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86-82-1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TC, Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Date: August 8, 1985

SUBJECT: Zoning Petition No. 86-82-A

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

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:alm

Case No. 86-82-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 24th day of July, 1985.

Arnold Jablon
Zoning Commissioner

Petitioner: Helen Mon
Petitioner's Attorney: Edward C. Covahay, Jr., Esquire
cc: Mr. Michael B. Dallas, 28 W. Allegheny Ave., 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 16, 1985

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

Edward C. Covahay, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

000

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

Dear Mr. Covahay:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. 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 members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Mr. Michael B. Dallas
28 West Allegheny Avenue
Towson, Maryland 21204



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #398 (1984-1985)
Property Owners: Helen Mon
SE/S Avondale Rd. 155' S/W fr. c/l
Glenside Drive
District 11th

Dear Mr. Jablon:

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 Comments:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Since no public facilities are involved, this office has no comment.

Very truly yours,

James A. Haezle, P.E., Chief
Bureau of Public Services

JAM/PHO:blp

cc: File



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204

NORMAN E. GERBER
DIRECTOR

July 30, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of June 25, 1985
Item # 398
Property Owner: HELEN MON
Location: SE/SIDE AVONDALE RD. 155'
S/W FROM E. GLENSIDE DRIVE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is not of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 7/25/85.
- ☒ The proposed use must comply with Baltimore County Land Use Manual.
- ☒ The property is located in a deficient service area as defined by B111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by B111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

cc: James Hoswell

Eugene A. Rober
Chief, Current Planning and Development



BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204 494-3550

STEPHEN E. COLLINS
DIRECTOR

June 25, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 385, 386, 387, 392, 394, 396, 397, 398 and 399 ZAC-Meeting of 06/25/85
Property Owner: Helen Mon
Location: SE/S Avondale Road 155' S/W from c/l Glenside Drive
Existing Zoning: R-2
Proposed Zoning: R-2

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 385, 386, 387, 392, 394, 396, 397, 398, and 399.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm



BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204-2586 494-4500

PAUL H. RENCKE
CHIEF

July 2, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Helen Mon

Location: SE/S Avondale Road 155' S/W from c/l Glenside Drive

Item No.: 398 Zoning Agenda: Meeting of June 25, 1985

Comments:

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 300 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 dead end 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 operation.
- ☒ 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.
- ☒ 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved: Roy W. Kammner
Fire Prevention Bureau
Special Inspection Division



BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES TOWSON, MARYLAND 21204 494-3610

TED ZALESKI, JR.
DIRECTOR

July 18, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 398 Zoning Advisory Committee Meeting are as follows:

Property Owner: Helen Mon
Location: SE/S Avondale Road 155' S/W from c/l Glenside Drive
District: 11th.

APPLICABLE ITEMS AND COMMENTS:

- ☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #21-85, the Maryland Code for the Building Code and Amendments (A.B. 21-85, 1980) and other applicable Codes and Standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction.
- ☒ Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- ☒ Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Registered seals are not acceptable.
- ☒ All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 2 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107.2, Section 106.2 and Table 102.2. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- ☒ The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested review by this office upon the receipt of the necessary data, pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- ☒ The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- ☒ When filing for a required Change of Use/Grouping Permit, an alternate permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Registered Architectural or Engineer seals are usually required. The change of Use Groups are from the _____ to the _____ or to Blank Use. See Section 101 of the Building Code.
- ☒ The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 21.0 of the Building Code as adopted by Bill #21-85. The plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

Comments: If the structure can comply with Section 103.0 there is no problem. If not, the structure shall comply with the Code for R-2 (apartment use). If it has never been granted an occupancy permit for R-2 use and if it was of a prior use than a change of occupancy permit would be required and item #1 above would be applicable. There is no indication on the plat if this is an existing or new structure. If it is a new structure, the applicant must submit a copy of the proposed plans to the Office of Planning and Zoning and are not intended to be reviewed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 111 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

TZM/TM

Mr. A. Haezle, Chief
Bureau of Public Services
[Signature]

3

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

July 26, 1985

4

NOTICE OF HEARING

Re: Petition for Variance
S/S Avondale Rd., 155' S/
Glenside Drive (9211 Avondale Rd.)
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

TIME: 9:30 a.m.

DATE: Tuesday, August 27, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007299

DATE 6/14/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM: Ed. Covahey

FOR: Variance # 348

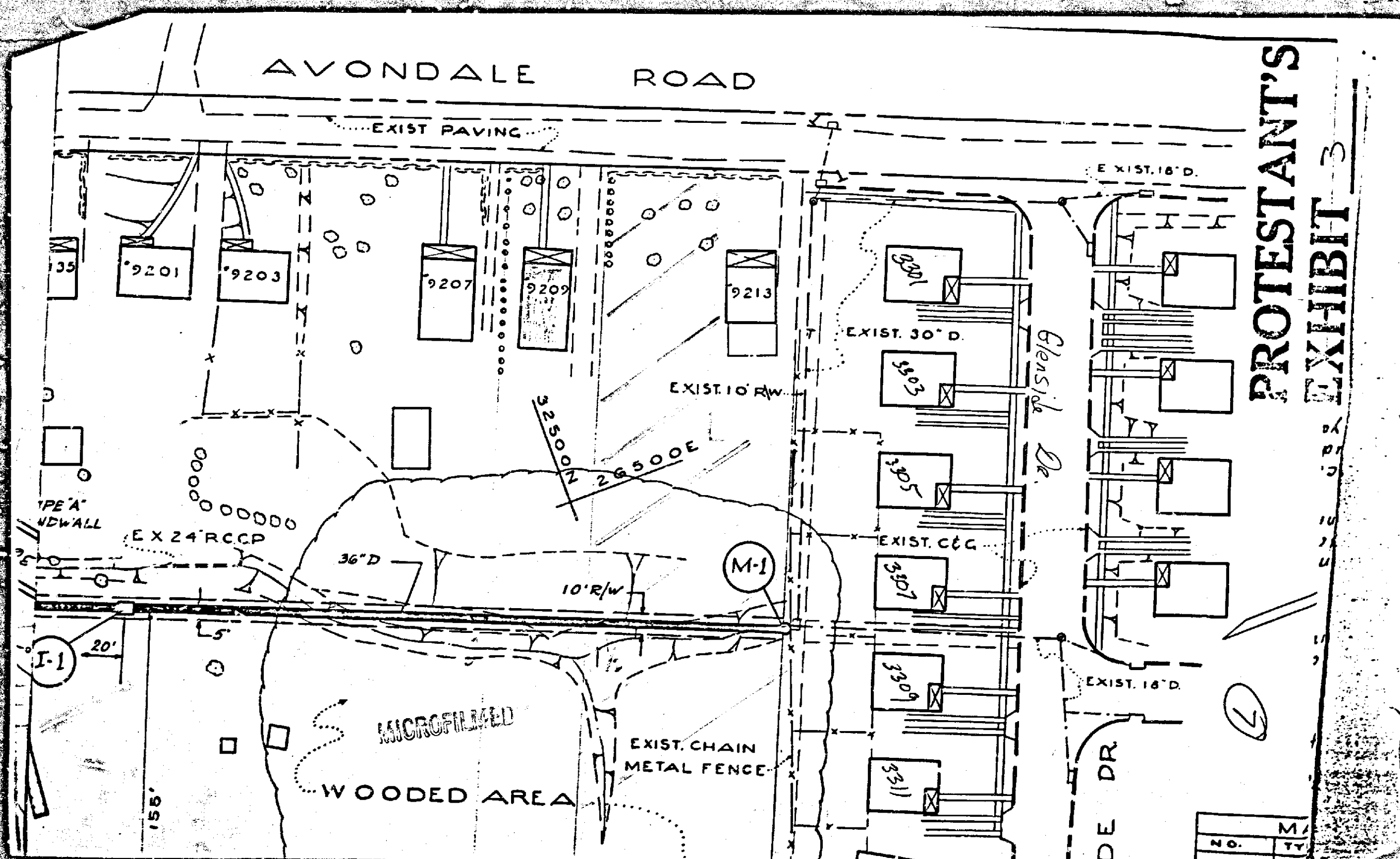
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VALIDATION OR SIGNATURE OF CASHIER

[Signature]
Commissioner
of County

MICROFILMED

MICROFILMED
PROTESTANT'S
EXHIBIT 2



IN THE MATTER OF
HELEN MON
FOR VARIANCES (SETBACKS)
ON PROPERTY LOCATED ON THE
EAST SIDE OF AVONDALE RD.,
155 FT. SOUTH OF GLENSIDE DR.
(9211 AVONDALE ROAD)
11TH DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 86-82-A

OPINION

This matter comes before the Board on an appeal by the Petitioner and People's Counsel from the Deputy Zoning Commissioner's Ruling in this case which permitted the requested variances with certain conditions. The property presently contains four dwelling units in a DR 5.5 zone. The road frontage is 50 feet instead of the required 110 feet, the side yard setback is 10 feet on each side instead of the required 15 feet required on each side and 35 feet sum of both sides. It is from these standards that the Petitioner has requested variance.

The testimony presented by the Petitioner indicated that she acquired the property in November 1983 and at that time there were three apartments in the building. The property was in extremely poor condition and extensive repairs were required. These repairs have been made and a fourth apartment has been added. No permit was obtained for the construction of this fourth unit.

The neighborhood consists of residential dwellings that are primarily used as family dwellings. There are two other properties in the neighborhood which have two dwelling units.

Mrs. Mon testified that the property was purchased for investment purposes. Since her purchase of the property, she has invested a significant amount of money into the property and it was admitted that the condition

Helen Mon
Case No. 86-82-A

of the property and the quality of the tenants has substantially changed for the better.

Ann Crostic, the next door neighbor to the south, protested the existence of four units on the subject property and the consequences that such a condition has on the use and enjoyment of her property. In particular, the lights and noise from the cars that are on the property is bothersome and repeated dumping of trash by tenants of the subject property onto Ms. Crostic's property causes her concern.

It is apparent that the building, when originally constructed, may have been done so without consideration of the appropriate setbacks, was illegally converted to three apartments prior to the time when the Petitioner purchased the property and has been illegally converted to four apartments by the Petitioner. This Board believes it would be a substantial hardship for the property owner to be required to remove the building or reduce the size of the building to meet the side yard setbacks. The fourth apartment unit, however, was constructed by the Petitioner without a permit at such a time when she could have or should have known about the restrictive qualities of the property.

This Board believes that strict compliance with the Baltimore County Zoning Regulations would result in a practical difficulty and unreasonable hardship upon the Petitioner and that granting the variance requested would not adversely affect the health, safety and general welfare of the community. We therefore grant the variances requested with certain restrictions.

Helen Mon
Case No. 86-82-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of April, 1986, by the County Board of Appeals, ORDERED that the Petition for Variances to allow a lot width of 50 feet at the front building line of an apartment building for three dwelling units in a DR 5.5 zone in lieu of the required 110 feet, a side width of 10 feet on an interior lot containing an apartment building in a DR 5.5 zone in lieu of the required minimum of 15 feet, and a sum width of both side yards of 20 feet in lieu of the required 35 feet, as shown on the plans submitted in file herein and marked as Petitioner's Exhibit No. 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

1. Within two years from the date of this Order the number of dwelling units on the subject property shall be reduced to three dwelling units.
2. Within two years from the date of this Order grass, shrubs, and trees, according to a plan approved by the Office of Current Planning and Development, shall be placed between the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk and, between the parking lot and the north property line.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Patricia Phipps
LeRoy B. Spurrier

CIRCUIT COURT FOR BALTIMORE COUNTY

Job Adams - 494-2650
Assignment Clerk

Marlene Erolino - 494-2652
Assignment Clerk

TO: Edward C. Covahey, Jr., Esq.
June Holman, Esq.
Phyllis Cole Friedman, Esq.
Peter Max Zimmerman, Esq.

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Boley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
July 2, 1986

RECEIVED
COUNTY BOARD OF APPEALS
JUL -3 P 1:18

RE: MON JUNE - 8605 2000 - HELEN MON ET AL VS COUNTY BOARD OF APPEALS ET AL
HEARING DATE: Monday, September 22, 1986, at 9:30 a.m.
ON THE FOLLOWING: Appeal 1 hour

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to confirm calendars. Claim of not receiving notice will not constitute a defense. The above due is not applicable to any counsel. A request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Court Assignments - Joyce Grimm - 494-3497.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE IRANK E. CICONE. Please direct all inquiries to the attention of Job Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

IN THE MATTER OF
HELEN MON
FOR VARIANCES (SETBACKS)
ON PROPERTY LOCATED ON THE
EAST SIDE OF AVONDALE RD.,
155 FT. SOUTH OF GLENSIDE DR.
(9211 AVONDALE ROAD)
11TH DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Doc. No. 27
Folio No. 140
File No. 86-CG-2000

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Keith S. Franz, Patricia Phipps and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 86-82-A
July 24, 1985 Petition of Helen Mon for a zoning variances on property located on the east side of Avondale Rd., 155' south of Glenside Drive, (9211 Avondale Rd.), 11th District - filed
July 24 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for 8/27/85 at 9:30 a.m.
August 3 Certificate of Posting of property - filed
August 8 Certificate of Publication in newspaper - filed
August 8 Comments of Baltimore County Director of Planning - filed
August 16 Comments of Baltimore County Zoning Plans Advisory Committee - filed

Helen Mon
Case No. 86-82-A

August 27, 1985 At 9:30 a.m. hearing held on petition by Deputy Zoning Commissioner
August 29 Order of Deputy Zoning Commissioner that the Petition for Variances is Granted subject to restrictions.
September 12 Order for Appeal to C.B. of A. from Order of Deputy Zoning Commissioner from Phyllis C. Friedman, People's Counsel
September 19 Order for Appeal to C.B. of A. from Order of Deputy Zoning Commissioner from Edward C. Covahey, Jr., Esq., on behalf of Petitioner.
April 16, 1986 Hearing on appeals before County Board of Appeals
April 30 Order of County Board of Appeals ordering that the Petition for Variances be GRANTED, subject to restrictions.
May 22 Order for Appeal filed in the Circuit Ct. for Baltimore County by Edward C. Covahey, Jr., Esq., on behalf of Petitioner-Appellant.
May 22 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County
May 23 Certificate of Notice sent to all interested parties.
June 20 Transcript of testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Plat, 5/29/85
" " " 2 - Deed dated Nov. 28, 1980
" " " 3 - 3 page list of repairs due to property after purchase.
" " " 4 - 4A thru D, photos of property
" " " 5 - A, B, C, D, photos of protestants' property
" " " 6 - Photo of rear of property, 9213 Avondale Rd.
People's Counsel's Exhibit No. 1 - 1A to 1I, series of photos of surrounding property
" " " 2 - Four photos, A,B,C,D.
" " " 3 - Photo of Mon property showing deck on side.

