TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Mannex we, Leonard & Betty Gallant ____legal owners of the property situate in Baitimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 400.1 "To permit an accessary structure (Greenhouse)

to be located in the side yard instead of the required rear yard and to be located 1 1/2 feet from side property line instead of the required 2 1/2- feet.

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

That in 1974, the Petitioners constructed a greenhouse and located the same inadvertently 1 1/2 feet from the property boundary line, as shown in Exhibit 1. The Petitioners claim extreme hardship and practical difficulty in this matter in that the greenhouse is firmly anchored into the ground, and cannot be removed without causing substantial damage to the structure. Furthermore, the Fetitioners have invested substantial monies in tropical plants, which are grown in the greenhouse, and the Petitioners are unable to relocate the plants during the winter months, since any removal from the greenhouse environment poses a real and substantial risk of loss of the plants.

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 and further agree to and are to be bound by the zoning regulations and restrictions of County adopted per suant to the Zoning Law For Baltimore County.

Address 6712 Baythorne Rd.

Zoning Commissioner of Paltimore County.

Baltimore, Md. 21209

Projestant's Attorney

Contract purchaser

Petitioner's Attorney 60 Kenilworth Dr., Towson, Md. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this ... _, 197 __, that the subject matter of this petition be advertised, as required by the Zening 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 A. M

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

DUNTY OFFICE BLOG-111 W. Chesapeake Ave. Towson, Maryland 2120

Engineering

Bureau of

epartment of

Health Department

Project Planning

Building Department

Board of Education

Industrial

Development

Traffic Engineering

State Roads Commission

Charles J. Harrison, Esquire

Nicholas B. Commodari

660 Kenilworth Drive Towson, Maryland 21204 Bureau of

RE. Item No. 173 Petitioner - Gallant Variance Petition

May 31, 1979

Dear Mr. Harrison:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an cn-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this Zonling Administration case. The Director of Planning may file a written report with the Zoning Commissioner with recommondations as to the suitability of the requested roning.

> Enclosed are all comments submitted from the Committe to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enc'osed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

> > Very truly yours,

NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

Enclosures

NBC/hk

battimore county department of public works TOWSON, MARYLAND 21204 THORNTON W. MOURING, P.E.

DIRECTOR

March 21, 1379

Mr. S. Eric DiNenna Zoning Commissioner County Office Pullding Towson, Marylary 21204

> Re: Item #173 (1978-1979) Property Owner: Leonard 5 Betty Gallant S/S Baythorn Rd. 1 7.51' E. Pimlico Rd. Existing Eoning: DR 3.5 Proposed Soning: Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard and to be located 1.5' from the property line in lieu of the required 2.5'. Acres: 0.221 District: 3rd

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Aivisory Committee in connection with the subject item. General:

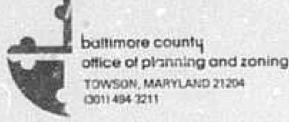
Baltimore County highway and utility improvements are not involved. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #173 (1978-1979).

> Very truly yours, Edmin Mair Romo ELLSWORTH N. DIVER, P.E.

Chief, Bureau of Ingineering

END: EAM: FWP: SE

0-SW Key Sheet 29 & 30 NW 12 Pos. Sheets NW 8 C Topo 79 Tax Map



LESUE H. GRAEF

April 11, 1979

Mr. S. Eric DiNenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Bail more County Office Building Towse: Maryland 21204

De Mr. DiNenna:

Comments on Item #173, Zoning Advisory Committee Meeting, March 6, 1979, are as follows:

Property Owner: Leonard and Betty Gallant Location: S/S Baythorn Road 107.51' E. Pimlico Road Existing Zoning: Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard and to be located 1.5' from the property line in tieu of the required 2.5'

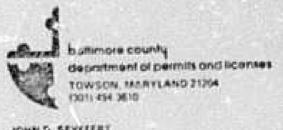
Acres: 0.221 District: Grd

This office has reviewed the subject perition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

Current Planning and Development



JOHN D. SEVETERT

March 23, 1979

Mr. S. Eric Minenna, Zoning Commissioner Office of Planning and Toming County Office Poilding Towson, Maryland 21204

_oar Mr. DiNonna. Comments on Item # 17 Moning Advisory Committee Meeting, March 6, 1979

are as follows: Property Owners Leonard & Betty Gallant S/S Baythorn Road 107.51' E Pimlico Road Existing Zonings D.R. 3.5 Proposed Zoning: Variance to permit an accessory structure to be located in the side yard and to be located 1.5' from the property line in lieu of the required 2.5'.

Districts

The Items chanked below are applicables

X A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement, other applicable codes.

