



KEVIN KAMENETZ
County Executive

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

November 21, 2014

Thomas and Carol Newhart
720 Plunkert Road
Littlestown, PA 17340

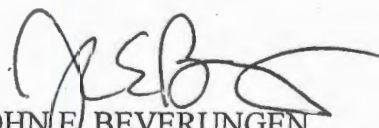
RE: Petition for Variance
Property: 1945 Victory Drive
Case No. 2015-0072-A

Dear Mr. and Mrs. Newhart:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

IN RE: PETITION FOR VARIANCE
(1945 Victory Drive)
13th Election District
1st Council District
Thomas & Carol Newhart
Petitioners

*

*

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*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0072-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §100.6 to permit pigeons on property with approximately 7,000 square feet of land in lieu of the required minimum one (1) acre. 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.

Thomas & Carol Newhart and David J. Glorioso appeared in support of the requests. No Protestants or interested citizens attended the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated October 23, 2014 and the Bureau of Development Plans Review (DPR) dated October 9, 2014. Neither agency opposed the request, but did provide suggested conditions for inclusion in the final order.

Prior to addressing the petition for variance, based on the testimony and evidence I believe Petitioners are entitled to continue the pigeon coop as a lawful nonconforming structure/use. Petitioners purchased the home in 1987, and Mr. Glorioso testified he has used the coops on a continuing basis since that time. The seller of the property submitted a letter confirming the coops

ORDER RECEIVED FOR FILING

Date

By

11/21/14
Sen

County Zoning Regulations ("B.C.Z.R.") §100.6 to permit pigeons on property with approximately 7,000 square feet of land in lieu of the required minimum one (1) acre, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the pigeon coop on the premises is a lawful nonconforming structure/use.

The relief granted herein shall be subject to the following:

1. Petitioners must within 60 days of the date hereof remove from the subject property the pigeon coop which is closest to their dwelling.

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

11/21/14

By

sln

were on the property when it was sold in 1987. The prohibition on keeping pigeons on a property less than one acre in size was added to the B.C.Z.R. in 2009 (Bill 63-09), which was long after Petitioners had begun the use in question. As such, the Order which follows will also include a finding that Petitioners have established a lawful nonconforming use (B.C.Z.R. § 104) for the pigeon coop.

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 narrow and deep (35' x 204') and is improved with a duplex dwelling. As such it is unique. If the B.C.Z.R. were strictly interpreted, the Petitioners would suffer a practical difficulty, given they would need to dismantle the pigeon coop they have used for over 25 years. 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 support from Petitioners' neighbors, 36 of whom signed a petition (Exhibit 2) stating they have "no objection or complaint regarding the pigeon hobby at 1945 Victory Drive."

The DPR suggested a fence be installed along Petitioners' rear property line. Petitioners submitted a photo (Exhibit 3) showing the property is in fact enclosed with chain link fencing. The DOP recommended that one of the two pigeon coops be removed, and Petitioners indicated they were amenable to this request.

THEREFORE, IT IS ORDERED, this 21st day of November, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore

ORDER RECEIVED FOR FILING

Date 11/21/14

By Sen



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 1945 Victory Drive which is presently zoned DR 5.5
Deed References: 17698 / 00095 10 Digit Tax Account # 1314100170
Property Owner(s) Printed Name(s) Thomas D Newhart Carol L. Newhart

(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. ✓ a **Variance** from Section(s) 100.6 OF BCZR TO PERMIT PIGEONS ON THE PROPERTY WITH A TRACT OF LAND OF 1/3 ACRE IN LIEU OF THE REQUIRED MINIMUM ONE (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)

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):

Thomas Newhart Carol Newhart
Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

720 Plunkert Rd Littlestown, Pa
Mailing Address City State

17340 717-359-8959 cnewhart@pa.net
Zip Code Telephone # Email Address

Representative to be contacted:

Carol Newhart
Name - Type or Print

Signature

720 Plunkert Rd Littlestown Pa
Mailing Address City State

17340 717-359-8959 cnewhart@pa.net
Zip Code Telephone # Email Address

CASE NUMBER 2015-0072-A Filing Date 9/30/14

Do Not Schedule Dates: Reviewer AT

REQUEST FOR VARIANCE 1945 VICTORY DRIVE BALTIMORE MARYLAND 21227 ON

B.C.Z.R. 100.6 Non permitted livestock/fowl/poultry

Above Duplex property was purchased April 9, 1987 by Carol L. Glorioso-Newhart for use by her disabled brother David J. Glorioso. The existing Pigeon Lofts were already located on the property. David has been a hobby bird fancier at property 1945 Victory Drive for the past 27 years and for 16 years prior to residence for a total of 43 years. It is our understanding that BCZR 100.6 was only amended to include pigeons sometime in the year 2009 long after the hobby had been established on the property.

