

IN THE MATTER OF
THE APPLICATION OF
TIMOTHY C. BENNETT, ET UX
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE SOUTH SIDE OF LENA
LANE, 185.37' EAST OF MARLYN
AVENUE (903 LENA LANE)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes to the Board as an appeal from the decision of the Deputy Zoning Commissioner dated November 20, 1989 which granted the Petition for Special Hearing and denied the Petition for Variances on the subject property located in the 15th Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Letter of Dismissal of appeal filed July 16, 1990 (a copy of which is attached hereto and made a part hereof) from J. Carroll Holzer, Esquire, Counsel for the Petitioners/Appellants in the above-entitled case; and

WHEREAS, said Counsel requests that the appeal filed by him on behalf of Petitioners/Appellants be dismissed and withdrawn as of July 16, 1990,

IT IS HEREBY ORDERED this 19th day of July, 1990 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William T. Hackett
William T. Hackett, Chairman
Arnold G. Foreman
Lynn B. Moreland

RONALD L. MAHER
14 CARROLL HOLZER
CAROL S. DEMILIO
JULY 1990

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 100
TOWSON, MARYLAND 21204
(410) 825-6900
FAX (410) 825-6904

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DEALE STREET, N.W.
WASHINGTON, D.C. 20004

July 13, 1990
#6343

Baltimore County Board of Appeals
111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Chairman William Hackett

RE: Case No.: 90-131-SPHA

Dear Mr. Hackett:

On behalf of my client Timothy C. Bennett, I would like to dismiss the Appeal which he filed from the Deputy Zoning Commissioners Order denying the Variance in the above captioned matter. This case is presently scheduled for Friday, August 3, 1990 at 10:00 a.m. Thank you very much for your consideration.

Very truly yours,

J. Carroll Holzer

cc: Tim Bennett

JCH:kls

38 JUL 16 PM 12:30
RECEIVED
COUNTY BOARD OF APPEALS

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - S/S
Lena Lane, 185.37' E of
Marlyn Avenue
(903 Lena Lane)
15th Election District
5th Councilmanic District
Timothy C. Bennett, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-131-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing for a determination as to whether or not the weight limitations for a commercial vehicle can be variances; and if approved, a variance to permit a commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot and not within a fully enclosed structure, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by J. Carroll Holzer, Esquire. Appearing as Protestants in the matter were Bernard & Linda Herzberg, Frank Manish, Paul Bollinger, Martin Wernsdorfer, Helen Zaidel, Glen Hanke Anna F. Feit, and E. Hendrick. Phyllis Freidman, Esquire, People's Counsel for Baltimore County, appeared as an interested party and assisted the Protestants in the presentation of their case.

Testimony indicated that the subject property, known as 903 Lena Lane, consists of 2 acres zoned D.R. 5.5 and is improved with a single family dwelling. Said property is located within the Chesapeake Bay Critical Areas on Deep Creek. Testimony presented indicated that Petitioner owns a commercial vehicle weighing in excess of 10,000 lbs. which he drives regularly in connection with his work. Mr. Bennett testified he has been parking his vehicle on the subject property in the area depicted

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By: J. Carroll Holzer

Petitioner should be required to park his vehicle in strict compliance with the zoning regulations.

In response to the Protestants comments, Mr. Bennett testified that his trips in and out of the property are not on a daily basis but occur approximately three times a week and he is often gone three nights during the week.

Petitioner seeks relief from Section 431(b)(1) of the Baltimore County Zoning Regulations (B.C.Z.R.).

