IN RE: Petition for Zoning Variance * N/S Garnet Road 98' East of

old Harford Poad (2700 Garnet Road

ZONING COMMISSIONER OF BALTIMORE COUNTY

John F. Flaherty, Jr., et ux Petitioners

6th Councilmanic District

CASE 88-89-A

BEFORE THE

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a sideyard setback of 6 inches in lieu of the required 7-1/2 ft. for an open projection carport on the west side of his house, as described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. The evidence was proffered. The Protestant was Mr. Donald Stahle, who is the neighbor next door at 8203 Old Harford Road.

Testimony indicated that the subject property is zoned D.R. 5.5. and is located on Garnet Road in the Carney section of Baltimore County. The property is improved with a 1-1/2 story dwelling unit with a presently existing concrete parking area located on the west side of the dwelling unit. The existing parking area was in the past covered with an awning. As a result of the harsh winter storms during 1987, the awming was rendered damaged and was removed by the Petitioner and replaced with a larger awning to create a darport 15-1 2 feet. by 20 feet. The resulting larger carport is the subject of the requested zoning variance.

The presently existing carport/awning was constructed during the Spring and Summer of 1987. A zoning complaint was filed with the Office of Zoning Enforcement after the construction of the awning. The Petitioner was cited for a violation by the Zoning Enforcement Office in Case #C-87-1743. The iolation case is being held pending the outcome of this Petition for Zoning Variance.

9th Election District

RE: PETITION FOR VARIANCE

Petitioners

inal Order.

N/S Garnet Rd.. 96' E of Old

Harford Rd. (2700 Garnet Rd.

JOHN F. FLAHERTY, JR., et ux.

9th Election District

The Protestant testified that he was opposed to the awning, because of its nearness to his property and his home. Testimony indicated that the property is basically level with a slight grade from the Petitioner's home towards the Protestant's home. That all snow and rain runoff from the awning would be channeled towards the Protestant's home causing a water and flooding problem. The Protestant presented pictures , Protestant's Exhibit No. 2 which indicate that the subject awning does not contain any rain gutters or rain spouts. This lack of rain gutters presents a run off problem.

At the conclusion of the hearing on September 1, 1987, the parties agreed to review the situation and indicateto the Zoning Commissioner whether or not a compromise could be reached. The compromise would allow the Petitioner to maintain a covered carport but also address the concerns of the Protestant. As a result of that agreement, several letters were directed to the Zoning Commissioner which tend to indicate that a compromise position may have been reached. The compromise appears to be that the awning will be moved to a position 3 feet off of the property line as opposed to the requested and present 6 inches. The awning will be constructed with the proper rain spouting and rain guttering to direct all runoff into the street and to prevent runoff onto the Protestant's property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his groperty. Mc Clain v. Soley 270 Md. 208 1973. After reviewing all of the (estimony and evidence presented, it appears that an amended form of varoance Should be granted with certain restrictions. The testimony seems to indicate that there is a practical difficulty created by the Zoning Regulations which whas worked a hardship against the Petitioner and his property. Although the

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Beltimore County and which is uscribed in the description and plat attached hereto and made a part hereof, hereby petition for a of 6 inches in lieu of the required 7.5 feet for an open projection

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

of snow and ice. Since the old swning had poor supports, causing collapse, we felt a carport awning across the driveway was a safer alternative and presented a better appearance.

3) It also allows an area for our one year old beby to play outdoors, with protection from above. Property is to be posted and advertised as prescribed by Zoning Regulations.

I/We do solumnly declare and affirm,

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

People's Counsel for Baltimore County

: BEFORE THE ZONING COMMISIONER

: OF BALTIMORE COUNTY

CASE NO. 88-89-A

1 1 1 1 1 1 1

ENTRY OF APPEARANCE

Flease 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

THEREBY CERTIFY that on this 7th day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. John F. Flament, 2700 Barnet Rd., Baltimore, MD 21234, Petitioners.

