

PEOPLE'S COUNSEL FOR

BALTIMORE COUNTY

Appellant

vs.

GEORGE C. PEVERLEY, III,

Appellee

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. 90-CG-3747

OPINION and ORDER

A hearing in this Appeal from the Board of Appeals for Baltimore County (hereinafter referred to as "Board") was held and argument of counsel for all parties presented on February 19, 1991. The Court reviewed the transcript of the proceedings before the Board and various Exhibits received, the Memoranda submitted by Counsel, and the Opinion of the Board dated August 22, 1990.

George C. Peverley, III, Appellee (hereinafter referred to as "Appellee") filed a Petition for a variance to permit a building to tract boundary setback of five feet in lieu of the required thirty feet for Lot "F" of the proposed subdivision of Appellee's property. Lot "F" fronts on Taylor Avenue and is bordered on the west by Lot "G", which is also Appellee's property, zoned RO, and for which lot "G" a special permit for parking was granted by the Zoning Commissioner.

People's Counsel for Baltimore County, Appellant (hereinafter referred to as "Appellant") has appealed from the Board's decision granting the variance to Appellee.

It its Petition on Appeal, Appellant sets forth the following basis for its appeal, namely:

- a) That there was no competent evidence of practical difficulty or hardship to support the side yard setback variance for Lot "F"; and
- 2) That the Board further failed to make proper findings as to hardship or practical difficulty; and
- 3) That any perceived "hardship" was purely self-created; and
- 4) That the Board did not consider whether several of the other lots in the proposed subdivision, being fifty feet wide, were also in need of variances to the minimum lot width requirements in DR5.5 zones.

Section 307 of the Baltimore County Zoning Regulations provides in pertinent part:

"... the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from ... area regulations ... only in cases where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the zoning regulations shall be permitted as a result of any such grant of a variance from ... area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said ... area ... regulations, and only in such manner as to grant relief without substantial injury to public health, safety and general welfare."

The Board, in its opinion, found that failure to grant the variance requested would create an unreasonable hardship and a

practical difficulty in Appellee's development of his property, and further found that the grant of such variance produced no substantial injury to public health, safety, or general welfare. (Opinion, p.3) Appellant's first three contentions will be considered together as all attack the Board's conclusions noted above.

On Appeal, the issue before this Court is whether there was competent, material and substantial evidence to support the Board's decision. The criteria for determining whether "practical difficulty" has been established was described by the Court of Appeals in McLean vs. Soley, 270 Md. 208, at p.214, as follows:

- "1) Whether compliance with the strict letter of the restrictions governing area ... would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; and
- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district ...; and
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare be secured."

The testimony before the Board was uncontradicted that the entire subdivision of which Lot "F" was a part, could be developed as six Lots without the variance (T.24; T.29-30). There is no concern that, with approval of the variance, an increase would result in residential density in Appellee's subdivision beyond that otherwise allowed by the zoning regulations.

With respect to a six lot development, however, there was substantial testimony that the property could be developed more desirably with the grant of the variance requested (T.29-30), and with homes constructed compatible with the character of the houses already in the neighborhood respecting height, elevation, width of structure, and preservation of existing trees. (T.26; T.48)

In addition, the adverse impact on Lot "F" by the grant of the variance as requested was ameliorated by the plantings and buffer required in the twenty foot area between the parking lot on the RO property and that property's side yard property line to the west of subject Lot "F". (T.49-50) This was clearly considered by the Board which made specific reference on page two of its Opinion to the "twenty-two foot area of dense screen to be erected between the commercial business, its associated parking and proposed residence."

Finally, the Board noted that the only significant impact from the grant of the variance would be to Lot "F", which lot was the property of Appellee, as was the parking area abutting Lot "F". Even with the grant of the variance as requested, there would exist a twenty-five to twenty-seven foot buffered area between the actual parking lot and proposed dwelling on Lot "F". Any subsequent purchaser of Lot "F" would have clear notice of the circumstances of the construction of the dwelling and its relationship to the property line and parking area to its west.

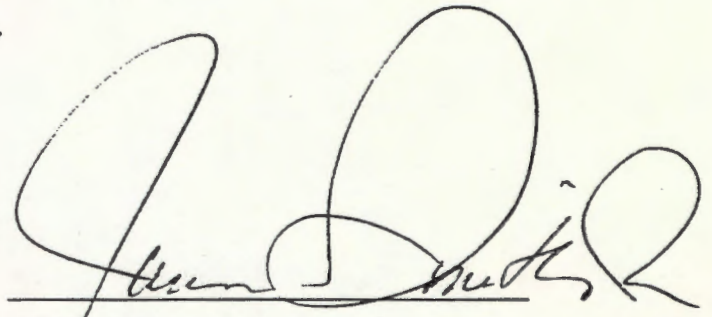
Inability to preserve trees, to construct dwellings compatible with other dwellings in the neighborhood and to develop a community consistent and compatible with the existing neighborhood are all matters sufficient to support the Board's determination that strict compliance with the zoning regulations in Appellee's case would result in practical difficulty. Whether the practical difficulty results from what Appellee desires to construct on his own property is not the controlling consideration in the matter of a variance, provided no violation of other criteria in Section 307 of the B.C.Z.R. results thereby.

As pointed out above, the grant of the variance in no way allows Appellee to develop more lots than would be possible if the variance were not granted. Without the variance, Appellee could still develop six lots, but not as compatibly with the neighborhood as the proposed plan.

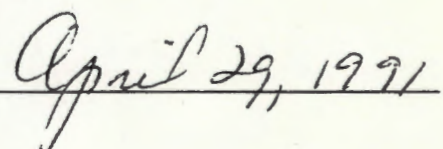
There was competent, material and substantial evidence to support the decision of the Board as it relates to practical difficulty. The Board was not required to find both practical difficulty and undue hardship. These criteria are stated in the alternative in the zoning regulations. The Board's findings clearly satisfy the considerations required by Section 307 of the B.C.Z.R., in a manner consistent with the holding of the Court of Appeals in McLean vs. Soley, supra. Consequently, Appellant is not entitled to appellate relief as to the first three contentions raised in its Petition.

With respect to the Appellant's fourth complaint, there is nothing in the record to indicate that this matter was considered by the Board and the Board made no findings with respect to this contention. Thus, this matter has not been preserved for review on appeal.

For the foregoing reasons, the decision of the County Board of Appeals for Baltimore County is hereby AFFIRMED, with the costs of this Appeal to be paid by Appellant. ✓



JAMES T. SMITH, JR., Judge



DATE

JTS/ss

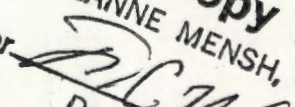
Copy: Phyllis C. Friedman, Esq.

Peter Max Zimmerman, Esq.

John B. Gontrum, Esq.