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, in the opinion of the Deputy Zoning Commissioner, the relief requested in the Petition for Special Hearing shall be granted and the Petition for Zoning Variance shall be denied. There was insufficient evidence to support a finding that Petitioner would experience unreasonable hardship if the requested variance was denied. The Petitioner has failed to show

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By: J. Carroll Holzer

that compliance would prevent the use of the property or be unnecessarily burdensome. Further, the relief requested does not sufficiently comply with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). The property is and can continue to be used for permitted residential purposes. The denial of the variance will require Petitioner to find appropriate offsite parking for the tractor-trailer used in the performance of his job.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petition for Special Hearing shall be granted and the Petition for Zoning Variance shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of November, that the weight limitations for a commercial vehicle can be variances from Section 431(B)(1), and as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance to permit a commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot and not within a fully enclosed structure, as set forth in Petitioner's Exhibit 1, be and is hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

COPIES FOR FILING
By: J. Carroll Holzer

IN THE MATTER OF
ZONING VARIANCE -
TIMOTHY BENNETT

PETITIONER

* BEFORE THE
* BALTIMORE COUNTY
* ZONING COMMISSIONER
* CASE NO. 90-131 SPHA,
* Item 588

MEMORANDUM

This matter has been heard by the Deputy Zoning Commissioner concerning the Petition of Mr. Timothy C. Bennett, for permission to park his tractor on his property at 903 Lena Avenue, in the Essex area of Baltimore County. Mr. Bennett had been parking his tractor behind his home located on Lena Avenue, in a wooded area partially concealed from view. The property directly in front of Mr. Bennett is utilized as a mini-market and the South Marlyn Liquor Store.

The two issues involved before the Deputy Zoning Commissioner relate to first, whether or not the Zoning Commissioner can grant a variance for the parking of commercial vehicle pursuant to Section 431 of the Baltimore County Zoning Regulations. The second issue presented is assuming a variance can be granted, whether under the standards set forth in McLean v. Soley 270 Md. 211, have been met by Mr. Bennett. This Memorandum will address the questions in that order.

I. The Zoning Commissioner Has Authority To Vary Offstreet Parking

The first point raised by the Petitioner in regard to this issue is that the present law should not be applicable to this particular application by Mr. Bennett. The documents presented as Exhibits during the course of the hearing, clearly reflect that Mr. Bennett through no fault of his own, attempted to file his petition under the then existing law which clearly would have allowed a variance to be granted by the Zoning Commissioner. The Zoning Regulations allowed for a residential garage, which could include one commercial vehicle under the definition of "garage, residential". The Petitioner, through his counsel, attempted to file a petition with the Zoning Office in late June of 1988 before the present law went into effect on August 15, 1988 pursuant to Bills No. 70-88. Again in early July of 1988 the Petitioner attempted to file a petition which was rejected by the Zoning Office and he was directed to proceed to DEPRM for their review proper to the acceptance of a petition. It subsequently turned out that this procedure was incorrect and the petition should have been

on Petitioner's Exhibit 1 for the past six years. As a result of a recent complaint filed by an adjoining property owner, Mr. Bennett filed the instant Petitions for approval to continue to park the commercial vehicle on his property. He testified he was discouraged by the Department of Environmental Protection and Resource Management (DEPRM) from building an enclosed structure so as to maintain the impervious surface area on the site. Mr. Bennett further testified that he has no garage in which to store the vehicle and therefore must park his truck out in the open. He argued that to deny the relief requested will result in unreasonable hardship and practical difficulty in that finding suitable off-site parking will be expensive and unsafe from a security standpoint. Mr. Bennett further argued that the use proposed will not result in any detriment to the health, safety or general welfare of the surrounding community, which is comprised of mixed commercial and residential uses, and contends the denial of the variance will result in economic hardship upon him to relocate the parking for his trailer. Mr. Bennett testified he would be willing to park the trailer off-site if permitted to park the tractor on-site.

Testimony presented by the Protestants indicated that they all own property in the area and are all generally opposed to Petitioner's request. The Protestants argued that the subject property is located in a residential area, and that substantial detriment to the health, safety and general welfare of the surrounding neighborhood will result if Petitioner is allowed to continue driving his truck in and out of the community, which they claim occurs all hours of the day and night. The Protestants presented photographs reflecting the difficulty with which the tractor-trailer has in attempting to exit the narrow residential street of Lena Lane onto South Marlyn Avenue due to its size. The Protestants believe

- 2 -

accepted by the Zoning Office at that time. The Petitioner was ready, willing and prepared to file the petition to allow a garage to be built, however, DEPRM indicated that they would prefer less impervious surface and encouraged crusher-run to be utilized, with no roof on the garage to satisfy environmental concerns. As a result of all of the delay, none of which was occasion or cause by Mr. Bennett, a petition was not filed until after August 15, 1988.

