

**IN RE: PETITION FOR VARIANCE**  
**(6760 Graceland Avenue)**  
12<sup>th</sup> Election District  
7<sup>th</sup> Councilman District  
Louis & Mary Simmons, Owners  
C & D's Installers, Inc.,  
*Contract Purchasers*  
Petitioners

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2014-0142-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Timothy M. Kotroco, Esq., on behalf of Louis & Mary Simmons, legal owners and C & D's Installers, Inc., contract purchaser ("Petitioners"). The Petitioners are requesting variance relief from Sections 232.2 and 232.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of five (5) ft. in lieu of the required ten (10) ft. and a rear yard setback of three (3) feet in lieu of the required twenty (20) feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Daniel Blevins. Timothy M. Kotroco, Esq., with Whiteford, Taylor & Preston, appeared as counsel and represented the Petitioners. The file reveals that the Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition.

There were no Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 0.14 acres and is zoned BL. The Petitioner has for over 30 years operated a pool installation company at the

**ORDER RECEIVED FOR FILING**

Date

2/24/14

By

Den

site, pursuant to a lease agreement with Mr. Simmons, the owner. Petitioner is planning to purchase the property, and requires variance relief to replace a dilapidated shed at the rear of the site, and validate the deficient side yard setbacks on the existing 1 story office building (which of course would be a "nonconforming" structure) shown on the plan, which was constructed in 1965.

Based upon the testimony and evidence presented, I will grant the petition for variance. To obtain variance relief requires a showing that:

- (1) 'The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

Petitioners have met this test. The property is constrained by long-existing site conditions, and is therefore unique.

If the B.C.Z.R. were strictly interpreted, the Petitioners would indeed suffer a practical difficulty, given they would be unable to retain the existing office building or rebuild the dilapidated shed. 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. This is demonstrated by the lack of community and/or county agency opposition.

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

THEREFORE, IT IS ORDERED, this 24<sup>th</sup> day of February, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Sections 232.2 and 232.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of five (5) ft. in lieu of the required ten (10) ft. and a rear yard setback of three (3) feet in

ORDER RECEIVED FOR FILING

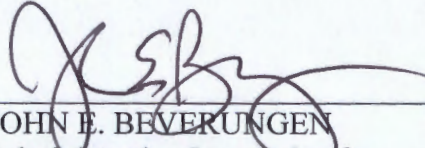
Date 2/24/14  
By Den

lieu of the required twenty (20) feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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.

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 2/24/14  
By sln

KEVIN KAMENETZ  
*County Executive*



LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
*Administrative Law Judge*

February 24, 2014

Timothy M. Kotroco, Esq.  
Whiteford, Taylor & Preston  
1 W. Pennsylvania Avenue  
Suite 300  
Towson, Maryland 21204

RE: Petitions for Variance  
Property: 6760 Graceland Avenue  
Case No.: 2014-0142-A

Dear Counsel:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln  
Enclosure



# 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 6760 Graceland Avenue which is presently zoned BL  
Deed References: 19469/00141 10 Digit Tax Account # 1 2 2 3 0 0 4 7 8 0  
Property Owner(s) Printed Name(s) Louis D. Simmons and Mary Simmons

(SELECT THE HEARING(S) BY MARKING X 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.   X   a **Variance** from Section(s)

PLEASE SEE ATTACHED.

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)

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 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:

C&D's Installers Inc.

Name - Type or Print

President

Signature

6760 Graceland Avenue Baltimore Maryland

Mailing Address City State

21224 / 410-808-0338 /

Zip Code Telephone # Email Address

## Attorney for Petitioner:

Timothy M. Kotroco

Name - Type or Print

Timothy Kotroco

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 / 410-832-2004 / tkotroco@wtplaw.com

Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

Louis Simmons / Mary Simmons

Name #1 - Type or Print

Name #2 - Type or Print

Mary Simmons

Mary Simmons

Signature #1

Signature #2

6736 Graceland Avenue Baltimore Maryland

Mailing Address City State

21224 / 410-633-6161

Zip Code Telephone # Email Address

## Representative to be contacted:

Timothy M. Kotroco

Name - Type or Print

Timothy Kotroco

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 / 410-832-2004 / tkotroco@wtplaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0142-A Filing Date 12/20/13

Do Not Schedule Dates: ORDER RECEIVED FOR FILING Reviewer JS

Date 2/24/14

REV. 10/4/11

By Sen

**PETITION FOR ZONING HEARING  
6760 GRACELAND AVENUE – C&D'S INSTALLERS, INC.**

Variance Relief Requested:

1. Variance from Sections 232.2 and 232.3 of the Baltimore County Zoning Regulations to permit a side yard setback of five (5) feet in lieu of the required ten (10) feet and a rear yard setback of three (3) feet in lieu of the required twenty (20) feet.

433707

**CHARLES R. CROCKEN & ASSOCIATES, INC.**

CIVIL ENGINEERING~ LAND PLANNING

902 Lee Ave.

Sykesville, MD. 21784

**ZONING DESCRIPTION FOR  
LOTS 271 AND 272 GRACELAND PARK SECTION 3**

BEGINNING AT POINT BEING 220.71 FEET WEST OF THE INTERSECTION OF GRACELAND AVE AND WILSON AVE.. THENCE 1) WEST 50 FEET ON THE NORTHERN RIGHT OF WAY LINE OF GRACELAND AVE THENCE 2.) LEAVING SAID RIGHT OF WAY NORTH 125 FEET; THENCE, 3.) RUNNING PARALLEL TO SAID RIGHT OF WAY LINE OF GRACELAND AVE. EAST 50 FEET; THENCE 4.) SOUTH 125 FEET TO THE POINT OF BEGINNING CONTAINING 6,250 SQUARE FEET OF LAND MORE OR LESS



2014-0142-A

# 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: 2014-0142-A

Petitioner: SIMMONS

Address or Location: 6760 GRACELAND AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM BAKER

Address: WHITEFORD TAYLOR #PRESTON

1 W. PENNSYLVANIA AVE, STE 300

TOWSON, MD 21204

Telephone Number: 410-832-2000

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. **107092**

Date: **12/20/13**

**PAID RECEIPT**

BUSINESS ACTUAL TIME 12/23/2013 12/20/2013 11:49:18 8

REG #504 WALKIN SHIL SAH  
 >>RECEIPT # 408751 12/20/2013 OFLN  
 5 528 ZONING VERIFICATION

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount    |
|------|------|------|----------|-----------------|------------------|----------|---------|-----------|
| 001  | 806  | 0000 |          | 6150            |                  |          |         | \$ 400.00 |
|      |      |      |          |                 |                  |          |         |           |
|      |      |      |          |                 |                  |          |         |           |
|      |      |      |          |                 |                  |          |         |           |
|      |      |      |          |                 |                  |          |         |           |
|      |      |      |          |                 |                  |          |         |           |
|      |      |      |          |                 |                  |          |         |           |