X B. A building pormit shall be required

C. Additional ______ Fernite shall be required.

D. Suilting shall be upgraded to new uso - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building parmit.

F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file en application for a building permit.

X G. Wood freme walls are not permitted within 3'0" of a property line. Contact Duilding Department if distance is between 3'0" and 6'0" of property line. Hasonry or metal and glass would be acceptable.

H. Requested setback variance conflicts with the Beltimore County Building Code, See Section _____

I. No Comment.

J. Comments

Very truly yours, Plane haview Chief



Paul H. Reincke

February 27, 1979

Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: H. Commodari, Chairman Zoning Advisory Committee

Ro: Property Chmor: Leonard & Betty Gallant

Location: S/S Baythorn Rd. 107.51' E Pimiico Rd.

Zoning Agenda Meeting of 3/6/79 Itam No. 173

Gentleman:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ______feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Morks.

() 2. A second means of vahicle access is required for the site.

() 3. The rehicle dead end condition shown at

ECCURDS the maximum allowed by the Fire D partment. () 4. The site shall be made to comply all applicable parts of the

Piro Prevention Code prior to occupancy or beginning of operations.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Mational Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

es are approved as drawn.

Preventice Bureau has no comments, at this time.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Loning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variances requested will not adversely affect the health, safety, and general welfare of the community, and, therefore, the Variances should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ______ day of October , 1979, that the herein Petition for Variances to permit Y an accessory structure (greenhouse) to be located in the side yard in lieu of the Lrequired rear yard and one and one half feet from the side property line in lieu equired two and one-half feet should be and the same is GRANTED, from for the date of this Order, subject to the approval of a site plan by the Departraget of Public Works and the Office of Planning and Zoning.

Zuning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show tractica, difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ permit

Zoning Commissioner of Baltimore County

RE: PETITION FOR VARIANCES S/S of Baythorn Rd., 107.51 E of Pimlico Rd., 3rd District

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

LEONARD GALLANT, et ux, Petitioners : Case No. 79-246-A

:::::::

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated theretore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

Alma Decement John W. Hessian, III People's Counsel for Baltimore County County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 31st day of May, 1979, a copy of the aforegoing Order was mailed to Charles J. Harrison, Esquire, 660 Kenilworth Drive, Towson, Maryland 21204, Attorney for Petitioners.

> Islan To Alexanon, THE John W. Hessian, III

baltimore county department of health TC WSON, MARY LAND 21204

DONALD J. ROOP, M.D., M.P.H. DEPUTY STATE AND COUNTY HEALTH OFFICER

March 29, 1979

Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Mary and 21204

Dear Mr. DiNenna:

Comments on Item #173, Zoning Advisory Committee Meeting of March 6, 1979, are as follows:

Property Owner:

Leonard & Betty Gallant S/S Baythorn Rd. 107.51' E Pimlico Rd.

Existing Zoning: Proposed Zoning:

Variance to permit an accessory structure to be located in the side yard in lies of the required rear yard and to be located 1.5' from the property line in lieu of the required 2.5'.

Acres: District:

Metropolitan water and sewer exist.

0.221

Very truly yours, Ian J. Forrest, Acting Director

BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/fth

BEFORE RE: PETITION FOR VARIANCE to permit an accessary structure COUNTY BOARD OF APPEALS (greenhouse) to be located in S/S of Baythorn Road, 107.51' E of Pimlico Road

BALTIMORE COUNTY 3rd District No. 79-246-A

Leonard Gallant, et ux, Petitioners

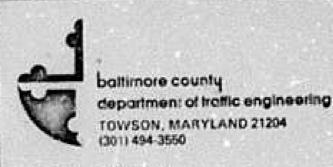
OPINION

This case comes before this Board on an appeal from a decision of the Zoning Commissioner granting the requested variance from 2.5 ft. required side yard setback to 1.5 ft. as now exists. The case was heard this day "De Novo" in its entirety.

