

IN RE: PETITION FOR ZONING VARIANCE
SM/Corner Rosedale and
Oakdale Avenues
(1001 Rosedale Avenue)
15th Election District
7th Councilmanic District
Hershel E. Bates, et ux
Petitioner.

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-28-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) to be located outside of the rear one-third of the lot farthest removed from the street in accordance with Petitioner's Exhibit 1.

The Petitioners, by Hershel Bates, appeared and testified. There were no Protestants.

Testimony indicated the subject property, known as 1001 Rosedale Avenue, consists of 11,250 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling which Petitioners purchased approximately one year ago. Mr. Bates testified they are desirous of construction a 25' x 24' two car garage to house their vehicles. Due to the narrow width of the lot and location of the existing dwelling and trees, the location proposed is the only feasible site for the garage. Mr. Bates testified he has spoken with the adjoining property owners who have no objections to his plans. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (S.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 Deputy Zoning Commissioner for Baltimore County this 7th day of August, 1989 that the Petition for Zoning Variance to permit an accessory structure (garage) to be located outside of the rear one-third of the lot farthest removed from the street 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.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363
J. Robert Haines
Zoning Commissioner

August 7, 1989

Mr. & Mrs. Hershel Bates
1001 Rosedale Avenue
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
SM/Corner Rosedale and Oakdale Avenues
(1001 Rosedale Avenue)
15th Election District - 7th Councilmanic District
Hershel E. Bates, et ux - Petitioners
Case No. 90-28-A

Dear Mr. & Mrs. Bates:

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 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 an accessory structure to be located on the rear one-third of the lot farthest removed from the street.

There are existing trees to the rear of the property and if the garage was required to be set back further from Oakdale Ave. this natural vegetation would be required to be removed.

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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Name

Address

City and State

Attorney's Telephone No.:

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE 7/24/89

Herchel Bates
Ellen J. Shifflett
1001 Rosedale Avenue
Baltimore, Maryland 21203

Petition for Zoning Variance
CASE NUMBER: 90-28-A
SAC Rosedale and Oakdale Avenues
1001 Rosedale Avenue
15th Election District - 7th Councilmanic
Petitioner(s): Herchel E. Bates, et al
HEARING SCHEDULED: THURSDAY, AUGUST 3, 1989 at 2:00 p.m.

Dear Petitioner(s):
Please be advised that \$108.67 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

If you fail to return the sign & post set(s), there shall be a charge of \$108.67 for each such set.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE: REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 088405
DATE 7/24/89 ACCOUNT 1061500
AMOUNT \$ 108.67
RECEIVED FROM HERCHEL E. BATES ET AL
8 099 *****108671* 803LF
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

June 26, 1989

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:

