

86-129-A #14

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 400.1 @ .2 to permit an accessory structure to be located 1' from the rear property line in lieu of the required 2.5' and 8' from the centerline of the alley in lieu of the required 15'

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

If required setback from the rear property line and centerline of alley is maintained, the existing maple tree in the rear would have to be removed. Other accessory structures in the neighborhood, including property across the alley from my house, have accessory structures closer to property lines than permitted.

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

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

1/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: Legal Owner(s):
(Type or Print Name) Earl E. Scheminant
Signature: *Earl E. Scheminant*
Address: Hazel P. Scheminant
(Type or Print Name)
Signature: *Hazel P. Scheminant*
City and State: Baltimore, Md. 21227
Attorney for Petitioner: 35 Elizabeth Avenue (647 8569 Summer)
(Type or Print Name) Address Phone No.
Signature: Baltimore, Md. 21227
City and State
Address Name
City and State Same as above
Name
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of August, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of September, 1985, at 1:00 o'clock.

Arnold Jablon
Zoning Commissioner of Baltimore County.

BY *James E. Collins*
ADMINISTRATOR

Case No. 86-129-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 21st day of August, 1985.

Petitioner: Earl E. Scheminant, et ux
Petitioner's Attorney: *James E. Dyer, Inc.*

Received by: *James E. Dyer, Inc.*
Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
September 18, 1985

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

Mr. and Mrs. Earl E. Scheminant
35 Elizabeth Avenue
Baltimore, Maryland 21227

RE: Item No. 14 - Case No. 86-129-A
Petitioners - Earl E. Scheminant, et ux
Variance Petition

Dear Mr. and Mrs. Scheminant:

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 on the date of the enclosed filing certificate and a hearing scheduled accordingly.

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

JED:nrr
Enclosures,

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3271

NORMAN E. GERBER
DIRECTOR

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

SEPTEMBER 3, 1985

Re: Zoning Advisory Meeting of July 23, 1985
Item # 14
Property Owner: EARL E. SCHEMINANT, et ux
Location: SW CORNER OF ELIZABETH AVE. AND BALTIMORE AVENUE

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 siting 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 22-88 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 are re-evaluated annually by the County Council.
☒ Additional comments:

Eugene A. Sober
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3530

STEPHEN E. COLLINS
DIRECTOR

August 26, 1985

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

By: *Michael S. Flanigan*
Traffic Engineering Associate II

Item No. 14 -ZAC Meeting of July 23, 1985.
Property Owner: Earl E. Scheminant, et ux
Location: SW corner of Elizabeth Avenue & Baltimore Avenue
Existing Zoning: D, R. 5.5
Proposed Zoning: Variance to permit an accessory structure to be located 1' from the rear property line in lieu of the required 2.5' and 8' from the centerline of the alley in lieu of the required 15'

Acres: 64' x 100'
District: 13th

Dear Mr. Jablon:

The Department of Traffic Engineering has no comment on this particular item.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Associate II

MEF/bza

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

PAUL H. REINCKE
CHIEF

August 6, 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: Earl E. Scheminant, et ux
Location: SW corner of Elizabeth Avenue and Baltimore Avenue

Item No. 14 Zoning Agenda: Meeting of 7/23/85

Gentlemen:

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

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

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

() 3. The vehicle 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.

(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: *James E. Dyer, Inc.* Noted and Approved: *Roy W. Kemmer*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

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

August 21, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 14 Zoning Advisory Committee Meeting are as follows:

Property Owner: Earl E. Scheminant, et ux
Location: SW Corner of Elizabeth Avenue and Baltimore Avenue
District: 13th.

APPLICABLE CODES AND ORDINANCES:

() All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85. The Maryland Code for the Handicapped and Age (A.S.C. 11.1, #17-1 - 1985) and other applicable Codes and Ordinances.

() 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/is not required on plan 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. Reproduced seals are not acceptable.

() All Two Groups except B-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. For One Group require a one hour wall if closer than 7'-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 1008, and Table 1002. 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 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.

() 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 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 117 of the Building Code.

