

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE
SE/S Edmondson Avenue, 286' NE of Malbrook Road ZONING COMMISSIONER
(5601 Edmondson Avenue) OF BALTIMORE COUNTY
1st Election District Case No. 88-300-A
1st Councilmanic District
Doug Smart
Petitioner

MEMORANDUM AND ORDER

The Petitioner herein requests a variance to permit side and rear yard setbacks of 0 feet for an existing accessory structure (open shed) in lieu of the required 2.5 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. Numerous area residents appeared in opposition and testified as Protestants.

Based upon the testimony and evidence presented at the hearing, it is the opinion of the Zoning Commissioner that the relief requested does not sufficiently comply with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, should be denied. Testimony and evidence presented in the record indicates that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would not result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the variance requested should be denied.

THEFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of March, 1988 that the Petition for Zoning Variance to permit side and rear yard setbacks of 0 feet for an accessory structure (open shed) in lieu of the required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED, and:

March 9, 1988

Mr. Doug Smart
5601 Edmondson Avenue
Baltimore, Maryland 21229

RE: Petition for Zoning Variance
SE/S Edmondson Avenue, 286' NE of Malbrook Road
1st Election District; 1st Councilmanic District
Case No. 88-300-A

Dear Mr. Smart:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been Denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,
J. Robert Haines
Zoning Commissioner
of Baltimore County

JRHibjs

cc: Mr. & Mrs. Martin B. Phillip
5605 Edmondson Avenue, 21229

Mr. John C. Mauld, Jr.
c/o 305 Westshire Road, 21229

Ms. Stella Sabolinskie
128 Westowne Road, 21229

People's Counsel

File

IT IS FURTHER ORDERED that the existing accessory structure (open shed) be removed and the area cleared of all construction materials and other debris by no later than April 15, 1988.

J. Robert Haines
Zoning Commissioner of
Baltimore County

JRHibjs

Doug Smart
SE/S Edmondson Ave., 286' NE of
Malbrook Rd. (5601 Edmondson Ave.)
Case No. 88-300-A

J. Robert Haines
Zoning Commissioner of
Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 88-300-A

District: Lot _____ Date of Posting: 1-31-88
Posted for: Warner
Petitioner: Doug Smart
Location of property: S.E. Corner of Edmondson Avenue & E. of NE of Malbrook Road (5601 Edmondson Avenue)
Location of sign: On part of 5601 Edmondson Avenue
Remarks: _____
Posted by: M.J. Galt Date of return: 1-22-88
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
494-3333

J. Robert Haines
Zoning Commissioner

December 1, 1987

Mr. Doug Smart
5601 Edmondson Avenue
Baltimore, Maryland 21229

Re: Case number: 88-300-A
SE/S Edmondson Avenue, 286' NE of Malbrook
Road (5601 Edmondson Avenue)
1st Election District - 1st Councilmanic

Dear Mr. Smart:

Please be advised that \$78.32 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21284.

Very truly yours,
J. Robert Haines
Zoning Commissioner of
Baltimore County

JRH:

cc: File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-300-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 400.1 to permit side and rear yard setbacks of zero feet for an accessory structure (open shed) in lieu of the required 2.5 feet.

The undersigned, legal owner(s) of the property situate in Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Existing Footings
Below ground level

MAP 510 2
E.D. 1st
DATE 1/21/88
ZON 2 F
1000

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.

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: Doug Smart
(Type or Print Name)

Signature: [Signature]
Address: _____
City and State: _____

Attorney for Petitioner: _____
(Type or Print Name) 5601 Edmondson Avenue #8-7295
Address: Phone No.
City and State: Baltimore, Maryland, 21229

Signature: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State: _____

Attorney's Telephone No.: _____

ORDERED By the Zoning Commissioner of Baltimore County, this 13th day

of 1st 1988 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of Feb, 1988, at 9 o'clock

J. Robert Haines
Zoning Commissioner of Baltimore County.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-300-A
SE/S Edmondson Avenue, 286' NE of Malbrook Road (5601 Edmondson Avenue)
1st Election District - 1st Councilmanic
DATE/TIME: TUESDAY, FEBRUARY 9, 1988 at 9:00 a.m.

Variance to permit a side and rear yard setbacks of zero feet for an accessory structure (open shed) in lieu of the required 2.5 feet.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

I, ROBERT HAINES
Zoning Commissioner
of Baltimore County
1988 Jan. 21

Office of
PATUXENT
Publishing Company

10702 Lime Pines Drive
Columbia, MO 21044

January 25 19 88

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING
95559

was inserted in the following:
 Catonsville Times
 Arbutus Times
 Reporter Weekly
 Booster Weekly
 Owings Mills Flier
 Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for _____ successive weeks before the _____ day of _____, 1988, that is to say, the same was inserted in the issues of

January 21, 1988

PATUXENT PUBLISHING COMPANY
By _____

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

DESCRIPTION FOR VARIANCE
5601 EDMONDSON AVENUE
1ST ELECTION DISTRICT

Beginning at a point on the southeast side of Edmondson Avenue, at a distance of 286.15 feet northeast of the intersection with Malbrook Road and running thence along the southeast side of Edmondson Avenue 31 feet to a point, thence running at right angles to Edmondson Avenue southeasterly 100 feet to a 15 foot wide alley, thence running along said alley southeasterly 31 feet to a point, thence running at right angles to the alley and through a partition wall northwesterly for a distance of 100 feet to the point of beginning.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 21, 1988

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 Jan. 21, 1988.