There have been several developments in this case which preclude summarization of all the testimony and exhibits presented this day. On October 7, 1979, the Zoning Commissioner granted the requested variance from whence this appeal arose. In a separate case decided on April 15, 1980, the Deputy Zoning Commissioner found that the petitioner was in fact in violation of Sections 102.1, 101 and 1801, 1A of the Baltimore County Zoning Regulations, if in the final disposition of the petition for variance 79-246-A said variance is denied. Subsequent to this Order and to the hearing held on April 30, 1980, the Board is in receipt of a letter dated May 1, 1980, from the petitioners' attorney requesting a dismissal of the requested variance. After consideration of these facts, the 3oard will issue the following Order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 31st day of July , 1980, by the County Board of Appeals, ORDERED that the requested dismissal of the petitioned for variance in Case #79-246-A be granted and that since no variance is now requested, it is further Ordered that the Order of the Deputy Zoning Commissioner in Case #80-166-V, doted April 15, 1980, be affirmed and that the building in question be



STEPHEN E. COLLINS DIRECTOR

April 4, 1979

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towsor, Maryland 21204

RE: Coming Comments

relocated so as to conform to all applicable Baltimore County Zoning Regulations, said

Any appeal from this decision must be in accordance with Rules B-1 thru

COUNTY BOARD OF APPEALS

William T. Hackett, Acting Chairman

Mus Monemens

OF BALTIMORE COUNTY

relocation to be completed within 60 days of this Order.

B-12 of the Maryland Rules of Procedure.

Dear Mr. DiNenna:

The Department of Traffic Engineering has no comments on Items: 170, 173, 174, 175 and 176 of the Zoning Advisory Committee Meeting of March 6, 1979.

> Very truly yours, Michael S. Flanigan Engineer Associate II

MSF/hmd

Leonard Gallant, et u

Case No. 79-246-A

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 5, 1970

Mr. S. Eric DiNenna Zoning Commissioner Saltimore County Office Building Towson, Maryland 21204

Z.A.C. Meeting of: March 6, 1979

RE: Item No: 170, 171, 172, 173, 174, 175, 176 Property Owner: Location: Present Zoning:

> District: No. Acres:

· Proposed Zoning:

Dear Mr. DiNenna:

All of the above have no pearing on student population.

Very truly yours, W. Wichkelinel W. Nick Petrovich, Field Representative

T. BAYAND WILLIAMS, JR. VICE-PREBIDENT MARCUS M. BUTGARIS

THOMAS H. BOYER MRS. LORRAINE F. CHIRCUS ROGER B. HATJEN

ADBERT Y. DUBEL. SUPERINTENDENT

ALVIN LORECK MRS. M".TON R. SMITH. JT. RICHARD W. TRACEY, D.V.M.

ALLEGED ZONING VIOLATION 6712 Baythorne Road 3rd Election District

Leonard and Betty Gallant 6712 Baythorne Road Baltimore, Maryland 21209 Defendants

DEPUTY ZONING COMMISSIONER

BEFCRE THE

: BALTIMORE COUNTY : 80-166-V C-79-329

A complaint has been filed with the Zoning Office concerning an alleged violation of the Baltimore County Zoning Regulations on property at the above location. A hearing was held to determine whether a violation exists.

The following Baltimore County Zoning Regulations are involved:

Section 102.1 - "No land shall be used or occupied and no building or structure shall be erected, altered, located, or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use."

Section 101 - Definitions - "Accessory use or structure: A use or structure which-(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure: (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, husiness, or industry in the principal use or structure served. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use."

Section 1821.1A. - "Uses Permitted as of Right in D.R. Zones."

Section 400.1 - "Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear loc lines, except that two private garages

DAT

may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building."

0

孟

William E. Hammond Zoning Commissioner

Norman E. Gerber, Acting Director

Petition for Variance for accessory structure

HEARING: Munday, June 18, 1979 (10:45 A.M.)

Petitione - LEonard and Betty Gallant

FROM Office of Planning and Zoning

3rd District

petition.

NEG:JGH:rw

SUBJECT_Petition # 79-246-SPH Item #173

0

Testimony at the hearing indicated that the Defendants are guilty of violating the above referenced Baltimore County Zoning Regulations in that they have located an accessory structure less than 2 1/2 feet from the side lot line in violation of Section 400.1.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 15th day of April, 1980, that the accessory structure must be so located as to be in conformity with the aforementioned sections or be removed within 30 days following the final disposition of the petition for variance no. 79-246-A, if same is denied.

Any appeal from this decision must be in accordance with Section 500.10 of the Baltimore County Zoning Regulations within 30 days.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

South side of Baythorn Road, 107.51 feet East of Pimlico Road

There are no comprehensive planning factors requiring comment on this

Office of Planning and Zoning

June 4, 1979

Weptty Zoning Ophmissioner Baltimore County

SOALS PEALS

To permit an accessory structure (greenhouse) to be located in side yard.