() The proposed project appears to be located in a Flood Plain, Flood/Overwash. Please see the attached copy of Item # 136.0 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:

() These abbreviated comments reflect only on the information provided by the drawings submitted to the Office 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 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark G. Johnson
371
Building Plans Review

4/27/85

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning

Date: September 4, 1985

SUBJECT: Zoning Petitions No. 86-117-A, 86-118-A, 86-119-A, 86-121-A, 86-126-A, 86-127-A, 86-128-A, 86-129-A, and 86-130-A

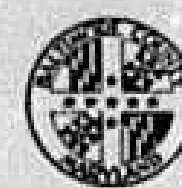
There are no comprehensive planning factors requiring comments on these petitions.

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

NEG:JGH:sjm

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 26, 1985

Mr. & Mrs. Earl E. Scheminant
35 Elizabeth Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
SW corner Elizabeth and
Baltimore Avenues,
(35 Elizabeth Avenue) -
13th Election District
Earl E. Scheminant, et ux,
Petitioners
Case No. 86-129-A

Dear Mr. & Mrs. Scheminant:

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:rbg

Attachments

cc: People's Counsel

IN RE: PETITION FOR VARIANCE
SW corner Elizabeth and
Baltimore Avenues,
(35 Elizabeth Avenue) -
13th Election District
Earl E. Scheminant, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-129-A

The Petitioners herein request variances to permit a rear yard setback of one foot in lieu of the required 2 1/2 feet and a setback of 8 feet from the centerline of the alley in lieu of the required 15 feet for an accessory structure.

Testimony on behalf of the Petitioners indicates that they propose to build a 24' x 28' garage with doors facing Baltimore Avenue. On the south side of the site of the proposed garage is an unused, unpaved alley; on the other side is a mature shade tree, thus the garage cannot be located elsewhere and without variances. The garage is needed for protection from vandalism and to lessen the burdens of the older Petitioners. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 26th day of September, 1985, that the herein Petition for Variance to permit a rear yard setback of one foot in lieu of the required 2 1/2 feet and a setback of 8 feet from the centerline of the alley in lieu of the required 15 feet for an accessory structure, in accordance with the plan submitted and filed herein, marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order.

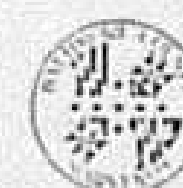
Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING

DATE September 26, 1985

BY Barbara A. Kellard

ADMINISTRATIVE ASSISTANT



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

ARNOLD JABLON
ZONING COMMISSIONER

September 19, 1985

Mr. & Mrs. Earl E. Scheminant
35 Elizabeth Avenue
Baltimore, Maryland 21227

Re: Petition for Variance
SW corner of Elizabeth and Baltimore
Avenues (35 Elizabeth Avenue)
13th Election District
Earl E. Scheminant, et ux, Petitioners
Case No. 86-129-A

Dear Mr. & Mrs. Scheminant:

This is to advise you that \$47.90 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. 012517
DATE 9-25-85 ACCOUNT R-01-615-000
AMOUNT \$ 47.90
RECEIVED FROM Mr. Earl Scheminant
FOR Advertising & Posting \$6.180-A
B 870544444475018 82208
VALIDATION OR SIGNATURE OF CASHIER

ZONING DESCRIPTION

Beginning on the SW/C BALTO. AVE. of Elizabeth St. and running south par to Baltimore Ave. 100 feet.

Being lot 19 - 20 - 21 - 22, Block 4, in the subdivision of Joshua, Book No. 01, Folio 144. Also known as 35 Elizabeth Ave. in the 13th Election District.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW Corner of Elizabeth : OF BALTIMORE COUNTY
& Baltimore Aves. (35 :
Elizabeth Ave.), :
13th District :
EARL E. SCHEMINANT, et ux, : Case No. 86-129-A
Petitioners :
: : : : :
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 28th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Earl E. Scheminant, 35 Elizabeth Ave., Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR VARIANCE
13th Election District

LOCATION: Southwest corner of Elizabeth and Baltimore Avenues (35 Elizabeth Avenue)

DATE AND TIME: Wednesday, September 25, 1985 at 1:00 p.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 Variance from Section 400.1 and .2 to permit an accessory structure to be located 1 foot from the rear property line in lieu of the required 2.5 feet and 8 feet from the centerline of the alley in lieu of the required 15 feet.