Total: **4500.00**

Rec From: **Simmons**

For: **2014-0142-A**

CR NO. 107092  
 Recpt Tot. \$500.00  
 \$500.00 CR \$1.00 CA  
 Baltimore County, Maryland

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER    GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

CERTIFICATE OF POSTING

RE: CASE NO: 2014-0142-A

PETITIONER/DEVELOPER \_\_\_\_\_

ADAM BAKER WTP

DATE OF HEARING/CLOSING: \_\_\_\_\_

2/19/14

BALTIMORE COUNTY DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT  
COUNTY OFFICE BUILDING, ROOM 111  
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE  
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE  
PROPERTY AT \_\_\_\_\_

6760 GLACELAND AVENUE

THIS SIGN(S) WERE POSTED ON \_\_\_\_\_

January 29/2014  
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 1/29/14  
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

FORM  
KEEP  
CLOSED  
ALL

# ZONING NOTICE

CASE # 2014-0142-A

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

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

DATE AND TIME: WEDNESDAY, FEBRUARY 19, 2014  
AT 2:30 PM.

REQUEST:  
VARIANCE TO PERMIT A SIDE YARD SETBACK OF FIVE  
FEET IN LIEU OF THE REQUIRED TEN FEET AND A REAR  
YARD SETBACK OF THREE FEET IN LIEU OF THE REQUIRED  
TWENTY FEET.

POSTPONEMENTS DUE TO WEATHER AND OTHER CONDITIONS ARE SOMETIMES NECESSARY  
TO CONFIRM HEARING CALL 410-287-3201

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW  
MEETING IS HANDICAP ACCESSIBLE

*mycalles84 1/22/14*



# THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

January 30, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 30, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

*Susan Wilkinson*

## 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: # 2014-0142-A**

6760 Graceland Avenue

NE/s of Graceland Avenue, 195 ft. S/w of intersection with Wilson Avenue

12th Election District - 7th Councilmanic District

Legal Owner(s); Louis Simmons

Contract Purchaser/Lessee: C & D's Installers, Inc.

**Variance:** to permit a side yard setback of five feet in lieu of the required ten feet and a rear yard setback of three feet in lieu of the required twenty feet.

**Hearing:** Wednesday, February 19, 2014 at 2:30 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 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.

1/1067 Jan. 30

967328



KEVIN KAMENETZ  
County Executive

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

January 24, 2014

## NOTICE OF ZONING HEARING

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12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

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Hearing: Wednesday, February 19, 2014 at 2:30 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: Timothy Kotroco, 1 W. Pennsylvania Ave., Ste. 300, Towson 21204

C & D's Installers, Inc., 6760 Graceland Avenue, Baltimore 21224

Louis & Mary Simmons, 6736 Graceland Avenue, Baltimore 21224

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 30, 2014.**
- (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  
Thursday, January 30, 2014 Issue - Jeffersonian

Please forward billing to:

Adam Baker  
Whiteford, Taylor & Preston  
1 W. Pennsylvania Avenue, Ste. 300  
Towson, MD 21204

410-832-2000

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### NOTICE OF ZONING HEARING

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6760 Graceland Avenue

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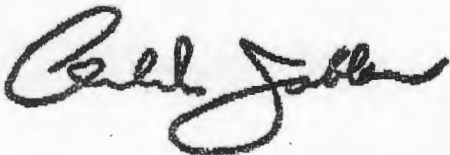
12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Louis Simmons

Contract Purchaser/Lessee: C & D's Installers, Inc.

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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.

**M E M O R A N D U M**

DATE: April 11, 2014  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2014-0142-A - Appeal Period Expired

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The appeal period for the above-referenced case expired on March 26, 2014. 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

|                                                                    |   |                   |
|--------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR VARIANCE                                          | * | BEFORE THE OFFICE |
| 6760 Graceland Avenue; NE/S of Graceland                           |   |                   |
| Avenue, 195' SW intersection Wilson Avenue *                       |   | OF ADMINSTRATIVE  |
| 12 <sup>th</sup> Election & 7 <sup>th</sup> Councilmanic Districts |   |                   |
| Legal Owner(s): Louis & Mary Simmons                               | * | HEARINGS FOR      |
| Contract Purchaser(s): C&D's Installers Inc                        |   |                   |
| Petitioner(s)                                                      | * | BALTIMORE COUNTY  |
|                                                                    | * | 2014-142-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.

RECEIVED

JAN 16 2014

*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 16th day of January, 2014, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CASE NO. 2014-0142-A

## CHECKLIST

Comment  
Received

Department

Support/Oppose/  
Conditions/  
Comments/  
No Comment

1/15/14

DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)

N/C

DEPS  
(if not received, date e-mail sent \_\_\_\_\_)

FIRE DEPARTMENT

PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)

*Rec'd after  
hearing -  
Not considered*

1/15/14

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT

Date:

1/30/14

SIGN POSTING

Date:

1/29/14

by

agf

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: \_\_\_\_\_

**Debra Wiley - Graceland case**

---

0192-A

**From:** John Beverungen  
**To:** Peter Zimmerman  
**Date:** 3/11/2014 3:55 PM  
**Subject:** Graceland case  
**CC:** Debra Wiley; Sherry Nuffer

---

Peter,

I pulled the case you just called about. The hearing was Feb. 19th, and the file "Checklist" reflects that the DOP comment was not included in the file at the time of the hearing. As you noted, the DOP comment is dated February 18, but the copy in the file was not stamped in by our office (so I can't say exactly when we received it), and the signatures are not original, which leads me to believe it was maybe emailed to Deb or Sherry? Since it was not received before the hearing, we have been instructed not to consider "late" comments.

John.



KEVIN KAMENETZ  
*County Executive*

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

February 12, 2014

Louis and Mary Simmons  
6736 Graceland Avenue  
Baltimore MD 21224

RE: Case Number: 2014-0142 A, Address: 6760 Graceland Avenue

Dear Mr. & Ms. Simmons:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 20, 2013. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
C & D's Installers Inc, 6760 Graceland Avenue, Baltimore MD 21224  
Timothy M. Kotroco, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

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



James T. Smith, Jr., Secretary  
Melinda B. Peters, Administrator

Date: 1/15/14

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

RE: Baltimore County  
Item No 2014-0142-A  
Variance  
Louis & Mary Simmons  
6760 Grace land Avenue

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. 2014-0142-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,

  
Steven D. Foster, Chief/  
Development Manager  
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](http://www.roads.maryland.gov)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Per Sherry, rec'd  
after hearing.