CASE NO. 86-82-A AT LAW
HELEN MON VS.
RECEIVED FROM THE COUNTY BOARD OF APPEALS
FILED IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
FILED IN THE ZONING COMMISSIONER'S FILE
AND EXHIBITS.

Patricia Phipps
Clark's Office

Date: 6/20/86

Helen Mon
Case No. 86-82-A

June 20, 1986 Record of proceedings filed in the Circuit Ct. for Baltimore County
Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holman
County Board of Appeals of Baltimore County

cc: Edward C. Covahey, Jr., Esquire
Phyllis Cole Friedman
Mr. and Mrs. Thomas Crostic

IN THE MATTER OF THE
APPLICATION FOR VARIANCES
(SETBACKS) ON PROPERTY
LOCATED ON THE EAST SIDE OF
AVONDALE RD., 155 FT. SOUTH
OF GLENSIDE DR. (9211 Avondale
Rd.), 11th District
HELEN MON, Petitioner/Appellant
Zoning File No. 86-82-A

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
CG Pocket No. 27
Folio No. 140
File No. 86-CG-2000

ANSWER TO PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellee herein, answers the Petition on Appeal heretofore filed by the Appellant, viz:

1. That the Appellee neither admits nor denies the allegations made and contained in Paragraph 1.
2. That the Appellee denies the allegations made and contained in the second through sixth paragraphs of said Petition.
3. In further answering, the Petitioner's request is unlawful, in any event, because the additional unit would be in direct violation of the density restrictions of the D.R. 5.5 zoning classification.
4. That the decision of the County Board of Appeals of Baltimore County herein was proper and justified by the evidence before it and that the decision of the Board under date of April 30, 1986 should therefore be sustained as being properly and legally made.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 323, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 24 day of June, 1986, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy mailed to Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, MD 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN THE MATTER OF HELEN MON FOR VARIANCES (GETBACKS) ON PROPERTY LOCATED ON THE EAST SIDE OF AVONDALE RD., 155 FT. SOUTH OF GLENSIDE DR. (9211 AVONDALE ROAD) 11th DISTRICT	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
HELEN MON, PETITIONER-PLAINTIFF	:	CG Doc. No. 27
ZONING FILE NO. 86-82-A	:	Folio No. 140
	:	File No. 86-CG-2000

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Keith S. Franz, Patricia Phipps and Leroy B. Spurrier, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Edward C. Covahey, Jr., Esq., 614 Bosley Avenue, Towson, Md. 21204, Counsel for Petitioner-Plaintiff; Ms. Helen Mon, 3 Linlow Court, Towson, Md. 21204, Petitioner-Plaintiff; Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, Md. 21234, Protestants; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Helen Mon
Case No. 86-82-A

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Edward C. Covahey, Jr., Esq., 614 Bosley Avenue, Towson, Md. 21204, Counsel for Petitioner-Plaintiff; Ms. Helen Mon, 3 Linlow Court, Towson, Md. 21204, Petitioner-Plaintiff; Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, Md. 21234, Protestants; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 23rd day of May, 1986.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

#86-82-A 11th District
E/s Avondale Rd., 155' S of Glenside Drive
(9211 Avondale Road)
Helen Mon
1 SIGN



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
May 23, 1986

Edward C. Covahey, Jr., Esq.
614 Bosley Ave.
Towson, Md. 21204

Re: Case No. 86-82-A
Helen Mon

Dear Mr. Covahey:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

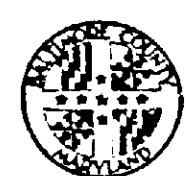
The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

June Holmen
June Holmen, Secretary

Enclosures
cc: Ms. Helen Mon



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
May 23, 1986

Phyllis C. Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Re: Case No. 86-82-A
Helen Mon

Dear Mrs. Friedman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen
June Holmen, Secretary

Enclosures
cc: Mr. & Mrs. Thomas Crostic
Norman E. Cerber
James Roswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
James Thompson

IN THE MATTER OF HELEN MON FOR VARIANCES 9211 Avondale Road 11th District	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Appeal from County Board of Appeals Case No. 86-82-A
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ORDER OF APPEAL

Mr. Clerk:

Please enter an appeal on behalf of Helen Mon, Petitioner, from the Order of the Board of Appeals of Baltimore County passed in the above-captioned case on April 30, 1986.

RECEIVED
COUNTY BOARD OF APPEALS
MAY 22 A 11:03

Edward C. Covahey, Jr.
Atty. for Appellant
614 Bosley Ave.
Towson, MD 21204
828-9441

I HEREBY CERTIFY that on this 22nd day of May, 1986, a copy of the foregoing Order of Appeal and Petition thereon was hand delivered to the County Board of Appeals for Baltimore County, Room 200, Court House, Towson, MD 21204 and Peter Max Zimmerman, Esquire, People's Counsel, Room 223, Court House, Towson, MD 21204.

Edward C. Covahey, Jr.

IN THE MATTER OF HELEN MON FOR VARIANCES 9211 Avondale Rd. 11th District Appellant v. COUNTY BOARD OF APPEALS Appellee	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY County Board of Appeals Case No. 86-82-A
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PETITION

Helen Mon, Appellant, by Edward C. Covahey, Jr., her attorney, files this Petition in support of her Order of Appeal to the Order of the County Board of Appeals dated April 30, 1986 and in support thereof represents unto this Honorable Court as follows:

1. The Appellant appeals from the action of the County Board of Appeals in conditioning the variances granted to the Appellant by requiring the Appellant to reduce the number of dwelling units on the premises involved from four (4) to three (3) and in requiring the Appellant within two (2) years to plant grass, shrubs and trees between, as phrased by the Board, "the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk, and between the parking spaces and the north property line."

2. The board erred in that the Board failed to consider the evidence which established that in fact the Appellant obtained

plumbing and electrical permits at such time as the fourth dwelling unit was constructed in the subject premises.

3. The Board erred in requiring, after determining that substantial hardship exists, that the Appellant within two (2) years from the date of the Order undertake affirmatively to reduce the number of dwellings on the site and to install screen planting.

4. The testimony in the case and the facts are that screen planting as required never existed on the subject property and that it is physically impossible to plant screening and grass as required by the County Board.

5. The testimony in the case and the documentary evidence established that in fact the subject property is at the present time maintained much better than existed prior to Appellant's ownership of same and that same is not out of character with the surrounding properties.

6. That the action of the Board in reducing the number of dwelling units in the Appellant's property is in effect depriving the Appellant of a property right without due process of law.

WHEREFORE, Appellant requests that this Honorable Court:

A. Affirm the County Board of Appeals in granting the requested variances.

B. Pass a Final Order deleting therefrom Conditions 1 and 2 as contained in the Order of the County Board of Appeals.

Edward C. Covahey, Jr.
Atty. for Appellant
614 Bosley Ave.
Towson, MD 21204
828-9441

I HEREBY CERTIFY that on this 22nd day of May, 1986, a copy of the foregoing Petition was hand delivered to the County Board of Appeals for Baltimore County, Room 200, Court House, Towson, MD 21204 and Peter Max Zimmerman, Esquire, People's Counsel, Room 223, Court House, Towson, MD 21204.

Edward C. Covahey, Jr.

RECEIVED
COUNTY BOARD OF APPEALS
MAY 22 11 08

11/14/85 - Following notified of hearing set for Wednesday, Feb. 12, 1986, at 10 a.m.
Edward Covahey, Jr., Esq.
Helen Mon
Mr. & Mrs. T. Crostic
Phyllis Friedman
Norman Gerber, James Hoswell
Arnold Jablon, J. Jung, J. Dyer
Postponed & reassigned for 12/12/85 HLB

12/11/85 - Above notified of POSTPONEMENT and REASSIGNMENT for WEDNESDAY, APRIL 16, 1986 at 10 am



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180 December 11, 1985

NOTICE OF POSTPONEMENT and REASSIGNMENT

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(c). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-77

CASE NO. 86-82-A HELEN MON
FOR VARIANCES (RETRACTED)
243 OF AVONDALE ROAD (1981) S. GLENDALE DRIVE
(9211 AVONDALE ROAD)
11th DISTRICT
8/29/85- Z.C. GRANTED PETITION
Scheduled for hearing on Wednesday, February 12, 1986 at 10 a.m. has been POSTPONED by the Board at request of counsel for Petitioner (Petitioner undergoing surgery), and has been
REASSIGNED FOR: WEDNESDAY, APRIL 16, 1986 at 10 a.m.
cc: Edward C. Covahey, Jr., Esquire Counsel for Petitioner
Ms. Helen Mon Petitioner
Mr. and Mrs. Thomas Crostic Protestants
Phyllis Cole Friedman People's Counsel (Appellant)
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Edith T. Eisenhart, Adm. Secretary

IN RE: PETITION FOR VARIANCE
E/S of Avondale Road, 155'
S of Glenside Drive,
(9211 Avondale Road) -
11th Election District
Helen Mon,
Petitioner
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-82-A

The Petitioner herein requests variances to allow a lot width of 50 feet at the front building line of an apartment building with four dwelling units in a D.R. 5.5 Zone in lieu of the required 110 feet, to allow a side yard width of 10 feet on an interior lot containing an apartment building in a D.R. 5.5 Zone in lieu of the required minimum of 15 feet, and a sum of both sides of 20 feet in lieu of the required 35 feet.

Testimony by and on behalf of the Petitioner indicated that she acquired the three-apartment building in November 1980. At that time it was inhabited by a number of persons and was in deplorable condition. Extensive repairs have been made; a large front parking lot has been paved and striped and a fourth apartment has been added, the latter without benefit of a permit for that living unit. The Petitioner testified that she found out that the building did not meet county requirements when she put the property up for sale. At this time the building contains on the lower level a living unit with a rear entrance containing a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a laundry room; on the main floor one unit with a side entrance containing a combination living room/dining room, kitchen, two bedrooms, two bathrooms and a laundry room, one unit with a front entrance containing a combination dining room/kitchen, one bedroom and one bathroom and the latest created unit with a southern side entrance containing a one room efficiency with a bathroom. The adjacent neighbors to the south appeared in protest and testified that

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY Arthur A. Ellwood

they understood the building was built in 1973-75 as a single-family dwelling but, following a fire was converted into three living units inhabited by family members. When they purchased their home seven years ago they thought the building in question was a single family residence but discovered that the front main level apartment was rental property. The north side apartment and the lower level apartment were used by the owner's family. In their opinion, the current owner and petitioner has improved the building but also has changed the appearance from that of a single-family home to a commercial apartment building by removing trees and shrubs and paving and striping most of the front yard. The efficiency apartment was added in 1983. Most of the residences in the neighborhood are single-family residences; where there are two living units the house is owner occupied. Most of the lots are 50 feet wide. On the east side of Avondale Road most lots are about 360 feet deep.

After due consideration of the evidence and testimony presented, in the opinion of the Deputy Zoning Commissioner, it would appear that the building may have been illegally constructed without proper setbacks, was illegally converted to three apartments prior to purchase by the Petitioner and has been illegally converted to four apartments by the Petitioner and present owner. Indeed, it would be a great hardship for the owner to be required to remove the building because, since 1970, the Baltimore County Zoning Regulations (BCZR) have required a minimum lot width of 55 feet in a D.R. 5.5 Zone; also it would be a great hardship for the owner to be required to reduce the size of the building, to meet side and sum of side yard setbacks. When it comes to consideration of the number of living units to be permitted within the building the matters of substantial inquiry to the general welfare of adjacent neighbors and the neighborhood as a whole must be considered as well as the practical difficulty or unreasonable hardship upon the Petitioner. Although this site contains 0.642

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY Arthur A. Ellwood

acres, the building and its front yard parking is located on the narrow portion of the lot relatively close to Avondale Road and is not in character with the neighborhood. While the Petitioner may have purchased the property without knowledge of zoning violations, she has no one to blame but herself for the addition of the fourth apartment.

In the opinion of the Deputy Zoning Commissioner, strict compliance with the BCZR would result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of some of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 29th day of August, 1985, that the herein Petition for Variances to allow a lot width of 50 feet at the front building line of an apartment building for three (3) dwelling units in a D.R. 5.5 Zone in lieu of the required 95 feet, a side yard width of 10 feet on an interior lot containing an apartment building in a D.R. 5.5 Zone in lieu of the required minimum of 15 feet, and a sum width of both side yards of 20 feet in lieu of the required 35 feet, as shown on the plan submitted and filed herein and marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

Within two years from the date of this Order the number of living units shall be reduced from four to three.

Within three years from the date of this Order grass, shrubs and trees, according to a plan approved by the Office of Current Planning and Development, shall be placed between the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk and, if space permits, between the parking lot and the north property line.

MICROFILMED

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

- 3 -



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-0353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 29, 1985

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
E/S of Avondale Road, 155'
S of Glenside Drive,
(9211 Avondale Road) -
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

Dear Mr. Covahey:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bg

Attachments

cc: People's Counsel

Mr. & Mrs. Thomas Crostic
9209 Avondale Road
Baltimore, Maryland 21234

MICROFILMED

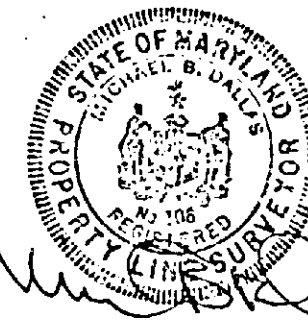
MICHAEL B. DALLAS
Registered Surveyor
Suite 507
28 W. Allegheny Avenue
Towson, Md.
21204
494-0020

Zoning Description for 9211 Avondale Road

BEGINNING for the same on the southeast side of Avondale Road (50 feet wide) at a point distant South 22-23-30 west 155 feet from the intersection of said southeast side of Avondale Road with the southwest side of Glenside Drive, thence leaving said road and running;
1. South 67-36-30 east 179.53 feet,
2. North 22-23-30 east 50.00 feet,
3. South 67-36-30 east 190.00 feet,
4. South 22-23-30 west 100.00 feet,
5. North 67-36-30 west 369.53 feet to said southeast side of Avondale Road thence with said side of said road,
6. North 22-23-30 east 50.00 feet to place of beginning.

CONTAINING 27976.50 square feet or 0.642 Acres of land more or less.

May 29, 1985



PETITION FOR VARIANCE
11th Election District

LOCATION: East side of Avondale Road, 155 ft. South of
Glenside Drive (9211 Avondale Road)

DATE AND TIME: Tuesday, August 27, 1985 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Variances from Section 402.2 to allow a lot width of 50'
at the front building line of an apartment building with four (4)
dwelling units in a D.R. 5.5 district in lieu of the required 110';
and to allow a side yard width of 10' on an interior lot containing an
apartment building in a D.R. 5.5 district in lieu of the required
minimum of 15' and a sum width of both side yards of 20' in lieu of
the required 35'.