TO THE ZONING COMMERCONIER OF BALIFFRORE COUNTY: 88-89-A Variance from Section 1802.3.C.1; 301.1 to permit a side yard setback

1) Our awning was put up to replace previous awning, due to collapse caused by weight

2)Our swning covers and protects the area over the basement way and our side entrance. (Our primary entrance.) It also provides protection and shelter for our newly purchased car.

I, or we, agree to pay expenses of shore Varience advertising, posting, etc., upon filing of this petition, and further agree to and see to be bound by the soning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Lew For Baltimore County.

	are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Logal Owner(s):
(Type or Print Name)	JOHN F. FLAHERTY, JR.
Signature	Signatury (1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Address	(Type or Print Hame)
City and State	Doma Christie Flelerty
Attorney for Petitioner:	10.00
(Type or Print Name)	2700 GARNET RO 661-1123 MARIENO Phone No.
Signature	City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	Nume
Witorney's Telephone No.:	Address Phone No.
ORDERED By The Zoning Commissioner of	Beltimore County, this20th day
	subject matter of this petition be advertised, as in two newspapers of general circulation through- d that the public hearing be had before the Zoning 6, County Office Building in Towson, Baltimore
	September 18 87 at 9:30 o'clock

testimony is conflicting, it is the responsibility of the Zoning Commissioner to determine the issues before him based upon the testimony in the record. I, therefore, find a hardship.

It is also necessary to determine whether or not the requested variance would be detrimental to the public health, safety and/or the general welfare. It is the opinion of the Zoning Commissioner that if the Petition for Zoning Variance was granted that there is a potential for creating a water runoff hazard to the Protestant's home and possibly other homes in the area. The suggested compromise of 3 feet and the required rain guttering and spouting would appear to correct this potential problem. Otherwise, there does not appear to be any additional injury under Section 307 of the Baltimore County Zoning Regulations.

Testimony indicates that if the variances were granted, such use as proposed in the compromise position would not be contrary to the spirit of the Baltimore County Zoning Regulations and would not result in substantial detriment to the public good.

Pursuit to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance shall be DENIED, however, the suggested compromise position variance shall be WERNITED as more clearly set forth immediately below.

The Petitioner's requested variance of 6 inches in lieu of the required 7-1/2 feet for an open projection carport is hereby DENIED, however, the suggested compromise variancebe and hereby is GRANTED for a 3 foot setback on the sideyard in lieu of the required 7-1/2 feet for an open projection carport subject to certain restrictions and conditions as more clearly set forth below.

Beginning at a point on the north side of Garnet Road

at a distance of 96 feet, more or less, east of Old Harford Road and running thence North 120 41' East, 169.43 feet; the thence South 700 05' East, 50.39 feet; thence South 120 41'

West, 163.14 feet to the north side of Garnet Road; thence North 770 19' West, 50.00 feet to the point of beginning.

DESCRIPTION FOR VARIANCE

9TH ELECTION DISTRICT

2700 GARNET ROAD

Therefore, It is Ordered by the Zoning Commissioner of Baltimore County this 5 day of November, 1987 that the herein requested zoning variance to permit a sidevard setback of 6 inches in lieu of the required 7-1/2 feet for an open projection carport is and hereby shall be DENIED, however, a compro-

lieu of the required 7-1/2 feet for an open projection carport is and hereby shall be GRANTED from an after the date of this Order,

mise Petition for Variance to permit a sideyard setback of 3 feet in

subject to the following conditions and restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- That the replacement awning shall be constructed in such a manner as to cause no water runoff to impact the properties located to the north or west of the Petitioner's home. All rain water and additional natural runoff shall be directed to Garnet Road in a properly constructed system across the Petitioner's property.
- That the Petitioner shall leave an open area of 3 feet between the property line and the edge of the awning structure in order for snow and ice to accumulate without falling on to the Protestant's property in excessive amounts.
- 4. The carport may not be enclosed and no additional walls or structure may be built in this area.