There have been no complaints registered against the long existing pigeon hobby on the property for the past 27 years. The property owners on each immediate side of 1945 Victory Drive stated they have no objection to the pigeon hobby. One neighbor agreed to sign a letter stating he had no problem.

Exhibits

- 1) Copy of First Page of Deed to property displaying purchase date.
- 2) Letter from Seller stating Pigeon Lofts existed on property at time of purchase.
- 3) Letter of Member in Good Standing from Baltimore Pigeon Social Club, Inc.
- 4) Photo showing existing structures.
- 5) Letter from neighbor stating no problem with hobby.

Summary

The property was inspected by Clarence Raynor and reported to be found clean and in good order. David J. Glorioso is physically handicapped as he is blind in one eye, suffered a stroke several years ago and has lost the use of one arm and partial use of one leg. He is currently 62 years old. David Jr., his son, is 22 years old and also resides at the residence. David Jr., was born with Spina Bifida and will use a wheelchair for the rest of his life. There was an above ground pool on the property that was used for therapy and exercise for David Jr. Pool was removed several years ago for safety reasons as he became too heavy to lift for use. Both father and son share the bird hobby. It is their only form of exercise and one that they can perform together. Taking this hobby away from them after all these years at this late point in their lives would be both cruel and devastating to them. David J. Glorioso is in poor health. In the spirit of good faith and goodwill, we suggest and will agree the removal of the loft closest to the home, while requesting the grant of a lifetime variance for David J. Glorioso on the loft located to the rear of the property.

Respectfully,

Thomas and Carol Glorioso-Newhart

September 30, 2014

720 Plunkert Road, Littlestown, Pennsylvania 17340

Telephone: 717-359-8950 Facsimile: 717-359-0545 Email: cgnewhart@pa.net

2015-0072-A

**CASHIER'S
VALIDATION**



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

October 23, 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 October 23, 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: #2015-0072-A

1945 Victory Drive

N/s Victory Drive, 869 ft. E/of centerline of Baltimore Washington Blvd

13th Election District - 1st Councilmanic District

Legal Owner(s): Thomas & Carol Newhart

Variance to permit pigeons on the property with a tract of land of 1/3 acre in lieu of the required minimum 1 acre

Hearing: Friday, November 14, 2014 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the 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.
10/395 October 23

998301

MEMORANDUM

DATE: December 23, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0072-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 22, 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

CASE NO. 2015-0072-A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

10/9/14

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

C

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

FIRE DEPARTMENT

10/23/14

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

C

10/7/14

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CC 1410356)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/23/14

SIGN POSTING

Date:

10/25/14

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 23, 2014 Issue - Jeffersonian

Please forward billing to:
Thomas Newhart
720 Plunkert Road
Littlestown PA 17340

717-359-8950

NOTICE OF ZONING HEARING

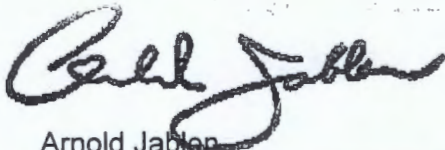
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CASE NUMBER: 2015-0072-A

1945 Victory Drive
N/s Victory Drive, 869 ft. E/of centerline of Baltimore Washington Boulevard
13th Election District – 1st Councilmanic District
Legal Owners: Thomas & Carol Newhart

Variance to permit pigeons on the property with a tract of land of 1/3 acre in lieu of the required minimum 1 acre.