Being the property of Helen Mon as shown on
the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however, enter-
tain any request for a stay of the issuance of said permit during this period for
good cause shown. Such request must be received in writing by the date of the
hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MICROFILMED

RE: PETITION FOR VARIANCE
E/S of Avondale Rd.,
155' S of Glenside Dr.
(9211 Avondale Rd.),
11th District

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

HELEN MON, Petitioner

Case No. 86-82-A

SEP 13 AM

ZONING DEPARTMENT

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning
Commissioner in the above-captioned matter, under date of August 29,
1985, to the County Board of Appeals and forward all papers in connection
therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 12th day of September, 1985,
a copy of the foregoing Notice of Appeal was mailed to Edward C. Covahey,
Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner;
and Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, MD 21234,
Protestants.

Phyllis Cole Friedman
Phyllis Cole Friedman

MICROFILMED

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

ARNOLD JABLON
ZONING COMMISSIONER

August 20, 1985

Edward C. Covahey, Jr.
614 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Variance
E/S Avondale Rd., 155'
S/Glenside Drive (9211 Avondale Rd.)
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

Dear Mr. Covahey:

This is to advise you that \$57.97 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 006399

DATE 8/27/85 ACCOUNT 01-615-000

AMOUNT \$ 57.97

RECEIVED FROM Ed. C. Covahey, Jr.

FOR Advertising & Posting Fee

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

RE: PETITION FOR VARIANCES
E/S Avondale Rd., 155'
S/Glenside Dr. (9211
Avondale Rd.), 11th Dist.

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

HELEN MON, Petitioner

Case No. 86-82-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the
above-captioned matter. Notices should be sent of any hearing dates
or other proceedings in this matter and of the passage of any preliminary
or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1985, a copy
of the foregoing Entry of Appearance was mailed to Edward C. Covahey,
Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

July 26, 1985

NOTICE OF HEARING

Re: Petition for Variance
E/S Avondale Rd., 155' S/
Glenside Drive (9211 Avondale Rd.)
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

TIME: 9:30 a.m.

DATE: Tuesday, August 27, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007293

DATE 8/14/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Ed. C. Covahey, Jr.

FOR Variance # 348

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

PETITION FOR VARIANCE
E/S of Avondale Rd.,
155' S of Glenside Dr.
(9211 Avondale Rd.),
11th District

BEFORE THE
ZONING COMMISSIONER

FOR
BALTIMORE COUNTY

HELEN MON, Petitioner

86-82-A

ORDER FOR APPEAL

Please enter an appeal from the decision of the Deputy Zoning
Commissioner in the above-captioned matter, under date of August
29, 1985, to the County Board of Appeals and forward all papers in
connection therewith to the Board for hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012540

DATE 9/3/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Edward C. Covahey, Jr.

Appeal Fee for Case No. 86-82-A

FOR Appeal Fee

VALIDATION OR SIGNATURE OF CASHIER

ZONING DEPARTMENT
By: TO: BOARD OF APPEALS

MICROFILMED

Petition for Variance

11th Election District

LOCATION: East side of Avondale
Road, 155 ft. South of Glenside Drive
(9211 Avondale Road)

DATE & TIME: TUESDAY, AUGUST
27, 1985 at 9:30 a.m.

PUBLIC HEARING: Room 106,
County Office Building, 111 West
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 Variances from Section
402.2 to allow a lot width of 50' at the
front building line of an apartment
building with four (4) dwelling units in
a D.R. 5.5 district in lieu of the re-
quired 110'; and to allow a side yard
width of 10' on an interior lot con-
taining an apartment building in a
D.R. 5.5 district in lieu of the required
minimum of 15' and a sum width of
both side yards of 20' in lieu of the re-
quired 35'.

Being the property of Helen Mon, as
shown on the plat filed with the Zoning
Office.

In the event that this Petition is
granted, a building permit may be is-
sued within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain any request
for a stay of the issuance of said per-
mit during this period for good cause
shown. Such request must be received
in writing by the date of the hearing
set above or made at the hearing.

By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County

36-82-A00
The Times

Middle River, Md., Aug 5 1985

This is to Certify, That the annexed

Petition Re L 73250

was inserted in The Times, a newspaper printed

and published in Baltimore County, once in each

of one successive

weeks before the 27th day of

Aug, 1985

James Brown Publisher.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/26/85

Posted for: Edward C. Covahey, Jr.

Petitioner: Helen Mon

Location of property: Ed. Covahey, Jr., 614 Bosley Ave., Towson, Md.

Location of Sign: Room 106, County Office Building, 111 West Chesapeake Ave., Towson, Md.

Remarks: Ed. Covahey, Jr., 614 Bosley Ave., Towson, Md.

Posted by: Phyllis Cole Date of return: 8/26/85

Number of Signs: 1

APR 21 1966

JULY 30, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of JUNE 25, 1985
Item # 398
Property Owner: HELEN MON
Location: SE/SIDE AVONDALE RD. 155'
S/W FROM GLENSIDE DRIVE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The access is not satisfactory.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking arrangement is not satisfactory.
- ☐ Parking calculations must be shown on the plan.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board on _____.
- ☐ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☐ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- ☐ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments: _____

Eugene A. Bober
Chief, Current Planning and Development

cc: James Hoswell

MICROFILMED

STEPHEN E. COLLINS
DIRECTOR

June 25, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 385, 386, 387, 392, 394, 396, 397, 398 and 399 ZAC-Meeting of 6/25/85
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 385, 386, 387, 392, 394, 396, 397, 398, and 399.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cm

PAUL H. REINCKE
CHIEF

July 2, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comasari, Chairman
Building Plans Advisory Committee

Re: Property Owner: Helen Mon

Location: SE/S Avondale Road 155' S/W from c/l Glenside Drive

Item No. 398

Building Address: Meeting of June 25, 1985

Comments:

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 300 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 operation.
- ☒ 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.
- ☐ 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved:
Planning Group
Special Inspection Division

Ray W. Kemmer
Fire Prevention Bureau

/mb

TED ZALESKI, JR.
DIRECTOR

July 18, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 398 Zoning Advisory Committee Meeting are as follows:

Property Owner: Helen Mon
Location: SE/S Avondale Road 155' S/W from c/l Glenside Drive
District: 11th.

APPLICABLE CODES ARE CIRCLED:

☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

B. A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered Maryland Architect or Engineer is/are not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1007, Section 1006.2 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 905 for turnable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Uses. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

☒ Comments: If the structure can comply with Section 103.0 there is no problem. If not, the structure shall comply with the Code for R-2 (apartment uses). If it has never been granted an occupancy permit for R-2 uses and if it was of a prior use than a change of occupancy permit would be required and item "H" above would be applicable. There is no indication on the plan if this is an existing or new structure. These referenced comments reflect only on the information provided to the Office proposed of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

By: C. E. Burman, Chief
Building Plans Section

4/22/85

We the property owners adjacent to or near 9211 Avondale Rd. respectfully request that the zoning request to allow for four apartments on the property be denied.

The configuration of the property, the size and location of the parking lot, the location of the building, the overall appearance of the property and associated rental property problems have for a long time disturbed our rights of quiet enjoyment. The property with its frequent turnover and commercial appearance is not conducive to a stable residential neighborhood and does nothing to enhance the property values of the surrounding properties.

We request that you limit our future exposure to the problems, disturbances and inconveniences that we have faced in the past by enforcing the current zoning requirements and denying the request for a variance.

Property Owner	Address
Mr. & Mrs. Thomas Centa	9209 Avondale Rd
Mr. & Mrs. Frank White	9207 Avondale Rd
Nicholas Marsoni	9210 Avondale Rd
John C. Treacy	9203 Avondale Rd
Estelle Hamminger	3307 Glenside Dr.
John Hamminger	3307 Glenside Dr.
Mr. & Mrs. Robert Hill	3309 Glenside Dr.
Mr. & Mrs. Eugene Rogers	3303 Glenside Dr.
Mr. & Mrs. Robert Hill	3301 Glenside Dr.
PROTESTANT'S EXHIBIT 2	9213 Avondale Rd

PROTESTANT'S
EXHIBIT 2

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL

DOCKET 227 PAGE 140 CASE NO. 86CG-2000 CATEGORY APPEAL

IN THE MATTER OF
HELEN MON
FOR VARIANCES

Case # 86-82-A

ATTORNEYS
Edward C. Covahey Jr.
614 Bosley Ave.
(04) 828-9441

RECEIVED
DEC 23 1986
ZONING OFFICE

COUNTY BOARD OF APPEALS
BOARD OF APPEALS OF BALTIMORE COUNTY
THE PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

June Holmen
County Board of Appeals
of Baltimore County
Room 200 Court House
(04) 494-3180

Phyllis Cole Friedman
Peter Max Zimmerman
Room 223, Court House (04) 494-2188

CV GEN 86CG-2000 M

(1) May 22, 1986 - Petitioner's order for appeal from the order of the Board of Appeals of Baltimore County & Petition for appeal fd.

(2) May 23, 1986 - App of June Holmen as attorney for the county board of appeals of Baltimore County same day certificate of notice fd.

(3) June 2, 1986 - App. of Phyllis Cole Friedman, & Peter Max Zimmerman as attorneys for the Protestant, The People's Counsel for Balto. Co. & same day Answer fd.

(4) June 20, 1986 - Certified Copies of Proceedings before the Zoning Commission and the Board of Appeals of Baltimore County fd.

(5) June 20, 1986 - Notice of Filing of Record fd.

(6) July 15, 1986 - Appellant's Memorandum fd.

(7) Aug. 25, 1986 - memorandum of People's Counsel of Baltimore County fd.

(8) Sept. 16, 1986 - Correspondence fd.

December 15, 1986 Hon. John P. Fader, II. Hearing had. Order of the Board of Appeals of Baltimore County is Affirmed.

IN THE MATTER OF THE APPLICATION FOR VARIANCES (SETBACKS) ON PROPERTY LOCATED ON THE EAST SIDE OF AVONDALE RD., 155 FT. SOUTH OF GLENDALE DR. (9211 AVONDALE ROAD) 11TH DISTRICT

HELEN MON, PETITIONER-PLAINTIFF

ZONING FILE NO. 86-82-A

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
PO. Box 6754
Towson, Maryland 21204-0754
October 9, 1986

John Adams - 494-2680
Clerk Assignment Office
Marilyn Enoch - 494-2682
Marilyn Enoch - 494-2682
Marilyn Enoch - 494-2682
Marilyn Enoch - 494-2682

HEARING DATE: Monday, December 15, 1986, 9:30 a.m.

ON THE FOLLOWING: Appeal 1 hour

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendar. Chain of not receiving notice will not constitute reason for postponement.

POSTPONEMENTS: If the above date is not acceptable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF HEARING must be made to the attention of the Director of Court Assignments - Joyce Gorman - 494-3497

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and of John Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

IN THE MATTER OF THE APPLICATION FOR VARIANCES (SETBACKS) ON PROPERTY LOCATED ON THE EAST SIDE OF AVONDALE RD., 155 FT. SOUTH OF GLENDALE DR. (9211 AVONDALE ROAD) 11TH DISTRICT

HELEN MON, PETITIONER-PLAINTIFF

ZONING FILE NO. 86-82-A

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

AT LAW

Misc. Doc. No. 27

Folio No. 140

File No. 86-CG-2000

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Keith S. Franz, Patricia Phipps and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 86-82-A

July 24, 1985 Petition of Helen Mon for a zoning variances on property located on the east side of Avondale Rd., 155' south of Glenside Drive, (9211 Avondale Rd.), 11th District - filed

July 24 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for 8/27/85 at 9:30 a.m.

August 3 Certificate of Posting of property - filed

August 8 Certificate of Publication in newspaper - filed

August 8 Comments of Baltimore County Director of Planning - filed

August 16 Comments of Baltimore County Zoning Plans Advisory Committee - filed

Helen Mon
Case No. 86-82-A

August 27, 1985 At 9:30 a.m. hearing held on petition by Deputy Zoning Commissioner

August 29 Order of Deputy Zoning Commissioner that the Petition for Variances is Granted subject to restrictions.

September 12 Order for Appeal to C.B. of A. from Order of Deputy Zoning Commissioner from Phyllis C. Friedman, People's Counsel

September 19 Order for Appeal to C.B. of A. from Order of Deputy Zoning Commissioner from Edward C. Covahey, Jr., Esq., on behalf of Petitioner.

April 16, 1986 Hearing on appeals before County Board of Appeals

April 30 Order of County Board of Appeals ordering that the Petition for Variances be GRANTED, subject to restrictions.

May 22 Order for Appeal filed in the Circuit Ct. for Baltimore County by Edward C. Covahey, Jr., Esq., on behalf of Petitioner-Appellant.

May 22 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County

May 23 Certificate of Notice sent to all interested parties.

June 20 Transcript of testimony filed - 1 volume

Petitioner's Exhibit No. 1 - Plat, 5/29/85

" " 2 - Deed dated Nov. 28, 1980

" " 3 - 3 page list of repairs due to property after purchase.

" " 4 - 4A thru D, photos of property

" " 5 - A, B, C, D; photos of protestants' property

" " 6 - Photo of rear of property, 9213 Avondale Rd.

People's Counsel's Exhibit No. 1 - 1A to 1I, series of photos of surrounding property

" " 2 - Four photos, A,B,C,D.

" " 3 - Photo of Mon property showing deck on side.

27 140 86CG2000

Helen Mon
Case No. 86-82-A

June 20, 1986 Record of proceedings filed in the Circuit Ct. for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holmen
County Board of Appeals of Baltimore County

cc: Edward C. Covahey, Jr., Esquire
Phyllis Cole Friedman
Mr. and Mrs. Thomas Crostic

IN THE MATTER OF THE APPLICATION FOR VARIANCES (SETBACKS) ON PROPERTY LOCATED ON THE EAST SIDE OF AVONDALE RD., 155 FT. SOUTH OF GLENDALE DR. (9211 AVONDALE ROAD) 11TH DISTRICT

HELEN MON, Petitioner/Appellant

Zoning File No. 86-82-A

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

AT LAW

CG Docket No. 27

Folio No. 140

File No. 86-CG-2000

ANSWER TO PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellee herein, answers the Petition on Appeal heretofore filed by the Appellant, viz:

1. That the Appellee neither admits nor denies the allegations made and contained in Paragraph 1.
2. That the Appellee denies the allegations made and contained in the second through sixth paragraphs of said Petition.
3. In further answering, the Petitioner's request is unlawful, in any event, because the additional unit would be in direct violation of the density restrictions of the D.R. 5.5 zoning classification.
4. That the decision of the County Board of Appeals of Baltimore County herein was proper and justified by the evidence before it and that the decision of the Board under date of April 30, 1986 should therefore be sustained as being properly and legally made.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204

I HEREBY CERTIFY that on this 2nd day of June, 1986, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy mailed to Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, MD 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN THE MATTER OF THE APPLICATION FOR VARIANCES (SETBACKS) ON PROPERTY LOCATED ON THE EAST SIDE OF AVONDALE RD., 155 FT. SOUTH OF GLENDALE DR. (9211 AVONDALE ROAD) 11TH DISTRICT

HELEN MON, PETITIONER-PLAINTIFF

ZONING FILE NO. 86-82-A

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

AT LAW

CG Doc. No. 27

Folio No. 140

File No. 86-CG-2000

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Keith S. Franz, Patricia Phipps and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Edward C. Covahey, Jr., Esq., 614 Bosley Avenue, Towson, Md. 21204, Counsel for Petitioner-Plaintiff; Ms. Helen Mon, 3 Linlow Court, Towson, Md. 21204, Petitioner-Plaintiff; Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, Md. 21234, Protestants; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
County Board of Appeals of Baltimore County
Room 200, Court House, Towson, Md. 21204
494-3180

I HEREBY CERTIFY that on this 22nd day of May, 1986, a copy of the foregoing Petition was hand delivered to the County Board of Appeals for Baltimore County, Room 200, Court House, Towson, MD 21204 and Peter Max Zimmerman, Esquire, People's Counsel, Room 223, Court House, Towson, MD 21204.