Being the property of Earl E. Scheminant, et ux 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

Office of
PATUXENT
Publishing Corp.
10750 Line Placent Place
Columbia, MD 21044

September 14 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

☐ Catonsville Times
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for ONE successive weeks before the 14 day of September 1985, that is to say, the same was inserted in the issues of

September 12, 1985

PATUXENT PUBLISHING CORP.
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

Mr. & Mrs. Earl E. Scheminant
35 Elizabeth Avenue
Baltimore, Maryland 21227

August 23, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
SW corner of Elizabeth and Baltimore
Avenues (35 Elizabeth Avenue)
13th Election District
Earl E. Scheminant, et ux, Petitioners
Case No. 86-129-A

TIME: 1:00 p.m.

DATE: Wednesday, September 25, 1985

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

PETITION FOR VARIANCE
13th Election District
LOCATION: Southwest corner of
Elizabeth and Baltimore Avenues (35
Elizabeth Avenue)
DATE AND TIME: Wednesday, Sep-
tember 25, 1985 at 1:00 p.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of Bal-
timore County, by authority of the Zon-
ing Act and Regulations of Baltimore
County, will hold a public hearing
Petition for Variance "on Section
400.1 and .2 to permit a variance

structure to be located 1 foot from the
rear property line in lieu of the required
7.5 feet and 5 feet from the cornerline of
the alley in lieu of the required 15 feet.
Being the property of Earl E. Scheminant,
et ux 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 or
shown or made at the hearing.
By Order of:
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Sept. 5.

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 5, 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
September 5, 1985.

THE JEFFERSONIAN,

P. Venetian

Publisher

Cost of Advertising
24.75

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th

Date of Posting: September 5, 1985

Posted for: Variance

Petitioner: Earl E. Scheminant, et ux

Location of property: SW corner of Elizabeth & Baltimore Avenues
(35 Elizabeth Ave.)