Hearing: Friday, November 14, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE 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
1945 Victory Drive; N/S Victory Drive, *
869' E of c/line of Baltimore Washington Blvd* OF ADMINISTRATIVE
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Thomas & Carol Newhart * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2015-072-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

OCT 14 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 14th day of October, 2014, a copy of the foregoing Entry of Appearance was mailed to Carol Newhart, 720 Plunkert Road, Littlestown, PA 17340, 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: 2015-0072-A
Petitioner: THOMAS & CAROL NEWHART
Address or Location: 1945 VICTORY DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS NEWHART
Address: 720 PLUNKERT ROAD
LITTLETOWN PA 17340
Telephone Number: 717-359-8950

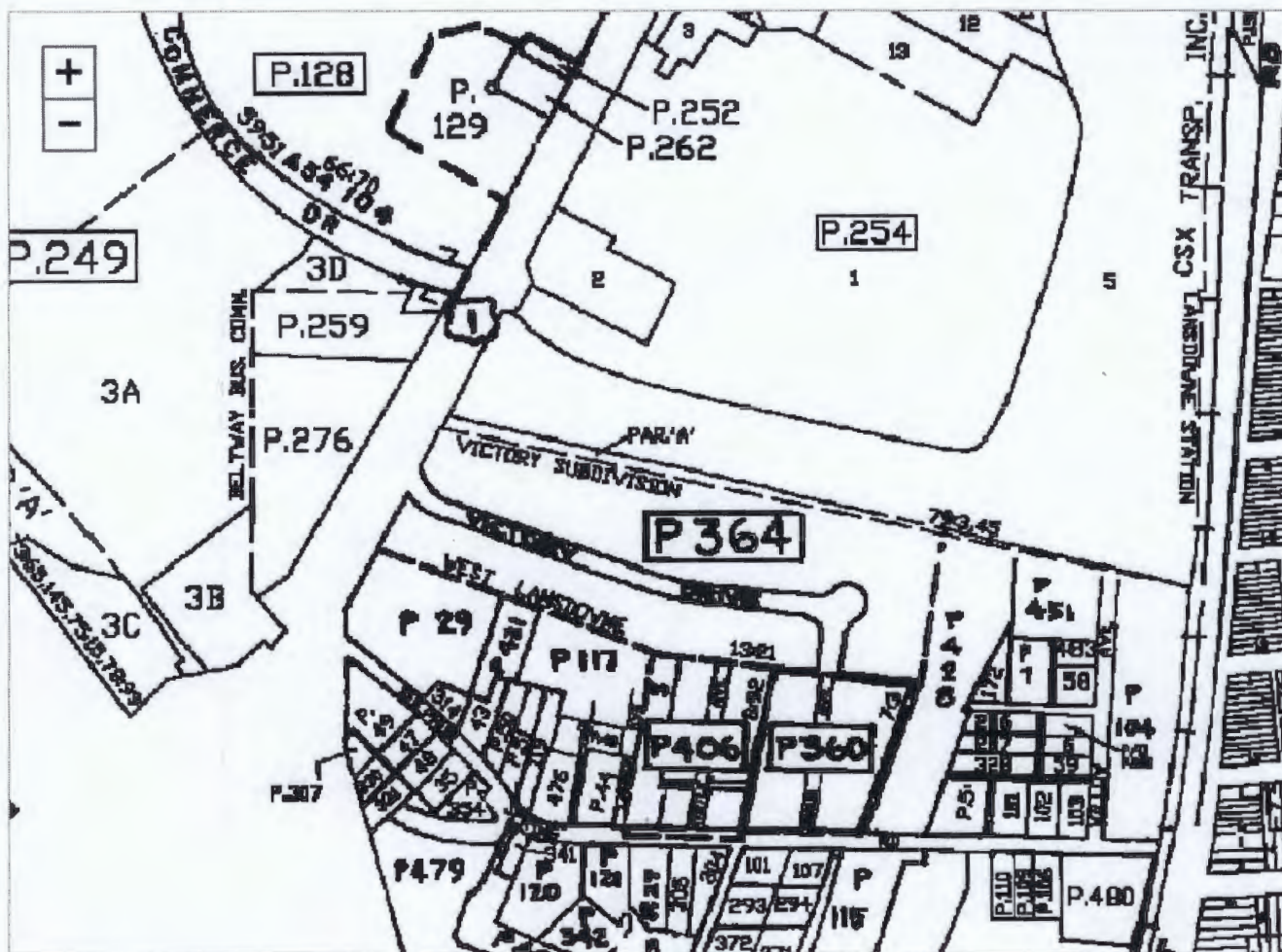
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 13 Account Number - 1314100170			
Owner Information					
Owner Name:		NEWHART CAROL L NEWHART THOMAS D		Use:	RESIDENTIAL
Mailing Address:		1945 VICTORY DR BALTIMORE MD 21227-2936		Principal Residence:	NO
				Deed Reference:	/17698/ 00095
Location & Structure Information					
Premises Address:		1945 VICTORY DR 0-0000		Legal Description:	1945 VICTORY DR VICTORY
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0109	0002	0364		0000	22 2013 0013/0021
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1945	960 SF		7,070 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	END UNIT	SIDING	1 full	
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2013	07/01/2014	07/01/2015
Land:		45,000	33,700		
Improvements		90,500	74,900		
Total:		135,500	108,600	108,600	108,600
Preferential Land:		0			0
Transfer Information					
Seller:		Date:		Price:	
GLORIOSO CAROL L		03/19/2003		\$0	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/17698/ 00095			
Seller:		Date:		Price:	
WILLIAMS BENJAMI N F		04/13/1987		\$51,000	
Type:		Deed1:		Deed2:	
ARMS LENGTH IMPROVED		/07485/ 00012			
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2014	07/01/2015	
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00	0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **13** Account Number: **1314100170**