True Copy Test
Clerk

Deputy Clerk

True Copy Test
SUZANNE MENSCH, Clerk
Per 
Deputy Clerk

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/S Taylor Ave. 190' NW of the c/l of Oak Ave. (Lot F); and SW/S Taylor Ave. 240' NW of the c/l of Oak Ave. (Lot G) 9th Election District 6th Councilmanic District George C. Peverley, III Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-35-SPHA

NOTICE OF APPEAL

Please note an appeal from the denial of a Zoning Variance to permit a building to tract boundary setback of 5 feet in lieu of the required 30 feet.

John O. Hennegan
Romadka, Gontrom & Hennegan
809 Eastway Boulevard
Essex, Maryland 21221
(301) 686-8274

RECEIVED
OCT 17 1989
ZONING OFFICE

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/S Taylor Ave. 190' NW of the c/l of Oak Ave. (Lot F); and SW/S Taylor Ave. 240' NW of the c/l of Oak Ave. (Lot G) 9th Election District 6th Councilmanic District George C. Peverley, III Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-35-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve a special use permit for commercial parking in an R.O. zone on the property known as Lot G for five (5) parking spaces only, and a variance to permit a building to tract boundary setback of 5 feet in lieu of the required 30 feet for the property known as Lot F, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by John O. Hennegan, Esquire. Also appearing on behalf of the Petitioner were Gloria Mikolajczyk with Probst-Mason, Inc., Architects. The following persons appeared and testified as Protestants: Earnest and Ruth Baisden, Richard A. Bosse, Marjorie E. Miller, Lillian Scanlan, and Evelyn and Ellen Kinnear.

Testimony indicated that the subject property, known as Lots F and G of the Taylor Avenue Complex, is located on the southeast corner of Taylor Avenue and Old Harford Road. Said property consists of 2.2519 acres more or less split zoned B.L., R.O. and D.R. 5.5. Testimony indicated that Petitioner proposes to develop the D.R. 5.5 parcel, which consists of approximately 1.6799 acres more or less, with six single family dwelling units, as more fully described on Petitioner's Exhibit 1. Petitioner also proposes to construct five (5) additional parking spaces on 2100 sq.ft. of

ORDER RECEIVED FOR FILING
Date 9/28/89
By [Signature]

the R.O. zoned parcel adjacent to Taylor Avenue, for use by the ABC Rental Company. Mr. Peverley testified that he is currently the owner/operator of the ABC Rental business which occupies the building on the southeast corner of Taylor Avenue and Old Harford Road. Testimony indicated that an auto repair shop occupies the southwest corner, a hair salon is located on the northwest corner, and a Royal Farm store is located on the northeast corner.

Ms. Mikolajczyk testified that Petitioner will only utilize 6 of the 7.7 density units available on the D.R. 5.5 parcel to facilitate a more desirable layout of the proposed dwellings. She testified this will provide sufficient lot line setbacks which will be similar to the setbacks in the surrounding neighborhood. Testimony indicated the requested variance is necessary for Lot F, which abuts the R.O. zone, in order to construct a dwelling in conformance with the other dwellings proposed on the D.R. 5.5 parcel and meet the remaining setback requirements for the lot. Ms. Mikolajczyk stated that ingress and egress to the residential properties will be from Taylor Avenue and Oak Avenue. She testified that a vegetative buffer will be provided along Taylor Avenue and the D.R. 5.5 parcel and also between the D.R. 5.5 parcel and the ABC Rental property, as indicated on Petitioner's Exhibit 1. Testimony further indicated that a six-foot privacy fence will be erected between the proposed parking spaces and the proposed homes and will run through the juncture of the B.L. and R.O. zones at the corner of the subject site. Ms. Mikolajczyk testified that the requested variance is necessary to make the development of the D.R. 5.5 tract economically feasible. She testified that, in her opinion, the Petitioner's plans would not adversely affect the health, safety or general welfare of the surrounding community. She also testi-

ORDER RECEIVED FOR FILING
Date 9/28/89
By [Signature]

fied that Petitioner's plans meet the requirements of Section 502.1 of the B.C.Z.R., and specifically, the proposed parking area in the R.O. zone meets the requirements of Section 409.8.b.2 of the B.C.Z.R. Ms. Mikolajczyk testified the proposed parking area will be contiguous to the ABC Rental Company, that only passenger vehicles will be permitted to use the parking spaces, and that no loading, service, or any use other than parking will be permitted in this area. Petitioner testified that his business has experienced considerable growth over the years and is, therefore, in need of additional customer parking. He indicated that the practical location for the requested parking spaces is in the R.O. zone as depicted on Petitioner's Exhibit 1. Mr. Peverley testified that the additional parking spaces would be utilized for customer parking only, not for storage of ABC Rental Company equipment.

Mr. Bosse, who resides at 2704 Taylor Avenue, lives opposite the proposed parking area and testified in opposition to the relief requested. He testified that Petitioner has created his own hardship in view of the fact that Petitioner currently parks heavy equipment in the spaces provided for customer parking. In his opinion, the ABC Rental Company is a neighborhood "eyesore" and he is concerned that Petitioner will use the requested parking space to park additional heavy equipment as ABC Rental expands.

Also testifying as a Protestant was Mr. Baisden, a resident of 7706 Oak Avenue. He testified that Petitioner's parking problems are as a result of Petitioner storing equipment in the available parking spaces. He testified that within the last few years, ABC Rental's business has increased, resulting in additional equipment being stored on the parking lot. Mr. Baisden stated that in the event the additional parking is ap-

ORDER RECEIVED FOR FILING
Date 9/28/89
By [Signature]

proved. Petitioner should be required to erect a six-foot privacy fence to screen the parking area from the residential properties along Taylor Avenue and Oak Avenue.

It is clear that the B.C.Z.R. permits the use proposed in the R.O. zone, pursuant to the issuance of a use permit, subject to the requirements of Section 409.b.2 of the B.C.Z.R. The burden is upon the Petitioner to present testimony and evidence which would show that the proposed use meets the prescribed standards and requirements set forth in Section 409.b.2 of the B.C.Z.R. In fact, the testimony and evidence presented established that the proposed parking area will be adjacent to ABC Rental, will only be utilized as a parking facility for passenger vehicles and that no loading, service, or any use other than parking will be conducted in this area. In view of the testimony and evidence presented, it is the Zoning Commissioner's opinion that the construction, use and maintenance of the proposed parking area fulfills the conditions and requirements set forth in Section 409.b.2. It must therefore, be determined whether the conditions as delineated in Section 502.1 of the B.C.Z.R. have been met.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

ORDER RECEIVED FOR FILING
Date 9/28/89
By [Signature]

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Hearing should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The Petitioner's site plan reflects a grossly overcrowded development, which, in the opinion of the Zoning Commissioner, is contrary to the spirit and intent of the B.C.Z.R. The testi-

ORDER RECEIVED FOR FILING
Date 9/28/89
By [Signature]

mony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of September, 1989 that the Petition for Special Hearing to approve a special use permit for commercial parking in an R.O. zone on the property known as Lot G for five (5) parking spaces only, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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.
- 2) The use permit for parking in the R.O. zone is limited to five (5) spaces for use by passenger vehicles only. There shall be no parking, loading, service, or storage of any heavy equipment used in the operation of the ABC Rental Company in the subject parking area.
- 3) Petitioner shall provide a vegetative buffer on Taylor Avenue along the traffic sight line to the R.O. zone, as depicted on Petitioner's Exhibit 1, and extending along the southeast property line to the southern boundary of Lot F, the size and shape of which shall be determined by the Baltimore County Landscape Planner. A landscaping plan incorporating this restriction shall be submitted for review and approval by the Baltimore County Landscape Planner and

ORDER RECEIVED FOR FILING
Date 9/28/89
By [Signature]

submitted to the Zoning Commissioner for final approval.