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY

JRH:mmn

PETITION FOR ZONING VARIANCE

9th Election District - 6th Councilmanic District Case No. 88-89-A

North Side of Garnet Road, 96 feet East of Old Harford Road (2700 Garnet Road)

DATE AND TIME: Tuesday, September 1, 1987, at 9:30 a.m.

in lieu of the required 7.5 feet for an open projection (carport)

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

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

Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to permit a side yard setback of 6 inches

Being the property of __John F. Flaherty, Jr., et ux ____, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

88-89-A

District 9Th	Date of Pusting 8/14/87
Posted for Variance	
William July 77	deterty for +1 Al
	laborty, fr. et as not Rd 96' E/Old Hotel Rs. Grinet Rd
acution of Same Facinity Gorac	+ Ad, approx. 15 Fr. Youd Way
ex pupity of Petet	Mix &L.
ment on 11/1 thates	Date of return: 8/14/17
Market of Classes	

CERTIFICATE OF PUBLICATION

TOWSON, MD., august 13, 1982 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 Queaut 13 1982 THE JEFFERSONIAN, Susan Senders Obrect

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

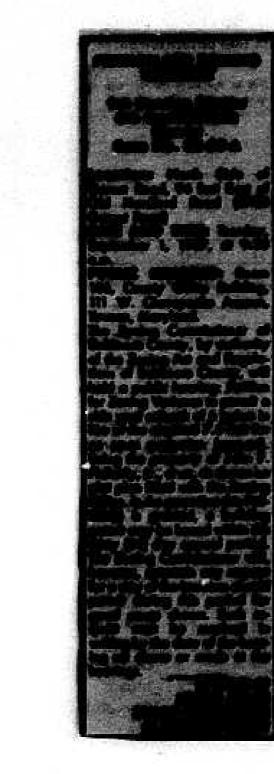
442 Eastern Blvd Balto., Md. 21221

THIS IS TO CERTIFY, that the annexed advertisement of

JOHN F. FLAHERTY, JR., ET 9th ELECTION DIST. TO ADVERTISE PO# 90658 REQ# N05132 N/S GARNET RD., 96' e of OLD HARFORD RD. (2799 GARNET RD.) HEARING: TUESDAY, 09/01/87, at 9:30am. 84 LINES at \$42.00

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for _____ successive week(s) before the 14th day of AUG 1987: that is to say, the same was inserted in the issues of $\frac{8/13}{19.87}$.

The Avenue Inc.



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204 494-3353 J. ROBERT HAINES

ZONING COMMISSIONER

hearing:
Petition for Zoning Variance to pursuit a side yard aethuck of 6 inches in lieu of the required 7.5 feet for an open projection (carport) firing the property of John F. Plakerty, Jr., of un, as observe on plat plan filed with the Zoning Office.

In the event that this Petition(s) is greated, a building persuit may be amount within the thirty (20) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said premit during this period for

must be received in venting by the date of the hearing set above or made at the hearing.

August 25, 1987

Mr. John F. Flaherty, Jr. Mrs. Donna C. Flaherty 2700 Garnet Road Baltimore, Maryland 21234

> RE: PETITION FOR ZONING VARIANCE N/S Garnet Rd., 96' E of Old Harford Rd. (2700 Garnet Rd.) 9th Election District - 6th Councilmanic District John F. Flaherty, Jr., et ux - Petitioners Case No. 88-89-A.

Dear Mr. and Mrs. Flaherty:

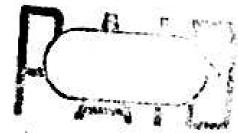
and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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.

Zoning Commissioner



and the same of the control of the same of

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE August 25, 1987

Mr. & Mrs. John F. Flaherty, Jr.

RE: Item No. 471 - Case No. 88-89-A

Petitioners: John F. Flaherty, Jr., et ux

Baltimore, Maryland 21234

2700 Garnet Road

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

Chairman

MEMBERS Bureau of

Engineering Department of Traffic Engineering State Poads Commission Bureau of

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

Industrial

Development

PROPERTY AND ADDRESS OF THE PARTY OF

Petition for Zoning_Variance Dear Mr. & Mrs. Flaherty:

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 Zoning Plans Advisory Committee

JED:bjs . Enclosures

cc: File

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND

BOTHLANDOUS CASH RECEIPT

SIGN & POST

BREATHAN STATEMENT C. Richard Moore Acting Director

June 10, 1987

Mr. John F. Flaherty, Jr. Mrs. Donna C. Flaherty 2700 Garnet Road

Beltimore, Maryland 21234

July 28, 1987

9th Election District - 6th Councilmanic District

NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE

(2700 Garnet Rd.)