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

**DATE:** February 18, 2014

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 6760 Graceland Avenue

**INFORMATION:**

RECEIVED

**Item Number:** 14-142

FEB 19 2014

**Petitioner:** Louis Simmons

OFFICE OF ADMINISTRATIVE HEARINGS

**Zoning:** BL

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request. However, the Department of Planning requests the following conditions be imposed on any approval:

1. The subject site shall be clean and free of any material or equipment used in connection with the business on the property. All material stored outdoors shall be moved into the newly constructed shed.
2. The subject site shall be properly screened from the adjacent neighbor to the east (6762 Graceland Ave.). There is an existing chain-link fence, however if the owner of 6762 Graceland Ave. does not feel as though the fence provides an adequate buffer, an alternative shall be provided (i.e. vegetative, wood fence, etc. type screening).

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

**Prepared By:**

**Division Chief:**

AVA/LL:cjm

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** January 15, 2013

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 13, 2014  
Item No. 2014-0142, 0143, 0145, 0147, and 0148

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

DAK:CEN:cab  
Cc: file

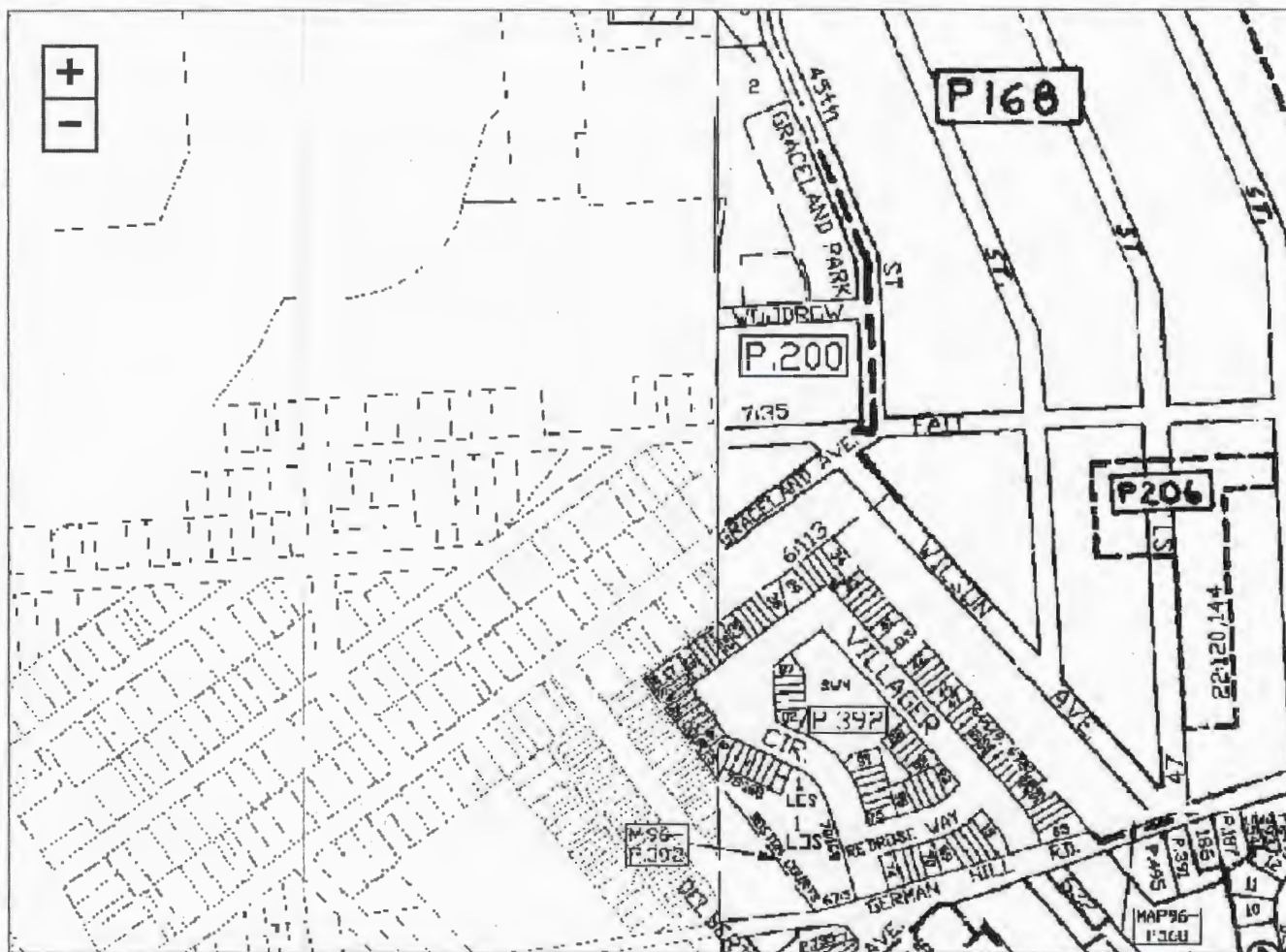
G:\DevPlanRev\ZAC -No Comments\ZAC01132014 -.doc