Cace No. 79-21:6-A Item No. 173 October 30, 1979

Leonard Gallant, et ux

S/S of Baythorn Road. 107.51 E of Pimlico Read 3rd District

1. Copy of Petition

Copy of Description

Copy of Certificate of Posting 6/1/79 (1 sign)

Copy of Certificates of Publication 5/31/79

Copy of Zoning Advisory Committee Comments

Copy of Comments from the Director of Planning

7. Planning Board Comments and Accompanying Map

Copy of Order to Enter Appearance John W. Hessian, III, Esqui

9. Copy of Order - Zening/Depoty Zoning Commissioner - Oct / 79

10. Copy of Plat of Property

___ 11. 200' Scale Location Plan

1000' Scale Location Plan

Memorandum in Support of Petftion

Letter(s) from Protestant(s)

____ 15. Letter(s) from Petitioner(s)

16. Protectents' Exhibits ____ to ___

Petitioners' Exhibits ____ to ___

18. Letter of Appeal Herbert G. Fishler, Protestant Oct. 24 77

Charles J. Harrison, Esquire 660 Kenilworth Brive 6 1 18 71 Townon, Maryland 2120h

Attorney for Petitioner

Mr. & Mrs. Leonard Gallant 6712 Baythorne Road Baltimore, Maryland 21209 Petitioners

Protestant

John W. Hessian, III, Esquire

Feople's Counsel

* Mr. Herbert G. Fis. 7-1 6712 Old Pimlico Road

Baltimore, Maryland 21209

James E. Dyer

William Hammond Judith H. Shub, Esq. 1517 Reisterstown Rd. (21208) 211 St. Paul Pl. (21202)

Request Notification Zoning Commissioner

Atty. for Petitioner V/1/1 7+HS

baltimore county office of planning and zoning TOWSON, MARYLAND 21204 (301) 414-3351

June 14, 1979

Charles J. Harrison, Esquire 660 Kenilworth Drive Towson, Maryland 21204

> RE: Petition for Variance S/S Baythorn Ed. 107.51' E of Pinlico Rd. - 3rd District Leonard Gallant, et ux - Petitioners Case No. 79-245-A

Dear Sir:

This is to advise you that \$42.17 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Campagna, Room 113, County Office Building, Towson, Maryland 21204. before the hearing/

Very truly yours.

WILLIAM E. HAMMOND

Zoning Commissioner

WEH/mc

(301) 653-0088 727-3868

Judith Hooper Shub

Attorney at Law 1317-Reinterstown Had Z11 St. Paul Place Baltimore, Maryland 24208 2/202

November 30, 1979

Mr. William E. Hammond Zoring Commissioner Office of Planning and Zoning for Baltimore County Towson, Maryland 21204

> Re: Petition for Variances 3/5 of Baythorn Rd., 107.51' E of Pimlico Road Leonard Gallant, et ux Case No. 79-246-A

Dear Mr. Hammond:

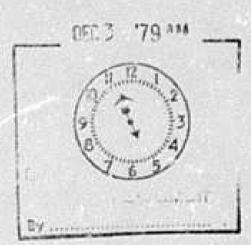
Please enter my appearance in the above captioned case and send all notices in regard to the appeal hearing

Thank you for your attention to this matter.

Very bruly yours, Sudith Hooper Shub

JHS/dcf

cc: Charles J. Harrison, Esq. 660 Kenilworth Dri.e Towson, Maryland 21204



Charles J. Harrison, Esquire 660 Kenilworth Drive Towson, Maryland 21204

NOTICE OF HEALING

RE Petition for Variance, S/S of Baythorn Rd. 107.51' E of Pimlico Rd. 3rd District, Case No. 79-216-A

TIME: 10:45 A.M. DATE: Monday, June 18, 1979

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAFE AVENUE,

TOWSON, MARYLAND

BALTIMORE COUNTY

ZONING:

LCCATION:

DATE & TIME:

DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

PETITION FOR VARIANCE

Towson, Maryland

All that parcel of land in the Third District of Baltimore Councy

Being the property of Leonard and Betty Gallant, as shown on plat plan filed

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,

WILLIAM E. HAMMOND, ZONING COMMISSIONER

Regulation of Baltimore County, will hold a public hearing:

The Zoning Regulation to be excepted as follows:

Hearing Date: Monday, June 18, 1979 at 10:45 A.M.

BY ORDER OF

OF BALTIMORE COUNTY

Section 400.1 - accessory structure

with the Zoning Department

Towson, Maryland

Petition for Variance for accessory structure

Monday, June 18, 1979 at 10:45 A.M.

PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeale Avenue,

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and

property line instead of the required 22 feet

South side of Baythorn Road, 107 51 feet East of Pimlico Road

Petition for Variance to permit an accessory structure

(greenhouse) to be located in the side yard instead of the

required rear yard and to be located 12 feet from the side

3rd District

WILLIAM E HAMMOND ZONING COMMISSIONER

October 24, 1979

Charles J. Harrison, Esquire 660 Kanilworth Drive Towson, Maryland 21204

> RE: Petition for Variances S/S of Baythorn Rd., 1J7.51' E of Pimlico Read Leonard Gallant, et ux Case No. 79-246-A

Dear Mr. Harrison:

Please be advised that an Appeal has been filed by Herbert G. Fishler, 6712 Old Pimlico Road, Baltimore, Maryland 21209, from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appear hearing when it is scheduled by the County Board of Appeals.

> Very truly yours, Zoning Commissioner

WEH:sj

cc: John W. Hessian, III, Esquire People's Counsel

Re: Case 79-246A

Dear Mr. Hammond:

I want to file an appeal to the decision of the zoning commissioner in the above-captioned case. I am the original protestant who made the zoning violation complaint.

Sincerely, Herbert G. Fishler 6712 Old Pimlics Rd Battimore, Md 21209 October 4, 1979

Charles J. Harrison, Esquire 660 Kenilworth Drive Towson, Maryland 21204

RE: Patition for Variances

S/S of Baythorn Road, 107.51' E

of Pim'ico Road - 3rd Election

District

Leonard Galiant, et ux - Petitioners

NO. 79-246-A (Item No. 173)

Dear Mr. Harrison

I have this date passed my Order in the above referenced matter in accor-

Very traly yours,

/5/

WILLIAM E. HAMMOND Zoning Commissioner

WEH/srl

Attachment

ec: John W. Hessian, III, Esquire People's Counsul

EXHIBIT 2

BUTINNING at a point on the southwest side of Baythorne Road, 107.51 feet southwest of Pimlico Road and known as Lot 8, Block A of Mount Washington Summit and recorded among the Land Records of Baltimore County in Plat Book 25 Folio 45.

Also known as 6712 Baythorns Boad.

DEFICE BEOM

SURVEYOR'S DESCRIPTION

County Board of Appeals Room 219, Court House

Towson, Maryland 21204

RE: Case No. 79-246-A Leonard Gallant, e. ax

JUDITH HOOPER SHUB

ATTORNEY AT LAW
211 SAINT MULTLACE
BALTIHORE, MARYLAND 21262

(301) 727-3868

May 1, 1980

Gentlemen:

WITH

In light of the hearing on April 29, 1980, and with a particular view to the Baltimore County Building Code Section 303.2, which speaks to the set back of require for frame structures, Mr. & Mrs. Gallant have decided to dismiss their petition for zoning variance. They in no way acknowledge an alleged encroachment on the lot adjoining their property. The Gallan:s have for some time been intending to expand the area of their greenhouse and change the placement to one on their lot which receives more sunlight.

We request an extension of any order to change the location of their building until September 30. That will afford them sufficient time to get the necessary permits, erect a new structure, and transfer their plants from the existing greenhouse to the new one without any harm to the plants contained in the greenhouse.

If you require additional information, please do not hesitate to ask.

Jestith Hooper Shub

JHS/kms

Br. OF PERING COMM. BL. COMM. P. 11 TO WH. BL.

71/25

494-3180

County Board of Appeals
Room 219, Court House
Towson, Moryland 21204

July 31, 1980

Mr. Herbert C. Fishler 6712 Old Pimlico Rd. Baltimore, Md. 21209

Dear Mr. Fishler:

Re: Leonard Gallant, et ux

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.

cc: Mr. and Mrs. Leonard Gallant Judith H. Shub, Esq. John W. Hessian, Esq. James E. Dyer William Hammond 2/1/80 - Notified the following of scheduled hearing on Wed., March 26, 80, at 9 a.m.:

Mr. and Mrs. L. Gallant
Judith H. Shub, Esq.
Herbert O. Fishler

J. Dyer

W. Hammond

Petitioners
Attorney for petitioners
Protestant

Geografies

2-19-80

2-19-80

Cong 19. out

3/27/80 - Above have been notified of scheduled hearing on WED., APRIL 30, '80 at 10 a.m.

4/30/80 - Per WTH - Case continued - Awaiting survey from Petitioners.

Schedule for hearing sometime in July - not before.

Dipor 24, 1979

Million En. Hammond

Zonng Commissioner
County Office Bulding Kom 109

111 W. Chesapealea Are
Towson 11d 21204

Re: Case 79-246A

Dear Mr. Hammond:

I want to file an appeal to the decision

I the zoning commissioner in the abovecaptioned case. I am the original protestant
who made the zoning violation complaint.