Edward C. Covahey, Jr.

RECEIVED
COUNTY BOARD OF APPEALS
MAY 22 11 08

11/14/85 - Following notified of hearing set for Wednesday, Feb. 12, 1986, at 10 a.m.
Edward Covahey, Jr., Esq.
Helen Mon
Mr. & Mrs. T. Crostic
Phyllis Friedman
Norman Gerber, James Hoswell
Arnold Jablon, J. Jung, J. Dyer
Postponed & reassigned for 12/12/85 HLB

12/11/85 - Above notified of POSTPONEMENT and REASSIGNMENT for WEDNESDAY, APRIL 16, 1986 at 10 am



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180 December 11, 1985

NOTICE OF POSTPONEMENT and REASSIGNMENT

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(c). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-77

CASE NO. 86-82-A HELEN MON
FOR VARIANCES (RETRACTED)
S/S OF AVONDALE ROAD 155' S. GLENDALE DRIVE
(9211 AVONDALE ROAD)
11th DISTRICT
8/29/85- Z.C. GRANTED PETITION
Scheduled for hearing on Wednesday, February 12, 1986 at 10 a.m. has been POSTPONED by the Board at request of counsel for Petitioner (Petitioner undergoing surgery), and has been
REASSIGNED FOR: WEDNESDAY, APRIL 16, 1986 at 10 a.m.
cc: Edward C. Covahey, Jr., Esquire Counsel for Petitioner
Ms. Helen Mon Petitioner
Mr. and Mrs. Thomas Crostic Protestants
Phyllis Cole Friedman People's Counsel (Appellant)
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Edith T. Eisenhart, Adm. Secretary

IN RE: PETITION FOR VARIANCE
E/S of Avondale Road, 155'
S of Glenside Drive,
(9211 Avondale Road) -
11th Election District
Helen Mon,
Petitioner
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-82-A

The Petitioner herein requests variances to allow a lot width of 50 feet at the front building line of an apartment building with four dwelling units in a D.R. 5.5 Zone in lieu of the required 110 feet, to allow a side yard width of 10 feet on an interior lot containing an apartment building in a D.R. 5.5 Zone in lieu of the required minimum of 15 feet, and a sum of both sides of 20 feet in lieu of the required 35 feet.

Testimony by and on behalf of the Petitioner indicated that she acquired the three-apartment building in November 1980. At that time it was inhabited by a number of persons and was in deplorable condition. Extensive repairs have been made; a large front parking lot has been paved and striped and a fourth apartment has been added, the latter without benefit of a permit for that living unit. The Petitioner testified that she found out that the building did not meet county requirements when she put the property up for sale. At this time the building contains on the lower level a living unit with a rear entrance containing a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a laundry room; on the main floor one unit with a side entrance containing a combination living room/dining room, kitchen, two bedrooms, two bathrooms and a laundry room, one unit with a front entrance containing a combination dining room/kitchen, one bedroom and one bathroom and the latest created unit with a southern side entrance containing a one room efficiency with a bathroom. The adjacent neighbors to the south appeared in protest and testified that

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY Arthur A. Ellwood

they understood the building was built in 1973-75 as a single-family dwelling but, following a fire was converted into three living units inhabited by family members. When they purchased their home seven years ago they thought the building in question was a single family residence but discovered that the front main level apartment was rental property. The north side apartment and the lower level apartment were used by the owner's family. In their opinion, the current owner and petitioner has improved the building but also has changed the appearance from that of a single-family home to a commercial apartment building by removing trees and shrubs and paving and striping most of the front yard. The efficiency apartment was added in 1983. Most of the residences in the neighborhood are single-family residences; where there are two living units the house is owner occupied. Most of the lots are 50 feet wide. On the east side of Avondale Road most lots are about 360 feet deep.

After due consideration of the evidence and testimony presented, in the opinion of the Deputy Zoning Commissioner, it would appear that the building may have been illegally constructed without proper setbacks, was illegally converted to three apartments prior to purchase by the Petitioner and has been illegally converted to four apartments by the Petitioner and present owner. Indeed, it would be a great hardship for the owner to be required to remove the building because, since 1970, the Baltimore County Zoning Regulations (BCZR) have required a minimum lot width of 55 feet in a D.R. 5.5 Zone; also it would be a great hardship for the owner to be required to reduce the size of the building, to meet side and sum of side yard setbacks. When it comes to consideration of the number of living units to be permitted within the building the matters of substantial inquiry to the general welfare of adjacent neighbors and the neighborhood as a whole must be considered as well as the practical difficulty or unreasonable hardship upon the Petitioner. Although this site contains 0.642-

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY Arthur A. Ellwood

acres, the building and its front yard parking is located on the narrow portion of the lot relatively close to Avondale Road and is not in character with the neighborhood. While the Petitioner may have purchased the property without knowledge of zoning violations, she has no one to blame but herself for the addition of the fourth apartment.

In the opinion of the Deputy Zoning Commissioner, strict compliance with the BCZR would result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of some of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 29th day of August, 1985, that the herein Petition for Variances to allow a lot width of 50 feet at the front building line of an apartment building for three (3) dwelling units in a D.R. 5.5 Zone in lieu of the required 95 feet, a side yard width of 10 feet on an interior lot containing an apartment building in a D.R. 5.5 Zone in lieu of the required minimum of 15 feet, and a sum width of both side yards of 20 feet in lieu of the required 35 feet, as shown on the plan submitted and filed herein and marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

ORDER RECEIVED FOR FILING
DATE August 20, 1985
BY Arthur A. Ellwood

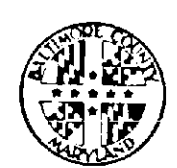
Within two years from the date of this Order the number of living units shall be reduced from four to three.

Within three years from the date of this Order grass, shrubs and trees, according to a plan approved by the Office of Current Planning and Development, shall be placed between the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk and, if space permits, between the parking lot and the north property line.

MICROFILMED

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

- 3 -



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-0353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 29, 1985

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
E/S of Avondale Road, 155'
S of Glenside Drive,
(9211 Avondale Road) -
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

Dear Mr. Covahey:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bg

Attachments

cc: People's Counsel

Mr. & Mrs. Thomas Crostic
9209 Avondale Road
Baltimore, Maryland 21234

MICROFILMED

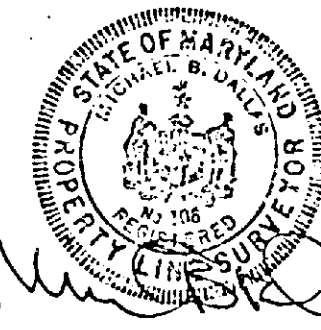
MICHAEL B. DALLAS
Registered Surveyor
Suite 507
28 W. Allegheny Avenue
Towson, Md.
21204
494-0020

Zoning Description for 9211 Avondale Road

BEGINNING for the same on the southeast side of Avondale Road (50 feet wide) at a point distant South 22-23-30 west 155 feet from the intersection of said southeast side of Avondale Road with the southwest side of Glenside Drive, thence leaving said road and running;
1. South 67-36-30 east 179.53 feet,
2. North 22-23-30 east 50.00 feet,
3. South 67-36-30 east 190.00 feet,
4. South 22-23-30 west 100.00 feet,
5. North 67-36-30 west 369.53 feet to said southeast side of Avondale Road thence with said side of said road,
6. North 22-23-30 east 50.00 feet to place of beginning.

CONTAINING 27976.50 square feet or 0.642 Acres of land more or less.

May 29, 1985



IN THE MATTER OF
HELEN MON
FOR VARIANCES (SETBACKS)
ON PROPERTY LOCATED ON THE
EAST SIDE OF AVONDALE RD.,
155 FT. SOUTH OF GLENSIDE DR.,
(9211 AVONDALE ROAD)
11th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 86-82-A

OPINION

This matter comes before the Board on an appeal by the Petitioner and People's Counsel from the Deputy Zoning Commissioner's Ruling in this case which permitted the requested variances with certain conditions. The property presently contains four dwelling units in a DR 5.5 zone. The road frontage is 50 feet instead of the required 110 feet, the side yard setback is 10 feet on each side instead of the required 15 feet required on each side and 35 feet sum of both sides. It is from these standards that the Petitioner has requested variance.

The testimony presented by the Petitioner indicated that she acquired the property in November 1983 and at that time there were three apartments in the building. The property was in extremely poor condition and extensive repairs were required. These repairs have been made and a fourth apartment has been added. No permit was obtained for the construction of this fourth unit.

The neighborhood consists of residential dwellings that are primarily used as family dwellings. There are two other properties in the neighborhood which have two dwelling units.

Mrs. Mon testified that the property was purchased for investment purposes. Since her purchase of the property, she has invested a significant amount of money into the property and it was admitted that the condition

Helen Mon
Case No. 86-82-A

of the property and the quality of the tenants has substantially changed for the better.

Ann Crostic, the next door neighbor to the south, protested the existence of four units on the subject property and the consequences that such a condition has on the use and enjoyment of her property. In particular, the lights and noise from the cars that are on the property is bothersome and repeated dumping of trash by tenants of the subject property onto Ms. Crostic's property causes her concern.

It is apparent that the building, when originally constructed, may have been done so without consideration of the appropriate setbacks, was illegally converted to three apartments prior to the time when the Petitioner purchased the property and has been illegally converted to four apartments by the Petitioner. This Board believes it would be a substantial hardship for the property owner to be required to remove the building or reduce the size of the building to meet the side yard setbacks. The fourth apartment unit, however, was constructed by the Petitioner without a permit at such a time when she could have or should have known about the restrictive qualities of the property.

This Board believes that strict compliance with the Baltimore County Zoning Regulations would result in a practical difficulty and unreasonable hardship upon the Petitioner and that granting the variance requested would not adversely affect the health, safety and general welfare of the community. We therefore grant the variances requested with certain restrictions.

Helen Mon
Case No. 86-82-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of April, 1986, by the County Board of Appeals, ORDERED that the Petition for Variances to allow a lot width of 50 feet at the front building line of an apartment building for three dwelling units in a DR 5.5 zone in lieu of the required 110 feet, a side width of 10 feet on an interior lot containing an apartment building in a DR 5.5 zone in lieu of the required minimum of 15 feet, and a sum width of both side yards of 20 feet in lieu of the required 35 feet, as shown on the plans submitted in file herein and marked as Petitioner's Exhibit No. 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

1. Within two years from the date of this Order the number of dwelling units on the subject property shall be reduced to three dwelling units.
2. Within two years from the date of this Order grass, shrubs, and trees, according to a plan approved by the Office of Current Planning and Development, shall be placed between the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk and, between the parking lot and the north property line.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Patricia Phlips
LeRoy B. Spurrier

County Board of Appeals of Baltimore County, MAY 2 1986

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
April 30, 1986

Edward C. Covahey, Jr., Esq.
614 Bosley Ave.
Towson, Md. 21204

Re: Case No. 86-82-A
Helen Mon

Dear Mr. Covahey:

Enclosed please find copy of the Opinion and Order passed by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holman
June Holman, Secretary

Encl.
cc: Ms. Helen Mon
Mr. and Mrs. Thomas Crostic
Phyllis C. Friedman
Norman E. Gerber
James Howell
Arnold Jablon
Jean Jung
James E. Dyer
James Thompson

Case No. 86-82-A
Item No. 398
Date: September 17, 1985

E/S of Avondale Road, 155' S of
Glenside Drive, (9211 Avondale Road)
11th Election District
Helen Mon, Petitioner

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description of Property
- ☒ 3. Copy of Certificate of Posting (1 Sign)
- ☒ 4. Copy of Certificates of Publication
- ☒ 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
- ☒ 9. Copy of Order - Zoning/Deputy Zoning Commissioner
- ☒ 10. Copy of Plat of Property (Petitioner's Exhibit 1)
- ☒ 11. 200' Scale Location Plan
- ☒ 12. 1000' Scale Location Plan
- ☒ 13. Memorandum in Support of Petition
- ☒ 14. Letter(s) from Protester(s)
- ☒ 15. Letter(s) from Petitioner(s)
- ☒ 16. Protestants' Exhibits 1 to 3
#1: Nine(9) photos. #2: Petitioner #3: Sewage Easement Plat
- ☒ 17. Petitioner's Exhibits 1 to 1
#1: Site Plan
- ☒ 18. Letter of Appeal

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

Attorney for Petitioner

Ms. Helen Mon
3 Linow Court
Towson, Maryland 21204

Petitioner

Mr. & Mrs. Thomas Crostic
9209 Avondale Road
Baltimore, Maryland 21234

Protestants

Phyllis C. Friedman, Esquire
Norman E. Gerber
James Howell
Arnold Jablon
Jean H. Jung
James E. Dyer

People's Counsel
Request Notification
Request Notification
Request Notification
Request Notification

RE: PETITION FOR VARIANCE
E/S of Avondale Rd.,
155' S of Glenside Dr.
(9211 Avondale Rd.),
11th District
HELEN MON, Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-82-A

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of August 29, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 17th day of September, 1985, a copy of the foregoing Notice of Appeal was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner; and Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, MD 21234, Protestants.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN RE: PETITION FOR VARIANCE
E/S of Avondale Road, 155'
S of Glenside Drive,
(9211 Avondale Road) -
11th Election District
Helen Mon,
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-82-A

The Petitioner herein requests variances to allow a lot width of 50 feet at the front building line of an apartment building with four dwelling units in a D.R. 5.5 Zone in lieu of the required 110 feet, to allow a side yard width of 10 feet on an interior lot containing an apartment building in a D.R. 5.5 Zone in lieu of the required minimum of 15 feet, and a sum of both sides of 20 feet in lieu of the required 35 feet.

