

PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Leonard & Betty Gallant, legal owners 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 400.1 "to permit an accessory structure (greenhouse)

to be located in the side yard instead of the required rear yard and to be located

at least 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 Petitioners 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 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 purchaser: Leonard Gallant
Legal Owner: Betty Gallant
Address: 6712 Baythorne Rd., Baltimore, Md. 21209
Petitioner's Attorney: Charles J. Harrison
Pro-stant's Attorney: [Signature]
Address: 660 Kenilworth Dr., Towson, Md. 21204
B21-9090

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day

of May 1979, 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 18th day of June 1979, at 10:45 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

baltimore county
department of public works
TOWSON, MARYLAND 21204
THORNTON M. MOURING, P.E.
DIRECTOR

March 21, 1979

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

Re: Item #173 (1978-1979)
Property Owner: Leonard & Betty Gallant
S/S Baythorne Rd. 17.51' E. Pimlico Rd.
Existing Zoning: DR 3.5
Proposed 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 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 Advisory 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,

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWP:ss

0-5W Pay Sheet
29 & 30 NW 12 Pos. Sheets
NW 8 C Topo
79 Tax Map

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 454-3211
LESLIE H. GRAEF
DIRECTOR

April 11, 1979

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear 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 Baythorne 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 lieu of the required 2.5'
Acres: 0.221
District: 3rd

This office has reviewed the subject petition 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,

John L. Wimbley, III
Planner III
Current Planning and Development

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 454-3610
JOHN D. SEVIER
DIRECTOR

March 23, 1979

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

Dear Mr. DiNenna:

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

Property Owner: Leonard & Betty Gallant
Location: S/S Baythorne Road 107.51' E Pimlico Road
Existing Zoning: 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'.
Acres: 0.221
District: 3rd

The items checked below are applicable:

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 permit shall be required.

C. Additional permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

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

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

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

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

I. No Comment.

J. Comment:

Very truly yours,

Charles F. Burdick
Planning Review Chief

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 3, 1979

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission

Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

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

RE: Item No. 173
Petitioner - Gallant
Variance Petition

Dear Mr. Harrison:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-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 case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed 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
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/hk
Enclosures

baltimore county
the department of public works
TOWSON, MARYLAND 21204
(301) 255-7310
Paul H. Reincke
CHIEF

February 27, 1979

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

Attention: Mr. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Leonard & Betty Gallant

Location: S/S Baythorne Rd. 107.51' E Pimlico Rd.

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

Gentlemen:

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 of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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

() 3. The vehicle load and condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire 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 National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

(X) 7. The Fire Prevention Bureau has no comments, at this time.

Reviewed by: [Signature]
Planning Group
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

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."

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.

Jan M. H. Young
Deputy Zoning Commissioner
of
Baltimore County

RECEIVED
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
APR 22 10 46 AM '80

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond
Zoning Commissioner
Date: June 4, 1979
FROM: Norman E. Gerber, Acting Director
Office of Planning and Zoning
SUBJECT: Petition # 79-246-SPH Item #173

Petition for Variance for accessory structure
South side of Baythorn Road, 107.51 feet East of Pimlico Road
Petitioners - Leonard and Betty Gallant

3rd District

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

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber, Acting Director
Office of Planning and Zoning

NEG:JGH:rw

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

October 30, 1979

Case No. 79-246-A
Item No. 173

Leonard Gallant, et ux

S/S of Baythorn Road, 107.51'
E of Pimlico Road
3rd District

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description
- ☒ 3. Copy of Certificate of Posting 6/1/79 (1 sign)
- ☒ 4. Copy of Certificate of Publication 5/31/79
- ☒ 5. Copy of Zoning Advisory Committee Comments
- ☐ 6. Copy of Comments from the Director of Planning
- ☐ 7. Planning Board Comments and Accompanying Map
- ☒ 8. Copy of Order to Enter Appearance John W. Hessian, III, Esquire
- ☒ 9. Copy of Order - Zoning Department Zoning Commissioner - Oct. 1, 79 GRANTED
- ☒ 10. Copy of Plat of Property
- ☐ 11. 200' Scale Location Plan
- ☐ 12. 1000' Scale Location Plan
- ☐ 13. Memorandum in Support of Petition
- ☐ 14. Letter(s) from Protestant(s)
- ☐ 15. Letter(s) from Petitioner(s)
- ☐ 16. Protestants' Exhibits to
- ☐ 17. Petitioners' Exhibits to
- ☒ 18. Letter of Appeal Herbert G. Fishler, Protestant Oct. 24, 79