- 1) There shall be no fencing erected in the front yards of Lots E and F, nor shall any fencing be placed on the northeast side yard of Lot D.
- 2) New deeds for Lots A through F, inclusive, incorporating a reference to this case and the conditions and restrictions contained herein shall be filed among the Land Records for Baltimore County within thirty (30) days of the date of settlement on same; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a building to tract boundary setback of 5 feet in lieu of the required 30 feet for the property known as Lot F, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 9/28/89
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 18, 1989



John O. Hennegan, Esquire
Romulus, Gontrom & Hennegan
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SW/8 Taylor Ave., 190' NW of the c/l of Oak Ave. (Lot F);
SW/5 Taylor Ave., 240' NW of the c/l of Oak Ave. (Lot G)
9th Election District; 6th Councilmanic District
George C. Peverley, III - Petitioner
Case No. 90-35-SPHA

Dear Mr. Hennegan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have 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,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. & Mrs. Ernest Blaisden
7706 Oak Avenue
Baltimore, Md. 21234
Mr. Richard A. Bosse
2704 Taylor Avenue
Baltimore, Md. 21234
Ms. Marjorie E. Miller
2812 Taylor Avenue
Baltimore, Md. 21234
People's Counsel: File

Ms. Lillian Scanlan
2808 Taylor Avenue
Baltimore, Md. 21234
Ms. Evelyn Kinnear
2708 Taylor Avenue
Baltimore, Md. 21234
Ms. Ellen Kinnear
3017 Lavender Avenue
Baltimore, Md. 21234

PHONE: 483-5150
KELLER & KELLER
State Registered Land Surveyors
3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206
ZONING DESCRIPTION
LOT "G"
"TAYLOR AVENUE COMPLEX"
SPECIAL HEARING FOR PARKING PERMIT
FOR COMMERCIAL PARKING IN A R.O.ZONE
BEGINNING on the Southwest side of Taylor Ave., 240' Northwest
of the centerline of Oak Ave. & running thence S. 33°12'28" W. 149.40',
N. 57°02'32" W. 65.00', N. 33°12'28" E. 149.25', thence along Taylor Ave.
S. 60°41'15" E. 65.15' to the place of beginning.
CONTAINING 9577 sq. ft. more or less.
BEING in the 9th Election District.
NOW known as 2711 Taylor Ave., Proposed to be 7721 Old Harford Road.

George T. Keller
Reg. Prof. L.S. No. 67

Revised
6/14/89
Item # 484
WCR

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a special use permit for parking in a R.O. zone on property known as Lot G for 5 parking spaces.

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

I, or we, agree to pay expenses of the above Special Hearing 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 and phone number of legal owner, contract purchaser or representative to be contacted

Baltimore, Maryland 21221

City and State

Attorney's Telephone No.: 586-8274

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of May, 1989, 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 4th day of August, 1989, at 9:30 o'clock.

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 10/1/89

Posted for: Special Hearing & Variance

Petitioner: George C. Peverley, III

Location of property: Lot F - SW/8 Taylor Ave., 190' NW of c/l of Oak Ave.

Lot G - SW/5 Taylor Ave., 240' NW of c/l of Oak Ave.

Location of Sign: SW/8 Taylor Ave., 190' NW of c/l of Oak Ave.

Remarks: Petitioner's Representative

Posted by: M. Haines

Number of Signs: 2

Date of return: 11/2/89

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 13, 1989

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 July 13, 1989.

NORTHEAST TIMES
THE JEFFERSONIAN

3. Zeke. Orlan

PO 137051

M31020

90-35-SPHA

price \$ 89.85

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated 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 1801.2 G.6 (V.B.5.b-CMDP) to permit a building to tract boundary setback of 5 ft. in lieu of the required 30 ft. on Lot F.

The Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
There is no other area which to locate the house on the lot and the lot is up against property owned by the Petitioner and the size, configuration and unique layout of lots on the land as required by CRG would render it a practical difficulty to sit a house on Lot without the requested variance.

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 and phone number of legal owner, contract purchaser or representative to be contacted

Essex, Maryland 21221

City and State

Attorney's Telephone No.: 586-8274

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of May, 1989, 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 4th day of August, 1989, at 9:30 o'clock.

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

County, on the 4th day of August, 1989, at 9:30 o'clock

PHONE: 483-5150
KELLER & KELLER
State Registered Land Surveyors
3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION

LOT "G"

"TAYLOR AVENUE COMPLEX"

Variance to TRACT BOUNDARY SETBACK

May 31st, 1989

BEGINNING on the Southwest side of Taylor Ave., 190' Northwest of the centerline of Oak Ave. & running thence S. 33°12'28" W. 150.00', N. 57°02'32" W. 50.00', N. 33°12'28" E. 149.40', thence along Taylor Ave. S. 60°41'15" E. 9.48' & S. 57°02'32" E. 40.54' to the place of beginning.

CONTAINING 7498 sq. ft. more or less.

BEING in the 9th Election District

NOW known as 2711 Taylor Ave., PROPOSED to be known as 2707 Taylor Ave.



George T. Keller
Reg. Prof. L.S. No. 67

Revised
6/14/89
Item # 484
WCR

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 29, 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:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-35-SPHA
Lot F - SW/8 Taylor Avenue, 190' NW of c/l of Oak Avenue,
Now known as 2711 Taylor Ave., Proposed to be known as 2707 Taylor Ave.
Lot G - SW/5 Taylor Avenue, 240' NW of c/l of Oak Avenue,
Now known as 2711 Taylor Ave., Proposed to be known as 7721 Harford Rd.
9th Election District - 6th Councilmanic
Petitioner(s): George C. Peverley, III
HEARING SCHEDULED: TUESDAY, AUGUST 8, 1989 at 9:30 a.m.