## Real Property Data Search ( w1)

## Search Result for BALTIMORE COUNTY

| <u>View Map</u>                                     | <u>View GroundRent Redemption</u>                | <u>View GroundRent Registr</u>                                                 |
|-----------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------|
| <b>Account Identifier:</b>                          | <b>District - 12 Account Number - 1223004780</b> |                                                                                |
| <b>Owner Information</b>                            |                                                  |                                                                                |
| <b>Owner Name:</b>                                  | SIMMONS LOUIS D<br>SIMMONS MARY                  | <b>Use:</b> COMMERCIAL                                                         |
| <b>Mailing Address:</b>                             | 6736 GRACELAND AVE<br>BALTIMORE MD 21224-3030    | <b>Principal Residence:</b> NO<br><b>Deed Reference:</b> 1) /19469/ 0014<br>2) |
| <b>Location &amp; Structure Information</b>         |                                                  |                                                                                |
| <b>Premises Address:</b>                            | 6760 GRACELAND AVE<br>0-0000                     | <b>Legal Description:</b> LT 271,272<br>6760 GRACELAND<br>GRACELAND            |
| <b>Map:</b> 0096                                    | <b>Grid:</b> 0021                                | <b>Parcel:</b> 0200                                                            |
| <b>Sub District:</b>                                | <b>Subdivision:</b> 0000                         | <b>Section:</b> 3                                                              |
| <b>Block:</b>                                       | <b>Lot:</b> 271                                  | <b>Assessment Year:</b> 2013                                                   |
| <b>Plat No:</b>                                     | <b>Plat Ref:</b>                                 |                                                                                |
| <b>Special Tax Areas:</b>                           | <b>Town:</b> NONE                                | <b>Ad Valorem:</b>                                                             |
| <b>Primary Structure Built</b> 1965                 | <b>Above Grade Enclosed Area</b> 1000            | <b>Finished Basement Area</b> 5,355 SF                                         |
| <b>Stories</b>                                      | <b>Basement</b>                                  | <b>Type</b>                                                                    |
| DISTRIBUTION WAREHOSUE                              |                                                  |                                                                                |
| <b>Value Information</b>                            |                                                  |                                                                                |
|                                                     | <b>Base Value</b>                                | <b>Value</b>                                                                   |
|                                                     |                                                  | <b>As of</b>                                                                   |
|                                                     |                                                  | <b>01/01/2013</b>                                                              |
| <b>Land:</b>                                        | 53,500                                           | 53,500                                                                         |
| <b>Improvements</b>                                 | 31,800                                           | 31,400                                                                         |
| <b>Total:</b>                                       | 85,300                                           | 84,900                                                                         |
| <b>Preferential Land:</b>                           | 0                                                | 0                                                                              |
| <b>Transfer Information</b>                         |                                                  |                                                                                |
| <b>Seller:</b> GRACELAND INVESTMENTS INC            | <b>Date:</b> 01/20/2004                          | <b>Price:</b> \$0                                                              |
| <b>Type:</b> NON-ARMS LENGTH OTHER                  | <b>Deed1:</b> /19469/ 00141                      | <b>Deed2:</b>                                                                  |
| <b>Seller:</b> EASTWOOD YOUTH ASSOCIATION INC       | <b>Date:</b> 07/30/1998                          | <b>Price:</b> \$15,000                                                         |
| <b>Type:</b> NON-ARMS LENGTH OTHER                  | <b>Deed1:</b> /13043/ 00400                      | <b>Deed2:</b>                                                                  |
| <b>Seller:</b> WALKER LEROY A,ET AL                 | <b>Date:</b> 10/20/1981                          | <b>Price:</b> \$0                                                              |
| <b>Type:</b> NON-ARMS LENGTH OTHER                  | <b>Deed1:</b> /06347/ 00844                      | <b>Deed2:</b>                                                                  |
| <b>Exemption Information</b>                        |                                                  |                                                                                |
| <b>Partial Exempt Assessments:</b>                  | <b>Class</b>                                     | <b>07/01/2013</b>                                                              |
| <b>County:</b>                                      | 000                                              | 0.00                                                                           |
| <b>State:</b>                                       | 000                                              | 0.00                                                                           |
| <b>Municipal:</b>                                   | 000                                              | 0.00 0.00                                                                      |
| <b>Tax Exempt:</b>                                  | <b>Special Tax Recapture:</b>                    |                                                                                |
| <b>Exempt Class:</b>                                | NONE                                             |                                                                                |
| <b>Homestead Application Information</b>            |                                                  |                                                                                |
| <b>Homestead Application Status:</b> No Application |                                                  |                                                                                |

## Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **12** Account Number: **1223004780**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)

☒ Loading... Please Wait. Loading... Please Wait.

→

DATE 2-19-2014

|                |                                 |                      |                                |
|----------------|---------------------------------|----------------------|--------------------------------|
| TIM Kotroco    | One W. Pennsylvania Ave Ste 300 | Baltimore, MD 21204  | TKotroco@butplaw.com           |
| DANIEL BLEVINS | 3202 ACTON ROAD                 | BALTIMORE, MD. 21234 | dev.design.solutions@gmail.com |
| [Signature]    | 310 N. Tottenway HIG            | MD 21078             | DwightH@cndinstallres.com      |

Case No.:

2014-0142-A

Exhibit Sheet

Petitioner/Developer

Protestants

103  
2-11-14

Sen  
2/24/14

|        |                                   |  |
|--------|-----------------------------------|--|
| No. 1  | Plan                              |  |
| No. 2  | Color photos                      |  |
| No. 3  | (3) My Neighborhood Maps          |  |
| No. 4  | Brochure re: post frame buildings |  |
| No. 5  |                                   |  |
| No. 6  |                                   |  |
| No. 7  |                                   |  |
| No. 8  |                                   |  |
| No. 9  |                                   |  |
| No. 10 |                                   |  |
| No. 11 |                                   |  |
| No. 12 |                                   |  |



Address **6760 Graceland Avenue**

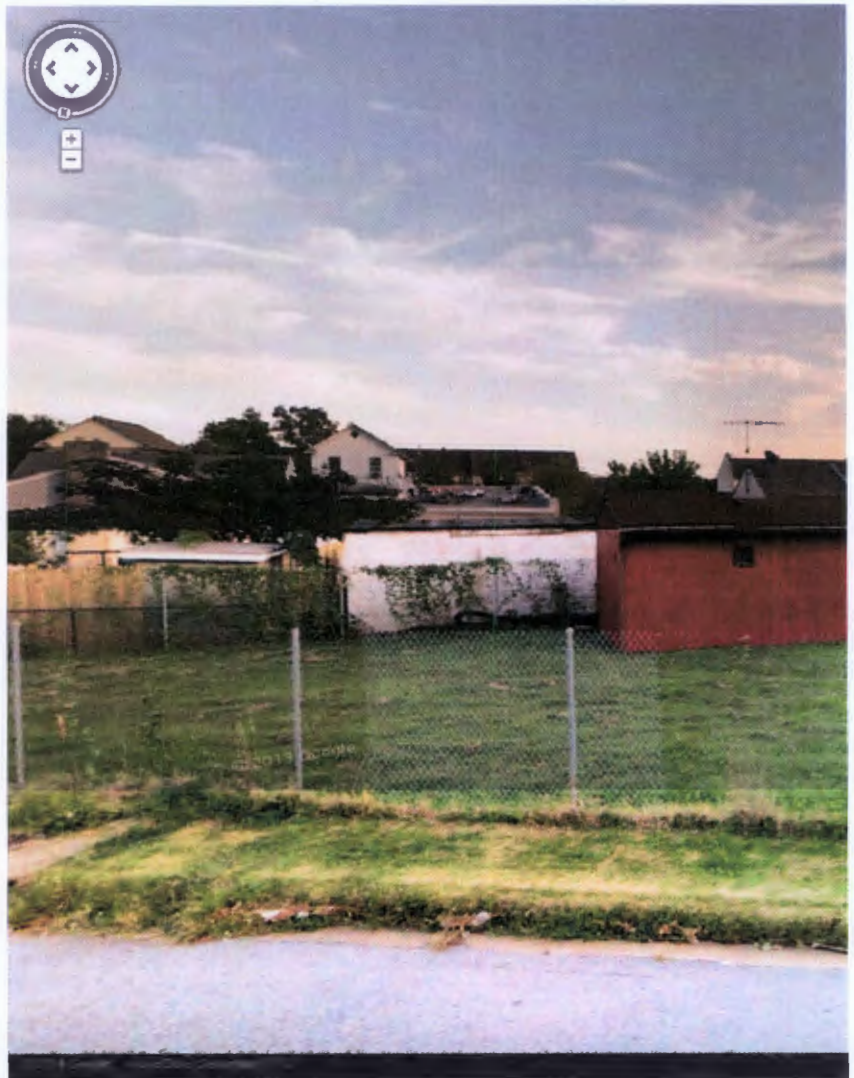
Address is approximate



Petitioner No. 2



To see all the details that are visible on the screen, use the "Print" link next to the map.