THE JEFFERSONIAN,

Susan [Signature] Street
Publisher

NOTICE OF HEARING

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

No. 41729

Robert Haines
Zoning Commissioner of
Baltimore County

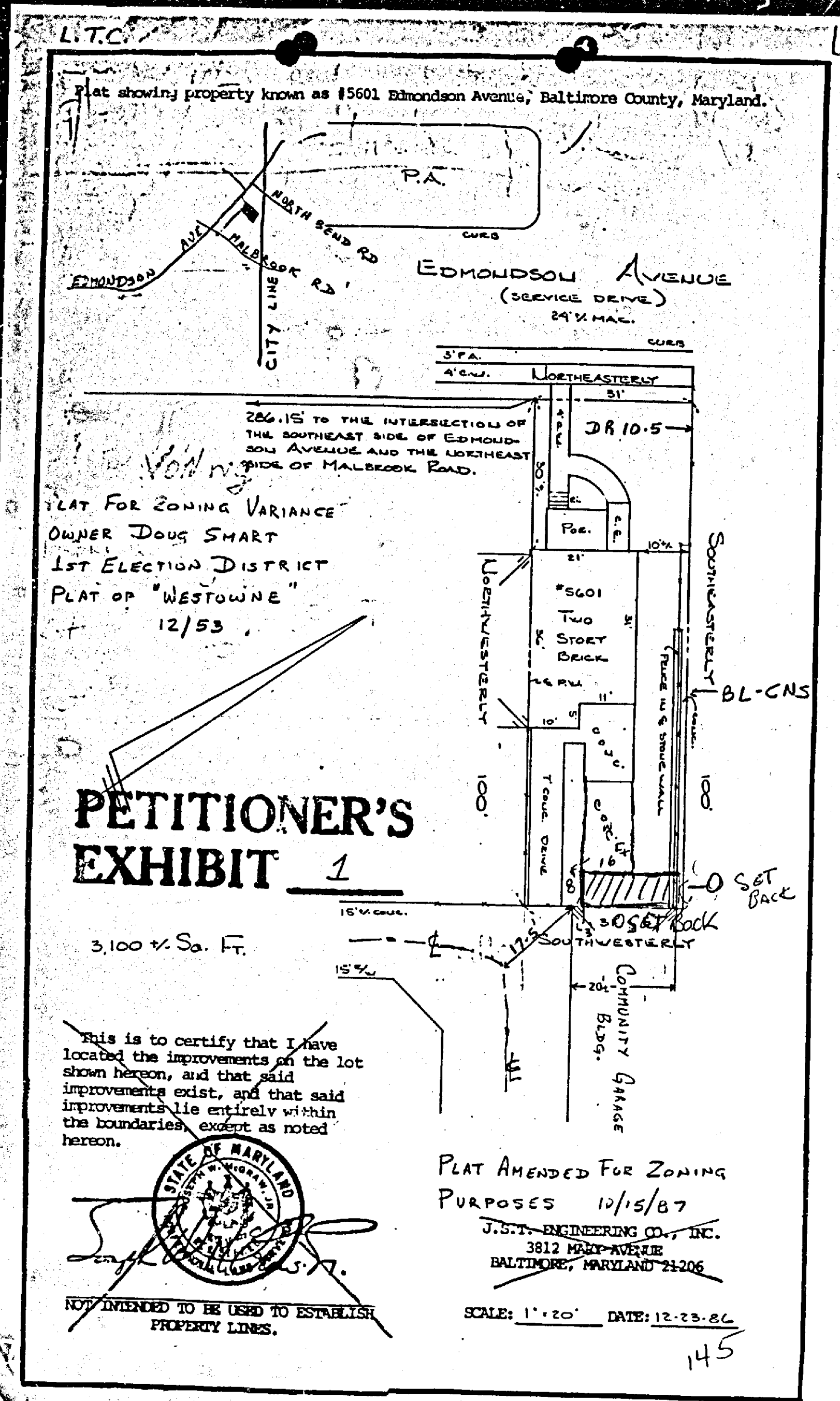
ACCOUNT _____

AMOUNT \$ _____

RECEIVED FROM _____

FOR _____

VALIDATION OR SIGNATURE OF CARRIER



Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Doug Smart

Location: SE/S Edmondson Avenue, 286' NE Malbrook Road

Item No.: 145

Zoning Agenda: Meeting of 10/27/87

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.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: C. H. O'Neil 10-27-87 Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/j1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: December 21, 1987