Petitioner would urge that clearly it should be recognized by the Deputy Zoning Commissioner that he is entitled to consideration under the then existing law as it applied to this matter.

Secondly, even assuming arguendo that the petition was filed after August 15, 1988, and the new law was in effect, the Zoning Commissioner still has the authority to waive or to vary "offstreet parking regulations". Contrary to the comments of the office of Planning and Zoning dated October 3, 1988, the Petitioner's request is not an effort to obtain a variance for a "particular accessory use". In reviewing Section 307-Variances under the Baltimore County Zoning Regulations, it is clear that the Zoning Commissioner has the authority to vary "offstreet parking regulations". It is that aspect that is the substance of the variance request in the instant matter. In addition, in case no. 90-84-SPHA, Item No. 514 a Petition for Variance for a very similar situation was presented. In that case, it is understood that while the Petition for Variance was denied for failure to meet the criteria under McLean v. Soley 270 Md. 208, (1973), the authority was found in the Zoning Commissioner to grant such a variance.

WHEREFORE, Petitioner respectfully submits that there is clear and ample authority in the Office of the Zoning Commissioner to grant a variance in regard to Petitioner's request.

II. The Petition for Variance

The Petitioner respectfully requests that he has complied with all of the elements as set forth in McLean v. Soley 270 Md. 208, (1973) in establishing first - that strict compliance with the regulations would result in "practical difficulty or unreasonable hardship" and second - that the granting of the variance would be in harmony with the spirit intent of the zoning regulations and without substantial injury to the public health, safety and welfare. The Petitioner would submit, without reciting all of the testimony presented during the course of the hearing, that he has been parking his vehicles there without complaint on the part of the neighbors for over six years and that the adjoining property consists of a liquor

2

store and a mini-mart. He further testified that his trip into and out of the site would only occur on two to three occasions per week. Further, he testified that he is a full time owner of a truck and that is his sole means of support. He further testified that the expenses involved in coming to a truck area are incredibly high and that the insurance for such a vehicle plays a large role in those expenses. Of prime concern by parking the vehicle behind his home is that fact that he can avoid vandalism and the resulting insurance claims and money loss which would be costly to him. Petitioner owns his own trailer which costs approximately \$80,000.00 and siphoning of fuel and stealing of parts from such vehicle is a normal consequence if left in an unsecured location. For other reasons which were testified to by Mr. Bennett at the time of the hearing, he concludes that it would be an economic hardship upon him to have to relocate the parking of this trailer. He further indicates that he is willing to comply with whatever environmental limitations are imposed by DEPRM. That is to say, if DEPRM desires that a garage be constructed he is certainly willing to do that and conceal the vehicle from sight; if it is decided that crusher-run would be appropriate with no roof on the garage, then he would also comply with that stipulation.

Furthermore, Petitioner indicated that if required, he would simply park the tractor and not the trailer portion of his operation on the site and contain within a garage or shielded from view. Petitioner further would comply with any terms or conditions in regard to hours of operation as set forth by the Zoning Commissioner.

WHEREFORE, it is respectfully requested by the Petitioner that the Deputy Zoning Commissioner grant the Petition for Variance and impose whatever terms and conditions concerning operation or limitations thereon that she deems appropriate.