Address **6832 Fait Avenue**

Address is approximate





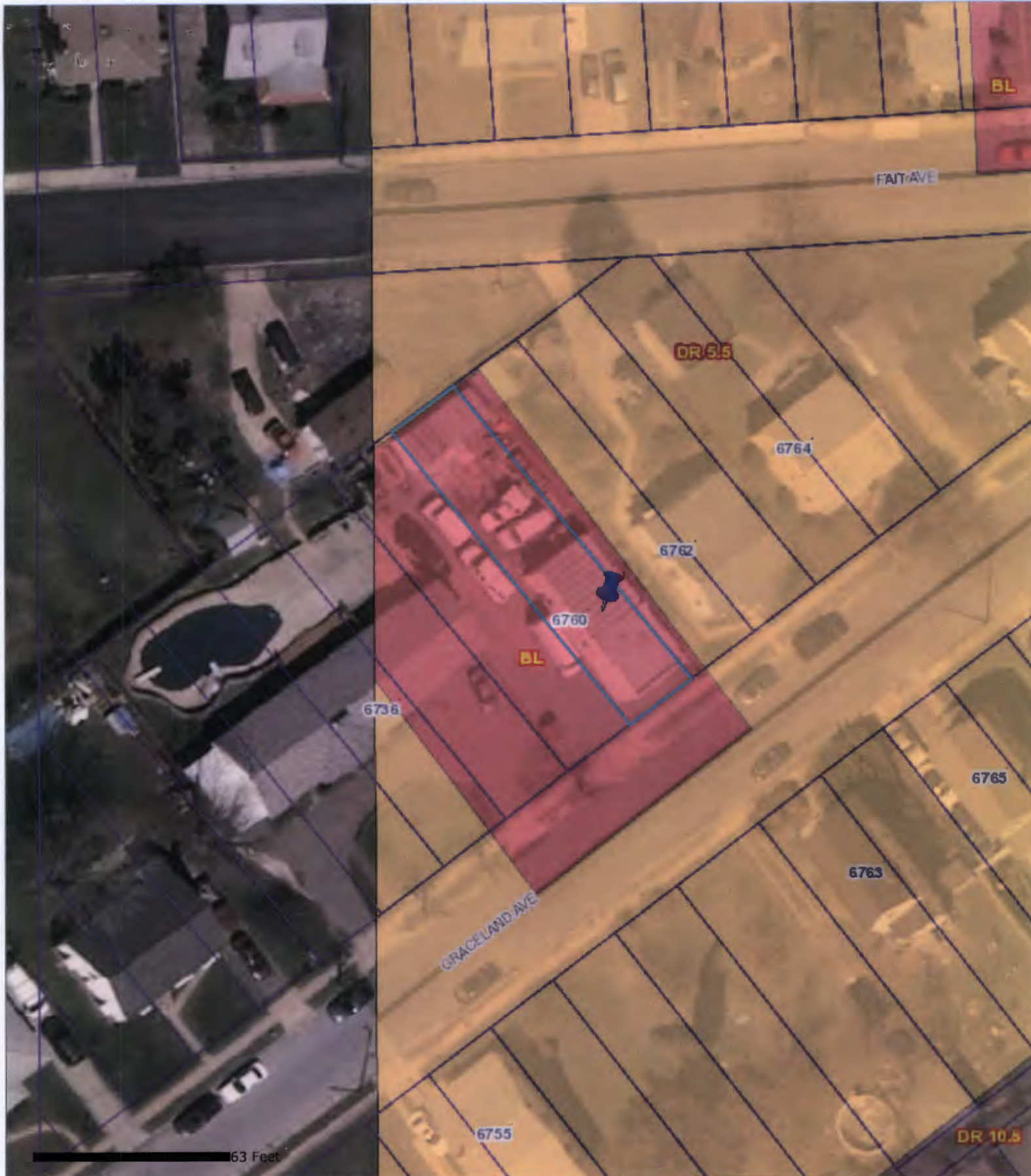
To see all the details that are visible on the screen, use the "Print" link next to the map.



Google

To see all the details that are visible on the screen, use the "Print" link next to the map.





My Neighborhood Map

*Petitioners No. 3*

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Baltimore County  
My Neighborhood



