

IN RE: PETITION FOR ZONING VARIANCE
S/S Cherry Chapel Road, 797' E
of the c/l of Sacred Heart Lane
(321 Cherry Chapel Road)
4th Election District
3rd Councilmanic District
Sam Unger, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-39-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 7 feet in lieu of the required 11.25 feet for an open projection (carport), as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Harvey Epstein, Esquire. 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, 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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of August, 1988 that the Petition for Zoning Variance to permit a side yard setback of 7 feet in lieu of the required

11.25 feet for an open projection (carport), in accordance with Petitioner's Exhibit 1, be and 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 30-day 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.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

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

J. Robert Haines
Zoning Commissioner

August 31, 1988

Harvey Epstein, Esquire
Margolis, Pritzker and Epstein
405 East Joppa Road
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Cherry Chapel Road, 797' E of the c/l of Sacred Heart Lane
(321 Cherry Chapel Road)
4th Election District - 3rd Councilmanic District
Sam Unger, et ux - Petitioners
Case No. 89-39-A

Dear Mr. Epstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE Item 42
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-39-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 301.1 and 1B02.3.C.1 to permit a sideyard setback of 7' in lieu of the required 11.25' for an open projection (carport).

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

I am 62 years of age and under doctor's care. I need the convenience of pulling up to basement door. I have heavy bags to carry in to the house. I also have two valuable vehicles that I would like to protect from the weather. Without the variance, I would not be able to gain this convenience.

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

MAP NW152
ID 4B
DATE 11-10-89
200 PF
1000 BF
CP

Legal Owner(s):
SAM UNGER
(Type or Print Name)
Signature
ESTER D. UNGER
(Type or Print Name)
Signature
ESTER D. UNGER
(Type or Print Name)
Signature

321 CHERRY CHAPEL RD. 52L 7844
Address Phone No.
REISTERSTOWN 21136 MD
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
SAM UNGER
Address
321 CHERRY CHAPEL RD 52L 7844
Address Phone No.

City and State

Attorney's Telephone No.: 844

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of August, 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 24th day of August, 1988, at 10 o'clock A.M.

ESTIMATED LENGTH OF HEARING 1/2 HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS (over)
ALL OTHER DATE 8/24/88
REVIEWED BY: MKK DATE 8/24/88

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 situated 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: 89-39-A
S/S Cherry Chapel Road, 797' E of c/l Sacred Heart Lane
(321 Cherry Chapel Road)
4th Election District - 3rd Councilmanic
Petitioner(s): Sam Unger, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 24, 1988 at 10:00 a.m.

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

J. Robert Haines
Zoning Commissioner

July 1, 1988

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:

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Variance to permit a sideyard setback of 7 feet in lieu of the required 11.25 feet for an open projection (carport).

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: Sam Unger, et ux
Alfred Robes
File

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

J. Robert Haines
Zoning Commissioner

Date: August 2, 1988

Mr. & Mrs. Sam Unger
321 Cherry Chapel Road
Reisterstown, Maryland 21136

Re: Petition for Zoning Variance
CASE NUMBER: 89-39-A
S/S Cherry Chapel Road, 797' E of c/l Sacred Heart Lane
(321 Cherry Chapel Road)
4th Election District - 3rd Councilmanic
Petitioner(s): Sam Unger, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 24, 1988 at 10:00 a.m.

Dear Mr. & Mrs. Ungers:

Please be advised that \$100.95 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. 058933

DATE 8/24/88 ACCOUNT 80111500

AMOUNT \$ 100.95

RECEIVED FROM Sam Unger et ux

FOR Posting of Sign 8/24/88

B 0147*****10055*89AED-A

VALIDATION OR SIGNATURE OF CARRIER

post set(s), then each set not

line of

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4B
Posted for: Variance
Petitioner: Sam Unger et ux
Location of property: S/S of Cherry Chapel Road 797' E of the c/l of Sacred Heart Lane (321 Cherry Chapel Road)
Location of Sign: On front of 321 Cherry Chapel Road
Remarks: A. J. Oates
Posted by: A. J. Oates
Number of Signs: 1
Date of Posting: August 1, 88
Date of return: August 4, 88

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD, July 28, 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., once in each of successive weeks, the first publication appearing on July 28, 1988.

