

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE  
S/S Eva Court, 389' SE of ZONING COMMISSIONER  
Cunning Court (14 Eva Court) OF BALTIMORE COUNTY  
15th Election District  
5th Councilmanic District  
Timothy E. Smoro, et ux Case No. 88-370-A  
Petitioners

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit a side yard setback of 2 feet in lieu of the required 8 feet and a sum of the side yard setbacks of 16 feet in lieu of the required 20 feet for a proposed addition, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified on behalf of the Petition. There were no Protestants. Petitioners testified that they had discussed the matter with the adjoining neighbor who indicated he had no objection to their addition.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of March, 1988 that a side yard setback of 2 feet in lieu of the required 8 feet and a sum of the side yard setbacks of 16 feet in lieu of

the required 20 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

- 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.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMWbjjs

ORDER RECEIVED FOR FILING  
Date 3/11/88  
By [Signature]

BALTIMORE COUNTY, MARYLAND No. 45726  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE 12-2-87 ACCOUNT Real-estate  
RECEIVED FROM [Signature]  
AMOUNT \$ 200.00  
FOR [Signature] (13) 1000 10000  
VALIDATION OR SIGNATURE OF CARRIER

PPP

March 7, 1988

Mr. & Mrs. Timothy E. Smoro  
14 Eva Court  
Baltimore, Maryland 21220  
RE: Petition for Zoning Variance  
S/S Eva Court, 389' SE of Cunning Court  
15th Election District; 5th Councilmanic District  
Case No. 88-370-A

Dear Mr. & Mrs. Smoro:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been granted, subject to the restriction noted in 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,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMWbjjs

Enclosures

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 208

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 307 to allow a side yard setback of 2 ft. in lieu of the required 8 ft. and a sum of the side yard setbacks of 16 ft. in lieu of the required 20 ft.

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

- 1) Additional living space
- 2) Additional storage space
- 3) Protection of automobiles from the elements

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: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
(Type or Print Name) (Type or Print Name)  
Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
City and State: \_\_\_\_\_ City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_ Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name) (Type or Print Name)  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
City and State: \_\_\_\_\_ City and State: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

ORDERED BY The Zoning Commissioner of Baltimore County, this 7th day of March, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of March, 1988, at 9:00 o'clock a.m.

ESTIMATED LENGTH OF HEARING - 1/2 HR. \*1HR. Zoning Commissioner of Baltimore County.

AVAILABLE FOR HEARING (over)  
MON./TUES./WED. - NEXT TWO LENGTHS  
ALL REVIEWED BY: [Signature] DATE: 12-3-87

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 1274 Date of Posting 3/11/88  
Posted for: [Signature]  
Petitioner: Timothy E. Smoro, et ux  
Location of property: S/S Eva Court, 389' SE of Cunning Ct.  
Location of Sign: [Signature] 30' on roadway on property of Baltimore  
Remarks: [Signature]  
Date of return: 3/11/88  
Signature of Signer: [Signature]

PROPERTY DESCRIPTION

Located on the North side of Ebenezer Road, in the residential community known as Bay Country. The property address being 14 Eva Court; also known as being Lot 52, Block G, in the Bay Country subdivision. Book number 45, Folio 145, in the 15th Election District.

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:  
Petition for Zoning Variance  
Case Number: 88-370-A  
S/S Eva Court,  
389 SE Cunning Court  
(14 Eva Court)  
15th Election District  
5th Councilmanic District  
Petitioners: Timothy E. Smoro, et ux  
HEARING SCHEDULED: THURSDAY, MARCH 3, 1988  
AT 9:00 A.M.  
Variance to allow a sideyard setback of 2' in lieu of the required 8' and a sum of the side yard setbacks of 16' in lieu of the required 20' (FOR SNOW DATE, CALL 494-3391)  
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.

The Times  
Middle River, Md., Feb 11 1988

This is to Certify, That the annexed Petition for Zoning Variance was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of 10 successive weeks before the 11th day of March, 1988.

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb 11, 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 Feb 11, 1988.  
THE JEFFERSONIAN,  
Susan Studer Orlett  
Publisher

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ROBERT HAINES  
Zoning Commissioner  
of Baltimore County  
2109 Feb 11

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

Mr. & Mrs. Timothy Elmo Smoro  
14 Eva Court  
Baltimore, Maryland 21220

Re: Petition for Zoning Variance  
Case number: 88-370-A  
S/S Eva Court, 389' SE Cunning Court  
(14 Eva Court)  
15th Election District - 5th Councilmanic District  
Petitioners: Timothy E. Smoro, et ux  
HEARING SCHEDULED: THURSDAY, MARCH 3, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Smoro:

Please be advised that \$65.22 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(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND INST 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.