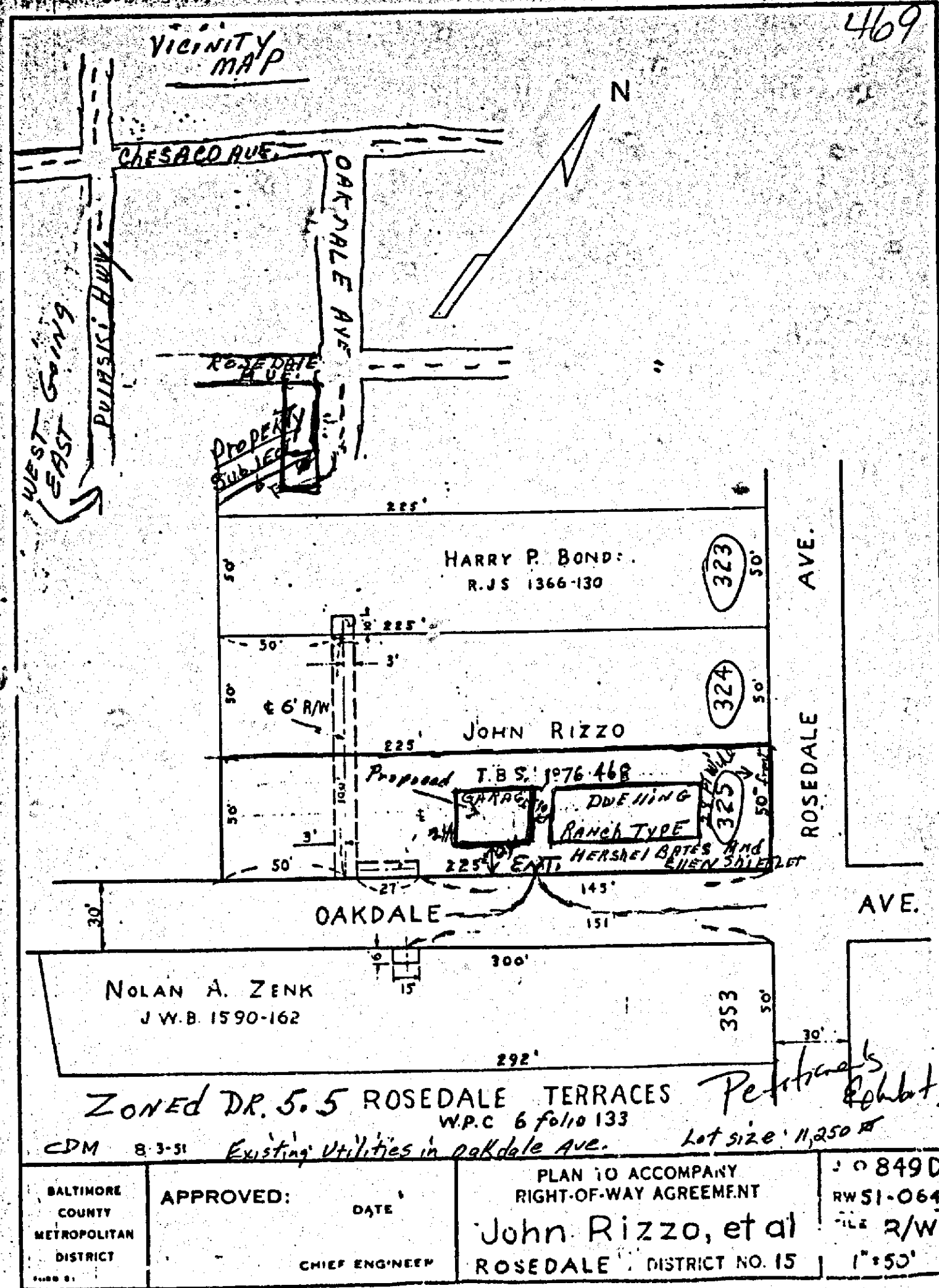
Petition for Zoning Variance
CASE NUMBER: 90-28-A
SAC Rosedale and Oakdale Avenues
1001 Rosedale Avenue
15th Election District - 7th Councilmanic
Petitioner(s): Herchel E. Bates, et al
HEARING SCHEDULED: THURSDAY, AUGUST 3, 1989 at 2:00 p.m.

Variance: To permit an accessory structure to be located outside of the rear one-third of the lot farthest removed from the side of the street.

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
BALTIMORE COUNTY, MARYLAND

Re: Herchel E. Bates, et al
File



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 17th day of May, 1989.

Petitioner: Herchel E. Bates, et al
Petitioner's Attorney: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 24, 1989

Mr. Herchel E. Bates
1001 Rosedale Avenue
Baltimore, MD 21203

RE: Item No. 469, Case No. 90-28-A
Petitioner: Herchel E. Bates, et al
Petition for Zoning Variance

Dear Mr. Bates:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting for May 16, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 466, 468, 469, 470, 471, 474, 475, 476, 478, 480, 481, 482, 485, and 486.

For Item 253 the previous County Review Group Comments still apply.

For Item 313 contact the State Highway Administration for right-of-way requirements for Reisterstown Road.

For Item 467 contact the State Highway Administration for the necessary improvements for Reisterstown Road.

For Item 472 the previous County Review Group Comments for Festival at Woodholme still apply.

For Item 473 the building being in a reversible slope easement must be addressed prior to approval.

For Item 477 the previous County Review Group Comments still apply.

For Item 479 the previous County Review Group Comments still apply.

For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

For Item 484 the previous County Review Group Comments still apply.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500
Paul H. Reinke
Chief

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

Re: Property Owner: Herchel E. Bates & Ellen J. Shifflett
Location: SAC Rosedale & Oakdale Avenues
(1001 Rosedale Avenue)
Item No.: 469 Zoning Agenda: May 16, 1989

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

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1989

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 253, 313, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, and 486.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lvw