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63 Feet



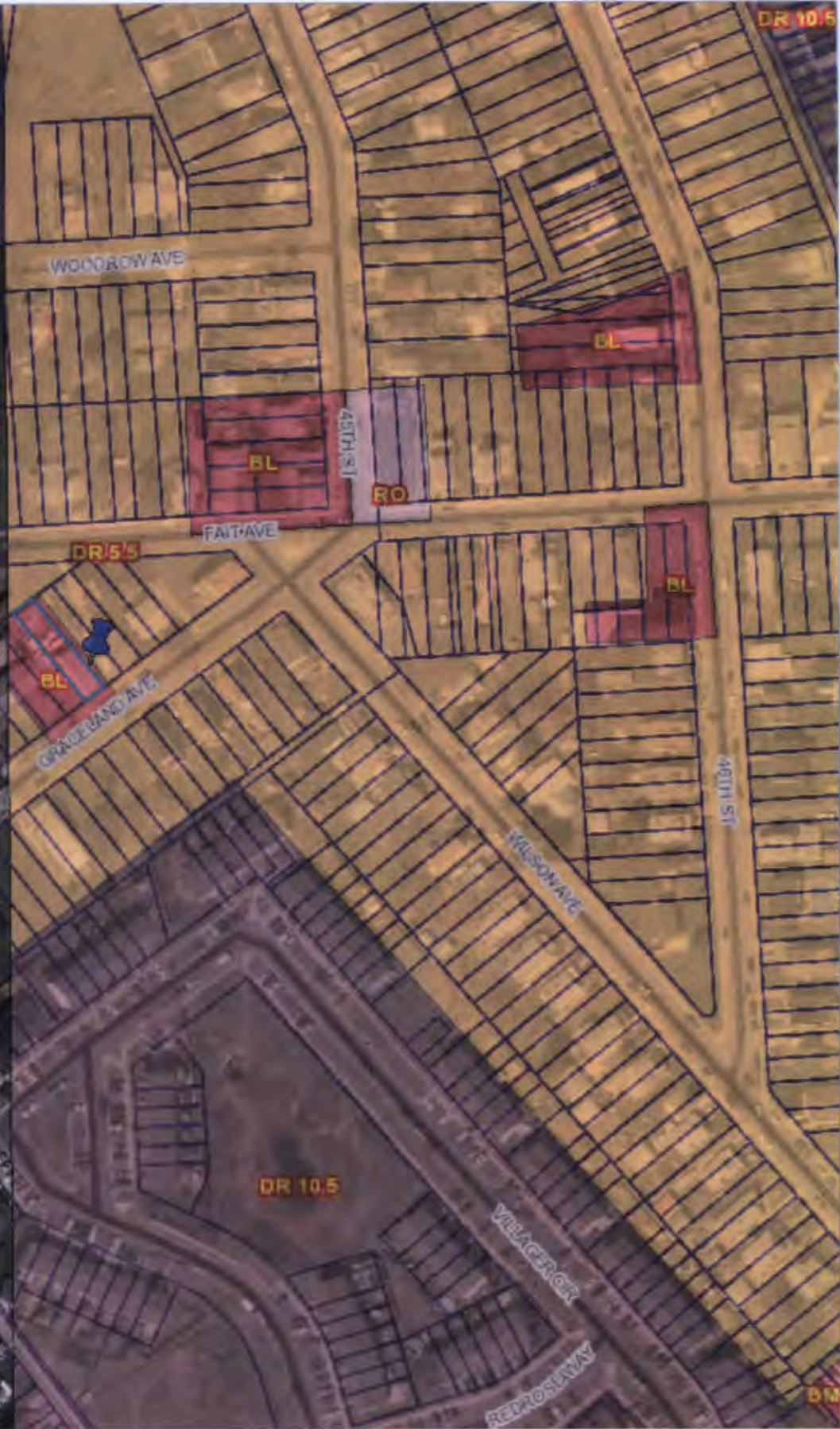
My Neighborhood Map

Created By  
Baltimore County  
My Neighborhood



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## My Neighborhood Map

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Baltimore County  
My Neighborhood



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As seen  
on TV!

Petitioners No. 4

# TAM LAPP

CONSTRUCTION LLC

*"We offer nothing but the best!"*

## POST FRAME BUILDINGS

TLC has an A+ rating from



ACCREDITED  
BUSINESS

Do our competitors?

*Specializing in Post Frame Buildings  
Commercial, Agricultural, Residential*



At Tam Lapp Construction, LLC we are committed to providing quality Pole Buildings and Pole Barns delivered with outstanding service. We understand that purchasing a Pole Building or Post Frame Building is an important decision, and therefore we take your patronage as a customer very seriously.

*"Thank you for the wonderful job your team did! It is large and has a wonderful second floor. Everything was on time, and all the teams worked well and we are extremely pleased with the workmanship and how everything was put together." Neil S., TLC Customer*

WWW.NEWPOLEBARN.COM - 717-495-5708



*Tam Lapp Construction will not be  
under sold! Ask now about our Price  
Beat Guarantee!!!*

## POST FRAME BUILDINGS

From an early age Tam learned to overcome adversity and tragic events that took place in his life, he learned to adapt to profound changes in his surrounding environment. Being Adopted at the age of 12 by a loving family in Lancaster Pennsylvania introduced Tam to a lifestyle and work ethic that would change his life forever.

Tam started working in the home building industry and found that building was what he loved to do, years of building homes would eventually lead Tam into the Post Frame Industry.

After years of building for a Pole building company, in 2001 Tam founded Tam Lapp Construction LLC a Company that Specializes in Post Frame Buildings, with years of his knowledge and actual hands on building experience, a strong work ethic and a love and passion for people business began to grow rapidly.

With hundreds of buildings constructed in 9 different states Tam Lapp Construction is becoming not only a leader in the Post Frame Industry but also a business that's built upon quality workmanship, integrity, individualized customer service and the level of customer satisfaction that's hard to find these days.

Tam says: "Our great customers and the relationships that are built daily is what makes our business what it has become over the years".

Tam knows what it takes in life to make things happen and go after what you want, he strives everyday to listen to his customers and give them what they've been waiting for years to become there dream and reality.

One of Tams business partners says: "Nothing makes Tam happier and pushes him harder to do his job than when a customer tells him how much his business has done for them and how he's helped one of there dreams become a true reality, what an honor to play a small part in someone's life".

Be apart of the Company that is reshaping customer service, a company that's recreating and restoring quality workmanship with integrity and honest business practices, a company that's bringing back moral and ethical principles, something that has been lost and forgotten in this world. Take Care and we hope to hear from you..

Sincerely,  
Tam Lapp  
Founder & CEO.

*"The pole barn is fantastic  
and the crew work was so  
professional. I am  
overwhelmed, this is  
beyond my expectations.  
This pole barn turned out  
fantastic. I already told  
five of my friends."  
Dan S, TLC Customer*



[WWW.NEWPOLEBARN.COM](http://WWW.NEWPOLEBARN.COM) - 717-495-5708



*"Sending over some good pics which would really be the building of the month. Working with you was great. Your were right there to answer all our questions and was very honest with us From the start. Your guys were great, put the customers concerns first and work really quick. The whole process was really quick and well organized. Would recommend you any time. Thanks for everything." Brandon & Roanna*



*"It was a pleasure watching your crews finish our garage so quickly and without any troubles at all, The entire process went so smoothly, I have had several friends come to see it already and I will be pointing them to you when they want ideas on a building of their own. Thank you very much for everything." Don*

## **What makes a TLC Building the BEST Building in the Industry?**



- Deal with a Sales Team that's Experienced in BOTH the Building Industry as well in the Sales Industry.
- 10 Year Limited Peace of Mind Workmanship Warranty (OFFERED BY NO ONE ELSE IN THE INDUSTRY).
- Minimum 8" Thick x 18" Diameter Concrete Footers.
- Free Structural Plans of Building.
- Painted Screw Fasteners on all Metal Roofing & Siding.
- Galvanized Nail Fasteners on all Framing Lumber.
- Hurricane Truss Tie Straps on ALL Buildings.
- Rodent Guard / Base Angle on Bottom of Metal Siding.



## POST FRAME BUILDINGS

## Our Building Process

What you need to know about buying a building from Tam Lapp Construction.

*"We skimp on prices not quality."*

*We first talk about your project and figure out what size building you are looking for, what options, colors, and we create a custom quote for you. Then we simply follow the steps below.*

### Step 1

Look over quote and make sure we have everything that you want listed.

### Step 2

Sign, Date above Proposal, Send us the required deposit amount.

### Step 3

Include a Rough Floor Plan / Sketch of your desired Door/Window Locations we will email/mail a floor plan guide for you to place doors etc.

### Step 4

Once we receive deposit and signed proposal we will then process the plans you need in order to obtain your building permit if needed in your Township.

*\*Please check with your Township if Plans need to be Engineered Plans or if Construction Drawings are Sufficient.*

(Color chart and color placement guide will also be sent out so you can start picking out your colors for your New Pole Barn)

### Step 5

Once Building Permit is obtained then your site should be leveled out and ready for us to build. You can start getting your site leveled before or after your permit process begins, most customers like to wait till they have permit in hand.

### Step 6

After building permit is obtained and site is ready to build, give us a call and let us know, we will be out on your site ready to build within 2-3 weeks weather permitting. EASY as 1-2-3!