BALTIMORE COUNTY, MARYLAND No. 50279  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE \_\_\_\_\_ ACCOUNT \_\_\_\_\_  
AMOUNT \$ \_\_\_\_\_  
RECEIVED FROM \_\_\_\_\_  
FOR \_\_\_\_\_  
VALIDATION OR SIGNATURE OF CARRIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

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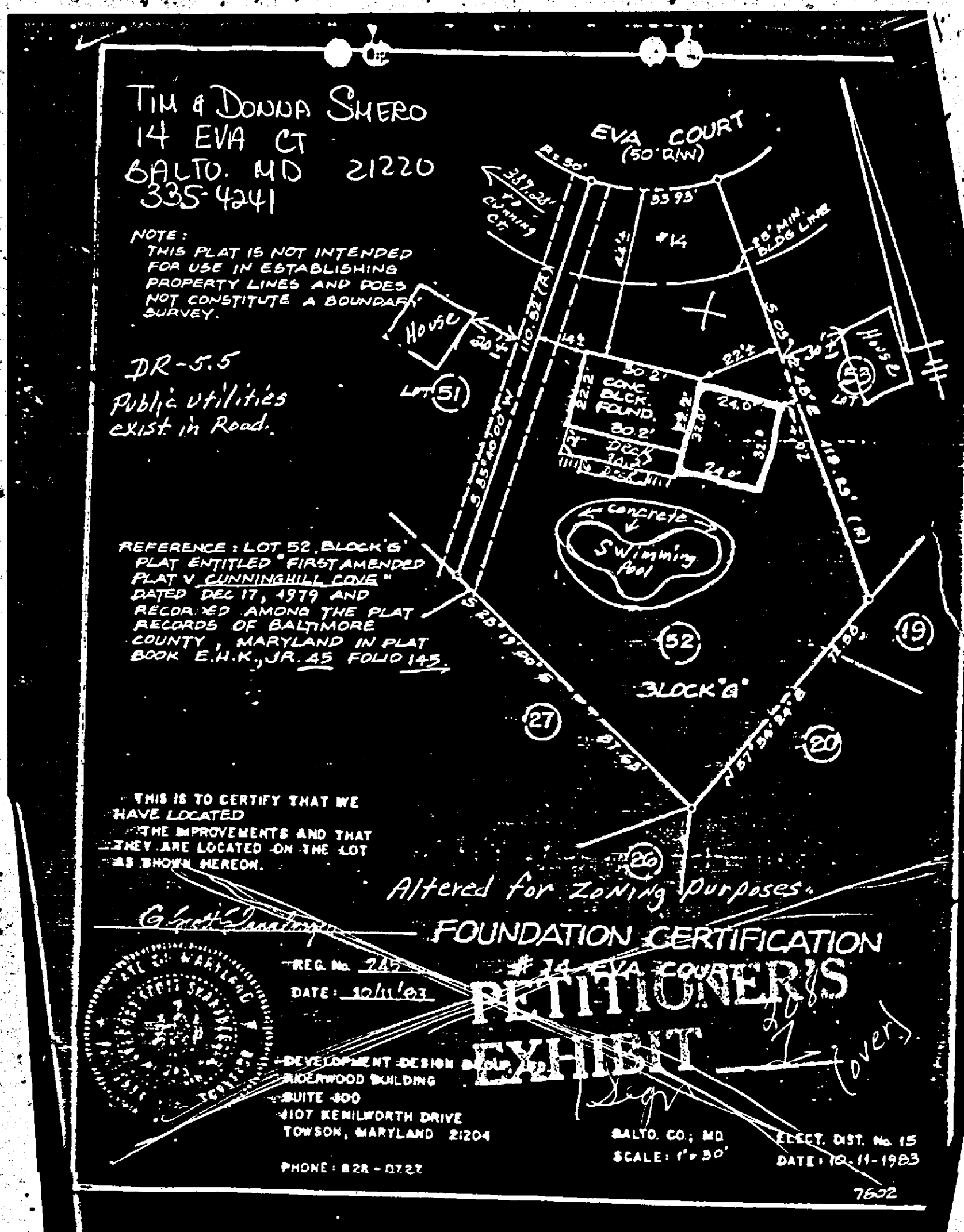
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(FOR SNOW DATE, CALL 494-3391)

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.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Smoro  
File



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 18, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21284

Mr. Timothy Elmo Smero  
14 Eva Court  
Baltimore, Maryland 21220

RE: Item No. 208 - Case No. 88-370-A  
Petitioners: Timothy Elmo Smero, et ux  
Petition for Zoning Variance

Dear Mr. Smero:

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

HIDMERS  
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

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
491-6554

January 7, 1988

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 206, 209, 210, 211, 213, and 214.

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

MSF:sh

88-370-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  
7th day of January, 1988.

J. Robert Haines  
ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Timothy Elmo Smero, et ux  
Petitioner's Attorney

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

Baltimore County  
Fire Department  
Towson, Maryland 21284 2586  
494-4580

Paul H. Kencke  
Chief

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

December 30, 1987

Re: Property Owner: Timothy E. Smero, et ux (possible critical area) / owner F. Baumman  
Location: S/S Eva Court, 389 SE Cuningham Court  
Item No.: 208 Zoning Amendment Meeting of 12/15/87

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 100 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 \_\_\_\_\_ is not in accordance with 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.

Noted and Approved: John E. Halli  
Special Inspection Division Fire Prevention Bureau

REVIEWER: Cut D. ... 12.20.87

7/1