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

Attorney for Petitioner

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

Petitioners

John W. Hessian, III, Esquire

People's Counsel

* Mr. Herbert G. Fishler
6712 Old Pimlico Road
Baltimore, Maryland 21209

Protestant

James E. Dyer

Request Notification

William Hammond

Zoning Commissioner

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

Atty. for Petitioner

✓✓✓✓✓ 7MS

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 Rd. 107.51' E of
Pimlico Rd. - 3rd District
Leonard Gallant, et ux - Petitioners
Case No. 79-246-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
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/mc

(301) 653-0088
727-3868

Judith Hooper Shub

Attorney at Law
1317 Reisterstown Road 211 St. Paul Place
Baltimore, Maryland 21208 21202

November 30, 1979

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

Re: Petition for Variances
S/S 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 to me.

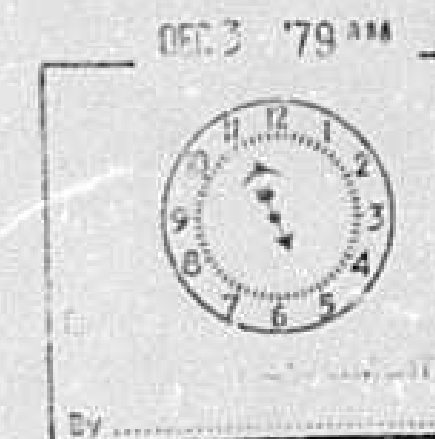
Thank you for your attention to this matter.

Very truly yours,

Judith Hooper Shub
Judith Hooper Shub

JHS/def

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



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

NOTICE OF HEARING

RE: Petition for Variance, S/S of Baythorn Rd. 107.51' E of Pimlico Rd. 3rd District, Case No. 79-246-A

TIME: 10:45 A.M.

DATE: Monday, June 18, 1979

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

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

PETITION FOR VARIANCE

3rd District

ZONING: Petition for Variance for accessory structure
LOCATION: South side of Baythorn Road, 107.51 feet East of Pimlico Road
DATE & TIME: Monday, June 18, 1979 at 10:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulation of Baltimore County, will hold a public hearing:

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 1 1/2 feet from the side property line instead of the required 2 1/2 feet

The Zoning Regulation to be excepted as follows:

Section 400.1 - accessory structure

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

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

Hearing Date: Monday, June 18, 1979 at 10:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND, ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 24, 1979

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

RE: Petition for Variances
S/S of Baythorn Rd., 107.51'
E of Pimlico Road
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 appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEH:sj

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

October 24, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building Room 109
111 W. Chesapeake Ave
Towson, Md 21204

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 Pimlico Rd
Baltimore, Md 21209

October 4, 1979

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

RE: Petition for Variances
S/S of Baythorn Road, 107.51' E
of Pimlico Road - 3rd Election
District
Leonard Gallant, 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 accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachment

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

SURVEYOR'S DESCRIPTION

BEGINNING 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 Baythorne Road.

JUDITH HOOPER SHUB
ATTORNEY AT LAW
218 SAINT PAUL PLACE
BALTIMORE, MARYLAND 21202
(301) 727-3568

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.

Very truly yours,

Judith Hooper Shub
Judith Hooper Shub

JHS/kms

RECEIVED
BALTIMORE COUNTY
MAY 15 11 10 AM '80
BY: J. H. ALAN

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
July 31, 1980

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

Dear Mr. Fishler:

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

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 G. Fishler
J. Hessian
J. Dyer
W. Hammond

Petitioners
Attorney for petitioners
Protestant

Postponed
2-19-80
Ref out of town

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.

October 24, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building Room 109
111 W. Chesapeake Ave
Towson, Md 21204

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 Pimlico Rd
Baltimore, 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:

cc: Mr. and Mrs. Leonard Gallant

Petitioners

Judith H. Shub, Esq.

Attorney for Petitioners

Mr. Herbert G. Fishler

Protestant

John W. Hessian, Esq.

People's Counsel

J. E. Dyer

Zoning Office

William Hammond

" "

J. Hoswell

Planning Office

June Holmen, Secy.

JUDITH HOOPER SHUB
ATTORNEY AT LAW
311 SAINT PAUL PLACE
BALTIMORE, MARYLAND 21204
(301) 727-3868

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.