Special Hearings A special use permit for commercial parking in a R.O. zone on property known as Lot G for 5 parking spaces.
Variances to permit a building to tract boundary setback of 5 ft. in lieu of the required 30 ft. on Lot F.

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

cc: George C. Peverley, III
John O. Hennegan, Esq.
File

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3363

HEARING ROOM -
Room 301, County Office Building

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF MAY 21, 1990

MONDAY 5/21/90 10:00 a.m. PICKERSGILL ADDITION
SE/S Chestnut Ave., N Piccadilly Rd.
(1615 Chestnut Ave.)
9th Election District
4th Councilmanic District
RE: CRG Decision
#89-538-SPH
PICKERSGILL, INC.
SPH-Amend Special Exception in Case No. 4324-X/
modify & expand existing nursing home; addition
of 100 Class B elderly housing units.
AND
#89-444-SPH
MARY R. WOLFE
SPH-to determine that additions/alterations
be developed in accordance with zoning
regulations and is Special Exception required.
5/4/90

TUESDAY 5/22/90 10:00 a.m. SUGARWOOD 1ST AMENDED
SW/s Smithwood Ave., SE of Birdwood Ave.
1st Election District; 1st Councilmanic District
RE: CRG Decision
#CBA-89-155

WEDNESDAY 5/23/90 10:00 a.m. GEORGE C. PEVERLEY, III
SW/s Taylor Ave., 190' NW of c/l of Oak Ave.
(Lot F) and SW/s Taylor Ave., 240' NW of c/l
of Oak Ave. (Lot G)
9th Election District; 6th Councilmanic District
SPH -Commercial parking in R.O. zone
VAR -Building to tract boundary 5' in lieu
of required 10'.
THURSDAY 5/24/90 HEARING ROOM NOT AVAILABLE FOR CBA HEARING
FRIDAY 5/25/90 10:00 a.m. ROBERT E. VOELKEL, JR./REVAL
912 West Lake Ave.
RE: Violation of Baltimore County Investment
Property Act
STEPHEN P. BROWN, ET UX, NW/cor German
Hill Rd. and 51st St. (7014 German Hill Rd.)
12th Election District; 7th Councilmanic District
VAR -set-backs for addition to existing structure
#90-77-A

cc: Executive Office
County Council
Law Office
People's Counsel
Board Members
Court Reporters
Deputy Clerk (2)

* CASE NO. 90-71-SPHA POSTPONED TO 6/21/90

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3363

HEARING ROOM -
Room 301, County Office Bldg.
December 6, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. ~~71-55-SPH~~ GEORGE C. PEVERLEY, III
SW/s Taylor Ave., 190' NW of the c/l of Oak Avenue
(Lot F) and SW/s Taylor Ave., 240' NW of the c/l of
Oak Avenue (Lot G)
9th Election District
6th Councilmanic District
SPH -Commercial parking in R.O. zone
VAR -Building to tract boundary 5' in lieu of req'd 10'
9/18/89 - Z.C.'s Order GRANTING Petitions with restrictions
in part; DENYING in part.

ASSIGNED FOR: WEDNESDAY, MAY 23, 1990 at 10:00 a.m.

cc: John O. Hennegan, Esquire Counsel for Petitioner
George C. Peverley, III
Gloria Mikolajczyk - Probst-Mason, Inc.
Earnest and Ruth Baisden
Richard A. Bosse
Marjorie E. Miller
Lillian Scanlan
Evelyn Kinnear
Ellen Kinnear
Charles Chambers, Pres. - Villa Cresta Civic Assoc.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
M. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kuszmalski
Legal Secretary

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

J. Robert Haines
Zoning Commissioner

October 20, 1989

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for (Special Hearing and) Variance
SW/S Taylor Avenue, 190' NW of the c/l of Oak Avenue (Lot F);
and SW/S Taylor Avenue, 240' NW of the c/l of Oak Avenue (Lot G)
9th Election District, 6th Councilmanic District
GEORGE C. PEVERLEY, III - Petitioner
Case No. 90-35-SPHA

Dear Board:

Please be advised that an appeal of the variance portion only of above-referenced case was filed in this office on October 17, 1989 by John O. Hennegan. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:cer

Enclosures

cc: George C. Peverley, III
2314 Merrimansville Road, Baltimore, MD 21131
John O. Hennegan, Esquire, Romacka, Contrum & Hennegan
809 Eastern Boulevard, Baltimore, MD 21221
Gloria Mikolajczyk, Probst-Mason, Inc.
3200 Elm Avenue, Baltimore, MD 21211

Appeal Cover Letter - Case No. 90-35-SPHA
GEORGE C. PEVERLEY, III - Petitioner
October 20, 1989
Page 2

Earnest and Ruth Baisden, 7706 Oak Avenue, Baltimore, MD 21234
Richard A. Bosse, 2704 Taylor Avenue, Baltimore, MD 21234
Marjorie E. Miller, 2812 Taylor Avenue, Baltimore, MD 21234
Lillian Scanlan, 2808 Taylor Avenue, Baltimore, MD 21234
Evelyn Kinnear, 2708 Taylor Avenue, Baltimore, MD 21234
Ellen Kinnear, 3017 Lavender Avenue, Baltimore, MD 21234
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

Description Lot E
Sph for a parking permit for
commercial parking in a R.O. zone.

Beginning on the SW/s Taylor Ave. 240'
NW of the E. of Oak Ave. - - - - - M+B - - -
to the place of Beg. Containing 9260 Sq. ft.
in the 9TH Elect. Dist. Also known as
2711 Taylor Ave. proposed 7721 Old Hanford Rd.

APPEAL

Petition for (Special Hearing and) Variance
SW/S Taylor Avenue, 190' NW of the c/l of Oak Avenue (Lot F)
and SW/S Taylor Avenue, 240' NW of the c/l of Oak Avenue (Lot G)
9th Election District - 6th Councilmanic District
GEORGE C. PEVERLEY, III - Petitioner
Case No. 90-35-SPHA

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments (None submitted)
Petitioner's Exhibits: 1. Plat to accompany Petition
Protestant's Exhibits: 1. Letter of opposition from neighbor
2. & 3. Photographs of Rental Center
Zoning Commissioner's Order dated September 18, 1989 (Granted w/
restriction in part; Denied in part)
Notice of Appeal received October 17, 1989 from John O. Hennegan,
Attorney for Petitioner

cc: George C. Peverley, III
2314 Merrimansville Road, Baltimore, MD 21131
John O. Hennegan, Esquire, Romacka, Contrum & Hennegan
809 Eastern Boulevard, Baltimore, MD 21221
Gloria Mikolajczyk, Probst-Mason, Inc.
3200 Elm Avenue, Baltimore, MD 21211
Earnest and Ruth Baisden, 7706 Oak Avenue, Baltimore, MD 21234
Richard A. Bosse, 2704 Taylor Avenue, Baltimore, MD 21234
Marjorie E. Miller, 2812 Taylor Avenue, Baltimore, MD 21234
Lillian Scanlan, 2808 Taylor Avenue, Baltimore, MD 21234
Evelyn Kinnear, 2708 Taylor Avenue, Baltimore, MD 21234
Ellen Kinnear, 3017 Lavender Avenue, Baltimore, MD 21234

Appeal Checklist - Case No. 90-35-SPHA
George C. Peverley, III - Petitioner
October 20, 1989
Page 2

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

To: Jack Hennegan 6/14/91 comments
on Rev. 5/5/89

Sph + Var. Item # 484
(Taylor Ave. Complex) \$ 350.00 fee

Revised Petitions, Plans + Descriptions Req.
Petitions have been amended to accurately include
the section + relief believed to be requested.
Please visit the office and initial the originals if
you agree - Also Eugene F. ROLL should sign if owner.