Case No. 88-89-A

Tuesday, September 1, 1967

m. 37863

PLACE: Room 106, County Office Building, 111 West Chesapeake

9:30 a.m.

Avenue, Towson, Maryland

Mr. John F. Flaherty, Jr., 2700 Garnet Rd., Balto., Md. 21234

ADVERTISING & POSTING COSTS RE CASE #88-89-A

MURATION OR COMMITTEES OF CASHIES

VALIDATION OR SIGNATURE OF CASHIER

B B08400000350011 8128F

B 018+****90961a B01aF

N/S Garnet Rd., 96' E of Old Harford Rd.

John F. Flaherty, Jr., et ux - Petitioners

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 469, 471, 474, 475, 476, 480, 481, 483, 470, 472, and 479.

Traffic Engineer Associate II

BALTIMORE COUNTY OFFICE OF PLANNING & BONING

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

Your petition has been received and accepted for filing this day of July

Baltimore County Fire Department Towson, Maryland 21204-2586 191-4500

Paul H. Reincke

May 28, 1987

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

Dennis F. Rasmussen

Re: Property Owner: John F. Flaherty, et ux Location: N/S Garnet Road, 96' E. O. Harford Road

Item No.: 471 Zoning Agenda: Meeting of 5/26/87

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 or ____ 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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines, Zoning Commissioner
TO. Zoning Administration Date.

Norman E. Gerber, AICP FROM Director of Planning and Zoning

SUBJECT Zoning Petilion 88-89-A

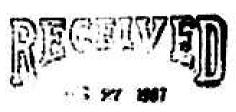
There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, AICH Director

August 20, 1987

NEG: KAK: dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel File



ZUNING OFFICE

CP5-008

88-89-A

this be torn down, however, the lettlioner is wrong and it must be desired unless the parties work out an agreement.

Oct. 1,1987 to reach an

BALLHOBE COUNTY, MARY AND

INTER-OFFICE CORRESPONDENCE

James Dyer

Zoning Supervisor

Date 7-30-87

James Thompson
FROM Zoning Enforcement Coordinator

Item No.: 476 (is known)
SUBJECT Petitioner: F/Absort (if known)

VIOLATION CASE / C-87-1743

DEFENDANT Flakerty ADDRESS 2786 C-ANNET

Please be advised that the aforementioned petition is the subject of a active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

HAME

Double Stable

ADDRESS

AZOS OLD Hartord RD

Bito MR 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines Zoning Commissioner



September 28, 1987

Mr. Donald Stahle 8203 Old Harford Road Baltimore, Maryland 21234

> Re: John F. Flaherty, Jr. 2700 Garnet Road Case #88-89-A

Dear Mr. Stahle

Attached please find copy of letter dated September 23, 1987 addressed to this office from Mr. John F. Plaherty, Jr. Please read over carefully and let me know if you have any questions or comments in writing no later than October 13, 1987.

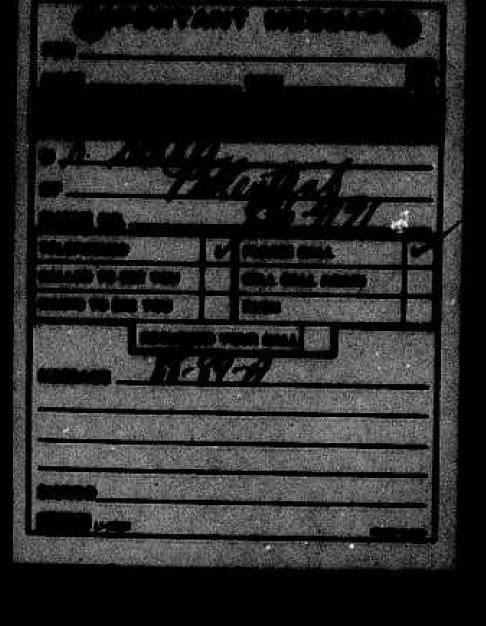
Thanking you for your cooperation, I am,