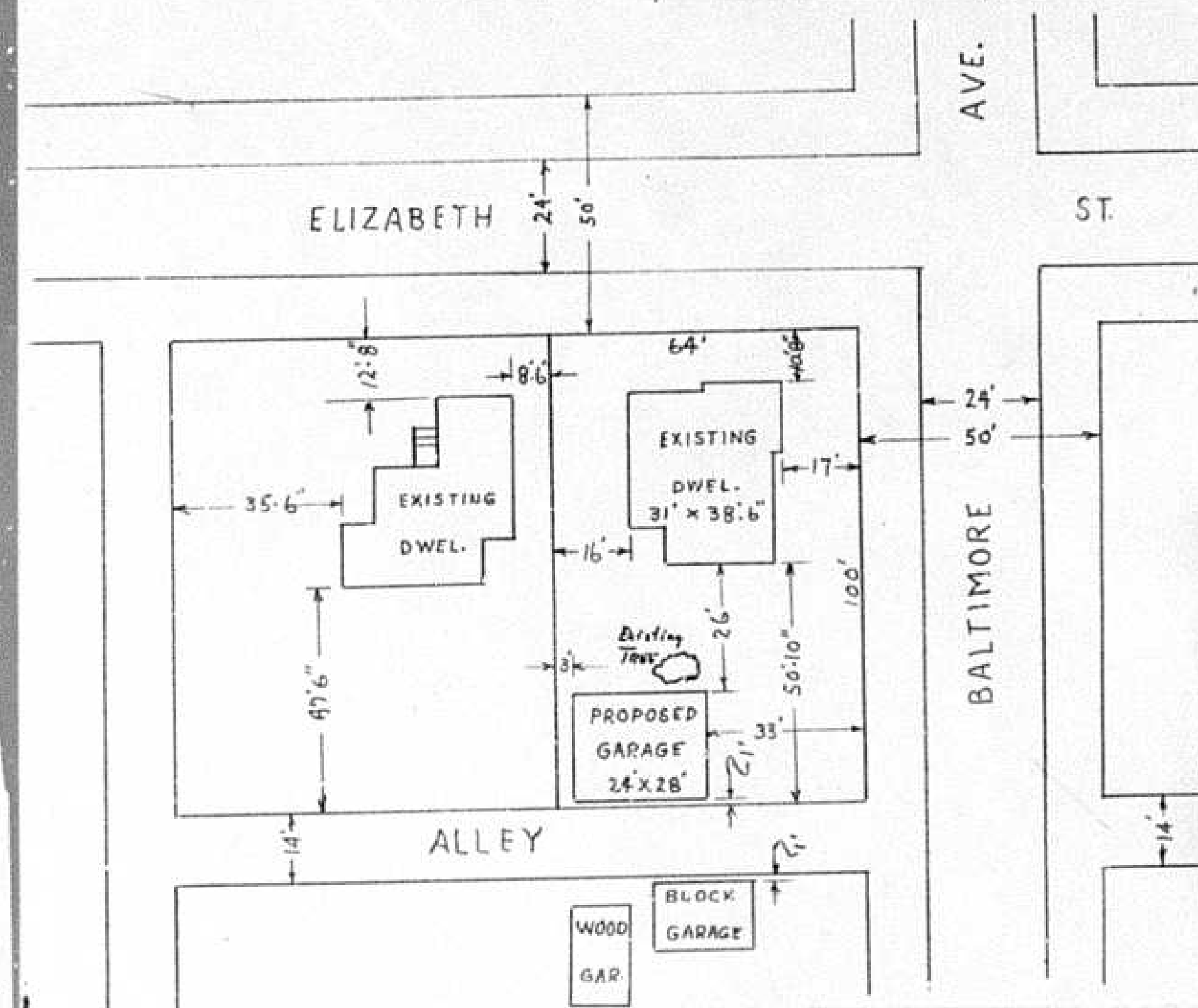
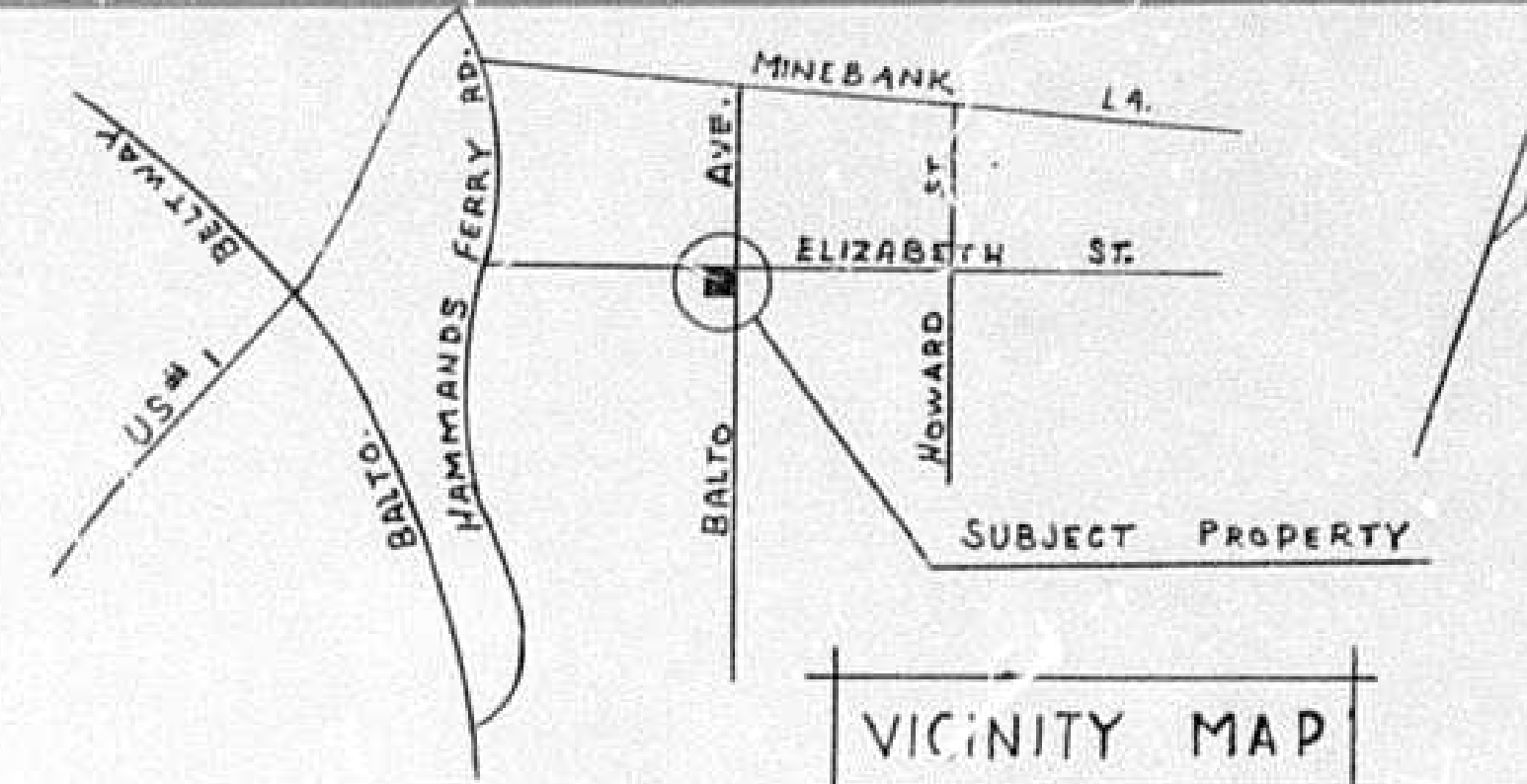
Location of Signs: S.W. corner of Baltimore & Elizabeth Aves. in
front of 35 Elizabeth Ave.

