

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE
 SW/corner Avenal Road and • ZONING COMMISSIONER
 Plateau Road (20 Avenal Road) • 15th Election District • OF BALTIMORE COUNTY
 5th Councilmanic District •
 Robert F. Lerch, et ux • Case No. 88-449-A
 Petitioners •

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit a minimum rear yard setback of 9 feet in lieu of the required 30 feet for a proposed one-story addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were Mr. & Mrs. Donald Cook, adjacent neighbors, and Mr. John DeGraw of the Welsh Company. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record 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 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, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of May, 1988 that the Petition for Zoning Variance to permit a minimum rear yard setback of 9 feet in lieu of the required 30 feet for a proposed one-story addition, in accordance with Petitioner's Exhibit 1, be and is

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 494-3333

J. Robert Haines
 Zoning Commissioner

Date: 4/26/88

Mr. & Mrs. Robert Lerch
 20 Avenal Road
 Baltimore, Maryland 21221



Re: Petition for Zoning Variance
 Case numbers 88-448-A
 SW/C Avenal Road and Plateau Road
 (20 Avenal Road)
 15th Election District - 5th Councilmanic District
 Petitioner(s): Robert F. Lerch, et ux
 HEARING SCHEDULED: WEDNESDAY, MAY 4, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Lerch:

Please be advised that \$94.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) 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(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

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

No. 52421
 Signature: [Handwritten Signature]

DATE: 5/14/88 ACCOUNT: 801-615-000
 AMOUNT: \$ 94.95

RECEIVED FROM: Robert Lerch
 FOR: [Handwritten Signature] 5/14/88 Haines

VALIDATION OR SIGNATURE OF CASHIER

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.

J. Robert Haines
 Zoning Commissioner of
 Baltimore County

JRH:bja

Robert F. Lerch, et ux
 20 Avenal Road
 Baltimore, MD 21221
 88-448-A

*PROPERTY DESCRIPTION:

This corner property is located on the south side of Avenal Road, 50 ft. wide and west side of Plateau Road, 50 ft. wide, being Lot 4 in the Subdivision of Eastern Terrace, Liber No. 12, Folio 119. Also known as 20 Avenal Road in the 15th District.

NOTICE OF HEARING
 The Zoning Commission of Baltimore County, Maryland, is hereby giving notice of a public hearing on the Petition for Zoning Variance to permit a minimum rear yard setback of 9 feet in lieu of the required 30 feet for a proposed one-story addition, in accordance with Petitioner's Exhibit 1, to the following property: 20 Avenal Road, Baltimore, Maryland. The hearing will be held on Wednesday, May 4, 1988, at 2:00 p.m. in the County Office Building, Room 111, Towson, Maryland. The hearing will be held in accordance with the provisions of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

442 Eastern Blvd.
 Balto., Md. 21221

APRIL 14, 1988
 THIS IS TO CERTIFY, that the annexed advertisement of FOR 88841 REQ M2426 TO ADVERTISE ZONING VARIANCE CASE NUMBER 88-449-A, PLATEAU RD. (20 AVENAL RD.) 15TH E.D. 5TH COUNCILMANIC DISTRICT, BALTIMORE COUNTY, MARYLAND, PETITIONERS ROBERT F. LERCH, ET UX AT 2:00 PM SCHEDULED WEDNESDAY MAY 4, 1988 at 2:00 PM at \$46.20 was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for one successive week(s) before the 15th day of APRIL 1988 that is to say, the same was inserted in the issues of 4/11/88, 1988.

The Avenue Inc.

per publisher

By: [Handwritten Signature]

PETITION FOR ZONING VARIANCE #294

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-449-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 1802.1.C.1. To allow a minimum rear yard setback of 9 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
 1. There is no stairway leading to basement from interior of house. Due to smallness of house, it is impossible to work stairway inside of house. It is necessary to go outside to use basement stairway for any basement activity, i.e., laundry, etc.
 2. Kitchen is only 10' x 12' with no dining room. At the present time Mr. & Mrs. Lerch are limited to when they can have their family visit them. There is no room. The extension is necessary for interior stairway and dining and sitting area.