Very truly yours,

J. ROBERT HAINES ZONING COMMISSIONER

att

you



9 | 23/87 RE 88-89 A

J. ROBERT HAINES
ZONING COMMISSIONER'S OFFICE

III COURTY OFFICE BLOG - CHESMENE AVE.
TOWSON, MO 21204

SEP 25 1987

DEAR MR. HAINSS;

ZONING OFFICE

THIS LETTER IS A FELLOW-UP TO THE HEARING WE HELD WITH

YOU ON 9/1/07, 9:30A.N, REGARDING MY AWNING MUD YOUR SUGGESTION

MY INDIGHBOR, MR DOWNO STRIKE, THE COMPLANANT MAD I PTEMPT TO COPY

OUT AN AMOREE SOLUTION REGARDING THE SIZE REDUCTION.

MR SMALL & I IMMSDIATELY NEWSLASD THE MEAN INVOLUSE AND

SESSION TO BLOTH MERSE A TWO FOOT REDUCTION, MANC WITH THE

ADDITION OF A GUTTOR WOULD SUFFICE. SINCE THAT TIME I HOWE NOT

BEEN MOLE TO GET MIL STANLE TO DISCUSS THE MATTER. I HOPE HE MASS

FOLLOWOOD A LETTER CONFIRMING THIS MATTER.

LET ME THANK YOU FOR YOUR CANCERIN, PATIENCE AND

J- ROBT HAINES -ZONING COMMISSIONER

DETERMINE FAIR.

Re 88-89A

FESHION YOU

(661-1123)

ANTICIPATED FOLLOW-IP AND ONE PROPETION. WE ARE EMERT

TO BACCUDE THIS ARBEST IN WHATEVEL

SINCERECY

JOHN. F. FLAHGUTY, JR

CC MR. DOWNO STAYLE

9/23/87

the during was knowled down by sice and snow.

Don Stalle 8203 Old Harford Pd. 21234

lettere concerning the conflict,

October 2, 1987

Mr. & Mrs. John F. Flaherty, Jr. 2700 Garnet Road Baltimore, Maryland 21234

RE: Petition for Zoning Variance Case No. 88-89-A

Dear Mr. & Mrs. Flaherty:

Attached please find a copy of a letter dated September 29, 1987 from Mr. Donald M. Stahle to the Zoning Commissioner on the subject matter.

If you concur with the 3' setback and rain gutter on the aming as Mr. Stable requests, I will approve an amended variance. If you are not in agreement, please advise me to this effect in writing by no later than October 13,

J. ROBERT HATMES
Zoning Commissioner of
Baltimore County

JRH:bjs

cc: File

8203 Old Harford Road Baltimore, Maryland 21234

September 29, 1987

Mr. J. Robert Haines, Commissioner Baltimore County Zoning Commission 111 County Office Building Towson, Maryland 21204

E: Petition for Variance Case # 88-89A Hearing Date 9/1/87

Dear Mr. Commissioner:

Pursuant to the captioned and your request/instructions, I would like to see a minimum three-foot setback and rain gutter between my neighbors' carport and my property line.

Realizing I am at such distance relinguishing over fifty percent of the 7 1/2 foot set-back required by ordiance, I believe this to still be fair because:

- 1. Hr. Flaherty may still continue to cover his vehicle.
- . Minimal lors occurrs to shaded "recreational" area.
- This distance offers me an additional "margin" against snow and ice deposits landing on my property.

Realizing also your decision is then "written into the deed", my only question would be what would happen in the future (after necessary alterations have taken place) if I would have subsequent problems as a result of the altered structure? Please advise.

Thank you for your consideration.