29 copies of the 1.6 Ac. description was
included - only 3 copies are required, but
separate descriptions are required for the
Sph + Var. as follows:

(a) Special H. use permit for parking (commercial)
in an R.O. zone. (title) - describe lots only
Beginning SW/s Taylor Ave. 240' NW of the
E. of Oak Ave. - - - - - M+B - - -
to the place of Beg. (shown on plan) containing
9260 Sq. ft. ±. include Seal

(b) Tract boundary Variance - (Lot F only) - Bag
SW/s Taylor Ave. 190' NW of the E. of Oak Ave. - - -
- - - M+B - - - To place of Beg. (shown on plan)
containing 7400 Sq. ft. ±

Plan Revisions Required:

1. Identify separate bag, points + distances
2. Insert 1"=200' Scale zoning map in location plan
or provide separately with both separate
properties plotted and identified. (copies if 50')
3. List and address the requirements of
S. 409.8.8.2 on the plan
4. Note on plan - Zoning - Lot F - DR S.5
Lot G - R.O. + DR S.5

All revised materials should be delivered to the
zoning office under Item reference #484

Description Lot F
Variance to Tract Boundary setback
Beginning on the SW/s Taylor Ave. 190 ft.
NW of the E. of Oak Ave. - - - - - M+B - - -
to the place of beginning - containing 7400 Sq. ft.
in the 9TH Elect. Dist. Also known as 2711
Taylor Ave.

PROTESTANT'S EXHIBIT 1

August 7, 1989

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

Re: USE PERMIT File # 90-35 SPHA & "Taylor Ave. Complex"
CRG Plan # 89019 Revised 6/14/89

Dear Mr. Haines:

This letter is in response to the requested USE PERMIT as reference above. We feel, as many of our neighbors do, that ABC Rental, located on the SE corner of Old Harford and Taylor Ave., is an existing eye sore. They use over half of their existing parking for the storing of rental equipment which is not screened from view. The developer, owner of ABC Rental, knew the limitation of the parcel (zoned BL) when he bought it. This USE PERMIT is essentially allowing ABC Rental to expand its BL lot. The residences do not want to see this eye sore expand.

The Baltimore County Zoning Department explains that an R-0 should meet the needs of the residence before the needs of office space or business. Section 203.2 page 2-11 of the Baltimore County Zoning Regulations states "it is the intent that buildings and uses in R-0 zones shall be highly compatible with the present or prospective uses of nearby residential property."

If you should decide to grant this USE PERMIT, we feel in order to minimize its impact on the neighborhood it is essential to require the following:

1. The parking lot on the R-0 be used only by customer or employee automobiles as required at the CRG meeting.
2. The use of an opaque fence with landscape screening to screen the view from Taylor and Oak Avenues. This was also a staff comment from the CRG meeting.
3. That ABC Rental designate an equipment and dumpster storage area (on their CRG PLAN) on existing lot (zoned BL) and screen it from view.

We feel these are reasonable requests that would satisfy the concerns of all parties involved. The only request that has not already been committed is number 3. We feel this is the crux of the problem and is what has caused the discontent over the years. A presentable appearance, consistent with the residential neighborhood, should be a commitment of a conscientious business owner and a requirement of the county.

I hope this matter can be resolved in a way that will benefit the neighborhood as well as ABC Rental.

Sincerely Yours,

Ernest R. Haines

Ernest and Ruth Baisden
7706 Oak Avenue
Baltimore, MD 21234

90-35-SPHA

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.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: George C. Peverley, III Received by: James E. Dyer
Petitioner's Attorney: John O. Hennegan, Esquire Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 31, 1989

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

John O. Hennegan, Esquire
809 Eastman Blvd
Baltimore, MD 21221

RE: Item No. 484, Case No. 90-35-SPHA
Petitioner: George C. Peverley, III
Petition for Zoning Variance and
Special Hearing

Dear Mr. Hennegan:

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 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 MINICKSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 687-3391.

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. George C. Peverley, III
2314 Merrimansville Road
Baltimore, MD 21131

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 27, 1989
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: George C. Peverley, III, Item 484
Zoning Petition No. 90-35-SPHA

The petitioner requests a variance to permit a building to tract boundary setback of 5 feet in lieu of the required 30 feet on Lot F and a use permit requiring a special hearing to permit commercial parking in a RO zone on property known as Lot G for 5 parking spaces. In reference to this request, staff offers the following comments:

The site obtained CRG approval for the proposed use on March 30, 1989 (File No. TX-535). The approved zoning plan should conform to the approved CRG plan and the final landscape plan.

Staff also recommends the following restrictions:

Storage of any equipment is prohibited on the RO portion of the property. Low level or ground level lighting should be used instead of tall overhead lights. No dumpsters should be located on the RO portion.

PK/sf

RECEIVED
JUL 31 1989

ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(801) 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. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/LW

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

5-18-89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #254, Zoning Advisory Committee Meeting of 5-16-89

Property Owner: George C. Peverley, III

Location: SWB Taylor Ave

District: 9

Water Supply:

Comments are as follows:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted.
() The results are valid until
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3880.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others

Baltimore County
Fire Department
Towson, Maryland 21204-2886
494-4500

Paul H. Reincke
Chief

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

Re: Property Owner: George C. Peverley, III

Location: Lot F- #2711 Taylor Avenue

Lot G- #2711 Taylor Avenue

Item No.: 484 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.
- (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: Capt. James Kelly 5-11-89 Noted and Approved: Capt. Wm. Budy
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

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.