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

Zoning Petition Nos. 88-295-A, 88-296-A,
SUBJECT: 88-300-A, 88-301-A, 88-302-A, 88-303-A

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

Norman E. Gerber, AICP
Director

NEC:JGH:dme

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

CPS-004

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 3, 1988

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

Mr. Doug Smart
5601 Edmondson Avenue
Baltimore, Maryland 21229

RE: Item No. 145 - Case No. 88-300-A
Petitioner: Doug Smart
Petition for Zoning Variance

- 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. Smart:

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
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

Zoning Commissioner
County Office Building
Towson, Maryland 21204

November 10, 1987

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 138, 140, 141, 142, 145, 146, 147, and 148.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:sb

88-300-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

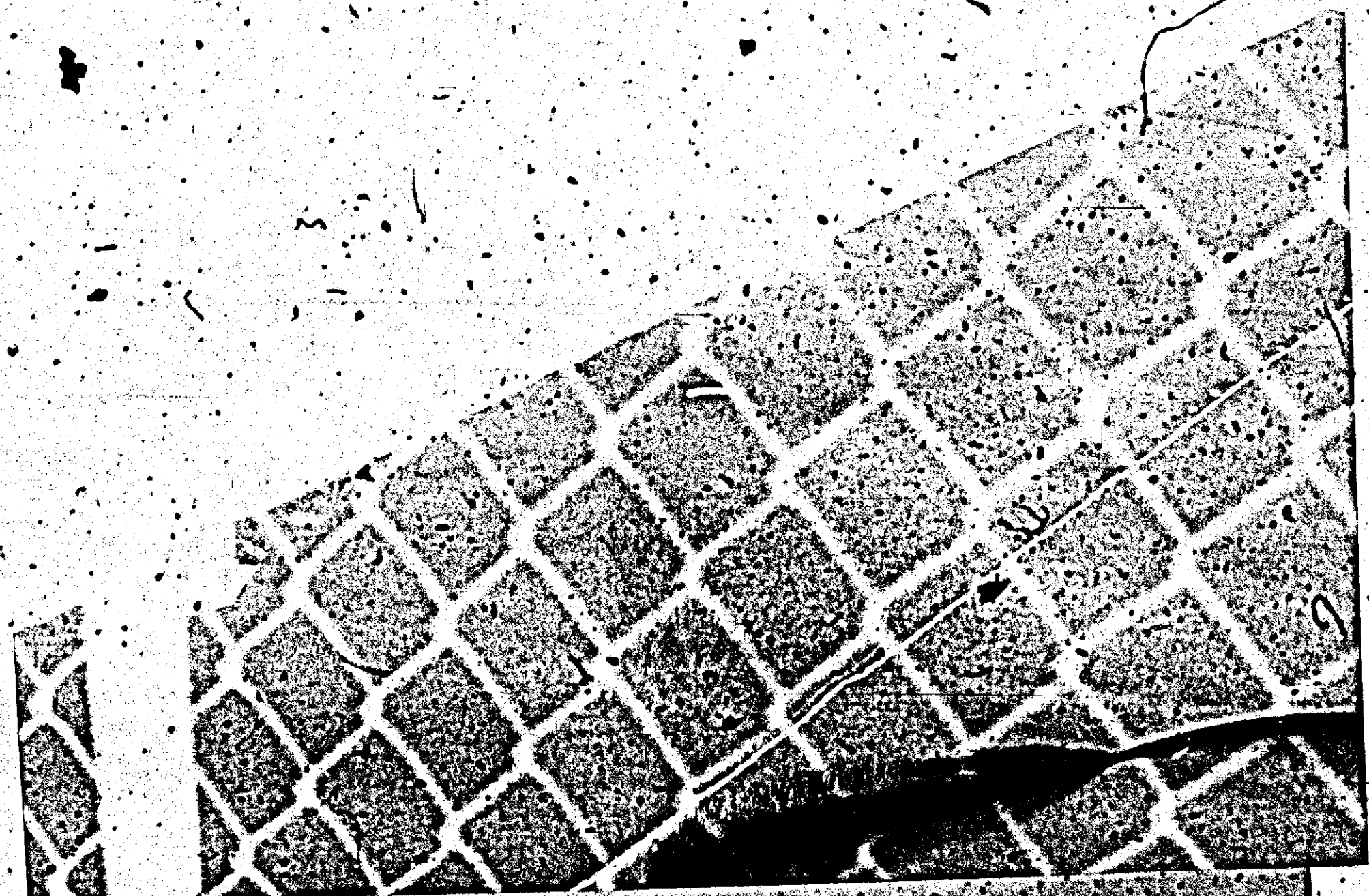
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
13th day of November, 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Doug Smart
Petitioner's Attorney

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



Protected in Libby's 192
Old photographs
14 Apr 13 vol 2