Remarks:

Posted by: *E. J. Arata*
Signature

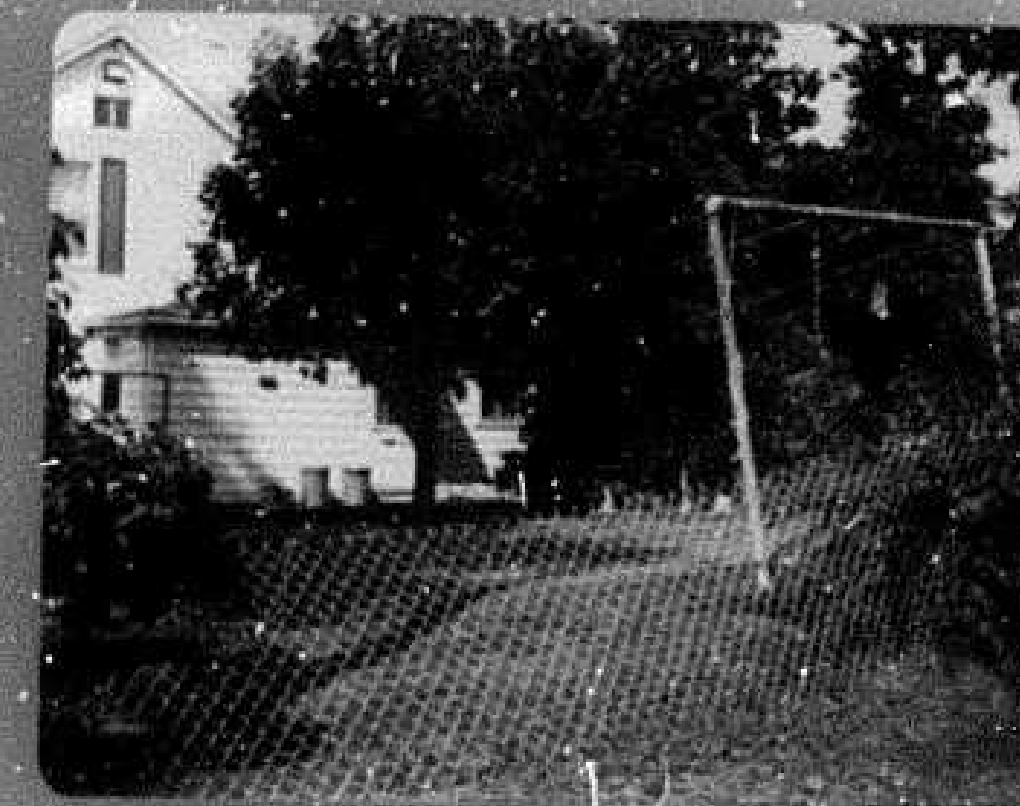
Date of return: September 6, 1985

Number of Signs: 1



PETITIONER'S
EXHIBIT 1

PLAT FOR ZONING VARIANCE
OWNER - EARL E. & HAZEL P. SCHEMINANT
DISTRICT - 13 ZONED
SUBDIVISION - JOSHUA
LOT 19-22 BLOCK 4 BOOK NO 01 - FOLIO-144 #14
EXISTING UTILITIES IN ELIZABETH ST.
SCALE 1" = 30'



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

No. 008564

Commissioner
Baltimore County

DATE: 9/5/85 ACCOUNT: 801-215-000

AMOUNT: \$ 35.00

RECEIVED FROM: Earl Scheminant

FOR: Play fee for Harold #11

5 0024*****350012 6108F

VALIDATION OR SIGNATURE OF CASHIER