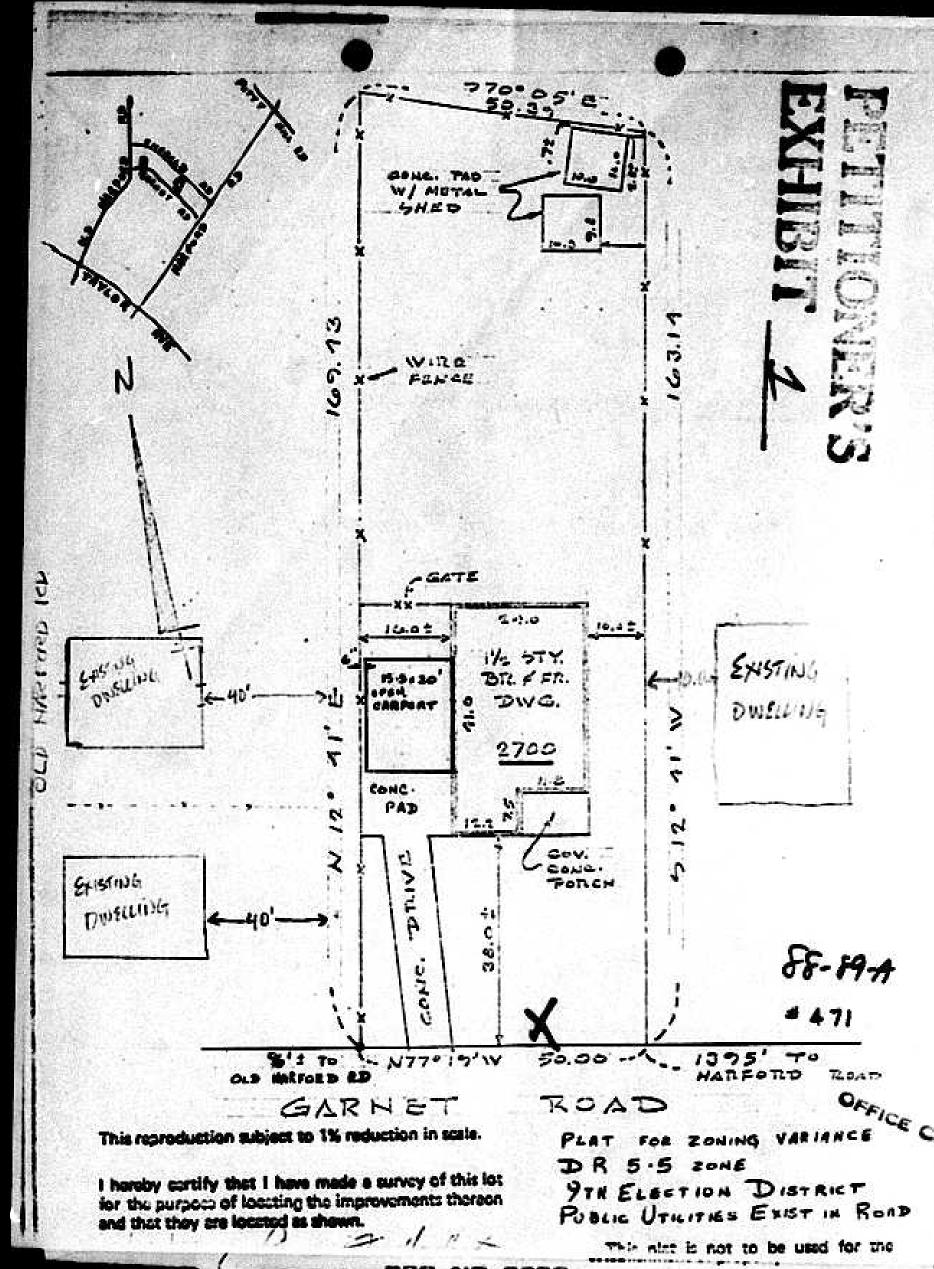
Sincerely,

Small hu Stable

cc: Mr. & Mrs. John Flaherty 2700 Garnet Road Baltimore, Maryland 21234



ZONING OFFICE



BEG. NO. 2680

