

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Raymond Hermann, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 211.3 to permit a side yard setback of _____

21. Instead of required 21' for an open porch.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
(1) Work is 95% completed (exceptions: trim, sealer, paint).
(2) Work was done in good faith in accordance with permit No. 42555 then in effect.
(3) Change of addition at this time impractical due to steel columns imbedded in new concrete work.
(4) Additional expense would create serious financial hardship.
(5) Preliminary survey (1968) and careful consideration of neighbor's property was observed to the best of owner's and builder's ability.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchase _____ Legal Owner _____
Address _____ Address _____

Protestant's Attorney _____
Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____, September, 1968, 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, on the _____ day of _____, 1968, at 10:00 o'clock

by _____, Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John Rose, Zoning Commissioner Date: September 27, 1968
FROM: George Muller, Deputy Buildings Engineer
SUBJECT: Appeal to be heard by you concerning property at 21 Thornhill Road, Lutherville, owner Raymond Hermann, Building Permit No. 42555.

In as much as your office will be hearing the petition for a variance to allow the existing structure to remain in its present location, which is in violation of the Building Code, we are requesting that if you should find that you may grant this variance, that you include as part of the conditions of that variance, the following requirements:

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

1. Provide a curb at least 4" high running from back to front at the eastern edge of the concrete patio which has been erected on his property. Said curb to extend full length to the base of the ramp leading from the patio toward the front yard. This curb and patio and ramp on which it is installed will therefore divert all water into a sewer.
2. A seal at least 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 and directly to the front property line.
3. That the porch addition will have properly sized gutters and downspouts with leaf guards installed on the gutters on the porch addition that is in existence. The downspouts from these gutters will be connected to a pipe which leads directly to the street.
4. That we would have you remind the owner of this property, Mr. Hermann, that the Buildings Engineer will not at a future date grant a permit to enclose this porch.
5. That the conditions of the variance as requested by the Buildings Engineer would have to be accomplished within 30 days of the date of the variance with proper inspection to be performed by the Buildings Department.
6. Remove outside water spigots on eastern side of the subject property.

RE: PETITION FOR VARIANCE from Section 211.3 of the Zoning Regulations S/S Thornhill Road 610' E. of York Road, 8th District Raymond Hermann, et ux Petitioners

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 69-98-A

OPINION

The petitioner in this case, Raymond Hermann, 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 dwelling. 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 the concrete slab.

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 erroneously issued until about August 19, 1968.

Re: Petition for Variance to Sec. 211.3 of Zoning Regulations - S/S Thornhill Road 610' E. of York Road, 8th Dist., Raymond Hermann, Petitioner

Before Zoning Commissioner of 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 Thornhill 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, should set forth and specify the reasons for such variance. The granting of an illegal permit is not in itself sufficient reason for granting a variance.

The Zoning Office originally approved the permit for the proper setback. Somewhere along the way this setback was changed to a lesser amount and the permit was issued for a lesser amount. The issuance of an illegal 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 Commissioner of Baltimore County, ORDERED that the above variance be and the same is hereby DENIED.

By _____, Zoning Commissioner of Baltimore County

Raymond Hermann - #69-98-A

Testimony by the petitioner and the builder indicates that Dr. Hermann spent approximately \$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 there could be great difficulty in attempting to patch the concrete if the posts have to be moved.

The main protestants were Dr. Hermann'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 Hermann's patio they have had flooding in the yard, which they contend comes from Hermann's property which is higher in elevation than the DeQuevedo 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 Hermann'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 of 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 lawn had not been changed. If in fact the construction of the Hermann 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. Hermann 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 foot variance for the roof that extends over the patio. In view of the fact that Dr. Hermann 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 unreasonable hardship to require him to expend 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 must be decided on its merits, and the petitioner in each case must prove a "practical difficulty or unreasonable 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

CLARENCE EDWARD PUSEY, JR. ATTORNEY AT LAW

P.O. BOX 276 THIMONIA, MARYLAND 21203 OFFICE AT 1808 YORK ROAD

AREA CODE (301) 288-0088

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.

Very truly yours,
Clarence Pusey, Jr.
Attorney for Petitioner

C.C. Mr. Guilford Wuse 24 Thornhill Road Lutherville, Maryland 21093

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John Rose, Zoning Commissioner Date: September 27, 1968
FROM: George Muller, Deputy Buildings Engineer
SUBJECT: Appeal to be heard by you concerning property at 21 Thornhill Road, Lutherville, owner Raymond Hermann, Building Permit No. 42555.

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3. That the porch addition will have properly sized gutters and downspouts with leaf guards installed on the gutters on the porch addition that is in existence. The downspouts from these gutters will be connected to a pipe which leads directly to the street.
4. That we would have you remind the owner of this property, Mr. Hermann, that the Buildings Engineer will not at a future date grant a permit to enclose this porch.
5. That the conditions of the variance as requested by the Buildings Engineer would have to be accomplished within 30 days of the date of the variance with proper inspection to be performed by the Buildings Department.
6. Remove outside water spigots on eastern side of the subject property.

This letter is a neutral and non-partisan testimony. I am interested to see our County Laws being enforced for the purpose that they were enacted, that is, for the protection of us all as well as to protect what we own.

