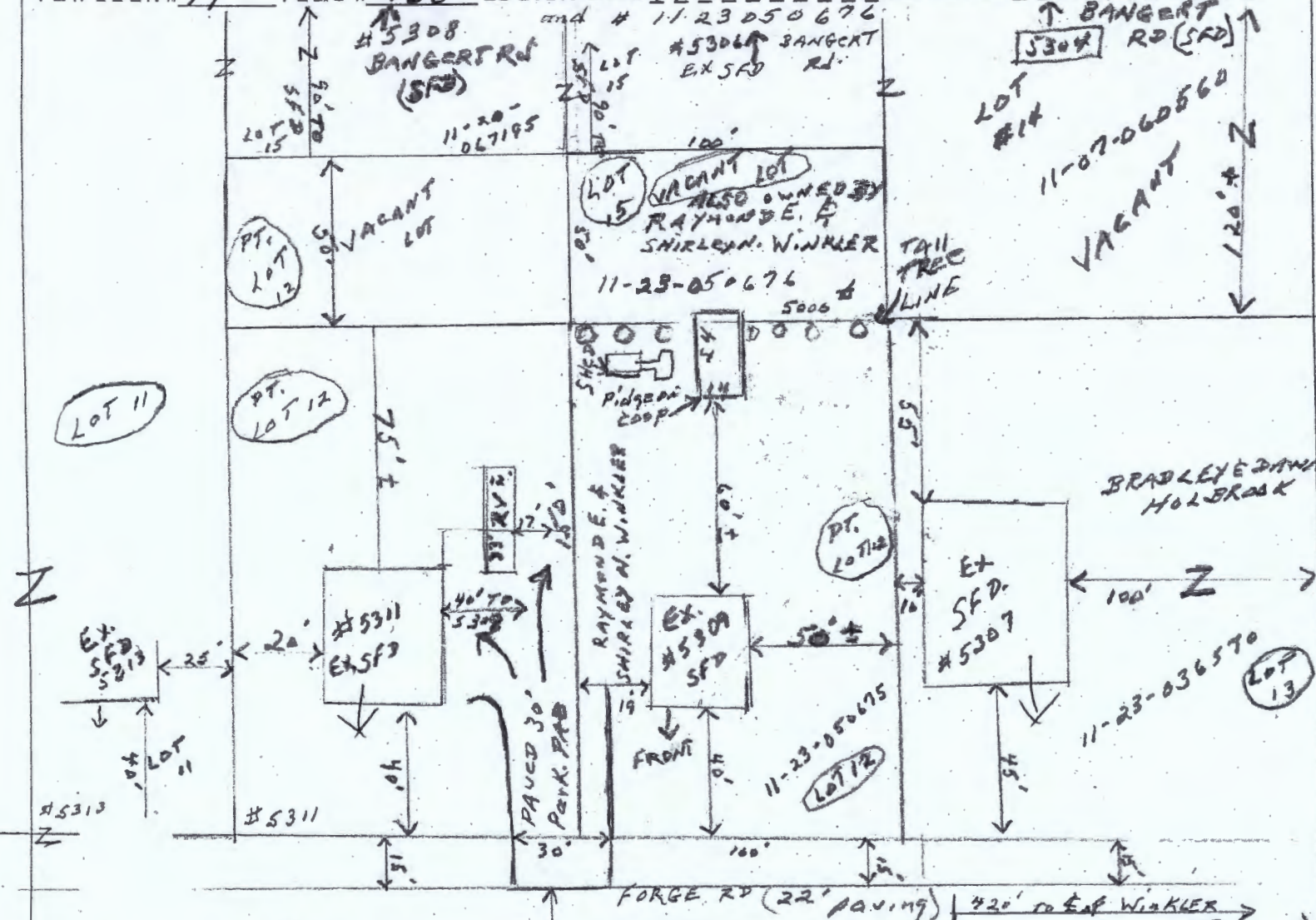
? NO CO. R/W PER R. MAIBLESS (BURY LAND ACP)? NOT IN FLOOD ZONE OR RIVERINE PER D. LYRENS (DEPRM).

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 5309 FORGE RD. OWNER(S) NAME(S) Raymond E. & Shirley N. Winkler

SUBDIVISION NAME FORGE ACRES LOT # 12 BLOCK # B SECTION # —

PLAT BOOK # 14 FOLIO # 088 10 DIGIT TAX # 1123050675 DEED REF. # 06166/0088-



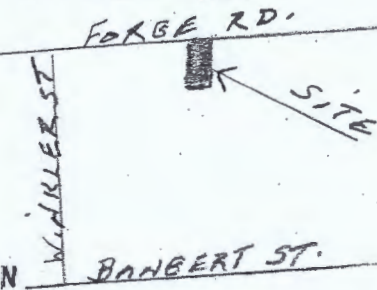
PLAN DRAWN BY [Signature]

DATE 2-15-12 SCALE: 1 INCH = 50 FEET

LOT SIZE & PER GIS, ZON. PRINTS and MR. RAYMOND WINKLER

(NAMED AFTER WINKLER FAMILY)

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 06493 (NE, N.)

SITE ZONED DR-2

ELECTION DISTRICT 11

COUNCIL DISTRICT 5 + 1

LOT AREA ACREAGE 0.344

OR SQUARE FEET 15,000

HISTORIC? N/A

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? N/A

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

0099852

2012-0199-A