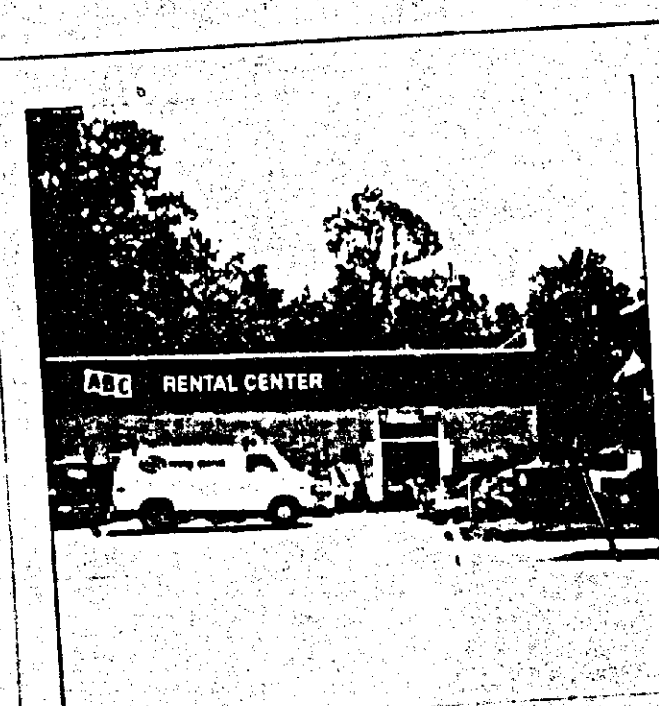
For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

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

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

RWB:s

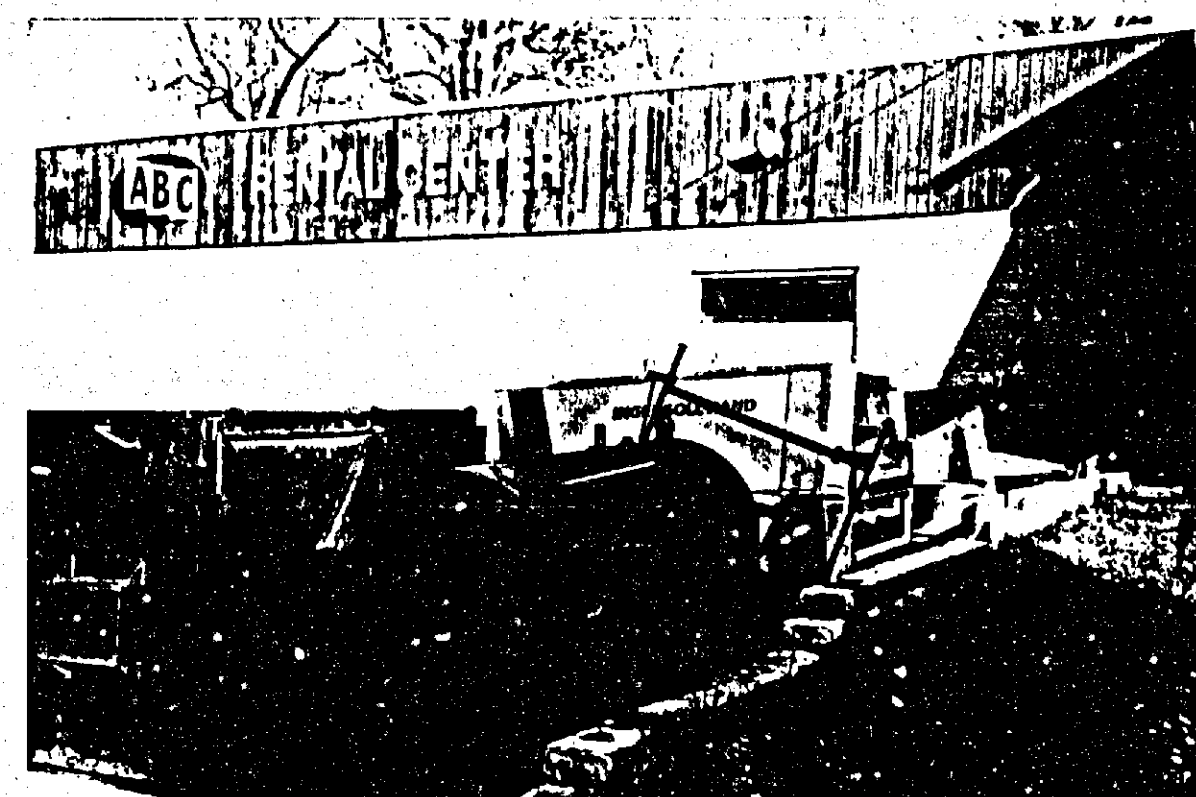
PROTESTANT(S) EXHIBIT (2)



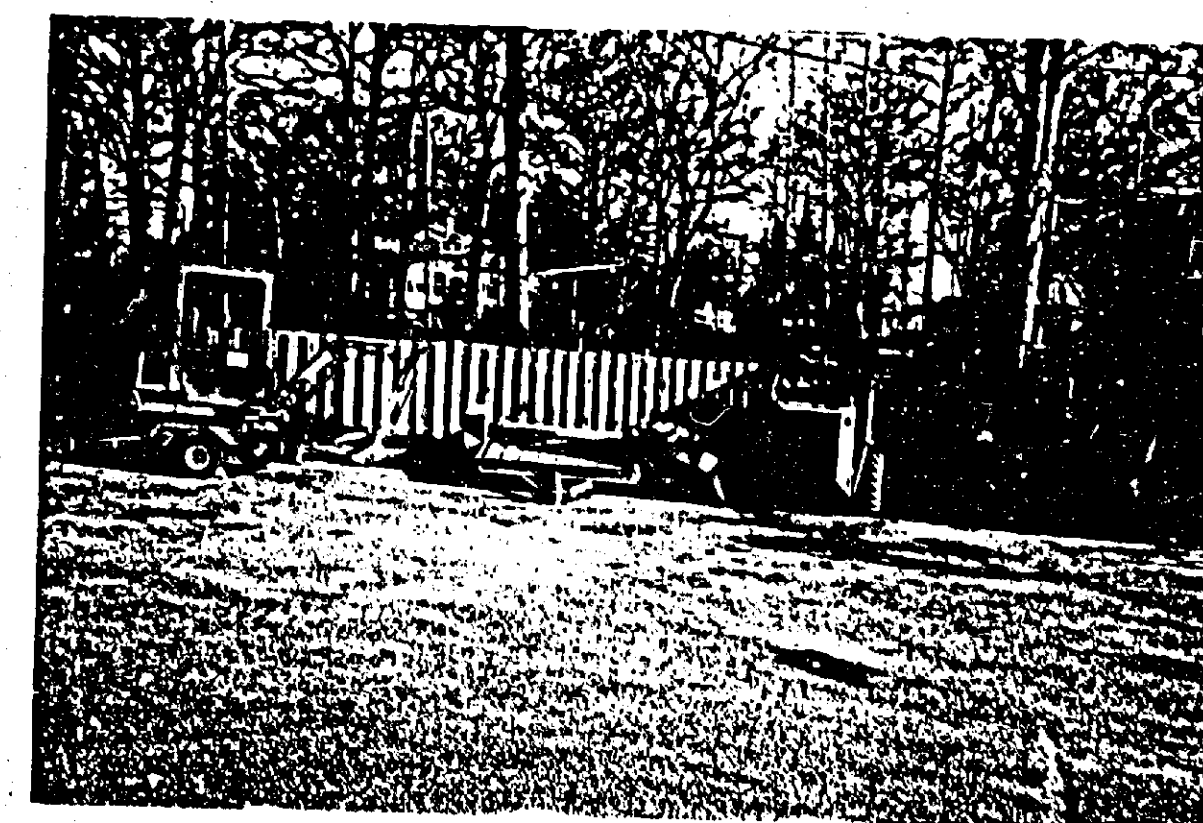
PROTESTANT(S) EXHIBIT (2)