### Step 7

SIT BACK AND ENJOY YOUR NEW POLE BARN!



## Options

All of our buildings are custom designed and built. If you have an option in mind that is not listed here, tell us about it and we will do our best to incorporate it into your building design.  
(you can also view more options on our website.)

## Windows & Doors



3' X 2' Non-Insulated Aluminum Slider



3' X 4' Insulated Single Hung



30 Lite French Door



Solid 6 Panel Entry Door



Entry Door with 9-lite Window



6' Double Door



Residential Raised Panel Garage Door



Carriage Style Garage Door



Commercial Door with Full View Glass Panels



One-Way Sliding Door



Split Sliding Door



Split Sliding Door with Fixed Windows

## Trusses

Here are some basic truss designs that TLC makes available.



Common Trusses



Scissor Trusses



Attic Trusses



Gambrel Trusses

## Insulation



## Custom Options



*At TLC we have the flexibility to design the building to fit your exact needs.*

*Here are few more options you can choose for you building.*



Board & Batten Wood Siding



Shingled Roof



Building With 12" Roof Overhangs on Sidewalls and 12" Gable Ends



2 Tone Weinscot Siding



Wrap Around Open Lean to Porch



Dutch Corners



Building without any Roof Overhangs



Interior Liner Panel Finish on Walls



Electric Garage Door Opener



Attic Truss - Room/Storage



L-Shape Stairway



Smooth Finish Concrete Floor

# Decorative Touches & Color Options

## Cupolas



*Designs as Unique as you!*



## Weather vanes



*Color Options  
Metal Siding & Roofing Colors*

|                 |                |             |              |
|-----------------|----------------|-------------|--------------|
|                 |                |             |              |
| Brilliant White | Ash Gray       | Charcoal    | Bronze       |
|                 |                |             |              |
| Brown           | Tan            | Light Stone | Beige        |
|                 |                |             |              |
| Slate Blue      | Red            | Evergreen   | Powder Gray  |
|                 |                |             |              |
| Black           | Clay           | Bone White  | Burgundy     |
|                 |                |             |              |
| *Dark Blue      | *Avocado Green | *Palm Green | *Scarlet Red |



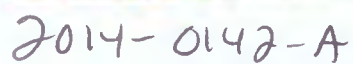
My Neighborhood Map

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Printed 10/30/2013



2014-0142-A

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

## SITE GENERAL NOTES

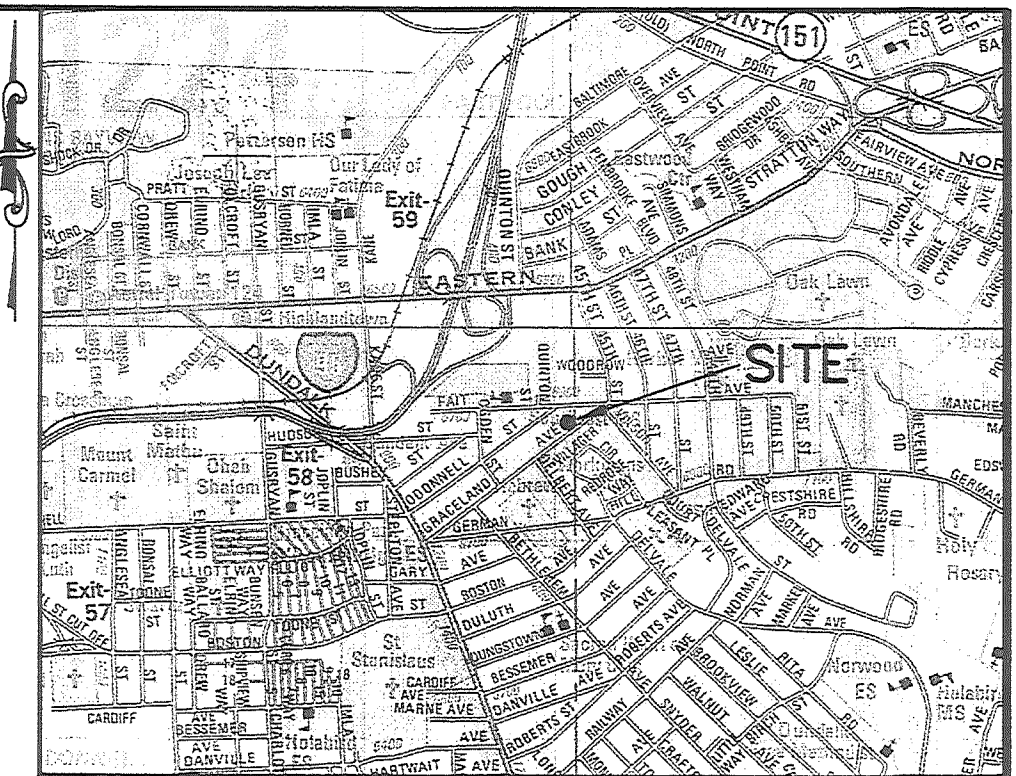
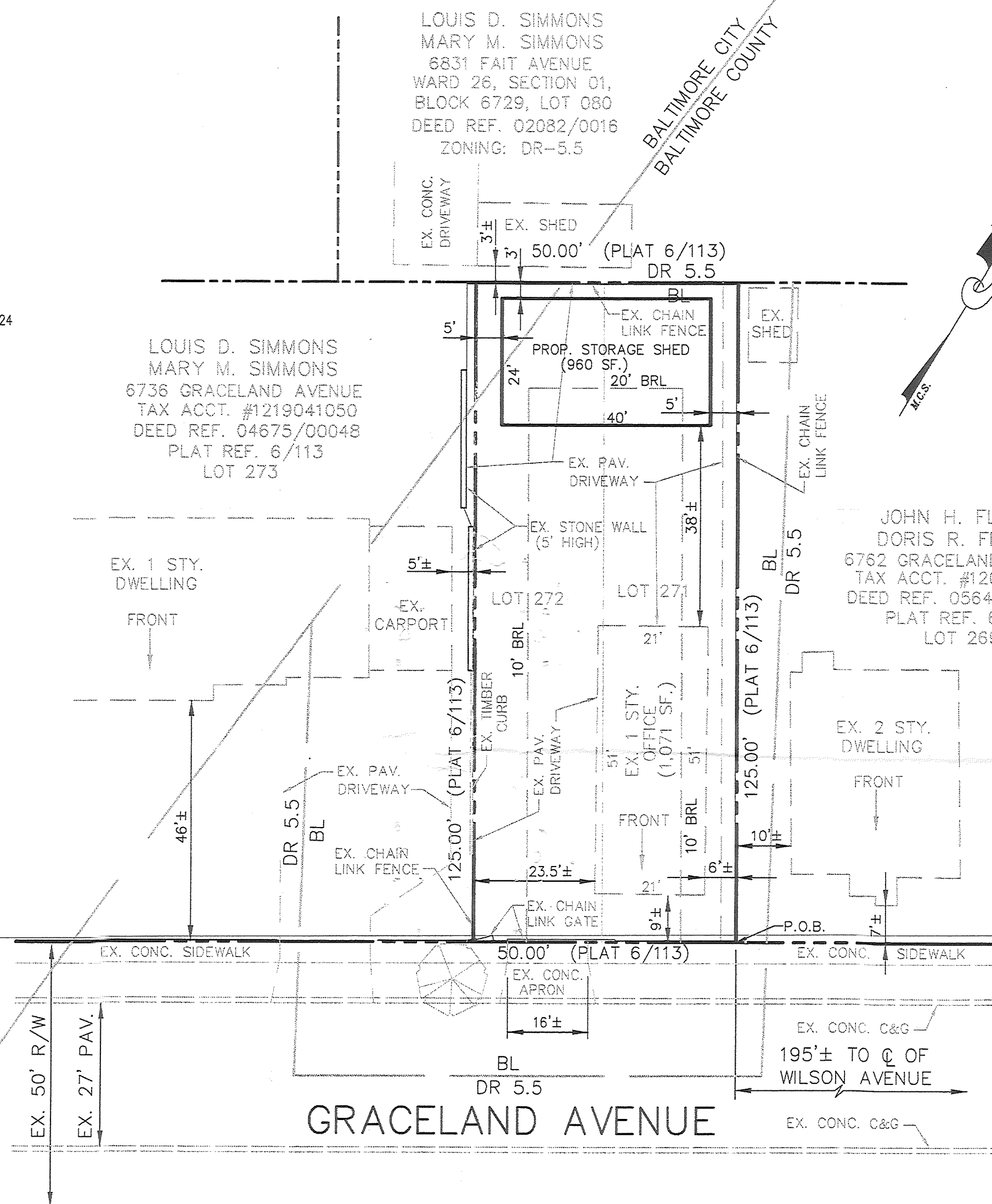
- A. OWNER: LOUIS D. & MARY M. SIMMONS  
6736 GRACELAND AVENUE  
BALTIMORE, MARYLAND 21224
- B. APPLICANT: C&D'S INSTALLERS INC.  
ATTENTION: DWIGHT HARMON  
6760 GRACELAND AVENUE  
BALTIMORE, MARYLAND 21224  
(410) 808-0338
- C. PLAN PREPARED BY: DEVELOPMENT & DESIGN SOLUTIONS, LLC  
3202 ACTON ROAD  
BALTIMORE, MARYLAND 21234  
PHONE: (410) 905-0778
- D. SITE LOCATION:
- STREET ADDRESS: 6760 GRACELAND AVENUE - BALTIMORE, MARYLAND 21224
  - ELECTION DISTRICT: 12th
  - COUNCILMANIC DISTRICT: 7th
  - ADC MAP: MAP# 44, GRID E1
  - ZONING AND TOPOGRAPHY MAP: 096B3 (NEW)
  - TAX MAP: MAP #0096, GRID 0021, PARCEL 0200
  - TAX ACCOUNT #: 12-23-004780
  - DEED REFERENCE: LIBER 19469, FOLIO 00141
  - PLAT REFERENCE: LIBER 06, FOLIO 113  
GRACELAND PARK- SECTION 3, LOT 271 & 272
- E. EXISTING SITE DATA AND ZONING:
- GROSS SITE AREA: 6,250 SF. / 0.14 AC ±
  - EXISTING ZONING: BL (BUSINESS LOCAL)
  - EXISTING LAND USE: OFFICE / STORAGE
- F. EXISTING SITE INFORMATION:
- EXISTING FLOOR AREAS:  
FLOOR AREA: 1,071 SF.
- G. PROPOSED DEVELOPMENT INFORMATION:
- PROPOSED USE: OFFICE / STORAGE
  - PARKING REQUIRED: (3.3 SPACES / 1,000 SF.) = 4 SPACES  
PROVIDED: 4 SPACES