THE JEFFERSONIAN,

S. Zeto Orlean

Publisher

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 situated herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

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CASE NUMBER: 89-39-A
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4th Election District - 3rd Councilmanic
Petitioner(s): Sam Unger, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 24, 1988 at 10:00 a.m.

Variance to permit a sideyard setback of 7 feet in lieu of the required 11.25 feet for an open projection (carport).

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J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
7/29/1988 July 28:



May 25, 1988
 To Whom It May Concern
 I have no objection to the car port just
 down at 321 Cherry Chapel Road

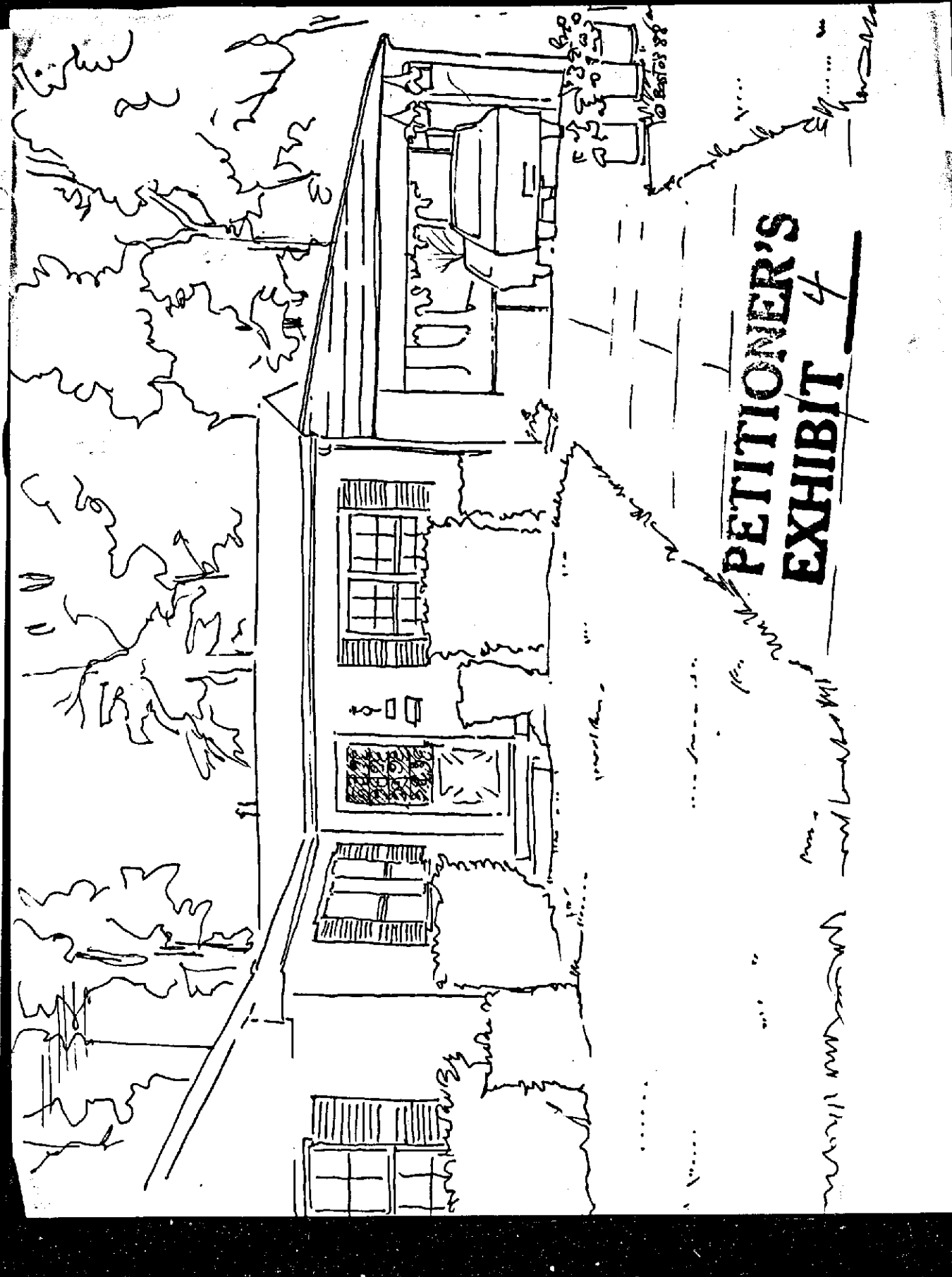
Mrs. Dorothy Allin
 319 Cherry Chapel Rd
 Reisterstown, MD 21136