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>).

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://imsweb05.mdp.state.md.us/website/mosp/>)

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

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KEVIN KAMENETZ
County Executive

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

November 6, 2014

Thomas & Carol Newhart
720 Plunkert Road
Littlestown PA 17340

RE: Case Number: 2015-0072 A, Address: 1945 Victory Drive

Dear Mr. & Ms. Newhart:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 30, 2014. 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: jaw

Enclosures

c: People's Counsel

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



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

Date: 10/7/14

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

RE: Baltimore County
Item No 2015-0072-A
Variance
Thomas & Carol Newhart
1945 Victory Drive

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. 2015-0072-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 blue ink, which appears to read 'Steven D. Foster', is written over a horizontal line. To the left of the signature is a small blue checkmark.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 23, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1945 Victory Drive

RECEIVED

INFORMATION:

OCT 23 2014

Item Number: 15-072

Petitioner: Carol Newhart

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5

Requested Action: Variance

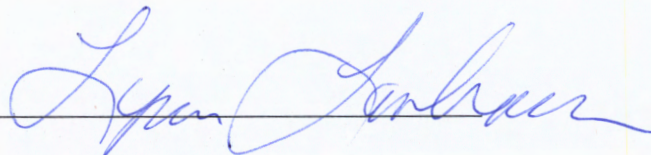
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Petitioner is requesting a variance of 100.6 in the BCZR to permit pigeons on a property of 1/3 an acre in the lieu of the required 1 acre.

The Department of Planning visited the site and contacted the petitioner. The property was purchased in 1987. The coops were already present at the time of purchase per a signed letter dated 9/9/2014 from the seller. The petitioner provided numerous items including a signed document from neighbors (26 signatures) saying they have no objection or complaint regarding the pigeon hobby at this address. The Petitioner has agreed to RAZE the coop closest to the house as to meet the setbacks for accessory structures per the BCZR. This would also reduce impacts to 1943 Victory Drive (the other half of the semi-detached dwelling). The Department of Planning does not oppose the requested variance of lot area provided that the coop indicated above is removed and that the remaining pigeon coop and yard is kept clean and sanitary.

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

Division Chief:
AVALL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 13, 2014
Item No. 2015-0072

DATE: October 9, 2014

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Home Owner shall provide fencing along rear property line

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0072-10132014.doc

W or

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 23, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1945 Victory Drive

INFORMATION:

Item Number: 15-072

Petitioner: Carol Newhart

Zoning: DR 5.5

Requested Action: Variance

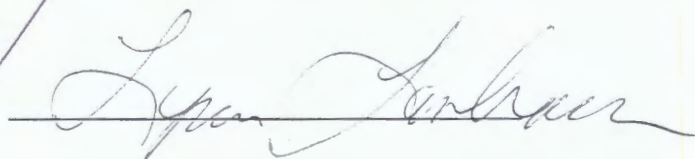
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Division Chief:
AVA/LL



Em 213

Permits, Approvals, and Inspections
 Code Inspections & Enforcement
 County Office Building, Rm. 213
 111 West Chesapeake Ave
 Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
 Electrical Inspection 410-887-3960
 Plumbing Inspection 410-887-3620
 Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

NEWHART CAROL L NEWHART THOMAS D
 1945 VICTORY DR
 BALTIMORE, MD 21227-2936

CASE NUMBER CC1410356	PROP. TAX ID 1314100170
VIOLATION ADDRESS 1945 VICTORY DR HALETHORPE, MD 21227-2936	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 100.6: Non permitted livestock / fowl / poultry	You must remove the animals and cage from rear of property. You do not have the acreage or land area to have these animals. To avoid further action remove animals and cage from rear area.