Sincerely, Herbert G. Fishler 6712 Old Himlics Rd Buttimore, Md 21209 494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

March 26, 1980

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL *108

CASE NO. 79-246-A

LEONARD GALLANT, et ux

Re: To permit an accessory structure (greenhouse) to be located in side yard

S/S Baythorn Rd., 107.51' E. of Pimlico Rd.

3rd District

ZC-Oct. 4, '79, Granted the variance subject to approval of a site plan

ASSIGNED FOR:

WEDNESDAY, APRIL 30, 1980, at 10 a.m.

cc: Mr. and Mrs. Leonard Gallant

Jedith H. Shub, Esq.

John W. Hessian, Esq.

Attorney for Petitioners

People's Counsel

Petitioners

Mr. Herbert G. Fishler

hler Protestant

J. E. Dyer

Zoning Office

3. 2. 5)6.

William Hammond " "

J. Hoswell

Planning Office

June Holmen, Secy.

May 1, 1980

County Board of Appeals Room 219, Court House Towson, Maryland 21204

> RE: Case No. 79-246-A Leonard Gallant, et ux

Gentlemen:

In light of the hearing on April 29, 1980, and with a particular view to the Baltimore County Building Code Section 303.2, which speaks to the set back of require for frame structures, Mr. & Mrs. Gallant have decided to dismiss their petition for zoning variance. They in no way acknowledge an alleged encroachment on the lot adjoining their property. The Gallants have for some time been intending to expand the area of their greenhouse and change the placement to one on their lot which receives more sunlight.

We request an extension of any order to change the location of their building until September 30. That will afford them sufficient time to get the necessary permits, erect a new structure, and transfer their plants from the existing greenhouse to the new one without any harm to the plants contained in the greenhouse.

If you require additional information, please do not hesitate to ask.

County Board of Appeals

Room 219, Court House

Towson, Maryland 21204

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT

REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-

MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-

ING DATE IN ACCORDANCE WITH RULE 2(e), COUNTY COUNCIL BILL #108

Very truly yours, Sudith Hooper Shub

February 1, 1980

Re: To permit an accessory structure to be

S/S Baythorn Rd., 107.51' E of Pimlico Rd.

ZC-Oct. 4, 1979, Granted the Variance

WEDNESDAY, MARCH 26, 1980, at 9 a.m.

June Holmen, Secy.

subject to approval of a site plan

LEONARD GALLANT, et ux

located in side yard

3rd Distric'

Petitioners .

Protestant

Zoning

People's counsel

Atty. for Petitioners

JHS/kms

494-3180

CASE NO. 79-246-A

ASSIGNED FOR

ca: Mr. and Mrs. Leonard Gallant

Judith H. Shub, Esq.

James E. Dyer

William Hammond

Mr. Herbert G. Fishier

John W. Hessian, III, Esq.

MA BALTIMORE COUN DIFICE OF PLANNING & ZOHING TOWEON, MARYLAND 21204 494 3353 WILLIAM I HAMMOND

ZONNIG COMMONENTS April 15, 1980

Mr. and Mrs. Leonard Gallant 6712 Baythorns Road Baltimore, Maryland 21209

RE: 6712 Baythorne Road Case No. 80-166-V

Dear Mr. and Mrs. Callant:

I have this date passed my Order in the above captioned matuer. Copy of said Order is enclosed.

Failure to comply with the attached Order will result in District Court action.

Very truly yours,

Deputy Zoning Commissioner

JMHJ:ech

Enclosure

cc: Mr. Herbert F. Fishler 6719 Old Pimlico Road Baltimore, Maryland 21209

> Charles J. Harrison, Esquire Suite 200-Everett Building 600 Kenilworth Drive Towson, Maryland 21204

File

ATTORNEY AT LAW SUITE 200 - EVERETT BUILDING 660 KENILWORTH DRIVE TOWSON, MARYLAND 21204 (301) 821-9090

CHARLES J. HARRISON

NEW ADDRESS Sinte 105, Shell Building 200 East Joppa Road Towson, Maryland 21204

December 12. 1979

Mr. William E. " Zoning Commiss Office of Plans for Baltimore Councy Towson, Maryland 21204

> Re: Gallant, Leonard S/S of Baythorne Case No. 79-246-A

Dear Mr. Hammond:

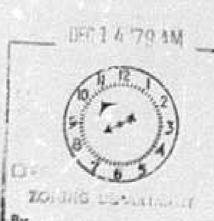
Please strike my appearance as it applies to the above cartioned case.

Thank you for your cooperation.