Testimony by and on behalf of the Petitioner indicated that she acquired the three-apartment building in November 1980. At that time it was inhabited by a number of persons and was in deplorable condition. Extensive repairs have been made; a large front parking lot has been paved and striped and a fourth apartment has been added, the latter without benefit of a permit for that living unit. The Petitioner testified that she found out that the building did not meet county requirements when she put the property up for sale. At this time the building contains on the lower level a living unit with a rear entrance containing a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a laundry room; on the main floor one unit with a side entrance containing a combination living room/dining room, kitchen, two bedrooms, two bathrooms and a laundry room, one unit with a front entrance containing a combination dining room/kitchen, one bedroom and one bathroom and the latest created unit with a southern side entrance containing a one room efficiency with a bathroom.

The adjacent neighbors to the south appeared in protest and testified that

they understood the building was built in 1973-75 as a single-family dwelling but, following a fire was converted into three living units inhabited by family members. When they purchased their home seven years ago they thought the building in question was a single family residence but discovered that the front main level apartment was rental property. The north side apartment and the lower level apartment were used by the owner's family. In their opinion, the current owner and petitioner has improved the building but also has changed the appearance from that of a single-family home to a commercial apartment building by removing trees and shrubs and paving and striping most of the front yard. The efficiency apartment was added in 1983. Most of the residences in the neighborhood are single-family residences; where there are two living units the house is owner occupied. Most of the lots are 50 feet wide. On the east side of Avondale Road most lots are about 360 feet deep.

After due consideration of the evidence and testimony presented, in the opinion of the Deputy Zoning Commissioner, it would appear that the building may have been illegally constructed without proper setbacks, was illegally converted to three apartments prior to purchase by the Petitioner and has been illegally converted to four apartments by the Petitioner and present owner. Indeed, it would be a great hardship for the owner to be required to remove the building because, since 1970, the Baltimore County Zoning Regulations (BCZR) have required a minimum lot width of 55 feet in a D.R. 5.5 Zone; also it would be a great hardship for the owner to be required to reduce the size of the building, to meet side and sum of side yard setbacks. When it comes to consideration of the number of living units to be permitted within the building the matters of substantial injury to the general welfare of adjacent neighbors and the neighbor as a whole must be considered as well as the practical difficulty or unreasonable hardship upon the Petitioner. Although this site contains 0.642

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY

APR 20 1987

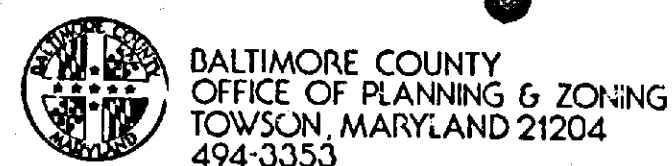
acres, the building and its front yard parking is located on the narrow portion of the lot relatively close to Avondale Road and is not in character with the neighborhood. While the Petitioner may have purchased the property without knowledge of zoning violations, she has no one to blame but herself for the addition of the fourth apartment.

In the opinion of the Deputy Zoning Commissioner, strict compliance with the BCZR would result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of some of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 29th day of August, 1985, that the herein Petition for Variances to allow a lot width of 50 feet at the front building line of an apartment building for three (3) dwelling units in a D.R. 5.5 Zone in lieu of the required 95 feet, a side yard width of 10 feet on an interior lot containing an apartment building in a D.R. 5.5 Zone in lieu of the required minimum of 15 feet, and a sum width of both side yards of 20 feet in lieu of the required 35 feet, as shown on the plan submitted and filed herein and marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

- Within two years from the date of this Order the number of living units shall be reduced from four to three.
- Within three years from the date of this Order grass, shrubs and trees, according to a plan approved by the Office of Current Planning and Development, shall be placed between the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk and, if space permits, between the parking lot and the north property line.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County



ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 29, 1985

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
E/S of Avondale Road, 155'
S of Glenside Drive
(9211 Avondale Road)
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

Dear Mr. Covahey:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:jbg

Attachments

cc: People's Counsel

Mr. & Mrs. Thomas Crostic
9209 Avondale Road
Baltimore, Maryland 21234

PETITION FOR VARIANCE
11th Election District

LOCATION: East side of Avondale Road, 155 ft. South of Glenside Drive (9211 Avondale Road)

DATE AND TIME: Tuesday, August 27, 1985 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

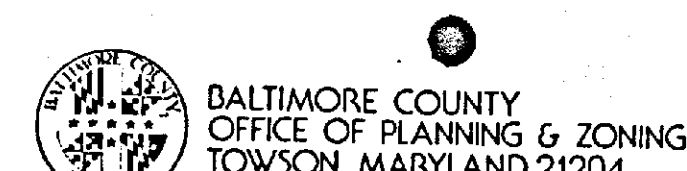
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

- Petition for Variances from Section 402.2 to allow a lot width of 50' at the front building line of an apartment building with four (4) dwelling units in a D.R. 5.5 district in lieu of the required 95'; and to allow a side yard width of 10' on an interior lot containing an apartment building in a D.R. 5.5 district in lieu of the required minimum of 15' and a sum width of both side yards of 20' in lieu of the required 35'.

Being the property of Helen Mon as shown on the plat filed with the Zoning Office

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



ARNOLD JABLON
ZONING COMMISSIONER

August 20, 1985

Edward C. Covahey, Jr.
614 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Variance
E/S Avondale Rd., 155'
S/Glenside Drive (9211 Avondale Rd.)
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

Dear Mr. Covahey:

This is to advise you that \$57.97 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 006899
DATE 8-27-85
AMOUNT \$ 57.97
RECEIVED BY *Edward C. Covahey, Jr.*
FOR *Helen Mon*
ADDITIONAL POSTING 86-82-A
BALANCE 57.97
VALIDATION OF SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 402.2 to allow a lot width of 50' at the front building line of an apartment building with four (4) dwelling units in a D.R. 5.5 district in lieu of the required 110' and to allow a side yard width of 10' on an interior lot containing an apartment building in a D.R. 5.5 district in lieu of the required minimum of 15' and a sum width of both side yards of 20' in lieu of the required 35'.

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

- The variances are necessary to legitimize the present use which has existed for several years and may even predate the zoning regulations.
- Petitioner desires to sell the property, and without the variances, is unable to do so and warrant that there are no zoning violations.

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 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Attorney for Petitioner:

Edward C. Covahey, Jr.

(Type or Print Name)

Signature

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 828-9441

3 Linlow Court

Address

Towson, Maryland 21204

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Edward C. Covahey, Jr.

Name

614 Bosley Avenue

Address

Towson, MD 21204

City and State

Phone No.

828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of July, 1985, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of August, 1985, at 9:30 o'clock.

Carl J. Jones
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCES
E/S Avondale Rd., 155'
S/Glenside Dr. (9211
Avondale Rd.), 11th Dist.
HELEN MON, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-82-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

MICHAEL B. DALLAS
Registered Surveyor
Suite 507
28 W. Allegheny Avenue
Towson, Md.
21204
494-0020

Zoning Description for 9211 Avondale Road

BEGINNING for the same on the southeast side of Avondale Road (50 feet wide) at a point distant South 22-23-30 west 155 feet from the intersection of said southeast side of Avondale Road with the southwest side of Glenside Drive, thence leaving said road and running;

1. South 67-36-30 east 179.53 feet,
2. North 22-23-30 east 50.00 feet,
3. South 67-36-30 east 190.00 feet,
4. South 22-23-30 west 100.00 feet,
5. North 67-36-30 west 369.53 feet to said southeast side of Avondale Road thence with said side of said road,
6. North 22-23-30 east 50.00 feet to place of beginning.

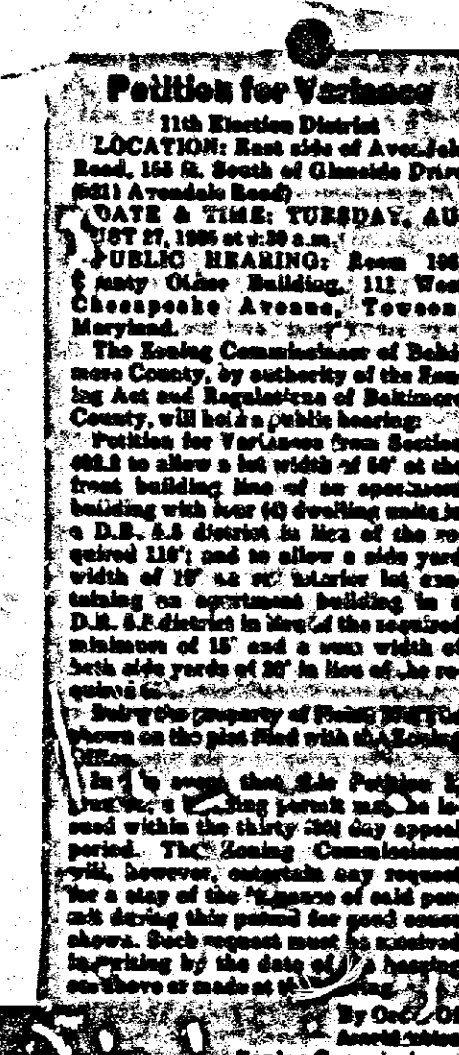
CONTAINING 27976.50 square feet or 0.642 Acres of land more or less.

May 29, 1985



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 9/1/85
Posted for: Special Hearing
Petitioner: Helen Mon
Location of property: E/S Avondale Rd., 155' S/Glenside Drive
9211 Avondale Rd.
Location of Sign: Leaving Avondale Rd., 155' S/Glenside Drive
on property of Petitioner
Remarks:
Posted by: Phyllis Cole Friedman Date of return: 9/1/85
Number of Signs: 1



36-82-A
The Times
Middle River, Md., Aug 5 1985
This is to certify, that the annexed
Petition by L 732-A
Helen Mon
was inserted in The Times, a newspaper printed
and published in Baltimore County, once in each
of two successive
weeks before the 27th day of
August, 1985
Jean M. H. Jung
Deputy Zoning Commissioner

APR 20 1987

3

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

July 26, 1985

4

NOTICE OF HEARING

Re: Petition for Variance
S/S Avondale Rd., 155' S/
Glenside Drive (9211 Avondale Rd.)
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

TIME: 9:30 a.m.

DATE: Tuesday, August 27, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007299

DATE 6/14/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM: Ed. Covahey

FOR: Variance # 348

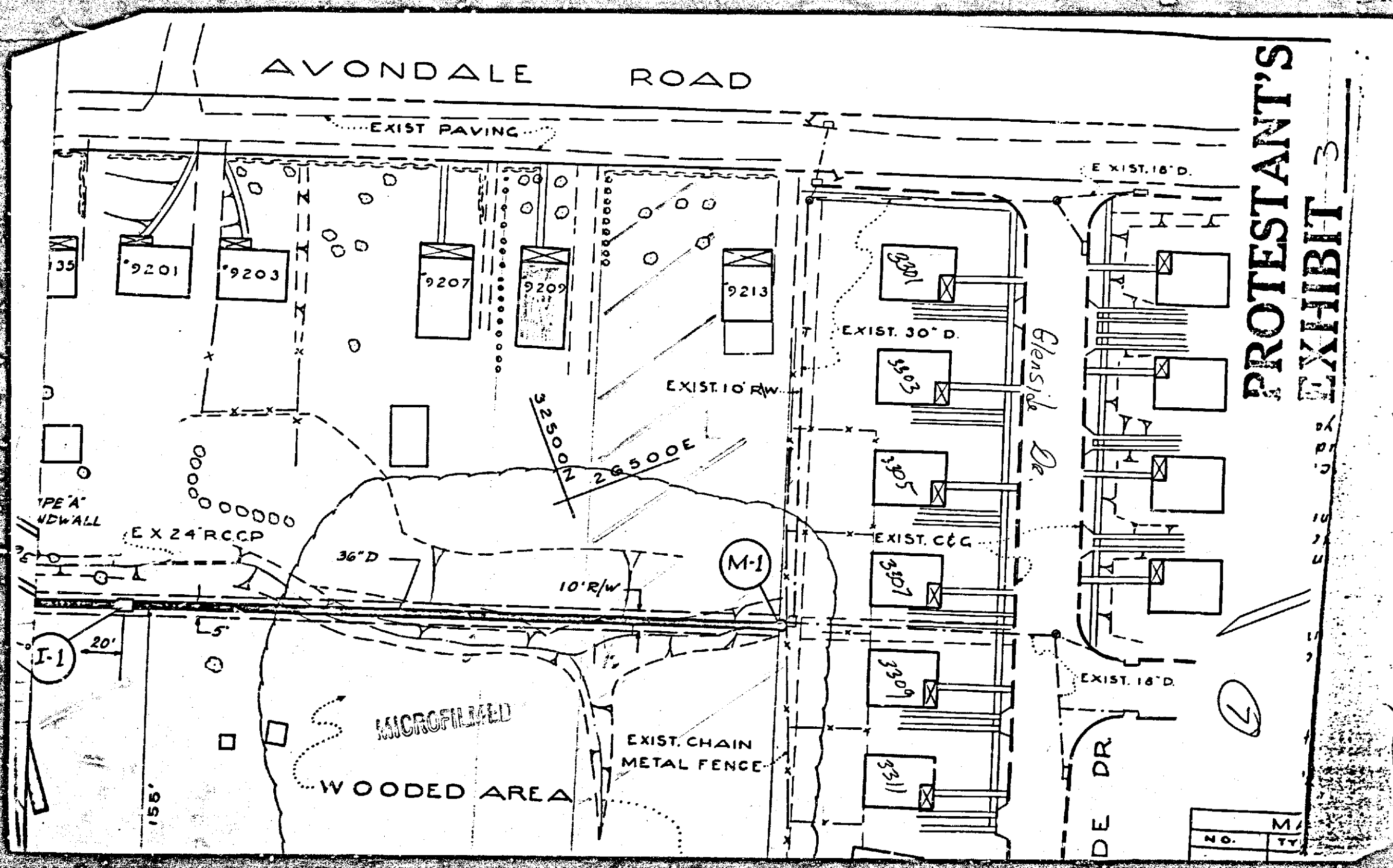
8 0110*****1300010 01785

VALIDATION OR SIGNATURE OF CASHIER

[Signature]
Commissioner
of County

MICROFILMED

MICROFILMED
PROTESTANT'S
EXHIBIT 2



86-82-A

The undersigned, legal owner(s) 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 402.2 to allow a lot width of 50' at the front building line of an apartment building with four (4) dwelling units in a D.R. 5.5 district in lieu of the required 110.0' and to allow a side yard width of 10' on an interior lot containing an apartment building in a D.R. 5.5 district in lieu of the required minimum of 15' and a sun width of both side yards of 20' in lieu of the required 35'.

2. Petitioner desires to sell the property, and without the variances, is unable to do so and warrant that there are no zoning violations.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

MAP NE 95
46
E. D. 11
DATE 1-23-9
of this 1000 ✓
of 1000 ✓
affairs,
I we

398

ORDER RECEIVED FOR FILING
DATE August 29, 1985
Barbara A. Holland


Zoning Commissioner of B.