Failure to comply with this correction notice, may result in a ~~\$200.00~~ fine/penalty per day, per violation 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 inspector for more information and details.

COMPLIANCE DATE: 09/29/2014	INSPECTOR NAME: Chip (Clarence) Raynor
	ISSUED DATE: 09/09/2014

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
 - (a) on how to correct the violation(s) in order to avoid trial or
 - (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

2015-0022-A

Case No.: 2015-0072-A

Exhibit Sheet

Petitioner/Developer

Protestants

192
12-23-14

11/21/14
slu

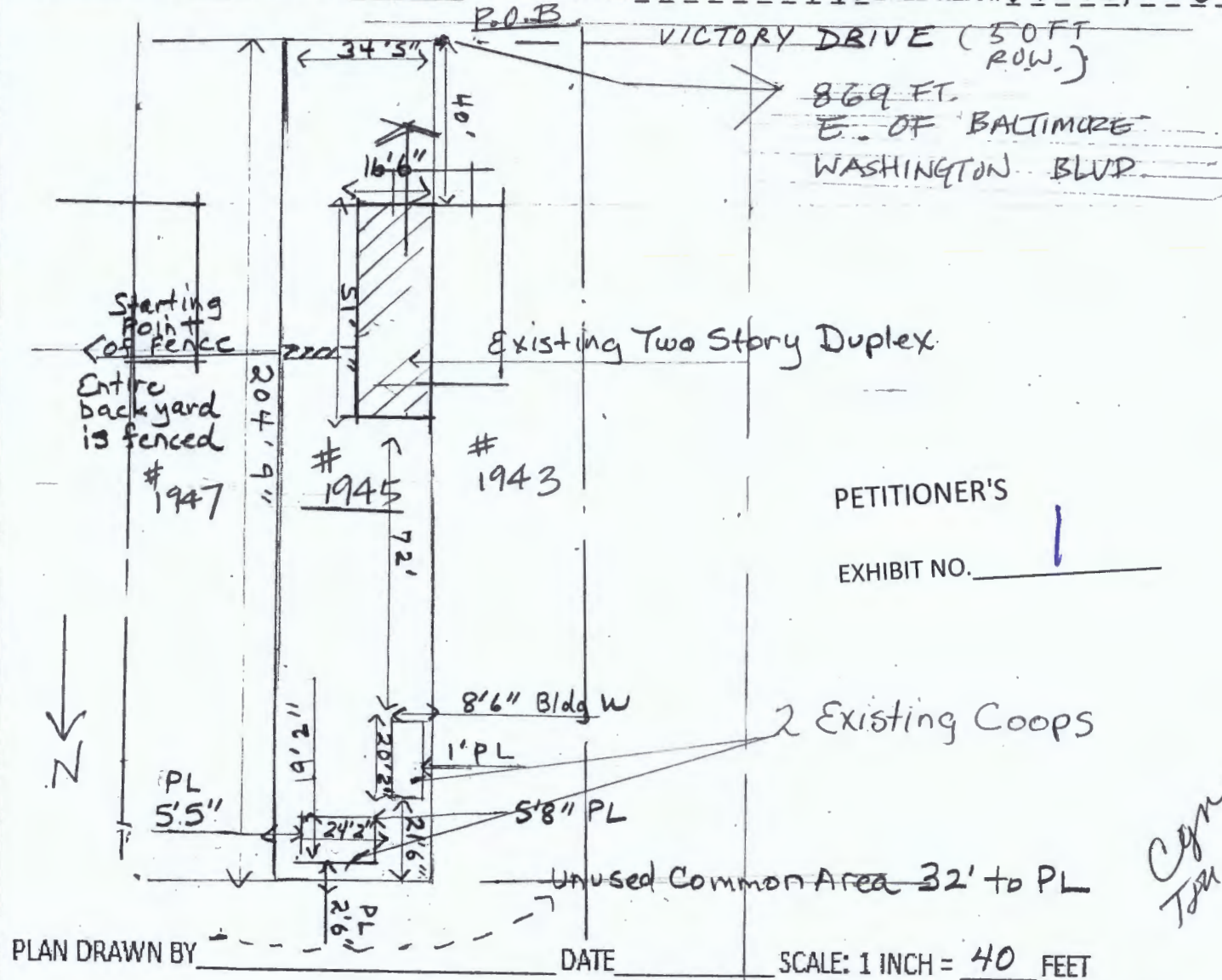
No. 1	Plan	
No. 2	Petition with signatures and letters of support fr. neighbors	
No. 3	photos of site.	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