CHARLES J. HARRISON

CJH:th

cc: Judith Shub, Attorney



494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204

February 19, 1980

NOTICE OF POSTPONEMENT

CASE NO. 79-246-A

LEONARD GALLANT, ET UX

S/S Baythorn Road, 107.51' E. of Pimi co Road

3rd District

Scheduled for hearing on Wednesday, March 26, 1980 at 9 a.m. has been POSTPONED at the request of the attorney for the Petitioner (Client out c.)

Judith Hooper Shub

Attorney at Law

1517 Reisterstown Road

Baltimore, Maryland 21208

cc: Judith Hooper Shaub, Esq.

Mr. and Mrs. Loonard Gallant

Mr. Herbert G. Fishler

John W. Hessian, Ili, Esquire

Mr. W. E. Hammond

Mr. J. E. Dyer

Mr. J. Hoswell

Mr. William E. Hammond

Office of Planning and Zoning

Zoning Commissioner

for Baltimore County

Dear Mr. Hammond:

Towson, Maryland 21204

(301) 653-0088

Edith T. Eisenhart, Adm. Secretary

November 30, 1979

Re: Petition for Variances

E of Pimlico Road

Case No. 79-246-A

Very truly yours, _/

Judith Hooper Shub

Please enter my appearance in the above captioned

to me. or lake of Petitiones my Mirition to strike . Or phone

Thank you for your attention to this matter.

case and sond all notices in regard to the appeal hearing

Leonard Gallant, et ux

S/S of Baythorn Rd., 107.51'

Attoniey at Law 1.17 Reinterstown Road Baltimore, Maryland 21208

Judith Hooper Shub

February 11, 1980

County Board of Appeals Room 219 Court House Towsor, Maryland 21204 Attention: June Holmen

(301) 653-0088

RE: Case No. 79-246-A Leonard Gallant March 26, 1980

Dear Ms. Holmen:

Kindly postpone the above hearing. The Petitioners are in the clothing manufacture business and will be out of town at an annual trade and buying show at that time.

Thank you for your attention to this matter.

Very truly yours, dith Hooper Shub

JHS/kms

cc Mr. & Mrs. Leonard Gallant

Please respond to new address: Judith Hooper Shub

Attorney at Law 211 St. Paul Place Baltimore, Maryland 21202

money

Charles J. Harrison, Esquire 660 Kenilworth Dr. Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesaneake Ave. Towson, Maryland 21204

Your Petition has been received and accepted for filing this is day of May 11979.

S. ERIC DI NENNA Zoning Commissioner

Petitioner Gallant Harrison

Reviewed by Kicken B Commodari

Chairman, Zoning Plans Advisory Committee

79-246-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting JUNE 1, 1949

Posted for Petition For VARIANCE

Petitioner: LEONARD GALLANT, ET UX Location of property: 5/5 BAYTHORN Rd. 10751 E OF PIMALSO Rd.

Location of Signs: FRONT 6712 BAYTHORN Rd.

Remarks:

cc: Charles J. Harrison, Esq. 660 Kenilworth Drive Towson, Maryland 21204

JHS/dcf

Also known as 1712 Bayers 21

Being the property of Leonard and Being Gellant, as mount, " prot plan filed with the Zorong Depart-

Hasting Date Monday, June 48, 1979 at 10-55 A.K.

Public Huaring Room 106, County Office Euilding, 111 W. Chesappeane Avenue, Towson,

CERTIFICATE OF PUBLICATION

TOWSON, MD., 19.39 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., oncocknoesch ofk one time successive weeks before the 18th day of ______ June _____, 19.72, the FFF publication appearing on the _____ 31st__day of______ May

THE JEFFERSONIAN.

	OFFICE OF
TIMES	THEUMIES
1	NEWSPAPERS

TOWSON, MD. 21204

May 31

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Leonard Callant, et ux was inserted in the following:

- ☐ Catonsville Times
- Arbutus Times
- ☐ Essex Times ☐ Towson Times
- Community Times

1979

weekly newspapers published in Baltimore, County, Maryland, once a week for ______ successive weeks before the Ist day of June 1979, that is to say, the same was inserted in the issues of May 31, 1979.

STROMBERG PUBLICATIONS, INC.