## GENERAL NOTES

- BOUNDARY SHOWN ON THIS PLAN IS BASED ON THE RECORDED PLAT KNOWN AS GRACELAND PARK, SECTION 3, LOT 271 & 272 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY AS PLAT LIBER 06, FOLIO 113.
- FIELD LOCATION WAS PERFORMED ON DECEMBER 4, 2013 TO APPROXIMATELY LOCATE ALL BUILDING STRUCTURES AND SURFACE FEATURES IN THE FIELD AND ARE REFLECTED ON THIS PLAN.
- THERE ARE NO KNOWN ENVIRONMENTAL CONSTRAINTS SUCH AS WETLANDS, FLOODPLAINS, CHESAPEAKE BAY CRITICAL AREAS, STEEP SLOPES, ENDANGERED SPECIES OR HABITATS ASSOCIATED WITH THIS PROPERTY.
- THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIALS ON SITE.
- THERE ARE NO KNOWN HISTORIC DWELLINGS ASSOCIATED WITH THIS SITE.
- ANY SIGNS WILL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND ALL ZONING SIGN POLICIES OR A ZONING VARIANCE IS REQUIRED.
- THERE ARE NO KNOWN PRIOR ZONING HEARINGS FOR THE SUBJECT PROPERTY.
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SANITARY SEWER.

## VARIANCE RELIEF REQUESTED:

VARIANCE FROM SECTION 232.2 AND 232.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A SIDE YARD OF FIVE (5) FEET IN LIEU OF THE REQUIRED TEN (10) FEET AND THE REAR YARD SETBACK OF THREE (3) FEET IN LIEU OF THE REQUIRED TWENTY (20) FEET.



## VICINITY MAP

SCALE: 1"=1000'  
PERMIT NUMBER 20113213

## PETITIONER'S

EXHIBIT NO. 1

| NO. | DATE | REVISIONS | BY |
|-----|------|-----------|----|
|     |      |           |    |
|     |      |           |    |
|     |      |           |    |

DRAWING:  
**PLAT TO ACCOMPANY PETITION  
FOR ZONING VARIANCE**

PROJECT:  
**6760 GRACELAND AVENUE**  
BALTIMORE, MARYLAND 21224

BALTIMORE COUNTY, MD 12th ELECTION DISTRICT

ENGINEER:  
**Development & Design Solutions, LLC**  
Consultants, Engineers and Planners  
3202 Acton Road - Baltimore, Maryland 21234  
Phone: (410)905-0778 - Fax: (443)725-4103

|             |                   |
|-------------|-------------------|
| DESIGNED:   | DMB               |
| DRAWN:      | DMB               |
| CHECKED:    | DMB               |
| DATE:       | DECEMBER 10, 2013 |
| SCALE:      | AS SHOWN          |
| DRAWING NO: | VAR-1             |
| SHEET NO.   | 1 OF 1            |

## ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #