PETITION FOR ZONING V. STANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

hereby petition for a Variance from Section. 211.3 to permit a side yord setback of.... 3' instead of required 5' for an open perch.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

readons (malcate marbon) or process dumines and the second of the second

(a) Additional expense would creace serious financial hardship.

(b) Prebuilding survey (1988) and careful consideration of neighbor's property was observed to the best of owner's and builder's ability.

See attached descriptéon

Property is to be posted and advertised as prescribed by Zoning Regulations.

Low we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this particular agree to and are to be bound by the zoning regulations and restrictions of Balimore County adopted pursuant to the Zoning Law For Balimore County.

January Menucing Centract purchaser Server Money 14

ommissioner of Baltimore County, this 17th of ... Scatters... Seatember. 194. S. that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore county, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County.

County. m the ***

Zoning Commissioner of Baltimore County.

30th day of Octob er 196.8 at 10:30 o'clock



INTER-OFFICE CORRESPONDENCE

Date. September 27, 1968 Mr. John Rose Zoning Commissioner George Musller Deputy Buildings Engineer

Appeal to be heard by you concerning property at 21 Thornhill Road, Lutherville, owner Raymond Hernann, Building Fermit No. 12655.

In as much as your office will be hearing the potition for a variance to allow the codifing structure to result in its available of the code of the co

That Mr. Herrmann, the owner of 21 Thornhill Road will;

- 1. Provide a curb at least h" high running from back to front at the eastern edge of the concrete patio which has been created on the property. Said curb to extend full length to the base of the run least of from the patio toward the front y-o. This surb and patio and runp on which it is installed will there-fore divers all suche into a small.
- 2. A smale at least bleef 6" in depth and 2" in width that is to be constructed entirely on Mr. Hormann's property at least 2" from the Eastern property line which will lead continuously and directly to the front property line.
 - 3. That the porch addition will have properly sized systems and downspouts with leaf guards installed That the porch addition will have properly sized gathers and downspouts with leaf guards installed on the gathers on the porch addition that is in existence. The downspouts from these gathers will be connected to a pipe which leads directly to the
 - h. That we would have you remind the owner of this property, Mr. Herrmann, that the Buildings Engineer will not at a future date grant a permit to enclose
 - That the conditions of the variance as requested by the buildings Engineer would have to be accomplished within 30 days of the cate of the variance with proper importance to performed by the Buildings Department.
- X 6. Remove autside water spigots on eastern side of the subject property.

RE: PETITION FOR VARIANCE from Section 211.3 of the Zoning Regulations S/S Thornhi!! Road 610' E. of York Road, Raymond Herrmann, et ux

23

NEFORE COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

No. 69-98-A

OPINION

The petitioner in this case, Raymond Herrmann, seeks a variance from Section 211,3 of the Zoning Regulations to permit a 3 foot side yard setback instead of the required 6 feet. The petitioner's property is situated at #21 Thornhill Road, which is on the south side of Thornhill Road approximately 600 feet east of York Road, in the Eighth Election District of Baltimore County

The property is zoned R-6 and is improved with the existing two-story Thornhill Road is a very desirable residential area developed in its R-6 classification, with well kept residences in the \$20,000 to \$30,000 price range.

The petitioner testified that he has lived at his present address for ten years and that he applied to Baltimore County on June 25, 1968 for a building permit to extend the existing patio to the rear and east side of the house, and place a roof over it. These permits were duly issued by Baltimore County (Petitioner's Exhibit *3-A and *3-B), and construction began on July 23, 1968. He further testified that the structure was almost completed when he first became aware that the addition possibly did not conform to the Baltimore County setback regulations. He testified that he did not become aware of any problem until after August 19, 1968, when the County wrote him a letter suggesting various courses of action to be taken to correct the apparent violation of the setback regulation (see Petitioner's Exhibit *4). His testimony indicated that the only uncompleted work remaining to be done when he became aware of the problem was painting and the installation of a horizontal rain spout.

Other testimony indicated that the addition was constructed in accordance with the permit granted by Baltimore County in a workman-like manner, and in all respects conforms with the Baltimore County Building Code with regard to drainage, pitch etc. of

John J. Dillon, Jr., a Planning and Zoning Technician employed by Baltimore County, testifying in response to a summons by the petitioner, said that he had approved the building application with the 3 foot setback apparently in error, and that it did not come to his attention that the permit had been erronously issued until about

Sec. 21i, 3 of Zoning Regulations - S/S Thornhill Road 610' E. of York Road, 8th Dist., Raymond Herrman

Zoning Commissioner

Baltimore County

No. 69-98-A

The petitioner requested a variance to Section 211, 3 of the Baltimore County Zoning Regulations to permit a side yard setback of 3 feet instead of the required six feet for an open porch, on property located on the south side of Thornbill Road 610 feet east of York Road, in the Eighth District of Baltimore County.

Baltimore County issued a building permit for an open porch on June 25, 1968. This permit violated the Baltimore County Zoning Regulations and on August 22, 1968 the permit was cancelled. Section 307 requires that the Zoning Commissioner, before granting a variance, abould setforth and specify the reasons for such variance. The granting of an illegal permit is not in itself aufficient reason for stratum, a variance.

The Z-ming Office originally approved the permit for the proper setback. Somewhere along the way this setback was changed to a lessor amount and the permit was issued for a lessor amount. The issuan ce of an illeaf permit for a small porch should not be permitted and thus, possibly, set a chain reaction of setback variances in the neighborhood.

For the above reasons, the above Variance should NOT BE GRANTED,

It is this day of October, 1968, by the Zoning Corrussioner of Baltimore County, ORDERED that the above variance he and the same is hereby DENIED.

Raymond Herrmann - #69-98-A

Testimony by the petitioner and the builder indicates that Dr. Herrmann roximately \$3,000 to enlarge the patio and construct the roof over it, and that it will cost approximately \$700 to cut three feet off the existing roof and, in the builder's opinion, this would not be practical as these could be great difficulty in attempting to patch the concrete if the posts have to be moved.

The main protestants were Dr. Herrmann's next door neighbor to the east, Dr. Theodore DeQuevedo, and a Lewis Barbour, the doctor's secretary who lives with Dr. DeQuevedo at \$23 Thornhill Road. They both testified that since the extension of Herrisonn's patio they have had flooding in the yard, which they contend comes from Herrmann's property which is higher in elevation than the DeQuavedo property. However Mr. W. J. Peper, a Buildings Supervisor for Baltimore County, testified that he inspected the property in November of 1968 during a rainstorm, and could not see any water draining from the Herrmann's property wall to the DeQuevedo property. In addition, the Board inspected the property subsequent to the hearing, during a fairly intensive rainstorm, and could see no water draining on the complainant's property.

From the testimony heard by the Board it appears that if there is a problem water standing on DeQuevedo's lawn, it has been at least in some part caused by Dr. DeQuevedo regrading his own property so that the water does not naturally drain to the east as it should do and would do if the grading of the laws had not been changed. If in fact the construction of the Herrmann patio has altered the natural flow of water so as to cause flooding on the neighbor's property, the proper remedy is in the Equity Court, and not through the zoning authorities

Dr. Herrmann has every right, under the present Zoning Regulations, to build the patio exactly as it is presently constructed, and the only variance requested or needed is for a three fact variance for the roof that extends over the patio. In view of the fact that Dr. Harrmann has expended approximately \$3,000 on his addition, and that he properly secured permits from Baltimore County, and through a genuine mistake the permits were issued through no fault of the petitioner's, it would seem to be an unreasonab hardship to require him to experd additional monies to tear down part of the existing structure. To the Board's mind this is a classic situation which requires Section 307 to be in the Zoning Regulations to cover situations such as this.

The residents need have no fear that the granting of this variance would lead to the granting of other variances in the neighborhood as each case most be decided on its merits, and the petitioner in each case must prove a "practical difficulty or unrease able hardship" to him in order to secure a variance. Further, the Board finds that the granting of the variance here will not substantially injure the public health, safety, or

Raymond Herrmann - #69-98-A

eneral welfare. The Board has personally inspected the property, and does not find the extension of the roof to within three feet of the property line to be at all objectionable

-3-

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 25th day of February, 1969 b; the County Board of Appeals, ORDERED that the uniance petitioned for to allow a three (3) foot side yard setback instead of the required six (6) feet side yard setback, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS

William S. Baldwin, Chairma

Date. September 27, 1968

CLARENCE EDWARD PUSEY, JR.

P. O. BOX 276

OFFICE AT 1905 YORK HOAD

November 1, 1968

Re: Petition for Variance S/S/ Thornhill Road 610' E. York Road, 8th Dist., Raymond Hermann Petitioner - No. 69-98-A

The Honorable John G. Rose Zoning Commissioner for BALTIMORE COUNTY County Office Building Towson, Maryland 21204

Dear Mr. Rose:

The Petitioners, Dr. and Mrs. Raymond Hermann, appeal your Order dated the 31st day of October, 1968 denying the variance they requested.

CEP: hft

e.e. Mr. Gulford *lume 24 Thornhill Road Lutherville, Maryland 21093

Dr. Theodore G. DeQuevedo 22 Thornhill Road Lutherville, Maryland 21093



Janual Lusey

BALTIMORE COUNTY, MARYLAN

INTER-OFFICE CORRESPONDENCE

Mr. John Rose Zoning Commissioner FROM

George Muller Deputy Puldings Engineer

Appeal to be heard by you concerning 21 Thornhill Read, Intherville, owner Herzmann, Building Permit No. 12655. SUBJECT

th as much as your critice will be hearing the petition for a warfamen to allow the scienting structure to remain in its prosent location the scienting structure to the halding Cody, we are requesting that if you should find appears grown this warfames, that you include as part of the conditions of that warfames, the following requirements

That Mr. Herrmann, the owner of 21 Thornhill Road will:

- Provide a curb at least h' high running from back to front at the eastern edge of the concrete putso stick has been creted on his property. Caid curb to extent full length to the base of the resp landing from the patto toward she front year. This curb patto and rasp on which it is incitabled will there-fore direct all year into a smile.
- A scale at least so-meant 6° in depth and 2' in width that is to be constructed entirely on Mr. Hermann's property at least 2' from the Eastern property line which will lead continuously as directly to the
- That the porch addition will have properly sized gutters and downspoute with leaf guards installed on the gutters on the porch addition that is in existence. The downspouts from these gutters will be ordered to a pipo thich leads directly to the
- b. That we would have you remind the owner of this property, Mr. Merrann, that the Buildings Engineer will not at a future date grant a permit to enclose
- 5. That the conditions of the variance as requested the Buildings Engineer would have to be accomplise within 30 days of the date of the variance with p inspection to be performed by the Buildings Dapar
- Remove outside water spigots on eastern side of the subject property

This letter is to inform you that the above mentione permit was issued in error by permitting an open proch to be constructed three (3) feet from a side property line while being connected to the principle building.

There are three possible solutions to this problem;

The first is to disconnect the new roof from the existing roof and this would permit it to remain three (*) feet from the property

The second would b. lo cut four (4) feet, six (6) inches off the new roof which would provide the necessary seven (7) feet, six (6) inches side yard setback and still remain connected to the principal build-

The third solution would be to petition for a Variance to permit a side yard setback of three (3) feet from the property line. This, however, would involve a public hearing which would require advertising and posting of the property.

Please contact this office to inform us as to what your de-

JED/JJD/srl

cc: Building Engineer Building Inspector

Zoning File

Very truly yours.

JOHN J. DILLON, JP.
Pianning & Zoning Technician I

William M. Smith
Builder
Stansbury Mill Road
Phoenix, Maryland 21131

September 12, 1968

Office of Zoning, County Office Building, Towson, Maryland 21204

Att. Commissioner John G. Rose

RE: #23 Thornhill Road Lutherville, Md.

Dear Sirs: I have witnessed the 10th, day of September 1968 one helf inch of rain water on the stone floor of a small earing room at the above referred to residence. The yard and so-roundings of this small portion of the dwelling was floated with four inches of rain water.

The rain water was washing off a large coment rlab on the south side adjoining properly which covers an area much larger than the new structure built on it and extends eastward to a wool-slab has a very slarp downware pitch which circuts has an every starp townware property (about three to four feet lower) after running over a low rotaining wall.

The new roof and building as a whole is very close to the pro-perty line (about three feet) and being attached to the main dwe-ling it collects a great deal of the rain water from the south side of the old 100f.

I very seldon have seen this type of encroachement during the course of my thirty years in tuilding because the few cases I know of thay were policed and supervised and all construction discontinued before it violated or offended.

As a builder I feel that in all fairness and consideration, if the law is to be disreparded, this building should be cut back and reduce its area size on portion to the amount of land available on the state of the state and where the building sits make good of the state of the state of the state of the corrected by directing is under a pound to the street.

As a temporary measure, until Zoning convenes for rightful and larful billing orders, this problem could be eased by directing a downspout into terracots sections or galvanized lengths of straight downspout on top of he ground and have it empty at the front street bank. This will similar the sater warding over the rotaining wall and finding its course in the acjoining property.

I want to mention and not least, that expensive draperies an rare pieces of antique furnishings are being exposed to the described damaging conditions.

BALTIMORE COUNTY, MARYLAND

Date. September 27, 1968

George Mueller Deputy Buildings Engineer

Appeal to be heard by you concerning property at 21 Thornhill Road, Intherville, owner Rayword Haymenn, Building Permit Mo. 42655.

In as much as your office will be hearing the petition for a variance to allow the existing educative to resent in its present location, which is in volution of the Bullising Gode, we are requesting that it is should find that you say great this variance, that you harded so part of the conditions of that variance, the following requirements:

That Mr. Herrmann, the owner of 21 Thornhill Road will;

- Provide a curb at least h' high running from back to front at the eastern edge of the concrete patto which has been erected on his property. Said curb to extend full length to the base of the resp leading from the patto toward the front yard. This curb and patto and runp on which it is intelled will there-fore divert all water into a smale.
- A swale at least-st-least 6° in depth and 2° in width that is to be constructed entirely on Nr. Asrasma's property at least 2° from the Restern property line witch will lead continuously and directly to the front property line.
- That the porch addition will have properly stand gutters and downpouts with leaf gentles installed on the gutters on the porch addition the leaf set existence. The downpouts firm these gutters will be commented to a pipe which leads directly to the
- That we would have you reside the owner of this
 property, Mr. Herrsann, that the Buildings Regimeer
 will not at a future date great a permit to enclose
 this porch.

-	That the conditions of the variance as requisited the Buildings Engineer would have to be accomplished within 30 days of the date of the variance with proper within 30 days of the date of the variance with proper
	within 30 days of the late of the Beildings Department inspection to be performed by the Beildings Department

Pox #3A

	BALTIMORE COUNTY, MARYLAND	No
KREIDENTIAL		District 9
ALTERATION PERMIT	DEPARTMENT OF PERMITS AND LICENSES Office of the Buildings Engineer	Date June 25, 1968 J
	County Office Building, Towson, Md. 21204	SUZDIVISION
This Alteration Permit Is II	ereby Granted To	dridlewood
This permit is being issued with the understa- that the work shall come with all the seque		
ments of the Subarrout Chang building and rening codes	Raymond at hotte-or a fixection	Lot No8
	21 Thornhill Rd. (Owner)	Block
Charles Blokeser	_ Lutherville - Ti-office, Md. 21093	Section 1
Change B Wareler	_ Decideration - International line eross	
Building sugment		Plat No
To make the following Alter		
Location S/S #21 The	ornhill Rd. 607.01' E. o. Jork Rd.	
Use of Building Dwell	Add.	<u> </u>
Clea of evicting Building: 1	Front 37' ft. Depth 35' ft. I	Islant 8
	Front. 9'6" 1. Depth 12'9" ft. i	
	Sid-12'6" and 12'6" Alteration setback Front 81	
Complete Description of A	Iterations Extend existing open patio with roof	on. Left rear of dwelli
to ressin	open.	
	$\lambda \sim 10^{-10} M_{\odot}$	
		/
Character of Construction.		nildipas Engineer 2
	Lha	ho/300 05

Department of Permits and Licenses

County Office Building 111 W. Chesepeaks Avenue Tourson, Maryland 21204

Patitioner's Attorney

Patitioner Raymond W. Harranna, M.B.

Bultimore County, Maryland COUNTY OFFICE BUILDING

August 22, 1968

We request that you apply for a variance to this setback of 3' from the Zoning Department.

July believely

PETITION FOR VARIANCE
BIT DISTRICT
ZONING PUTION for Variance or a Side Vard.
LOCATION: Souths of of rowninii. Road 610 Set East of rowninii.

Triporinist Road 610 Net East of York Road.

DATE & TIME: WEDNESDAY.

OCTOBER 30, 1948 at 10:37 A.M.
PUBLIC HEARING: Room 108.

County Office Busiding, 111:

Chesapease Avenue, Towson.

Maryland.

Country Office Business, 111, 57

When you want to be a server of the country of a solution of the country of the

TOWSON IM IES TOWSON, MD. 21204 October 14,

THIS IS TO CERTIFY, that the annexed advertisement of John 9. Bose, Soning Commissioner of Baltimore County

was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One weeks before the 14th day of Oct., 1958, that is to say, the same was inserted in the issues/of October 10, 1968.

STROMBERG PUBLICATIONS, Inc.

56378

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ALTIMORE	COUN		MARYLA	ND
OFFICE	OF	FI	NANCE	
Divisio	of Collect		Receipts	-

Office of Pianning & Zoning 119 County Office Bidg. . Towson, Md. 21204

Timonium, Md. 21693			TOTAL AMOUN
	COUNT NO. 01-622	BETURN THIS FORTICN WITH YOUR ALAITTANCE	\$40,00
TITY OF THE	COUNT NO. DETACH ALONG	PERFORATION AND KIEP THIS PORTION FOR YOUR RECORDS	COST
	Cost of Appeal - Raymond He	rrman,	40.00
	No. 09-98-A		

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLUCTION & RECEIPTS, COURT USE, TOWSON, MARYLAND 21204

BALTIMORE COL. Y, MARYLAND
DEPARTMENT OF PE. . . TS AND LICENSES
OWICS OF THE BULDHOS BROWNERS
Courty Office Building, Torsion, Md. 21204 RESIDENTIAL Date 1- 25-68 Receipt No B70108 ORRICE CORY Laind Records

Name of Subdivision Bullewood No. of Lift, Block and Section on Subdivision Plai Of Politing Building Estimated Completed Value of Improvements 8 2,000 Architect or Engineer

I colour pictury in the operand application, place and diagram

and bulletone Central parks of opplicable hards and to do so.

Signod.

20 HOM May 10

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Plot Plans | By
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Zoning Department Office By
Royer and Water By Plan No. Date 6 -25 -18
Date 6 -25 -0
Date 6 -26 -0
Date Paid By Signal Property Street Signal Over

PLOT PLAN (olley | PROPOSED

(b) Distance to Road 21 THORN HILL RD.

Additional Information

Baltimore County, Maryland Office of Zoning - two -

This letter is a mentral and non parties testimony. I Unterested to see our County Laws being entended for the purpose that they were enserted, that is, for the protection of us all as well as to protect that we can.

Very Truly Yours,

William H. Smith

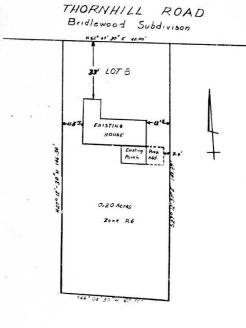
200	Hly O Zonine	DE DATE
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13	Crista Streets for Applicant FEES	5 (13 C)
9	Shows to whom Shows to whom Address and date. date and where delipseed delipseed 350 fee	te fee

BALTIMORE COUNTY, MARYLAND District 9 MISCELLANEOUS DEFAUTMENT OF FERMITS AND LICENSES GERAED J. DIETZ, Director Date 6-25-68 PERMIT Office of the Buildings Engineer County Office Building, Towson, Md. 21204 SUBDIVISION Byldlewood This Miscellaneous Permit Is Hereby Granted To Lot No. 8 proof h hong kined with the new cooling, the next that compare the next that compare the algorithms acress bending and (Owner) Block Tarles Str Audy Latherville, No. 21093

Chairs R. Weiner Lutherville, No. 21093

Building Englisers To orest lasts' reservate: the following described structure: Location 21 Thornhill Hoad Setback of Structure: Front 81 ft. Side Setbacks 0 and ft. Contain lot 30 ft. from side street. Complete Description, Dimensions, Etc. Fract wood funce on side of property 42" high to remain within property lines. Must have 10% opening. Issued By The Buildings Engineer Charles B. Wheefertown INSMER This Permit shall be kept on the premies open to public inspective Juring the prosecution of the work and until com-pletion of vame. LIMITATION. After a new building permit is issued, if the operation or work authorized and approved betweamfor in not commenced within one year, after the lence, or if, after commoncement of the operation or work, and and wisk, and no operations or work shall be again commenced unders and until another proper permit shall have been insued for work.

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Property Counter Mr. & Mrs. Roymond W Herragan Zoning Request Variance to see 211.3 (Side yard) :" = 20'

OFFICE COPY

Date of Posting Oct, 10 1963 District 8 th Posted for Hearing Wed. Oct. 30, @ 10:30 A.M. Petitioner Raymond Herrmann Location of property: S/S Of Thornhill Rd. 610' E. of York Rd. Location of Signs: (1) Posted in yard of residence # 21 Thornhill Rd, Posted by MERL H. HESS,

CERTIFICATE OF POSTING

TOWING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

1 Sign

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MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

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T man	OCTION ALONG PERFORMING AND REST THE PORTION FOR TOUR RECOGNING	35.00
350000	A	

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204,

CEI	ATIFIC	ATE	OF	PUBI	ICAT	101	9
			-	77			
					152,525	122	-

TOWSON, MD. October 10, 19 68 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each day of _____October______ 19_68_, the first publication appearing on the 10th day of October

L. Leanh Streeter Cost of Advertisement, \$__