State of Maryland,
 County of Baltimore:

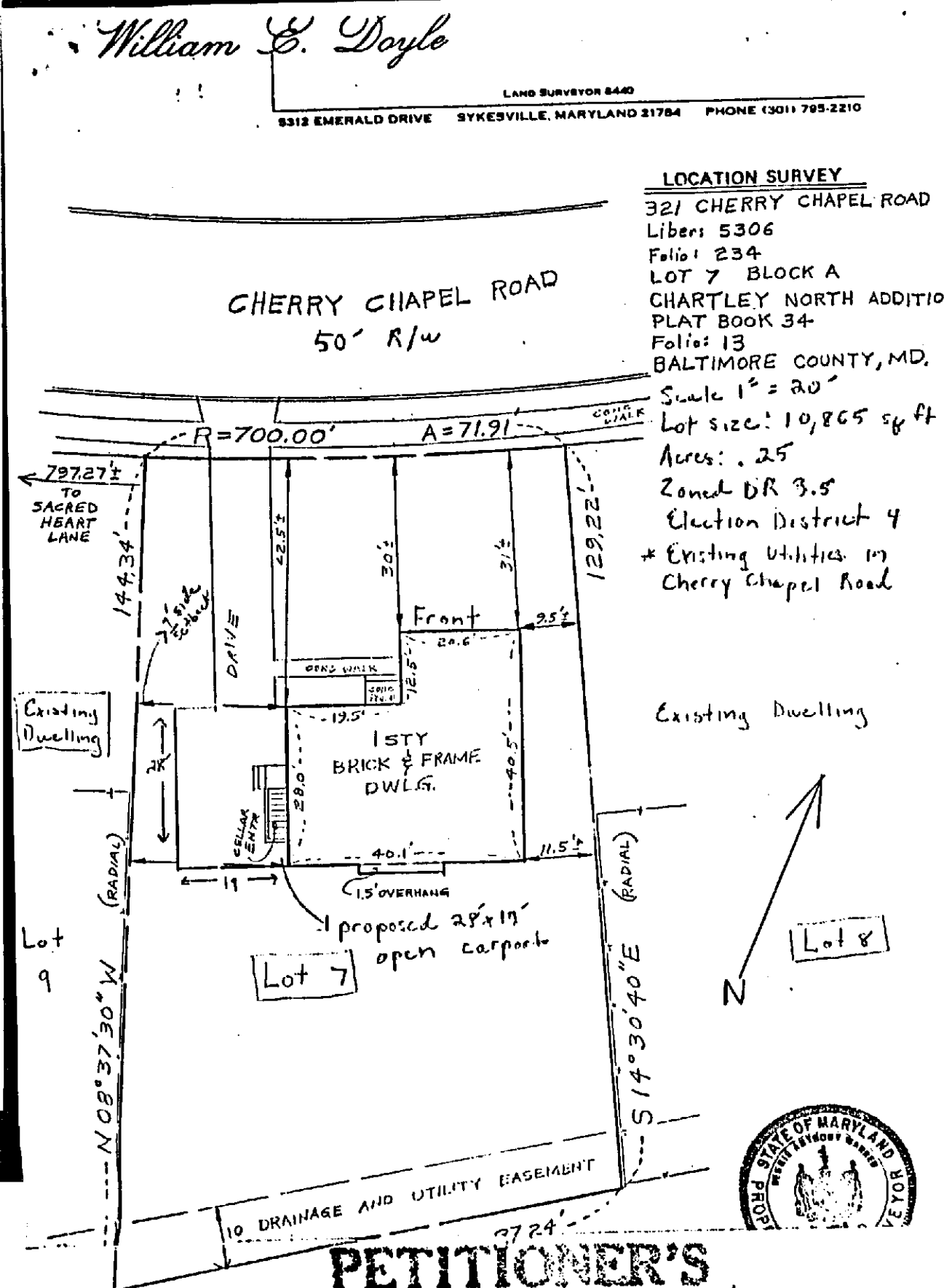
Subscribed and sworn before me this 25th day of May, 1988.