Respectfully submitted:

J. Carroll Holzer
J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
(301) 825-6960

CERTIFICATE OF MAILING
I HEREBY CERTIFY that on this 12th day of November, 1989, a copy of the foregoing Memorandum was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

J. Carroll Holzer
J. CARROLL HOLZER

RE: Petitions for Special Hearing * BEFORE THE DEPUTY
and Zoning Variance - S/S Lena * ZONING COMMISSIONER
Lane, 185.37 feet east of *
Marlyn Avenue (903 Lena Lane) * OF
15th Election District *
5th Council Manic district * BALTIMORE COUNTY
Timothy C. Bennett, * Case No.: 90-131-SPHA
et ux Petitioners *

NOTICE OF APPEAL

Clyde C. Bennett, Doris L. Bennett and Timothy Bennett by and through his attorney, J. Carroll Holzer, hereby enter an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner denying Petitioner's request for Variance in the above captioned case. Attached to this notice is Petitioners' check for the appeal.

J. Carroll Holzer
J. CARROLL HOLZER
Holzer, Maher & Demilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204
(301) 825-6960
Attorney for Petitioner

RECEIVED DEC 18 1989
pg

ITEM No. 588
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-131-SPHA

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 431(B)(1) and Sec. 431(B)(3) of the Zoning Regulations of Baltimore County, to allow commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot and to allow a commercial vehicle to be parked on a residential lot not within a fully enclosed structure. The Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) for the right to park his privately owned commercial vehicle on the property behind his home. The practical difficulty or hardship is that he has been parking said vehicle in its present location for over 6 years without complaint of the neighbors and to park it in any other location causes extreme hardship concerning insurance and vandalism of his vehicle; and further, he would be required to expend extensive sums of money to acquire additional property in order to comply with Baltimore County Zoning Regulations concerning trucking facilities.

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 _____
Name _____
Address _____
City and State _____
Attorney's Telephone No.: 825-6960 _____

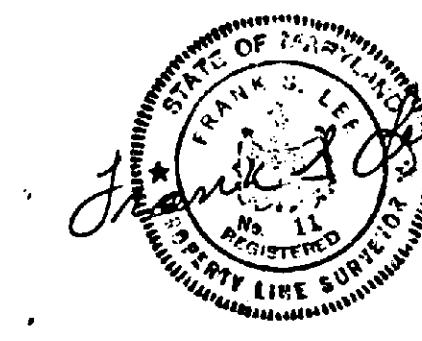
ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of _____, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of _____, 1989, at _____ o'clock P.M.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Phone: 607-6922
FRANK S. LEE
Registered Land Surveyor
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237
April 8, 1989
No. 903 Lena Lane
15th District Baltimore County, Maryland

Beginning for the same on the south side of Lena Lane at the distance of 185.37 feet measured easterly along the south side of Lena Lane from the east side of S. Marlyn Avenue, thence running and binding on the south side thereof North 84 degrees 00 minutes East 325 feet, thence running for two lines of division South 6 degrees 00 minutes East 45 feet and North 84 degrees 00 minutes East 140 feet to the waters of Deep Creek, thence on waters thereof as follows: South 32 degrees 45 minutes East 22 feet more or less and in a southwesterly direction 170 feet more or less, thence for two lines of division as follows: South 84 degrees 00 minutes West 370 feet and North 6 degrees 00 minutes West 212.50 feet to the place of beginning.

Containing 2 acres of land more or less.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner
DATE 10/3/89
Mr. Timothy C. Bennett
903 Lena Lane
Baltimore, Maryland 21221
Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-131-SPHA
S side Lena Lane, 185.37' E of Marlyn Avenue
903 Lena Lane
15th Election District - 5th Councilmanic
Petitioner(s): Timothy C. Bennett
HEARING SCHEDULED: TUESDAY, OCTOBER 10, 1989 at 2:00 p.m.

Dear Mr. Bennett:
Please be advised that \$144.47 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 ISSUE. 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.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: J. Carroll Holzer, Esq.
File

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-131-SPHA

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 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 or deny the authority under Section 431 of the Baltimore County Zoning Regulations to variance the weight limitations of a commercial vehicle.