ADDRESS 1945 Victory Drive OWNER(S) NAME(S) Thomas & Carol Newhart

SUBDIVISION NAME Victory Subdivision of West Lansdowne LOT # 22 BLOCK # NA SECTION # NA

PLAT BOOK # 13 FOLIO # 21 10 DIGIT TAX # 1314100170 DEED REF. # 17698100095



ZONING MAP# 109A1
SITE ZONED DRS.5
ELECTION DISTRICT 13
COUNCIL DISTRICT 1
LOT AREA ACREAGE 1/3
OR SQUARE FEET 7,070
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
N/A

VIOLATION CASE INFO:
CC1410356

2015-0072-A

WE the undersigned live on Victory Drive, Baltimore, Maryland 21227 and have no objection or complaint regarding the pigeon hobby operated by Mr. David J. Glorioso and his son David Jr., at 1945 Victory Drive, Baltimore, Maryland 21227.

Name	Address
Frank L Bertazon	1969 Victory Dr Halethorpe, MD 21227
Joseph Slack	1957 Victory Dr Halethorpe MD 21227
Michael Tignall	1947 Victory Dr Halethorpe MD 21227
James Heltont	1942 Victory Dr Halethorpe MD 21227
Mr. Mr.	1935 Victory Dr Balt. MD 21227
Helen Jenkins	1941 Victory Dr. Balto MD 21227
Melissa Brophy	1928 Victory Dr. Balto MD 21227
John M. Brophy	1929 Victory Dr. " 21227
Bill Brophy	1934 Slupher Springs Rd " 21227
Angie Austin	1949 Victory Dr " 21227
Jason Austin	1949 Victory Dr " 21227
Patty Brophy	1934 Slupher Springs Rd " 21227
TS Brophy	2100 Slupher Springs Rd 21227
Joe Brophy	1928 Victory Dr " 21227
Melissa Brophy	1928 Victory Dr. 21227
Shawn Brophy	1928 Victory Dr 21227
Rolando Gonzalez	1925 Victory Dr 21227
Taylor Barrett	1922 Victory Dr 21227
Laurie Margriozum	1931 Victory Drive
Haig Williams	1931 Victory Drive
Chap Brophy	1934 Slupher Slupher Springs Rd " 21227

PETITIONER'S

EXHIBIT NO. 2

WE the undersigned live on Victory Drive, Baltimore, Maryland 21227 and have no objection or complaint regarding the pigeon hobby operated by Mr. David J. Glorioso and his son David Jr., at 1945 Victory Drive, Baltimore, Maryland 21227.

Name

Address

Timothy Biephy	1949 Victory Dr Hallethorpe Md
Monica ZoepFL	1938 Victory Dr. Hallethorpe. Md
Warren Daly	1938 Victory Dr. Hallethorpe Md
Linda Lewis-21221	1950 Victory Dr. Hallethorpe Md
Michael Mstally	1948 Victory Dr Hallethorpe, md 2122
Earl J. Muntel Jr.	1953 Victory Rd. 21227
Jim Richman	1952 VICTORY DR. / HALETHORPE. 2122
Wagie Ruff	1956 Victory Dr 21227
Amber Evans	1946 Victory Dr. 21221
Jason Tori	1946 Victory Dr. 21221
Robert Tori	1946 Victory Dr.
Johnny Johnson	1417 Sulphur Spring, CO
Rachel Hayle	1417 Sulphur Spring
Roxlee Ferrigan	1417 Sulphur Spring
Adam Fager	1417 Sulphur Spring

Ben Williams
200 13th Avenue
Baltimore, MD 21225

To Whom It May Concern,

I, Ben Williams sold the property located at 1945 Victory Drive Baltimore, MD 21227 to Carol L. Glorioso in April 1987. At the time of the sale the pigeon lofts in question were already located on the above mentioned property.