Very truly yours,

Judith Hooper Shub
Judith Hooper Shub

JHS/kms

RECEIVED
BALTIMORE COUNTY
MAY 15 11 10 AM '80
COUNTY BOARD
OF APPEALS
BY: [Signature]

7MS

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3180
WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 15, 1980

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

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

Dear Mr. and Mrs. Gallant:

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

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
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

RECEIVED
BALTIMORE COUNTY
APR 27 10 44 AM '80
COUNTY BOARD
OF APPEALS
BY: [Signature]

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 Baythorne Road, 107.51'
E. of Pimlico 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 of town)

cc: Judith Hooper Shub, Esq.

Mr. and Mrs. Leonard Gallant

Mr. Herbert G. Fishler

John W. Hession, III, Esquire

Mr. W. E. Hammond

Mr. J. E. Dyer

Mr. J. Hoswell

Edith T. Eisenhart, Adm. Secretary

(301) 651-0088

Judith Hooper Shub
Attorney at Law
117 Reisterstown Road
Baltimore, Maryland 21208

February 11, 1980

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

Attention: June Holmen

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,

Judith Hooper Shub
Judith 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

RECEIVED
BALTIMORE COUNTY
FEB 14 3 00 PM '80
COUNTY BOARD
OF APPEALS
BY: [Signature]

2/15/80 Handled by WAF

494-3180

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

February 1, 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 to be located in side yard

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

3rd District

ZC-Oct. 4, 1979, Granted the Variance subject to approval of a site plan

ASSIGNED FOR:

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

cc: Mr. and Mrs. Leonard Gallant

Petitioners

Judith H. Shub, Esq.

Atty. for Petitioners

Mr. Herbert G. Fishler

Protestant

John W. Hession, III, Esq.

People's counsel

James E. Dyer

Zoning

William Hammond

"

June Holmen, Secy.

RECEIVED
BALTIMORE COUNTY
DEC 18 11 17 AM '79
COUNTY BOARD
OF APPEALS
BY: [Signature]

DEC 14 7 39 AM
COUNTY BOARD
OF APPEALS
BY: [Signature]

CHARLES J. HARRISON

ATTORNEY AT LAW
SUITE 200 - EVERETT BUILDING
660 KENILWORTH DRIVE
TOWSON, MARYLAND 21204
(301) 821-0090

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

December 12, 1979

Mr. William E. Hammond
Zoning Commissioner
Office of Planning and Zoning
for Baltimore County
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 captioned case.

Thank you for your cooperation.

Very truly yours,

Charles J. Harrison
CHARLES J. HARRISON

CJH:tb

cc: Judith Shub, Attorney

(301) 651-0088

Judith Hooper Shub
Attorney at Law
117 Reisterstown Road
Baltimore, Maryland 21208

November 30, 1979

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

Re: Petition for Variances
S/S of Baythorne 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 to me.

Thank you for your attention to this matter.

Very truly yours,

Judith Hooper Shub
Judith Hooper Shub

JHS/dcf

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

RECEIVED
BALTIMORE COUNTY
DEC 6 10 40 AM '79
COUNTY BOARD
OF APPEALS
BY: [Signature]

DEC 3 7 39 AM
COUNTY BOARD
OF APPEALS
BY: [Signature]

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

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 1st day of May 1979.

Eric Di Nenna

S. ERIC DI NENNA
Zoning Commissioner

Petitioner Gallant
Petitioner's Attorney Harrison

Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Date of Posting June 1, 1979

Posted for: PETITION FOR VARIANCE

Petitioner: LEONARD GALLANT, ET UX

Location of property: S/S BAYTHORNE RD. 107.51' E OF PIMLICO RD.

Location of Signs: FRONT 6712 BAYTHORNE RD.

Remarks: *Thomas E. Probert*
Posted by: *Thomas E. Probert*
Signature

Date of return: June 8, 1979

1-SIGN

79-246-A

PETITION FOR VARIANCE
3rd District

ZONING: Petition for Variance for accessory structure.

LOCATION: South side of Baythorn Road, 107.51 feet East of Pimlico Road.

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

BUREAU: HEARDING ROOM 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Variance to permit an accessory structure (greenhouse) to be located in the side yard instead of the rear yard and to be located 1 1/2 feet from the side property line instead of the required 2 1/2 feet.

The Zoning Regulation to be amended as follows:

Section 401 - accessory structure.

All that parcel of land in the Third District of Baltimore County, beginning at a point on the south side of Baythorn Road, 107.51 feet southeast 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 8712 Baythorn Road.

Being the property of Leonard and Betty Gallant, as shown on plat plan filed with the Zoning Department.

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

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

By Order of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
May 31.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 31, 1979

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 a week for one time successive weeks before the 18th day of June, 1979, the 1st publication appearing on the 31st day of May, 1979.

THE JEFFERSONIAN,
S. Frank Shuck
Manager.

Cost of Advertisement, \$ 71.00

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3rd
Posted for: APPEAL
Petitioner: LEONARD GALLANT
Location of property: S/S OF BAYTHORN RD., 107.51' EAST OF PIMLICO ROAD
Location of Signs: FRONT 6712 BAYTHORN RD.
Remarks: COR. GALLANT, APPEAL POSTED NOV. 9, 1979 - NO ANSWER AT DOOR NOV. 9, 1979
Posted by: Thomas R. Roland
Date of return: Dec. 7, 1979
1-SIGN

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3rd
Posted for: APPEAL
Petitioner: LEONARD GALLANT, et al
Location of property: S/S OF BAYTHORN RD., 107.51' EAST OF PIMLICO ROAD
Location of Signs: FRONT 6712 BAYTHORN RD.
Remarks: THOMAS R. ROLAND
Posted by: Thomas R. Roland
Date of return: Nov. 16, 1979
1-SIGN

EXHIBIT 1



Scale: 1" = 50'
Date: 11/9/79
Robert W. Fisher, Esq.
Mount Washington Summit
202-523-6200

PETITION FOR VARIANCE
3rd District

ZONING: Petition for Variance for accessory structure.

LOCATION: South side of Baythorn Road, 107.51 feet East of Pimlico Road.

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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

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Also known as 8712 Baythorn Road.

Being the property of Leonard and Betty Gallant, as shown on plat plan filed with the Zoning Department.

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

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

By Order of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
May 31.

OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 May 31, 1979

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

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

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 1st day of June, 1979, that is to say, the same was inserted in the issues of May 31, 1979.

STROMBERG PUBLICATIONS, INC.
BY: Esther Burgee

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	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 ZC, BA, CC, CA										

Reviewed by:

Previous case:

Revised Plans:
Change in outline or description Yes
 No

Map #

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 8 day of Feb 1979. Filing Fee \$ 2.00 Received ☒ Check ☐ Cash ☐ Other

S. Eric DiNenna,
Zoning Commissioner

Petitioner: Leonard G. Gallant Submitted by: *[Signature]*
Petitioner's Attorney: Charles J. Harrison Reviewed by: *[Signature]*

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

Mr. Fishler - Pro. 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 violation 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. I tried to explain to him the difference in the cases and that our case would be continued to be on the order on 4/30 unless I notified him to the contrary. I told him I would advise you of the zoning violation case. 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

RECEIVED
FOR: Advertising and Posting for Case No. 79-246-A
DATE: October 5, 1979 ACCOUNT: 01-662
AMOUNT: \$12.17
No. 83219
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
VALIDATION OR SIGNATURE OF CASHIER
421700

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 Gallants.

ETE

No. 78677
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: May 25, 1979 ACCOUNT: 01-662
AMOUNT: \$25.00
RECEIVED FROM: Betty Gallant
FOR: Filing Fee for Case No. 79-246-A
250000
VALIDATION OR SIGNATURE OF CASHIER
421700

No. 83218
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: October 21, 1979 ACCOUNT: 01-662
AMOUNT: \$10.00
RECEIVED FROM: Herbert G. Fishler
FOR: Filing Fee for Appeal of Case No. 79-246-A
400000
VALIDATION OR SIGNATURE OF CASHIER
421700

12/5/79
Mr. Roland:
Case 79-246-A, Leonard Gallant
S/S of Baythorn Rd. 107.51'
E. of Pimlico Road - 3rd District
Please check the above property for sign. If no sign is on property, check with the owner as to what happened to it. If they do not have the sign, report property and tell the owner that we had a call that the sign had been removed and that is why we need to check and report; that the sign must stay on the property until the case is heard.
ETE

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 posting signs on the property. The property was posted on 11/9/79 and he claims that Mrs. Gallant told him that she was going 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 past 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, he would like to see the property properly posted.

ETE