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 _____
Name _____
Address _____
City and State _____
Attorney's Telephone No.: 825-6960 _____

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of _____, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of _____, 1989, at _____ o'clock P.M.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Filed By J. Robert Haines on 6/30/89
any further filing
E.C.O.-S.M.
notified Critical Area 6/30/89
S.M. & M. Kelly Dorem

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: 90-131-SPHA
S side Lena Lane, 185.37' E of Marlyn Avenue
903 Lena Lane
15th Election District - 5th Councilmanic
Petitioner(s): Timothy C. Bennett
HEARING SCHEDULED: TUESDAY, OCTOBER 10, 1989 at 2:00 p.m.

Special Hearing: To variance the weight limitations of a commercial vehicle. Variances to allow commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot and to allow a commercial vehicle to be parked on a residential lot not within a fully enclosed structure.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Timothy C. Bennett
J. Carroll Holzer, Esq.
File

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

42 Eastern Blvd.
alto., Md. 21221

September 7, 1989

IS TO CERTIFY, that the annexed advertisement of

Timothy C. Bennett in the matter of 15th Election District-
5th Councilmanic Hearing scheduled: Tuesday, October 10, 1989
at 2:00 p.m. Case #90-131-SPHA. P.O. #16305. Reg. # M34187.
\$7.50 lines @ \$5# or \$48.13

inserted in The Avenue News a weekly newspaper

lished in Baltimore County, Maryland once a week for

cessive week(s) before the 8th day of September 1989.

It is to say, the same was inserted in the issues of Sept. 7, 1989.

The Avenue Inc.

per publisher

By Doris Beldwell

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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following date and time:
Case Number: 90-131-SPHA
Date: Tuesday, September 12, 1989
Time: 2:00 p.m.
Special Hearing to vary the weight limitations of a commercial vehicle.
Variance to allow commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot not within a fully enclosed structure.
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 or before the date of the hearing as above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner
Baltimore County
Maryland

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
S/S Lena Lane, 185.37' E of :
Marlyn Ave. (903 Lena Lane) :
15th Election District :
5th Councilmanic District :
TIMOTHY C. BENNETT, Petitioner : Case No. 90-131-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
687-2183

I HEREBY CERTIFY that on this 25th day of September, 1989, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, 305 W. Chesapeake Ave., Suite 105, Towson, Maryland 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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

January 12, 1990



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

RE: Petition for Special Hearing
and Zoning Variance - S/S
Lena Lane, 185.37' E. of
Marlyn Avenue
(903 Lena Lane)
15th Election District, 5th Councilmanic District
Timothy C. Bennett, et ux - Petitioner
Case No. 90-131-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case (Variance only) was filed in this office on December 18, 1989 by J. Carroll Holzer, Esquire, on behalf of Timothy C. Bennett, et ux, Petitioners. 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
J. ROBERT HAINES
Zoning Commissioner

JRH:jat

Enclosures

cc: J. Carroll Holzer, Esquire
305 W. Chesapeake Ave., Suite 105,
Towson, Maryland 21204

Timothy C. Bennett, et ux
903 Lena Lane; 21221

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

November 20, 1989



J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Lena Lane, 185.37' +/- E of Marlyn Avenue
(903 Lena Lane)
15th Election District - 5th Councilmanic District
Timothy C. Bennett, et ux - Petitioners
Case No. 90-131-SPHA

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Zoning Variance has been denied 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 Mr. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:hjs