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.

*PROPERTY DESCRIPTION:

See Reverse Side

Contract Purchaser: (Type or Print Name) _____ Signature _____
 Address _____ City and State _____
 Attorney for Petitioner: (Type or Print Name) _____ Signature _____
 Address _____ City and State _____
 Attorney's Telephone No.: _____

Legal Owner(s): (Type or Print Name) _____ Signature _____
 Address _____ City and State _____
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
 Name _____ Address _____ Phone No. _____

MAP NEIG
 4/26/88
 E.D. 15th
 DATE 5/10/88
 200 RF
 1000-4A
 N-3,550
 E-36,570

ORDER RECEIVED FOR FILING

BALTIMORE COUNTY, MARYLAND No. 47571
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: 2-11-88 ACCOUNT: 8-01-105-000
 AMOUNT: \$ 25.00

RECEIVED FROM: [Handwritten Signature]
 FOR: [Handwritten Signature]

VALIDATION OR SIGNATURE OF CASHIER

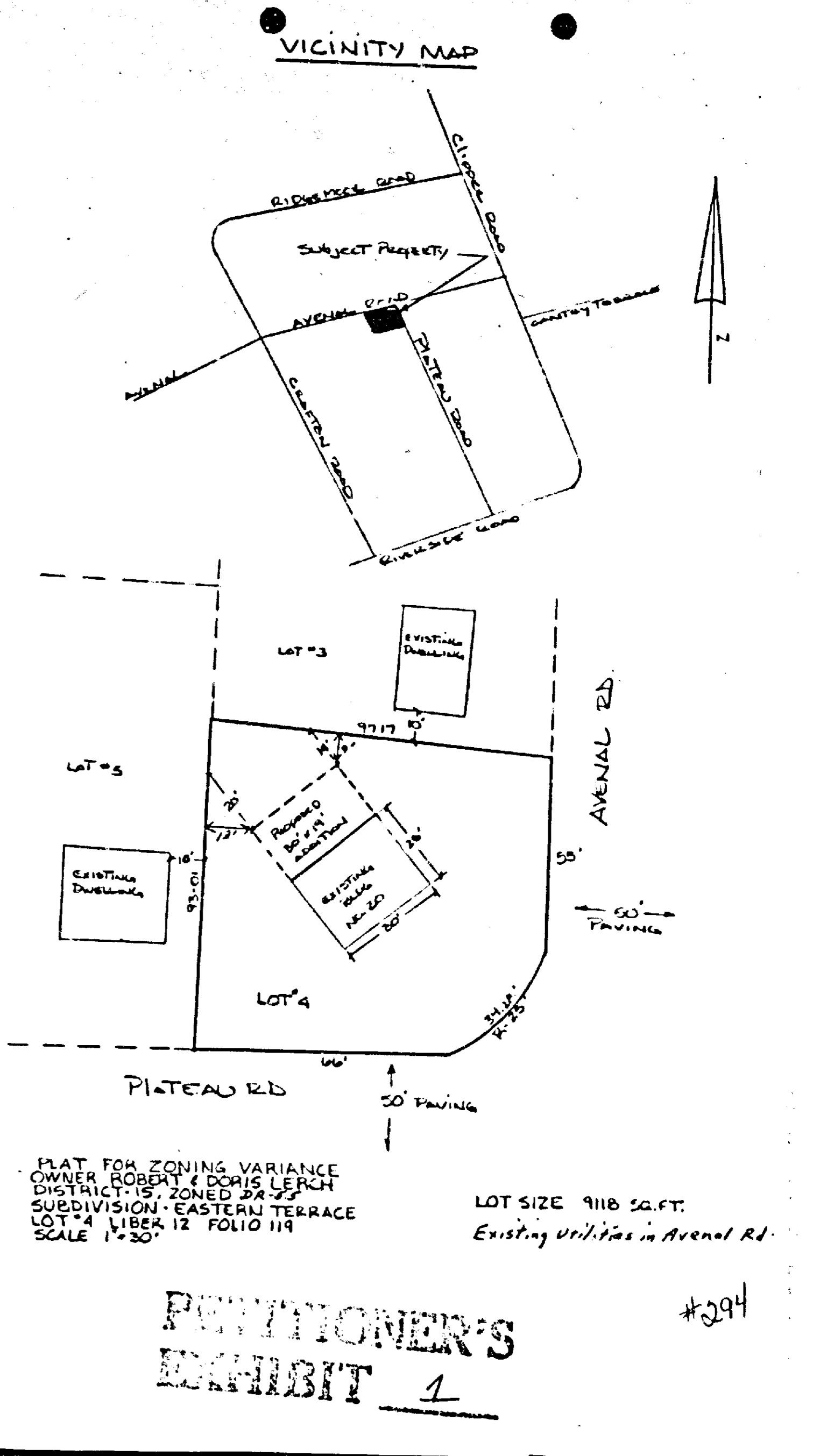
ORDER RECEIVED FOR FILING

"DUPLICATE"
 CERTIFICATE OF PUBLICATION

TOWSON, MD., April 14, 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 April 14, 1988.

THE JEFFERSONIAN,
 Susan [Handwritten Signature] Direct
 Publisher

\$ 33.75



PLAT FOR ZONING VARIANCE
 OWNER: ROBERT & DEANIS LERCH
 DISTRICT: 15th ELECTION DISTRICT
 SUBDIVISION: EASTERN TERRACE
 LOT: 4 LIBER 12 FOLIO 119
 SCALE: 1"=30'

LOT SIZE 9118 SQ. FT.
 Existing Utilities in Avenal Rd.

PETITIONER'S EXHIBIT 1 #294

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 15th Date of Posting: 4/15/88
 Posted for: Variance
 Petitioner: Robert F. Lerch et ux
 Location of property: SW/corner Avenal & Plateau Rd.
 Location of Sign: [Handwritten Address]
 Remarks: [Handwritten Note]
 Posted by: [Handwritten Signature] Date of return: 4/15/88
 Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
494-3353

March 17, 1988

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

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 numbers 88-449-A
SW/C Avenal Road and Plateau Road
(20 Avenal Road)
15th Election District - 5th Councilmanic District
Petitioner(s): Robert F. Lerch, et ux
HEARING SCHEDULED: WEDNESDAY, MAY 4, 1988 at 2:00 p.m.

Variance to allow a minimum rear yard setback of 8 feet in lieu of the required 30 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.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Lerch