(over)

DOCKET 27 PAGE 140 CASE NO. 86CG2000 CATEGORY APPEAL

F

ATTORNEYS

Edward C Covahey Jr.
614 Bosley Ave.
(04) 828-9441

COUNTY BOARD OF APPEALS
BOARD OF APPEALS OF BALTIMORE COUNTY
THE PEOPLE'S COUNSEL FOR BALTIMORE COUNTY,

June Holmen
County Board of Appeals
of Baltimore County
Room 200 Court House
(04) 494-3180

Phyllis Cole Friedman
Peter Max Zimmerman
Room 223, Court house (04) 494-2188

CENTRAL ASSIGNMENT

(1) May 22, 1986 - Petitioner's order for appeal from the order of the Board of Appeals of Baltimore County & Petition for appeal fd. CLOCKED 10.00
B LBA 5.00
CLOCKED TL 15.00
#24160 C001 R02 T153
05/22/86

(2) May 23, 1986 - App of June Holmen as attorney for the county board of appeals of Baltimore County same day certificate of notice fd. 50
5P
5P
6

(3) June 2, 198 - App. of Phyllis Cole Friedman, & Peter Max Zimmerman as attorneys' for the Protestant, The People's Counsel for Balto. Co. & same day Answer fd.

(4) June 20, 1986 - Certified Copies of Proceedings before the Zoning Commissioner and the Board of Appeals of Baltimore County fd. Zoning 10

(5) June 20, 1986 - Notice of Filing of Record fd.

(6) July 15, 1986 - Appellant's Memorandum fd.

(7) Aug. 25, 1986 - memorandum of People's Counsel of Baltimore County fd.

(8) Sept. 16, 1986 - Correspondence fd.

December 15, 1986 Hon. John F. Pader, Jr. Hearing had. Order of the Board of Appeals of Baltimore County is Affirmed.

27 140 86C.C.2000

INTER-OFFICE CORRESPONDENCE

Since no further appeal has been taken from the Circuit Court decision of December 15, 1986, we have closed the subject file and are herewith returning the case file to your office.

Attachment:

HELEN MON		#86-32-A
July 24, 1985	Petition filed	
Aug. 29	D.Z.C. GRANTED variances w/restrictions	
Sept. 12	Appealed to C. B. of A. by People's Counsel	
15	Edward C. Covahey, Jr., Esq. for Petitioner	
Apr. 30, 1986	Board GRANTED variances w/restrictions	
May 22	Order for Appeal filed in the Circuit Court by Mr. Covahey for Petitioner (File #86-CR-2030)	
June 20	Record of proceedings filed in the Circuit Court	
Dec. 15	Judge Pader AFFIRMED Board (denied 4th apartment; requested landscaping) --oral decision.	

Room 200 Court House (Hearing Room #212)
 Tolson, Maryland 21204
 (301) 494-3180

November 14, 1985

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 #59-79

HELEN MCN

E/s Avondale Rd., 155' S of
Glenside Dr. (9211 Avondale Rd.)
11th District
Variances-Setbacks
8/29/85 - D.Z.C.'s Order-GRANTED
w/restrictions

WEDNESDAY, FEBRUARY 12, 1986, at 10 a.m.

cc: Edward C. Covahey, Jr., Esq. Attorney for Petitioner

Ms. Helen Mon	Petitioner
Mr. & Mrs. Thomas Crostic	Protestants
Phyllis C. Friedman	People's Counsel
Norman Gerber	
James Hoswell	
Arnold Jablon	
Jean Jung	
James Dyer	

June Holmen, Secy.

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

Edward C. Covahey, Jr., Esq.
614 Bosley Ave.
Towson, Md. 21204

Re: Case No. 86-82-A
Helen Mon

Enclosed please find copy of the Opinion and Order passed by the County Board of Appeals in the above entitled case.

Very truly yours,

Encl.
cc: Ms. Helen Mon
Mr. and Mrs. Thomas Crostic
Phyllis C. Friedman
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James E. Dyer
James Thompson

APR 21 1968

IN THE MATTER OF
HELEN MON
FOR VARIANCES (SETBACKS)
ON PROPERTY LOCATED ON THE
EAST SIDE OF AVONDALE RD.,
155 FT. SOUTH OF GLENSIDE DR.
(9211 AVONDALE ROAD)
11TH DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 86-82-A

OPINION

This matter comes before the Board on an appeal by the Petitioner and People's Counsel from the Deputy Zoning Commissioner's Ruling in this case which permitted the requested variances with certain conditions. The property presently contains four dwelling units in a DR 5.5 zone. The road frontage is 50 feet instead of the required 110 feet, the side yard setback is 10 feet on each side instead of the required 15 feet required on each side and 35 feet sum of both sides. It is from these standards that the Petitioner has requested variance.

The testimony presented by the Petitioner indicated that she acquired the property in November 1983 and at that time there were three apartments in the building. The property was in extremely poor condition and extensive repairs were required. These repairs have been made and a fourth apartment has been added. No permit was obtained for the construction of this fourth unit.

The neighborhood consists of residential dwellings that are primarily used as family dwellings. There are two other properties in the neighborhood which have two dwelling units.

Mrs. Mon testified that the property was purchased for investment purposes. Since her purchase of the property, she has invested a significant amount of money into the property and it was admitted that the condition

Helen Mon
Case No. 86-82-A

of the property and the quality of the tenants has substantially changed for the better.

Ann Crostic, the next door neighbor to the south, protested the existence of four units on the subject property and the consequences that such a condition has on the use and enjoyment of her property. In particular, the lights and noise from the cars that are on the property is bothersome and repeated dumping of trash by tenants of the subject property onto Ms. Crostic's property causes her concern.

It is apparent that the building, when originally constructed, may have been done so without consideration of the appropriate setbacks, was illegally converted to three apartments prior to the time when the Petitioner purchased the property and has been illegally converted to four apartments by the Petitioner. This Board believes it would be a substantial hardship for the property owner to be required to remove the building or reduce the size of the building to meet the side yard setbacks. The fourth apartment unit, however, was constructed by the Petitioner without a permit at such a time when she could have or should have known about the restrictive qualities of the property.

This Board believes that strict compliance with the Baltimore County Zoning Regulations would result in a practical difficulty and unreasonable hardship upon the Petitioner and that granting the variance requested would not adversely affect the health, safety and general welfare of the community. We therefore grant the variances requested with certain restrictions.

Helen Mon
Case No. 86-82-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of April, 1986, by the County Board of Appeals, ORDERED that the Petition for Variances to allow a lot width of 50 feet at the front building line of an apartment building for three dwelling units in a DR 5.5 zone in lieu of the required 110 feet, a side width of 10 feet on an interior lot containing an apartment building in a DR 5.5 zone in lieu of the required minimum of 15 feet, and a sum width of both side yards of 20 feet in lieu of the required 35 feet, as shown on the plans submitted in file herein and marked as Petitioner's Exhibit No. 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

1. Within two years from the date of this Order the number of dwelling units on the subject property shall be reduced to three dwelling units.
2. Within two years from the date of this Order grass, shrubs, and trees, according to a plan approved by the Office of Current Planning and Development, shall be placed between the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk and, between the parking lot and the north property line.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Patricia Phipps
Patricia Phipps
LeRoy B. Spurrier

CIRCUIT COURT FOR BALTIMORE COUNTY

Per Call
John Adams - 494-2650
Assignment Clerk
Settlement Clerk

Marie Erdolino - 494-2682
Assignment Clerk
Medical Records

TO:
Edward C. Covahey, Jr., Esq.
June Holman, Esq.
Phyllis Cole Friedman, Esq.
Peter Max Zimmerman, Esq.

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Boley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
July 2, 1986.

RECEIVED
COUNTY BOARD OF APPEALS
1986 JUL -3 P 1:18

RE: MON JUNE - 8605 2000 - HELEN MON ET AL VS COUNTY BOARD OF APPEALS ET AL
HEARING DATE: Monday, September 22, 1986, at 9:30 a.m.
ON THE FOLLOWING: Appeal 1 hour

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to confirm calendars. Claim of not receiving notice will not constitute a defense. The above due is not applicable to any counsel. A request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Court Assignments - Joyce Grimm - 494-3497.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE IRANK E. CICONE. Please direct all inquiries to the attention of John Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

IN THE MATTER OF
HELEN MON
FOR VARIANCES (SETBACKS)
ON PROPERTY LOCATED ON THE
EAST SIDE OF AVONDALE RD.,
155 FT. SOUTH OF GLENSIDE DR.
(9211 AVONDALE ROAD)
11TH DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

HELEN MON, PETITIONER-PLAINTIFF : Misc. Doc. No. 27
ZONING FILE NO. 86-82-A : Folio No. 140
: File No. 86-CG-2000

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Keith S. Franz, Patricia Phipps and LeRoy B. Spurrier, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 86-82-A
July 24, 1985 Petition of Helen Mon for a zoning variances on property located on the east side of Avondale Rd., 155' south of Glenside Drive, (9211 Avondale Rd.), 11th District - filed
July 24 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for 8/27/85 at 9:30 a.m.
August 3 Certificate of Posting of property - filed
August 8 Certificate of Publication in newspaper - filed
August 8 Comments of Baltimore County Director of Planning - filed
August 16 Comments of Baltimore County Zoning Plans Advisory Committee - filed

Helen Mon
Case No. 86-82-A

August 27, 1985 At 9:30 a.m. hearing held on petition by Deputy Zoning Commissioner
August 29 Order of Deputy Zoning Commissioner that the Petition for Variances is Granted subject to restrictions.
September 12 Order for Appeal to C.B. of A. from Order of Deputy Zoning Commissioner from Phyllis C. Friedman, People's Counsel
September 19 Order for Appeal to C.B. of A. from Order of Deputy Zoning Commissioner from Edward C. Covahey, Jr., Esq., on behalf of Petitioner.
April 16, 1986 Hearing on appeals before County Board of Appeals
April 30 Order of County Board of Appeals ordering that the Petition for Variances be GRANTED, subject to restrictions.
May 22 Order for Appeal filed in the Circuit Ct. for Baltimore County by Edward C. Covahey, Jr., Esq., on behalf of Petitioner-Appellant.
May 22 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County
May 23 Certificate of Notice sent to all interested parties.
June 20 Transcript of testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Plat, 5/29/85

" " 2 - Deed dated Nov. 28, 1980
" " 3 - 3 page list of repairs due to property after purchase.
" " 4 - 4A thru D, photos of property
" " 5 - A, B, C, D; photos of protestants' property
" " 6 - Photo of rear of property, 9213 Avondale Rd.
People's Counsel's Exhibit No. 1 - 1A to 1I, series of photos of surrounding property
" " 2 - Four photos, A,B,C,D.
" " 3 - Photo of Mon property showing deck on side.

CASE NO. 86-82-A AT LAW
HELEN MON VS.
RECEIVED FROM THE COUNTY BOARD OF APPEALS
FILED IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
FILED IN THE ZONING COMMISSIONER'S FILE
AND EXHIBITS.

Phyllis Cole Friedman
Phyllis Cole Friedman
Clark's Office

Date: 6/20/86

Helen Mon
Case No. 86-82-A

June 20, 1986 Record of proceedings filed in the Circuit Ct. for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holman
June Holman
County Board of Appeals of Baltimore County

cc: Edward C. Covahey, Jr., Esquire
Phyllis Cole Friedman
Mr. and Mrs. Thomas Crostic

IN THE MATTER OF THE
APPLICATION FOR VARIANCES
(SETBACKS) ON PROPERTY
LOCATED ON THE EAST SIDE OF
AVONDALE RD., 155 FT. SOUTH
OF GLENSIDE DR. (9211 Avondale
Rd.), 11th District
HELEN MON, Petitioner/Appellant
Zoning File No. 86-82-A

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
CG Pocket No. 27
Folio No. 140
File No. 86-CG-2000

ANSWER TO PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestant below and Appellee herein, answers the Petition on Appeal heretofore filed by the Appellant, viz:

1. That the Appellee neither admits nor denies the allegations made and contained in Paragraph 1.
2. That the Appellee denies the allegations made and contained in the second through sixth paragraphs of said Petition.
3. In further answering, the Petitioner's request is unlawful, in any event, because the additional unit would be in direct violation of the density restrictions of the D.R. 5.5 zoning classification.
4. That the decision of the County Board of Appeals of Baltimore County herein was proper and justified by the evidence before it and that the decision of the Board under date of April 30, 1986 should therefore be sustained as being properly and legally made.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 323, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 24 day of June, 1986, a copy of the foregoing Answer to Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals, Room 200, Court House, Towson, Maryland 21204; and a copy mailed to Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, MD 21204.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN THE MATTER OF HELEN MON FOR VARIANCES (GETBACKS) ON PROPERTY LOCATED ON THE EAST SIDE OF AVONDALE RD., 155 FT. SOUTH OF GLENSIDE DR. (9211 AVONDALE ROAD) 11th DISTRICT	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
HELEN MON, PETITIONER-PLAINTIFF	:	CG Doc. No. 27
ZONING FILE NO. 86-82-A	:	Folio No. 140
	:	File No. 86-CG-2000

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Keith S. Franz, Patricia Phipps and Leroy B. Spurrier, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Edward C. Covahey, Jr., Esq., 614 Bosley Avenue, Towson, Md. 21204, Counsel for Petitioner-Plaintiff; Ms. Helen Mon, 3 Linlow Court, Towson, Md. 21204, Petitioner-Plaintiff; Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, Md. 21234, Protestants; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Helen Mon
Case No. 86-82-A

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Edward C. Covahey, Jr., Esq., 614 Bosley Avenue, Towson, Md. 21204, Counsel for Petitioner-Plaintiff; Ms. Helen Mon, 3 Linlow Court, Towson, Md. 21204, Petitioner-Plaintiff; Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, Md. 21234, Protestants; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 23rd day of May, 1986.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

#86-82-A

11th District

E/s Avondale Rd., 155' S of Glenside Drive
(9211 Avondale Road)

Helen Mon

1 SIGN



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204

(301) 494-3180

May 23, 1986

Edward C. Covahey, Jr., Esq.
614 Bosley Ave.
Towson, Md. 21204

Re: Case No. 86-82-A
Helen Mon

Dear Mr. Covahey:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

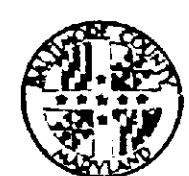
The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

June Holmen
June Holmen, Secretary

Enclosures
cc: Ms. Helen Mon



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204

(301) 494-3180

May 23, 1986

Phyllis C. Friedman
People's Counsel for Baltimore County
Court House
Towson, Md. 21204

Re: Case No. 86-82-A
Helen Mon

Dear Mrs. Friedman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen
June Holmen, Secretary

Enclosures
cc: Mr. & Mrs. Thomas Crostic
Norman E. Cerber
James Roswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
James Thompson

IN THE MATTER OF HELEN MON FOR VARIANCES 9211 Avondale Road 11th District	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Appeal from County Board of Appeals Case No. 86-82-A
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ORDER OF APPEAL

Mr. Clerk:

Please enter an appeal on behalf of Helen Mon, Petitioner, from the Order of the Board of Appeals of Baltimore County passed in the above-captioned case on April 30, 1986.

RECEIVED
COUNTY BOARD OF APPEALS
MAY 22 A 11:03

Edward C. Covahey, Jr.
Atty. for Appellant
614 Bosley Ave.
Towson, MD 21204
828-9441

I HEREBY CERTIFY that on this 22nd day of May, 1986, a copy of the foregoing Order of Appeal and Petition thereon was hand delivered to the County Board of Appeals for Baltimore County, Room 200, Court House, Towson, MD 21204 and Peter Max Zimmerman, Esquire, People's Counsel, Room 223, Court House, Towson, MD 21204.

Edward C. Covahey, Jr.

IN THE MATTER OF HELEN MON FOR VARIANCES 9211 Avondale Rd. 11th District Appellant v. COUNTY BOARD OF APPEALS Appellee	:	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY County Board of Appeals Case No. 86-82-A
--	---	---

PETITION

Helen Mon, Appellant, by Edward C. Covahey, Jr., her attorney, files this Petition in support of her Order of Appeal to the Order of the County Board of Appeals dated April 30, 1986 and in support thereof represents unto this Honorable Court as follows:

1. The Appellant appeals from the action of the County Board of Appeals in conditioning the variances granted to the Appellant by requiring the Appellant to reduce the number of dwelling units on the premises involved from four (4) to three (3) and in requiring the Appellant within two (2) years to plant grass, shrubs and trees between, as phrased by the Board, "the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk, and between the parking spaces and the north property line."

2. The board erred in that the Board failed to consider the evidence which established that in fact the Appellant obtained

plumbing and electrical permits at such time as the fourth dwelling unit was constructed in the subject premises.

3. The Board erred in requiring, after determining that substantial hardship exists, that the Appellant within two (2) years from the date of the Order undertake affirmatively to reduce the number of dwellings on the site and to install screen planting.

4. The testimony in the case and the facts are that screen planting as required never existed on the subject property and that it is physically impossible to plant screening and grass as required by the County Board.

5. The testimony in the case and the documentary evidence established that in fact the subject property is at the present time maintained much better than existed prior to Appellant's ownership of same and that same is not out of character with the surrounding properties.

6. That the action of the Board in reducing the number of dwelling units in the Appellant's property is in effect depriving the Appellant of a property right without due process of law.

WHEREFORE, Appellant requests that this Honorable Court:

A. Affirm the County Board of Appeals in granting the requested variances.

B. Pass a Final Order deleting therefrom Conditions 1 and 2 as contained in the Order of the County Board of Appeals.

Edward C. Covahey, Jr.
Atty. for Appellant
614 Bosley Ave.
Towson, MD 21204
828-9441

PETITION FOR VARIANCE
11th Election District

LOCATION: East side of Avondale Road, 155 ft. South of
Glenside Drive (9211 Avondale Road)

DATE AND TIME: Tuesday, August 27, 1985 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Variances from Section 402.2 to allow a lot width of 50'
at the front building line of an apartment building with four (4)
dwelling units in a D.R. 5.5 district in lieu of the required 110';
and to allow a side yard width of 10' on an interior lot containing an
apartment building in a D.R. 5.5 district in lieu of the required
minimum of 15' and a sum width of both side yards of 20' in lieu of
the required 35'.

Being the property of Helen Mon as shown on
the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however, enter-
tain any request for a stay of the issuance of said permit during this period for
good cause shown. Such request must be received in writing by the date of the
hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MICROFILMED

RE: PETITION FOR VARIANCE
E/S of Avondale Rd.,
155' S of Glenside Dr.
(9211 Avondale Rd.),
11th District

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

HELEN MON, Petitioner

Case No. 86-82-A

SEP 13 AM

ZONING DEPARTMENT

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning
Commissioner in the above-captioned matter, under date of August 29,
1985, to the County Board of Appeals and forward all papers in connection
therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 12th day of September, 1985,
a copy of the foregoing Notice of Appeal was mailed to Edward C. Covahey,
Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner;
and Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, MD 21234,
Protestants.

Phyllis Cole Friedman
Phyllis Cole Friedman

MICROFILMED

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

ARNOLD JABLON
ZONING COMMISSIONER

August 20, 1985

Edward C. Covahey, Jr.
614 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Variance
E/S Avondale Rd., 155'
S/Glenside Drive (9211 Avondale Rd.)
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

Dear Mr. Covahey:

This is to advise you that \$57.97 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 006399

DATE 8/27/85 ACCOUNT 01-615-000

AMOUNT \$ 57.97

RECEIVED FROM Ed. C. Covahey, Jr.

FOR Advertising & Posting Fee

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

RE: PETITION FOR VARIANCES
E/S Avondale Rd., 155'
S/Glenside Dr. (9211
Avondale Rd.), 11th Dist.

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

HELEN MON, Petitioner

Case No. 86-82-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the
above-captioned matter. Notices should be sent of any hearing dates
or other proceedings in this matter and of the passage of any preliminary
or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 31st day of July, 1985, a copy
of the foregoing Entry of Appearance was mailed to Edward C. Covahey,
Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

July 26, 1985

NOTICE OF HEARING

Re: Petition for Variance
E/S Avondale Rd., 155' S/
Glenside Drive (9211 Avondale Rd.)
11th Election District
Helen Mon, Petitioner
Case No. 86-82-A

TIME: 9:30 a.m.

DATE: Tuesday, August 27, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007293

DATE 8/14/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Ed. C. Covahey, Jr.

FOR Variance # 348

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

PETITION FOR VARIANCE
E/S of Avondale Rd.,
155' S of Glenside Dr.
(9211 Avondale Rd.),
11th District

BEFORE THE
ZONING COMMISSIONER

FOR
BALTIMORE COUNTY

HELEN MON, Petitioner

86-82-A

ORDER FOR APPEAL

Please enter an appeal from the decision of the Deputy Zoning
Commissioner in the above-captioned matter, under date of August
29, 1985, to the County Board of Appeals and forward all papers in
connection therewith to the Board for hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012540

DATE 9/3/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Edward C. Covahey, Jr.

Appeal Fee for Case No. 86-82-A

FOR Appeal Fee

VALIDATION OR SIGNATURE OF CASHIER

ZONING DEPARTMENT
By TO: BOARD OF APPEALS

MICROFILMED

Petition for Variance

11th Election District

LOCATION: East side of Avondale
Road, 155 ft. South of Glenside Drive
(9211 Avondale Road)

DATE & TIME: TUESDAY, AUGUST
27, 1985 at 9:30 a.m.

PUBLIC HEARING: Room 106,
County Office Building, 111 West
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 Variances from Section
402.2 to allow a lot width of 50' at the
front building line of an apartment
building with four (4) dwelling units in
a D.R. 5.5 district in lieu of the re-
quired 110'; and to allow a side yard
width of 10' on an interior lot con-
taining an apartment building in a
D.R. 5.5 district in lieu of the required
minimum of 15' and a sum width of
both side yards of 20' in lieu of the re-
quired 35'.

Being the property of Helen Mon, as
shown on the plat filed with the Zoning
Office.

In the event that this Petition is
granted, a building permit may be is-
sued within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain any request
for a stay of the issuance of said per-
mit during this period for good cause
shown. Such request must be received
in writing by the date of the hearing
set above or made at the hearing.

By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County

36-82-A00
The Times

Middle River, Md., Aug 5 1985

This is to Certify, That the annexed

Petition Re L 73250

was inserted in The Times, a newspaper printed

and published in Baltimore County, once in each

of one successive

weeks before the 27th day of

Aug, 1985

James Brown Publisher.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/26/85

Posted for: Edward C. Covahey, Jr.

Petitioner: Helen Mon

Location of property: E. S. of Avondale Rd., 155' S. of Glenside Dr.

Location of Sign: Room 106, County Office Building, 111 West Chesapeake Ave., Towson, Md.

Remarks: Ed. C. Covahey, Jr. Petitioner

Posted by: Phyllis Cole Date of return: 8/26/85

Number of Signs: 1

PETITION FOR VARIANCE
11th Election District

LOCATION: East side of Avondale Drive (2211 Avondale Road)
DATE AND TIME: Tuesday, August 27, 1985 at 9:30 a.m.
PUBLIC HEARING: Room 100, 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 on the petition for variance from Section 402.2 to allow for a use of the building with floor-to-ceiling units as follows:

1. D.R. 5.5 district in lieu of the required 110' and to allow a side yard of 10' in lieu of the required minimum of 15' and a sum width of both side yards of 20' in lieu of the required 35'.

Reason: The property of Helen Mon as shown on the plat filed with the Zoning Office.

In the event that this Petition is denied, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing or the date of the hearing set above on or before the date of the hearing.

By: ARNOLD JABLON, Zoning Commissioner of Baltimore County
Aug. 8

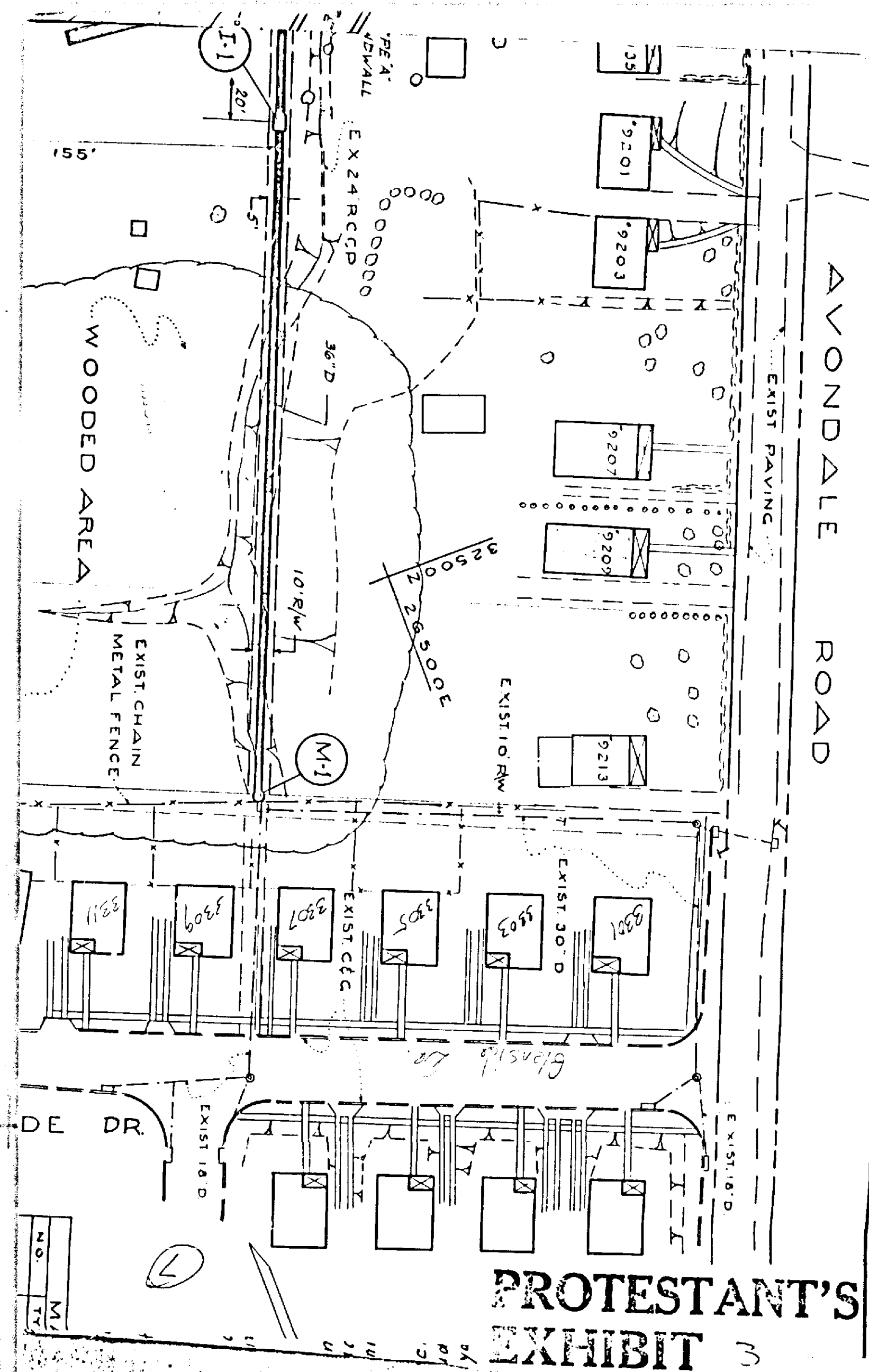
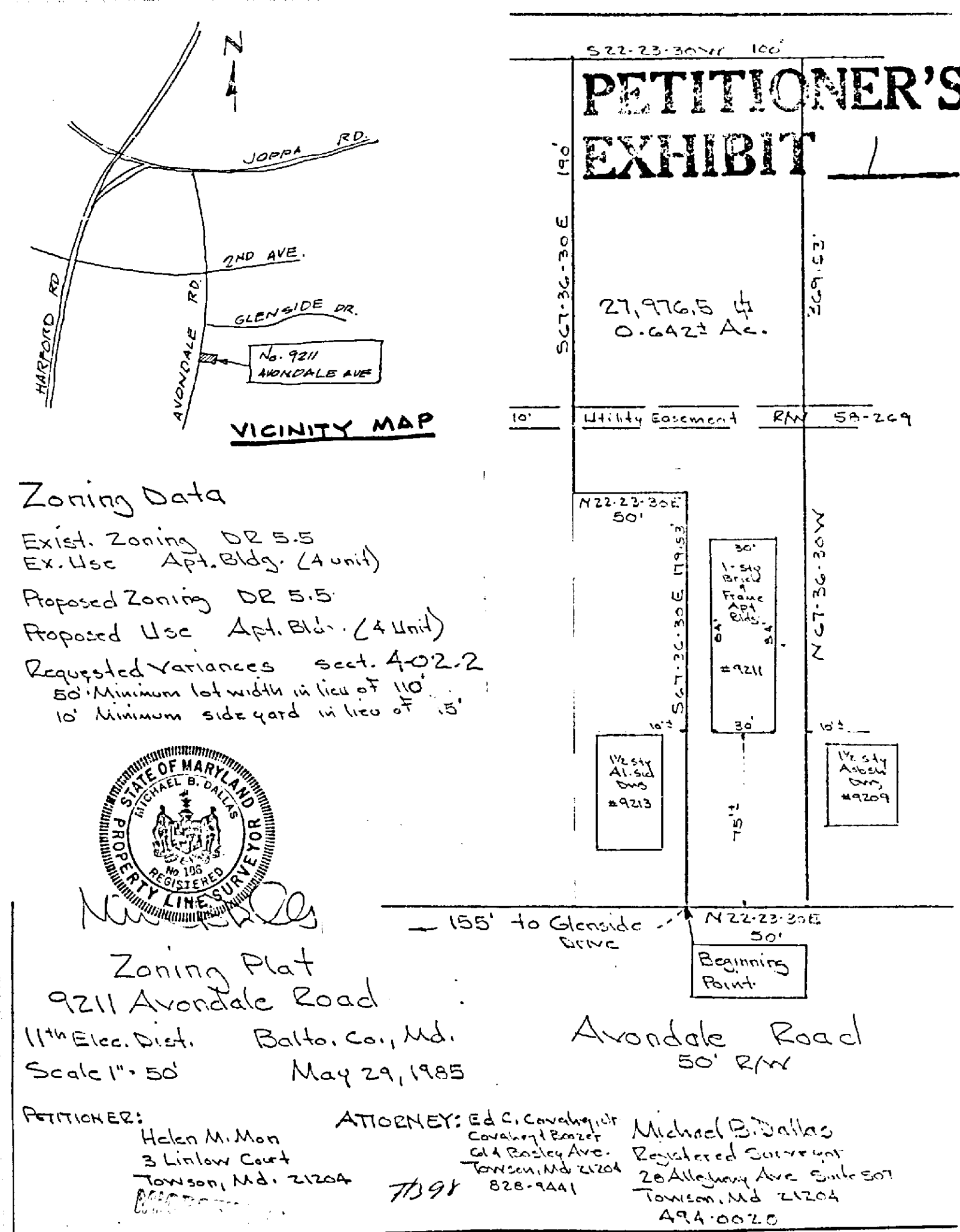
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 8, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 8, 1985.