Elizabeth Ruby Harbaugh
 Comm. exp. July 1, 1990.

PETITIONER'S
 EXHIBIT 3



PETITIONER'S
 EXHIBIT 4



PETITIONER'S
 EXHIBIT 1

Plat
 Zoning Variance
 Owner: Mr and Mrs Sam Unger
 #424

Baltimore County
 Department of Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 405
 Towson, Maryland 21204
 494-3554

July 5, 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
 421, 422, 423, 424, 425, 426, 427, 428, 429 and 430.

Very truly yours,

Stephen E. Weber, P.E.
 Assistant Traffic Engineer

SEW/RF/pml-b

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1988

Mr. & Mrs. Sam Unger
 321 Cherry Chapel Road
 Reisterstown, Maryland 21136

RE: Item No. 424 - Case No. 89-39-A
 Petitioner: Sam Unger, et ux
 Petition for Zoning Variance

Dear Mr. & Mrs. Unger:

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
 Chairman

Zoning Plans Advisory Committee

JED:dt

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

June 7, 1988

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

Re: Property Owner: Unger, et ux

Location: S/S Cherry Chapel Road, 797' E. of c/l Sacred Heart La.

Item No.: 424 Zoning Agenda: Meeting of 6/7/88

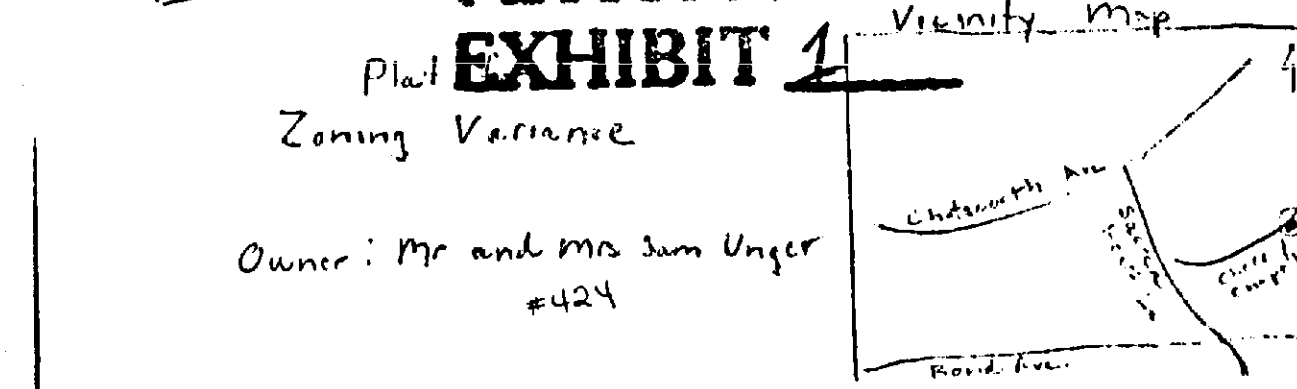
Gentlemen:

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

1/1



89-39-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
 8th day of June, 1988.

J. Robert Haines
 ZONING COMMISSIONER

Petitioner: Sam Unger, et ux
 Petitioner's Attorney: _____

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer
 Zoning Supervisor
 FROM: James Thompson
 Zoning Enforcement Coordinator
 Item No.: 424 (if known)
 SUBJECT: Petitioner: _____ (if known)

VIOLATION CASE # 88-1989
 LOCATION OF VIOLATION 321 Cherry Chapel Rd
 DEFENDANT Sam Unger ADDRESS _____

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

NAME: Alfred Eshes ADDRESS: 321 Cherry Chapel Rd

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
 Zoning Commissioner
 FROM: P. David Fields, Director
 Office of Planning and Zoning
 SUBJECT: Zoning Petitions #89-35-A, 89-37-A, 89-38-A, 89-39-A, 89-40-A, 89-42-A, 89-43-A, 89-44-A, 89-47-A, 89-48-A, 89-49-A, 89-50-A, 89-54-A

There are no comprehensive planning factors requiring comment of the subject petitions.

P. David Fields
 Director
 Office of Planning and Zoning

PDF/jat
 cc: Shirley Hess, People's Counsel
 J. C. Howell
 Zoning File

CC: Mr. & Mrs. Sam Unger
 7-12-88

CPS-008