PROTESTANT(S) EXHIBIT (3)



PROTESTANT(S) EXHIBIT (3)



PROTESTANT(S) EXHIBIT (3)



To: Balt. Co. Zoning Commissioner
Mr. J. Robert Haines

Subject: 90-35 SPNA

Date: Aug. 7, 1989

I would like to go on record, to say, I am opposed to any further commercialization of this neighborhood. I, also, support Mrs. Baisden's efforts to preserve the tranquillity of this area.

Respectfully yours,
Carville W. Burris
(Carville W. Burris)
(resident/owner)
7701 Oak Ave.
Parkville, Maryland
21234

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
George C Pevenker ^{III}	2314 Harwood Lane H. 11 Rd. Pikesville, MD 21118
Gloria Mikalajczyk ^{do} Robert Mason, Inc.	2200 Elm Avenue Baltimore, MD 21211

90-35
SPHA

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

	NAME	ADDRESS
→	Ernest Baisten	7706 OAK AVE. Balt. Md 21234
	Ruth Baisten	" "
	RICHARD A. BOSE.	2704 TAYLOR AVE 21234
	(POSS)	
	Majorie C. Miller	2812 Taylor Ave 21234
	William Scanlan	2808 Taylor Ave 21234
	Evelyn Kinnear	2708 Taylor Ave 21234
	Ellen Kinnear	3017 Labender Ave 21234
→	Richard A. Bose	
	Goodman	
→	Ernest A. Baisten	

90-35
SPH

LAW FIRM

LAW FIRM
Romadka, Conrath & Henneghan
IRVINGTON FEDERAL BUILDING
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE (301) 686-8274
FAX # 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
JOHN O. HENNEGAN
DONALD H. SHEFFY
NANCY E. DWYER

September 1, 1989

J. Robert Haines
Zoning Commissioner
Baltimore County Office of Planning & Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No: 90-35-SPHA

Dear Mr. Haines:

Pursuant to your request, I have consulted with my client concerning storage of equipment on the parking lot of ABC Rental which is zoned BL. We would propose to fence in an area on the lot with opaque fencing sufficient to screen the equipment from public view for storage of the equipment.

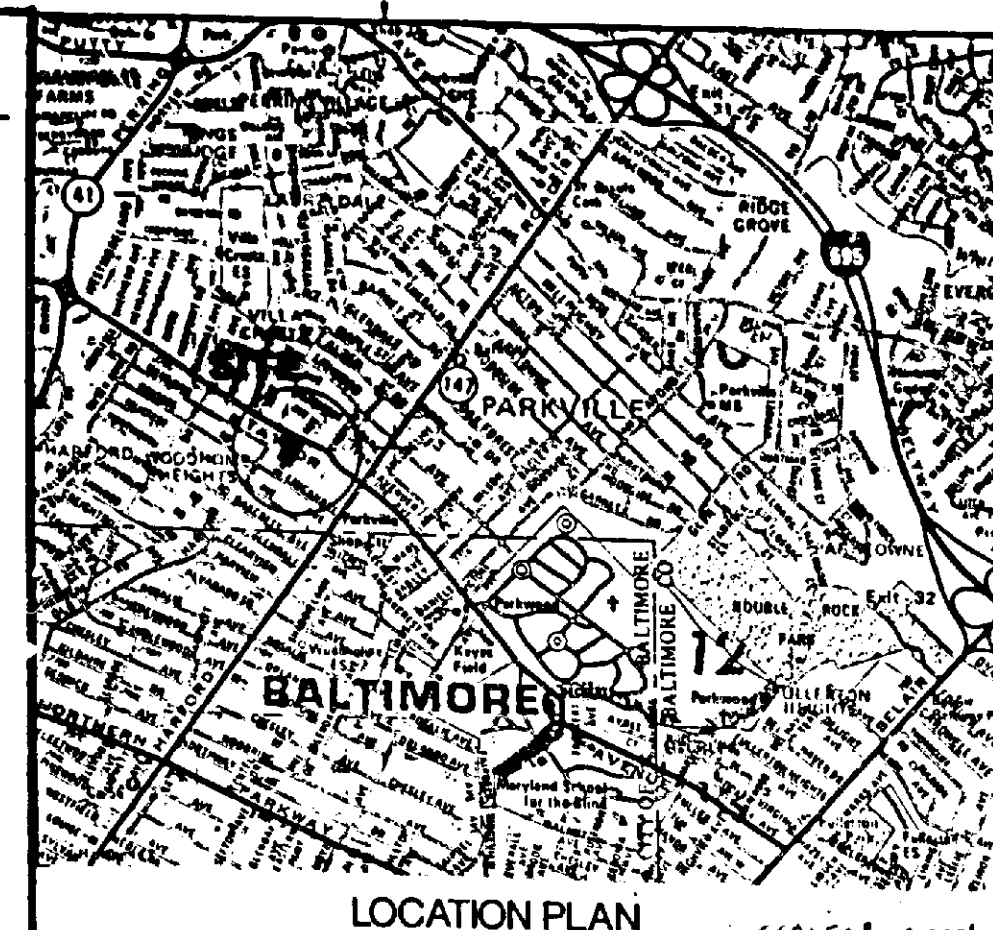
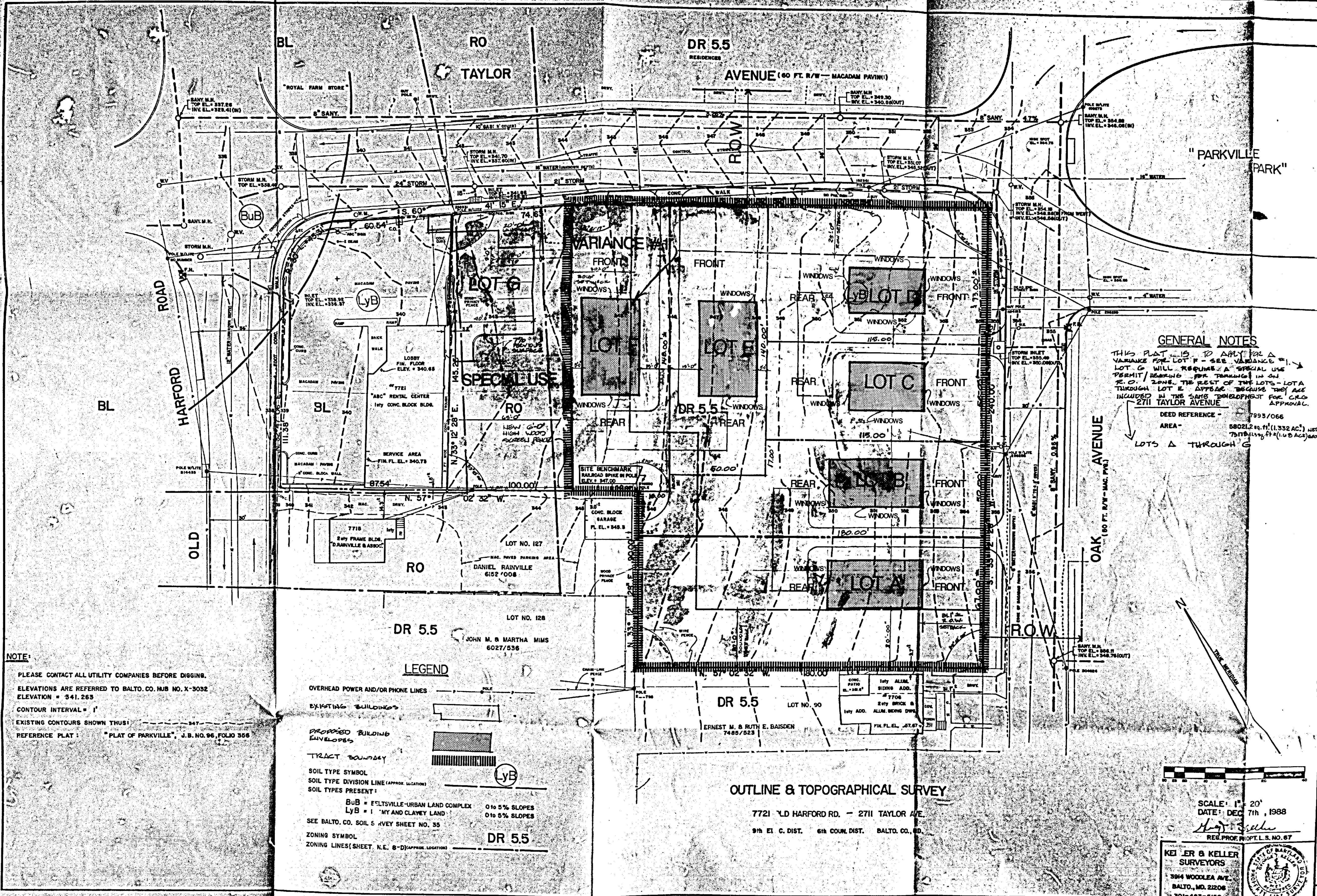
In the future, we may try to adapt a more permanent solution to this problem as indicated at the hearing, but at this time, we have no concrete plans, just conceptual ideas.