THE JEFFERSONIAN,
B. Kenton
Publisher
Cost of Advertising
27.50

MICROFILMED



Case No. 86-82-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
24th day of July, 1985.

MICROFILMED
ARNOLD JABLON
Zoning Commissioner

Petitioner: Helen Mon
Petitioner's Attorney: Edward C. Covahey, Jr., Esquire
cc: Mr. Michael B. Dallas, 28 W. Allegheny Ave., 21204

Received by: *James E. Dyer*
JAMES E. DYER, Chairman
Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: August 8, 1985

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 86-82-A

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

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

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 398 - Case No. 86-82-A
Petitioner - Helen Mon
Variance Petition

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

Dear Mr. Covahey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are now 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 members of the Committee at this time that offer on request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nrr

Enclosures

cc: Mr. Michael B. Dallas
28 West Allegheny Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #398 (1984-1985)
Property Owner: Helen Mon
SE/S Avondale Rd. 155' S/W fr. c/l
Glenside Drive
District 11th

Dear Mr. Jablon:

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 Comments:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Since no public facilities are involved, this office has no comment.

Very truly yours,
James A. Markel
JAMES A. MARKEL, P.E., Chief
Bureau of Public Services

JAM:PMO:blp

cc: File

JULY 30, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of JUNE 25, 1985
Item # 398
Property Owner: HELEN MON
Location: SE/SIDE AVONDALE RD. 155'
S/W FROM GLENSIDE DRIVE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

Eugene A. Bober
Chief, Current Planning and Development

cc: James Hoswell

MICROFILMED

STEPHEN E. COLLINS
DIRECTOR

June 25, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 385,386,387,392,394,396,397,398 and 399 ZAC-Meeting of 6/25/85
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 385, 386, 387, 392, 394, 396, 397, 398, and 399.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cm

TED ZALESKI, JR.
DIRECTOR

July 18, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 398 Zoning Advisory Committee Meeting are as follows:

Property Owner: Helen Mon
Location: SE/S Avondale Road 155' S/W from c/l Glenside Drive
District: 11th.

APPLICABLE CODES ARE CIRCLED:

(C) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

B. A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered Maryland Architect or Engineer is/are not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1007, Section 1006.2 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 905 for turnable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Uses. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

(C) Comments: If the structure can comply with Section 103.0 there is no problem. If not, the structure shall comply with the Code for R-2 (apartment uses). If it has never been granted an occupancy permit for R-2 uses and if it was of a prior use than a change of occupancy permit would be required and item "H" above would be applicable. There is no indication on the plan if this is an existing or new structure. These referenced comments reflect only on the information provided to the Office proposed of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204. If it has been a single family dwelling converted to apartment use, etc., etc., etc.

By: C. E. Burman, Chief
Building Plans Section

4/22/85

PAUL H. REINCKE
CHIEF

July 2, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comasari, Chairman
Building Plans Advisory Committee

Re: Property Owner: Helen Mon

Location: SE/S Avondale Road 155' S/W from c/l Glenside Drive

Item No. 398

Building Address: Meeting of June 25, 1985

Comments:

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.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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 operation.

- (X) 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.

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

REVIEWER: C. E. Burman, Chief
Planning Group
Special Inspection Division

Noted and

Approved: Roy W. Kemmer
Fire Prevention Bureau

/mb

We the property owners adjacent to or near 9211 Avondale Rd. respectfully request that the zoning request to allow for four apartments on the property be denied.

The configuration of the property, the size and location of the parking lot, the location of the building, the overall appearance of the property and associated rental property problems have for a long time disturbed our rights of quiet enjoyment. The property with its frequent turnover and commercial appearance is not conducive to a stable residential neighborhood and does nothing to enhance the property values of the surrounding properties.

We request that you limit our future exposure to the problems, disturbances and inconveniences that we have faced in the past by enforcing the current zoning requirements and denying the request for a variance.

Property Owner	Address
Mr. & Mrs. Thomas Centa	9209 Avondale Rd
Mr. & Mrs. Frank White	9207 Avondale Rd
Nicholas Marsoni	9210 Avondale Rd
John C. Treacy	9203 Avondale Rd
Estelle Hamminger	3307 Glenside Dr.
John Hamminger	3307 Glenside Dr.
Mr. & Mrs. Robert Hill	3309 Glenside Dr.
Mr. & Mrs. Eugene Rogers	3303 Glenside Dr.
Mr. & Mrs. Robert Hill	3301 Glenside Dr.
PROTESTANT'S EXHIBIT 2	9213 Avondale Rd

IN THE MATTER OF
HELEN MON
FOR VARIANCES (SETBACKS)
ON PROPERTY LOCATED ON THE
EAST SIDE OF AVONDALE RD.,
155 FT. SOUTH OF GLENSIDE DR.,
(9211 AVONDALE ROAD)
11th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 86-82-A

OPINION

This matter comes before the Board on an appeal by the Petitioner and People's Counsel from the Deputy Zoning Commissioner's Ruling in this case which permitted the requested variances with certain conditions. The property presently contains four dwelling units in a DR 5.5 zone. The road frontage is 50 feet instead of the required 110 feet, the side yard setback is 10 feet on each side instead of the required 15 feet required on each side and 35 feet sum of both sides. It is from these standards that the Petitioner has requested variance.

The testimony presented by the Petitioner indicated that she acquired the property in November 1983 and at that time there were three apartments in the building. The property was in extremely poor condition and extensive repairs were required. These repairs have been made and a fourth apartment has been added. No permit was obtained for the construction of this fourth unit.

The neighborhood consists of residential dwellings that are primarily used as family dwellings. There are two other properties in the neighborhood which have two dwelling units.

Mrs. Mon testified that the property was purchased for investment purposes. Since her purchase of the property, she has invested a significant amount of money into the property and it was admitted that the condition

Helen Mon
Case No. 86-82-A

of the property and the quality of the tenants has substantially changed for the better.

Ann Crostic, the next door neighbor to the south, protested the existence of four units on the subject property and the consequences that such a condition has on the use and enjoyment of her property. In particular, the lights and noise from the cars that are on the property is bothersome and repeated dumping of trash by tenants of the subject property onto Ms. Crostic's property causes her concern.

It is apparent that the building, when originally constructed, may have been done so without consideration of the appropriate setbacks, was illegally converted to three apartments prior to the time when the Petitioner purchased the property and has been illegally converted to four apartments by the Petitioner. This Board believes it would be a substantial hardship for the property owner to be required to remove the building or reduce the size of the building to meet the side yard setbacks. The fourth apartment unit, however, was constructed by the Petitioner without a permit at such a time when she could have or should have known about the restrictive qualities of the property.

This Board believes that strict compliance with the Baltimore County Zoning Regulations would result in a practical difficulty and unreasonable hardship upon the Petitioner and that granting the variance requested would not adversely affect the health, safety and general welfare of the community. We therefore grant the variances requested with certain restrictions.

Helen Mon
Case No. 86-82-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of April, 1986, by the County Board of Appeals, ORDERED that the Petition for Variances to allow a lot width of 50 feet at the front building line of an apartment building for three dwelling units in a DR 5.5 zone in lieu of the required 110 feet, a side width of 10 feet on an interior lot containing an apartment building in a DR 5.5 zone in lieu of the required minimum of 15 feet, and a sum width of both side yards of 20 feet in lieu of the required 35 feet, as shown on the plans submitted in file herein and marked as Petitioner's Exhibit No. 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

1. Within two years from the date of this Order the number of dwelling units on the subject property shall be reduced to three dwelling units.
2. Within two years from the date of this Order grass, shrubs, and trees, according to a plan approved by the Office of Current Planning and Development, shall be placed between the parking spaces and the fence along the south property line, between the parking spaces and the sidewalk and, between the parking lot and the north property line.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

Patricia Phipps
LeRoy B. Spurrier

County Board of Appeals of Baltimore County, MAY 2 1986

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
April 30, 1986

Edward C. Covahey, Jr., Esq.
614 Bosley Ave.
Towson, Md. 21204

Dear Mr. Covahey:

Enclosed please find copy of the Opinion and Order passed by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holman
June Holman, Secretary

Encl.
cc: Ms. Helen Mon
Mr. and Mrs. Thomas Crostic
Phyllis C. Friedman
Norman E. Gerber
James Howell
Arnold Jablon
Jean Jung
James E. Dyer
James Thompson

Case No. 86-82-A
Item No. 398
Date: September 17, 1985

E/S of Avondale Road, 155' S of
Glenside Drive, (9211 Avondale Road)
11th Election District
Helen Mon, Petitioner

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description of Property
- ☒ 3. Copy of Certificate of Posting (1 Sign)
- ☒ 4. Copy of Certificates of Publication
- ☒ 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
- ☒ 9. Copy of Order - Zoning/Deputy Zoning Commissioner
- ☒ 10. Copy of Plat of Property (Petitioner's Exhibit 1)
- ☒ 11. 200' Scale Location Plan
- ☒ 12. 1000' Scale Location Plan
- ☒ 13. Memorandum in Support of Petition
- ☒ 14. Letter(s) from Protester(s)
- ☒ 15. Letter(s) from Petitioner(s)
- ☒ 16. Protestants' Exhibits 1 to 3
#1: Nine(9) photos. #2: Petitioner #3: Sewage Easement Plat
- ☒ 17. Petitioner's Exhibits 1 to 1
#1: Site Plan
- ☒ 18. Letter of Appeal

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

Attorney for Petitioner

Ms. Helen Mon
3 Linow Court
Towson, Maryland 21204

Petitioner

Mr. & Mrs. Thomas Crostic
9209 Avondale Road
Baltimore, Maryland 21234

Protestants

Phyllis C. Friedman, Esquire
Norman E. Gerber
James Howell
Arnold Jablon
Jean H. Jung
James E. Dyer

People's Counsel
Request Notification
Request Notification
Request Notification
Request Notification

RE: PETITION FOR VARIANCE
E/S of Avondale Rd.,
155' S of Glenside Dr.
(9211 Avondale Rd.),
11th District
HELEN MON, Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-82-A

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of August 29, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 17th day of September, 1985, a copy of the foregoing Notice of Appeal was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner; and Mr. and Mrs. Thomas Crostic, 9209 Avondale Rd., Baltimore, MD 21234, Protestants.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN RE: PETITION FOR VARIANCE
E/S of Avondale Road, 155'
S of Glenside Drive,
(9211 Avondale Road) -
11th Election District
Helen Mon,
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-82-A

The Petitioner herein requests variances to allow a lot width of 50 feet at the front building line of an apartment building with four dwelling units in a D.R. 5.5 Zone in lieu of the required 110 feet, to allow a side yard width of 10 feet on an interior lot containing an apartment building in a D.R. 5.5 Zone in lieu of the required minimum of 15 feet, and a sum of both sides of 20 feet in lieu of the required 35 feet.

Testimony by and on behalf of the Petitioner indicated that she acquired the three-apartment building in November 1980. At that time it was inhabited by a number of persons and was in deplorable condition. Extensive repairs have been made; a large front parking lot has been paved and striped and a fourth apartment has been added, the latter without benefit of a permit for that living unit. The Petitioner testified that she found out that the building did not meet county requirements when she put the property up for sale. At this time the building contains on the lower level a living unit with a rear entrance containing a living room, dining room, kitchen, family room, three bedrooms, two bathrooms and a laundry room; on the main floor one unit with a side entrance containing a combination living room/dining room, kitchen, two bedrooms, two bathrooms and a laundry room, one unit with a front entrance containing a combination dining room/kitchen, one bedroom and one bathroom and the latest created unit with a southern side entrance containing a one room efficiency with a bathroom.

The adjacent neighbors to the south appeared in protest and testified that

they understood the building was built in 1973-75 as a single-family dwelling but, following a fire was converted into three living units inhabited by family members. When they purchased their home seven years ago they thought the building in question was a single family residence but discovered that the front main level apartment was rental property. The north side apartment and the lower level apartment were used by the owner's family. In their opinion, the current owner and petitioner has improved the building but also has changed the appearance from that of a single-family home to a commercial apartment building by removing trees and shrubs and paving and striping most of the front yard. The efficiency apartment was added in 1983. Most of the residences in the neighborhood are single-family residences; where there are two living units the house is owner occupied. Most of the lots are 50 feet wide. On the east side of Avondale Road most lots are about 360 feet deep.

After due consideration of the evidence and testimony presented, in the opinion of the Deputy Zoning Commissioner, it would appear that the building may have been illegally constructed without proper setbacks, was illegally converted to three apartments prior to purchase by the Petitioner and has been illegally converted to four apartments by the Petitioner and present owner. Indeed, it would be a great hardship for the owner to be required to remove the building because, since 1970, the Baltimore County Zoning Regulations (BCZR) have required a minimum lot width of 55 feet in a D.R. 5.5 Zone; also it would be a great hardship for the owner to be required to reduce the size of the building, to meet side and sum of side yard setbacks. When it comes to consideration of the number of living units to be permitted within the building the matters of substantial injury to the general welfare of adjacent neighbors and the neighbor as a whole must be considered as well as the practical difficulty or unreasonable hardship upon the Petitioner. Although this site contains 0.642

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY

ORDER RECEIVED FOR FILING
DATE August 29, 1985
BY

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