William H. Smith

WHS.3b

RECEIPT FOR CERTIFIED MAIL—30¢		POSTAGE 28 34/5
SENT TO <i>John J. Smith</i>	RETURN TO <i>John J. Smith</i>	
STREET NAME <i>1000 1st St. N.E.</i>	CITY <i>Phoenix, Arizona</i>	
ZIP CODE <i>85001</i>	STATE AND ZIP CODE <i>Arizona 85001</i>	
EXTRA SERVICES FOR ADDITIONAL FEES		
Shows to whom delivered	Shows to whom delivered	Deliver to Addressee Only
☐ 30c fee	☐ 30c fee	☐ 50c fee
(Use form for return to sender if no insurance coverage provided— for U.S. POSTAL MAIL—FIRST CLASS)		
NO INSURANCE COVERAGE PROVIDED— FOR U.S. POSTAL MAIL—FIRST CLASS		(See other side)

D.P.L. 32--Revised 5-1-60
MISCELLANEOUS
PERMIT

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
GERARD J. DIETZ, Director
Office of the Building Engineer
 County Office Building, Towson, Md. 21204

No. 22660
 District 9
 Date 6-25-68

SUBDIVISION
 Bridge Road

Lot No. 8
 Block
 Section 1
 Plat No.

This Miscellaneous Permit is Hereby Granted To
Raymond W. Herrmann
 (Owner)
21 Thornhill Road
 Lutherville, Md. 21093

Charles B. Wheeler
 Building Engineer

To erect the following described structure:
 (Erect, lease, remove, etc.)

Location 21 Thornhill Road rear
 Setback of Structure: Front 31 ft.; Side Setbacks 0 and 0 ft. to rear of line 39 ft. from side street.
 Complete Description, Dimensions, Etc. Erect wood fence on side of property 42" high to
remain within property lines. Must have 10% opening.

Issued By The Building Engineer
Charles B. Wheeler
 Charles B. Wheeler

Fee Paid \$ 7.50

This Permit shall be kept on the premises open to public inspection during the prosecution of the work and until completion of same. ANYTIME AFTER the building permit is issued, if the operation or work authorized and approved thereunder is not commenced within one year, after the issue, or if, after commencement of the operation or work, the operation or work is suspended or discontinued for a period of one year, then, in either case, the said permit shall be null and void, and no operations or work shall be again commenced unless and until another proper permit shall have been issued for work.

Official
CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

1 Stg
 District *8th*
 Date of Posting *7/16/55-68*

Posted for:
 Petitioner: *Raymond Hermann*
 Location of property: *515 Humboldt Rd. b/c of 700' Rd.*
 Location of Sign: *1 Stg. Road next to drive way in front of house*
 Remarks:
 Posted by: *Paul J. Hess*
 Signature: _____ Date of return: *7/16/55-68*

1 Sign

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#67-98-A

District 8 th ----- Date of Posting Oct. 10 1968

Posted for: Hearing Wed. Oct. 30, @ 10:30 A.M.

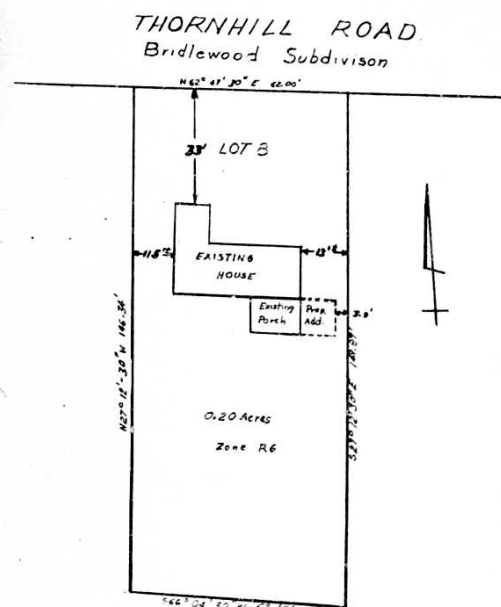
Petitioner: Raymond Herrmann

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.

Remarks: -----

Posted by MERL H. HESS, Signature Date of return: Oct. 17th 1968



Property Owner Mr. & Mrs. Raymond W. Heermann
Zoning Request Variance to sec 211.3 (side yard)
District 878
Scale 1" = 20'

OFFICE COPY

TEL. SPONSOR REG-5000 EXT. 567		INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COUNTY HOUSE TOWSON, MARYLAND 21204		No. 56323 DATE <u>Feb. 7, 1968</u>	
TO: <u>Samuel M. Schwartz, R.R.</u> <u>21 Barabell</u> and <u>Indianville, Md. 21043</u>		Being Supd. of Inten. Co.		FILED BY _____	
REMITT TO ACCOUNT NO. <u>44-222</u>				TOTAL AMOUNT <u>\$14.00</u>	
QUANTITY		RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORAL ON AND KEEP THIS PORTION FOR YOUR RECORDS		CMT	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100		Position for Variance <u>44-22-4</u>		<u>25.00</u>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	

TELEPHONE BALTIMORE FST. 527		INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE <i>Division of Collection and Receipts</i> COURT HOUSE TOWSON, MARYLAND 21204		No. 56370 DATE Dec. 30, 1959
To: Clarence E. Pandy, Jr., Esq. 1935 York Road Thousand, Md. 21093		BY: _____ Swing Capt. of Police, Md.		
REPORT TO ACCOUNT NO. 01-622		RETURN THIS PORTION WITH YOUR REMITTANCE		TOTAL DEDUCTION \$75.00
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COST		
1	Advertising and posting of property for Mr. Raymond Herman 100-70-A	75.00		

[illegible]