Thank you for your attention to this matter, I remain.

Very truly yours,
John O. Hennegan

JOH/cfh

RECEIVED
SEP 5 1989
ZONING OFFICE



GENERAL NOTES

- 1. THE EXISTING RESIDENCE IS TO BE REMOVED PRIOR TO CONSTRUCTION. AUXILIARY BUILDING SUCH AS GARAGE, ETC. ARE ALSO TO BE REMOVED. THEREFORE, STRUCTURES ARE NOT SHOWN FOR CLARITY.
- 2. OFF-STREET PARKING FOR EACH RESIDENCE IS PROVIDED FOR BY THE DRIVEWAY LENGTH (MIN 60'-0") TWO SPACES ARE REQUIRED PER RESIDENCE & IS PROVIDED AT 12'-0" MIN LENGTH & 8'-6" MIN WIDTH.
- 3. VARIANCES:
VARIANCE #1
THIS VARIANCE IS IN REFERENCE TO BUILDING IN THE 30'-0" SETBACK FROM THE TRACT BOUNDARY. THE HOUSE OCCUPIES 25'-0" OF THE SETBACK.
- 4. AREA CALCULATIONS
DENSITY: LOT A THROUGH LOT F
(GROSS) 3167.792 sq. ft. = (1.452 ACRES)
ZONING: R.S. 5
(35x 1.452 = 7.7 UNITS)

AREA CALCULATIONS FOR EACH LOT:

LOT	NET SQUARE FOOTAGE
LOT A	12,060 sq. ft. ±
LOT B	7245 sq. ft. ±
LOT C	9,750 sq. ft. ±
LOT D	8,375 sq. ft. ±
LOT E	7,000 sq. ft. ±
LOT F	7,400 sq. ft. ±
LOT G	9,425 sq. ft. ±

NOTE:
PLEASE CONTACT ALL UTILITY COMPANIES BEFORE DIGGING.
ELEVATIONS ARE REFERRED TO BALTO. CO. HUB NO. X-3032
ELEVATION = 341.263
CONTOUR INTERVAL = 1'
EXISTING CONTOURS SHOWN THUS: [Symbol]
REFERENCE PLAT: "PLAT OF PARKVILLE", J.B. NO. 96, FOLIO 356

LEGEND

OVERHEAD POWER AND/OR PHONE LINES [Symbol]

EXISTING BUILDINGS [Symbol]

PROPOSED BUILDING ENVELOPES [Symbol]

TRACT BOUNDARY [Symbol]

SOIL TYPE SYMBOL
SOIL TYPE DIVISION LINE (APPROX. LOCATION)
SOIL TYPES PRESENT:
BuB = ELSVILLE-URBAN LAND COMPLEX
LyB = 1 MY AND CLAYEY LAND
SEE BALTO. CO. SOILS -VEY SHEET NO. 35
ZONING SYMBOL
ZONING LINES (SHEET N.E. 8-D) (APPROX. LOCATION)

DR 5.5

OUTLINE & TOPOGRAPHICAL SURVEY
7721 LD HARFORD RD. - 2711 TAYLOR AVE.
9th E. 1. DIST. 6th COM. DIST. BALTO. CO., MD.

SCALE: 1" = 20'
DATE: DEC 7th, 1988
[Signature]
REG. PROF. NO. 67
KEI ER & KELLER
SURVEYORS
3914 WOODLEE AVE.
BALTO., MD. 21206
301-483-5150

TAYLOR AVENUE COMPLEX

OWNER:
GEORGE C. PEVERLY
AND EUGENE F. RAHL

REVISIONS	DATE

PLAT FOR ZONING VARIANCE
484

PROBST-MASON, INC. ARCHITECTS
3200 ELM AVENUE
BALTIMORE, MARYLAND 21211
(301) 467-9700

DATE: 11-20-10
[Signature]