PETITION	MAPPING PROGRESS SHEET										
	Wall Map		Original		Duplicate		Tracing		200 Sheet		
FUNCTION	date	by	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map											
Petition number added to outline											
Denied											
Granted by ZG, BA, GC, GA											
Reviewed by:				Revised Plans: Change in outline or descriptionYesNo							
Previous case:		Map #									

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building 111 W. Chesapeake Avenue Towsen, Maryland 21204

Your Petition has been received * this & day of 1977. Filing Fee \$ 2. . Received Check

Zoning Commissioner

Petitioner / + 1- to fe for Submitted by Petitioner's Attorney The is I thouse Reviewed by The

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

79-246-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Re-Poster Location of Signs: FRONT 67/2 BAYTHORN Rd Date of return Dec 1- SIGN

79-246-A

SXHIBI 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

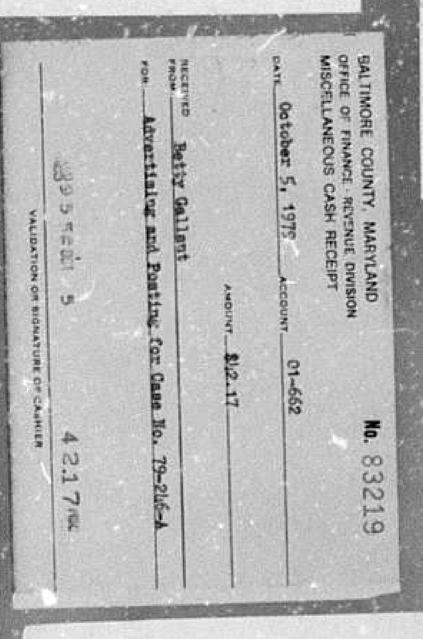
District 3rd	Date of Posting No. 9, 1979
Posted for: APPEAL Petitioner: LCONARD G	HLANT, CT UX
Location of property: 5/5 OF B	BOAD
Loration of Signs: FRONT 63	112 BAYTHURN RE.
Remarks:	
Posted by Thomas T. Bu	Date of return: NOV-16,1979
	1-51GN

4/21/80

Mr. Fishler - Prote tant in Case 79-246-A, Gallant, called and said he had received an order issued by Mrs. Jung on 4/15/80 regarding this property and wanted to know if the case would remain scheduled for hearing on 4/30. After quite a few questions, I learned that the recent order is on a zoning violat ion case on the same property, case \$80-166-V, which then clarified the matter to some degree, however, Mr. Fishler couldn't quite understand why another order was issued on the same property. tried to explain to him the difference in the cases and that our case would be continued to be on the oc.et on 4/30 unless I notified him to the contrary. told him I would advise you of the zoning violation use. I have requested a copy of this recent order from the Zoning office.

Mr. Fishler works in Washington and his phone number is 202-523-6737.

ETE



12/7/79

Mr. Roland, posting man, called at 2:15 pm to say that he checked the Gallant property - no sign - no stake no one at home.

He went to his home, painted the sign and returned at 12:45 to post the property. Still no one at home, at the Callants.

															ETE P B B
•	um 01-662	325.0n		. 79-246-A	25.00%	VAL DATION OR SIGNATURE OF CASHIER	No. 83248	NT 01-662	JAT. \$50.00	,	Cane do. (9-246-4	4 0.0 Crac	VALIDATION OR SIGNATURE OF CASHIER	12/5/79 Case #79-246-A, Leonard Gellant 5/5 of Baythorn Rd. 107.51' E. of Pimiico Road - 3-4 District	Please check the above property for sign. If no sign it on property, check with the owner as to what happened to it. If they do not have the sign, repost property and tell the owner that we had a call that the sign had been removed and that is why you had to check and repost; that the sign had sign the sign had sign
OF FWANCE - REVENUE DIVISION	May 25, 1979 ACCOUNT	AMOUNT	to Betty Callant	Illing Fee for Case No.	-86.7 e.z. 11 25	S) 1253	JORE COUNTY, MARYLAND OF FINANCE - REVENUE DIVISION LLANEOUS CASH RECEIPT	October 2h, 1979 Account	AMOUNT	Herbert G. Fighler	ALLING AND TOT ADDRESS OF CORNE	182 9 0 P.M. 24	VALIDATION OR SE	Mr. Roland: Case F7: S/5 of B	Please check the above property for sign. on property, check with the owner as to vit. If they do not have the sign, report the owner that we had a call that the sign and that is why you had to check and reponents stay on the property until the case is

5/5 of Baythons Md., 107.51" East of Mailes Road

! SIGN

12/5/79 - Appellant (Mr. Fishler) in Case #79-246-A, Leonard Gallant for variance to permit an accessory structure (greenhouse) to be located in side yard, called to inquire about our rule regarding porring signs on the property. The property was posted on 11/9/79 and he claims that Mrs. Gallant told him that she was guing to take the sign down, and it was removed two days later. I told him that we would repost a second time but that we could not police it. However, I would take the matter up with you, that sometimes in the post it was necessary to get in touch with the attorney and

have him inform his client that the sign must stay on the property until the case is heard. Inasmuch as he is paying for the sign that we say must be on the property, ne would like to see the property properly posted

ETE