cc: Mr. & Mrs. Bernard Herzberg
717 S. Marlyn Avenue; 21221

Mr. Frank Manish
809 S. Marlyn Avenue; 21221

Mr. Paul Bollinger
1042 Foxcroft Lane; 21221

Ms. Anna F. Feit
613 S. Marlyn Avenue; 21221

Chesapeake Bay Critical Areas Commission; DEPRM; People's Counsel

Mr. Martin Wernsdorfer
1 Brett Court, Apt. 306; 21221

Ms. Helen Zeidel
721 S. Marlyn Avenue; 21221

Mr. Glen Hanke
28 Nerby Road; 21221

Mr. E. Hendrick
723 S. Marlyn Avenue; 21221

Appeal Case No. 90-131-SPHA
January 12, 1990
Page 2

cc: Mr. & Mrs. Bernard Herzberg
717 S. Marlyn Avenue; 21221

Mr. Frank Manish
809 S. Marlyn Avenue; 21221

Mr. Paul Bollinger
1042 Foxcroft Lane; 21221

Ms. Anna F. Feit
613 S. Marlyn Avenue; 21221

Mr. Martin Wernsdorfer
1 Brett Court, Apt. 306; 21221

Ms. Helen Zeidel
721 S. Marlyn Avenue; 21221

Mr. Glen Hanke
28 Nerby Road; 21221

Mr. E. Hendrick
723 S. Marlyn Avenue; 21221

Chesapeake Bay Critical Areas Commission

Department of Environmental Protection and Resource Management

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

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 9/22/89
Posted for: Special Hearing & Variance
Petitioner: Timothy C. Bennett
Location of property: S/S Lena Lane, 185.37' +/- E of Marlyn Ave.
Location of Sign: 903 Lena Lane
Remarks: See Petition for details
Posted by: J. Robert Haines Date of return: 9/29/89
Number of Signs: 2

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Barbara Rasmussen 903 Lena Lane
John Rasmussen 903 Lena Lane
John Rasmussen 903 Lena Lane

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS
Barnett Hays 717 S. Marlyn Ave
Leola Hays 717 S. Marlyn Ave
Paul Bollinger 1042 Foxcroft Lane 21221
Martin Wernsdorfer 1 Brett Court Apt 306 21221
Anna F. Feit 613 S. Marlyn Ave 21221
Glen Hanke 28 Nerby Road 21221
E. Hendrick 723 S. Marlyn Ave 21221

Ms. Zeide

APPEAL
Petition for Special Hearing
and Zoning Variance - S/S
Lena Lane, 185.37' E. of
Marlyn Avenue
(903 Lena Lane)
15th Election District - 5th Councilmanic District
Timothy C. Bennett et ux - Petitioner
Case No. 90-131-SPHA

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
People's Counsel Entry of Appearance, September 25, 1989
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments, dated October 3, 1989
Petitioner's Exhibits: 1. Plot
2. Official Zoning Map, 200' scale
3. Mona submitted
4A-4H. Eight (8) Photographs of Site
5. Information pertaining to Correction
Notice for Alleged Zoning
Violation (5 pages)
Protestant's Exhibits: 1A thru 1N - 14 Photographs of Site
Support Memorandum by J. Carroll Holzer Attorney for the Petitioner
Letter to the Deputy Zoning Commissioner, received 12/19/89, from Tim Bennett.
Answer letter to Tim Bennett, dated 1/8/90, from Deputy Zoning
Commissioner along with a copy of Section 431 "Parking of Commercial
Vehicles on Residential Property (Bill #70,1988) BC28.
Deputy Zoning Commissioner's Order dated November 20, 1989 granting
Special Hearing, denying Variance.
Notice of Appeal received December 18, 1989 filed by J. Carroll
Holzer, Attorney for Clyde C. Bennett. Doris L. Bennett and Timothy
Bennett

List all Names of parties involved
J. Carroll Holzer, Esq.
305 W. Chesapeake Avenue
Towson, Md. 21204
Timothy C. Bennett, et ux
903 Lena Lane
Baltimore, Maryland 21221

Mr. & Mrs. Bernard Herzberg
717 S. Marlyn Avenue
Baltimore, Maryland 21221

Mr. Frank Manish
809 S. Marlyn Avenue
Baltimore, Maryland 21221

Mr. Paul Bollinger
1042 Foxcroft Lane
Baltimore, Maryland 21221

Ms. Anna F. Feit
613 S. Marlyn Avenue
Baltimore, Maryland 21221

Mr. Martin Wernsdorfer
1 Brett Court, Apt. 306
Baltimore, Maryland 21221

Ms. Helen Zeidel
721 S. Marlyn Avenue
Baltimore, Maryland 21221

Mr. Glen Hanke
28 Nerby Road
Baltimore, Maryland 21221

Mr. E. Hendrick
723 S. Marlyn Avenue
Baltimore, Maryland 21221

Chesapeake Bay Critical Areas Commission

Department of Environmental Protection and Resource Management

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
W. Carl Richards, Jr., Zoning Coordinator
Pocket Clerk
Arnold Jablon, County Attorney

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 7, 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 Sept. 7, 1989.