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: April 13, 1988

P. David Fields
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-443-A,
88-447-A, 88-449-A, 88-450-A,
SUBJECT: 88-458-A, 88-452-A, 88-451-A, 88-463-A

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

P. David Fields per J. H. Sewell
P. David Fields
Director

PDF:JGH:dme

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

RECEIVED
APR 16 1988
ZONING OFFICE

cc: Robert Lerch, et ux
4/16/88

CPS-008

Mr. & Mrs. Robert F. Lerch
20 Avenal Road
Baltimore, Maryland 21221

RE: Petition for Zoning Variance
SW/Corner Avenal Road and Plateau Road
15th Election District, 5th Councilmanic District
Case No. 88-449-A

Dear Mr. Lerch:

Enclosed please find the decision rendered on the above-referenced case. The 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,
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:js

Enclosures

cc: People's Counsel

File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 25, 1988

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

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

Mr. Robert F. Lerch, et ux
20 Avenal Road
Baltimore, Maryland 21221

RE: Item No. 294 - Case No. 88-449-A
Petitioner: Robert F. Lerch, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Lerch:

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. 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
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

88-449-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
2nd day of March, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Robert F. Lerch, et ux
Petitioner's Attorney

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

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

March 2, 1988

Paul H. Reincke
Chief

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

Dennis F. Rasmussen
County Executive

Re: Property Owner: Robert F. Lerch, et ux

Location: SW/S Avenal and Plateau Roads

Item No.: 294

Zoning Agenda: Meeting of 3/1/88

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.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3274

March 31, 1988

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 292, 293, 294, 295, 297, 298, 299 and 300.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF/pml-b

RECEIVED
APR 7 1988

ZONING OFFICE

Dennis F. Rasmussen
County Executive