Thank You,
Ben Williams

Signature: Ben Williams Date: 9/21/14

2015-0072-A

September 28, 2014

I Michael Tignall resides next to David Glorioso at 1947 Victory Drive. I have been David Glorioso's neighbor for 20 years. I have no complaints about the pigeons. The pigeons have never been a problem or a nuisance to me or my home.

M. Tignall
410-242-6686

2015-0072-A

Baltimore Pigeon Fanciers Social Club, Inc.

4514 Curtis Avenue

Baltimore, MD 21226

(410) 354-2811

To Whom It May Concern,

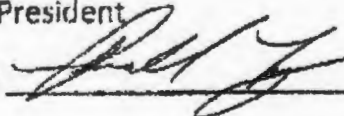
The officers of the Baltimore Pigeon Fanciers Social Club, Inc. located at 4514 Curtis Avenue hereby state that David J. Glorioso has been a member in good standing of our organization continuously since 1972 (43 years).

Mr. Glorioso has been competitively racing pigeons at his current address at 1945 Victory Drive Baltimore, MD 21227 since 1987, and is still actively racing from the same location today.

If you have any questions concerning Mr. Glorioso's membership in our organization or any other issue feel free to contact us at either (410) 354-2811 or (443) 226-5845.

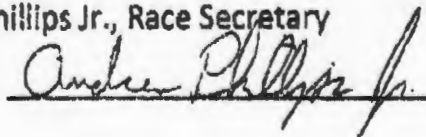
Thank You,

Ron Frye, President

Signature: 

Date: 9/21/14

Andrew Phillips Jr., Race Secretary

Signature: 

Date: 9/20/14

2015-0072-A



PETITIONER'S

EXHIBIT NO. 3

2015-0072-A



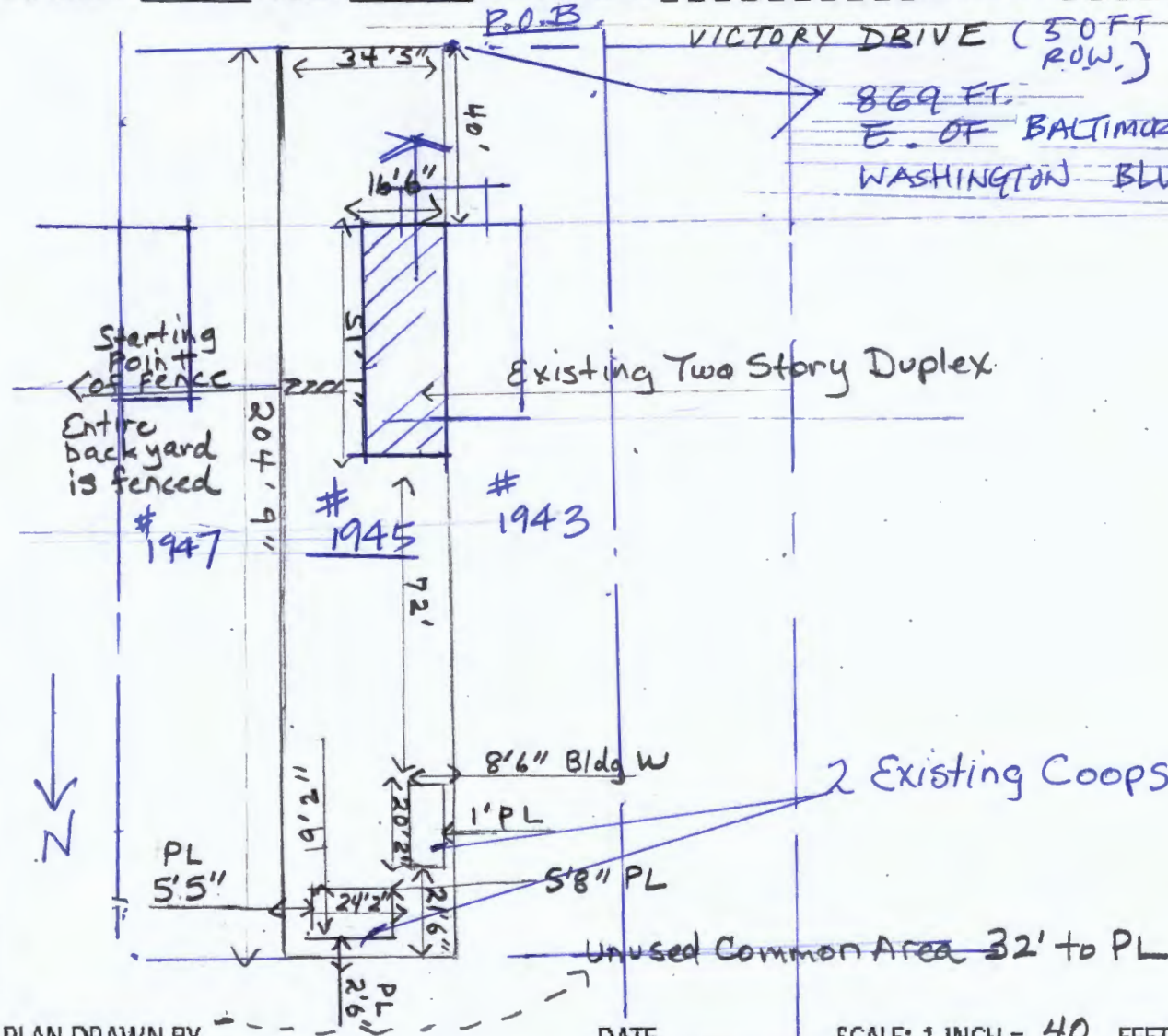
Rear of property is fenced
Structure that will stay

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

ADDRESS 1945 Victory Drive OWNER(S) NAME(S) Thomas & Carol Newhart

SUBDIVISION NAME Victory Subdivision of Westlandowne LOT # 22 BLOCK # NA SECTION # NA

PLAT BOOK # 13 FOLIO # 21 10 DIGIT TAX # 1314100170 DEED REF. # 17698100095



DATE _____

SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 109A1

SITE ZONED DRS.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 1

LOT AREA ACREAGE 1/3

OR SQUARE FEET 7,070

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS: PUBLIC X PRIVATE _____

SEWER IS: PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

#CC1410356

2015-0072-A

Howard DeMuth
Suite 140
300 Cathedral St
Balt 21201

This Deed, MADE THIS 9th day of April,

in the year one thousand nine hundred and eighty-seven

by and between

BENJAMIN F. WILLIAMS, HELEN L. WILLIAMS and PAUL ALAN WILLIAMS

of the State of Maryland

parties

of the first part, and

CAROL L. GLORIOSO

party

of the second part.

WITNESSETH, That in consideration of the sum of \$51,000.00

the said parties of the first part

C RC/F 14.00
 C T TX 255.00
 C DOCS 255.00
 DEED 0 #
 SH CLERK 524.00
 #81485 C001 R02 T14:29
 04/13/87

do grant and convey to the said CAROL L. GLORIOSO, her

personal representatives/successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County

and described as follows, that is to say:

BEGINNING THE SAME on the northernmost side of Victory Drive as laid out fifty feet wide as shown on the Plat of Victory Subdivision of West Lansdowne recorded among the Land Records of Baltimore County in Plat Book C.H.K. No. 13, folio 21 at the distance of eight hundred sixty-nine and forty-four one-hundredths feet measured easterly along the northernmost side of Victory Drive from its intersection with the easternmost side of Washington-Baltimore Boulevard as shown on said Plat said point of beginning being at the dividing line between Lots Nos. 21 and 22 as shown on said Plat and running thence and binding on northernmost side of Victory Drive south eighty-two degrees thirty-seven minutes no seconds east thirty-five feet to dividing line between Lots Nos. 22 and 23 thence with said dividing line north seven degrees twenty-three minutes no seconds east two hundred one and seventy-two one-hundredths feet to intersect the outline of the whole tract thence with a part of said outline north seventy-nine degrees twenty-two minutes no seconds west thirty-five and six one-hundredths feet to dividing line between Lots 21 and 22 as aforesaid and thence with said dividing line south seven degrees twenty-three minutes no seconds west two hundred three and seventy-one one-hundredths feet to the place of beginning. Being Lot No. 22 as shown on the Plat herein referred to. The improvements thereon being known as No. 1945 Victory Drive.

BEING THE SAME lot of ground which by Deed dated January 19, 1986 and recorded among the Land Records of Baltimore County in Liber No. 7324, page 36 was granted and conveyed by THELMA LEIZT-FURLONG, Personal Representative unto the within Grantors.

STATE DEPARTMENT OF
 ASSESSMENTS & TAXATION

CLERK

AGRICULTURAL TRANSFER
 NOT APPLICABLE

C 171*****81690^a 8135A

2015-0072-A