THE JEFFERSONIAN,

S. Zeide

Publisher

P016306
reg M34188
ca 90-131-SPH
prio \$43.34

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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following date and time:
Case Number: 90-131-SPHA
Date: Tuesday, September 12, 1989
Time: 2:00 p.m.
Special Hearing to vary the weight limitations of a commercial vehicle.
Variance to allow commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot not within a fully enclosed structure.
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 or before the date of the hearing as above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
8421 Sept. 7

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

JULY 19, 1989

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



RE: Property Owner: TIMOTHY C. BENNETT
Location: S SIDE LENA LANE
Item No.: 588 Zoning Agenda: JULY 11, 1989

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Cap. [Signature]* 7-10-89 Noted and Approved *Cap. [Signature]*
Planning/Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

JUL 21 1989

OCT 10, 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 3, 1989
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Timothy C. Bennett, Item 588
Zoning Petition No. 90-131-SPHA

The petitioner requests a Special Hearing and a Variance to determine that a Variance can be granted from Section 431(B)(1) of the Baltimore County Zoning Regulations and to permit the parking of a commercial vehicle over 10,000 pounds in a residential zone.

In reference to this request, staff offers the following comments:

- Bill No. 70, 1988 was recently enacted by the Baltimore County Council. This legislation clearly prohibits residential storage of commercial vehicles exceeding 10,000

- Section 307.1 states that the Zoning Commissioner has the power to grant variances from height and area regulations from off-street parking regulations and from sign regulations. The petitioner's request is not in keeping with this section since relief is being requested for a particular accessory use

- Staff opposes any commercial intrusion into residential communities and feels that the granting of the petitioner's request would set a dangerous precedent.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

OCT 03 1989

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



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 12th day of July, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Timothy C. Bennett
Petitioner's Attorney: J. Carroll Holzer

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 27, 1989

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

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 588, Case No. 90-131-SPHA
Petitioner: Timothy C. Bennett
Petition for Zoning Variance

Dear Mr. Holzer:

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 WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Timothy C. Bennett
903 Lena Lane
Baltimore, MD 21221

Memo to Mr. J. Robert Haines
August 30, 1989
Page 2

Finding: This zoning variance request does not propose any development activities in accordance with the definition stated above. Therefore, this request does not require a Chesapeake Bay Critical Area Findings.

CONCLUSION

A Critical Area Findings is not required for this petition. If there are any questions, please contact Mr. David Flowers at 887-3980.

Robert W. Sheesley, Director
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman K. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: September 22, 1989
Zoning Commissioner
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 588
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 903 Lena Lane on Deep Creek. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME Mr. Timothy C. Bennett

APPLICANT'S PROPOSAL

The applicant has requested a variance from sections 431(B)(1) and 431(B)(3) of the Baltimore County Zoning Regulations to allow a commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot not within a fully enclosed structure. The applicant has also requested a special hearing for a variance on the weight limitations of a commercial vehicle.

DEFINITIONS

(21) "Development activities" means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures. <COMAR 14.15.01.01.(21)>

REGULATIONS AND FINDINGS

1. Regulation: Development in the Critical Area

.01 Introduction

The Commission is charged with the development of criteria that will accommodate growth, and also provide for the conservation of habitat and the protection of water quality in the Critical Area. In this Chapter, criteria are proposed for directing, managing, and controlling development (e.g. residential, commercial, industrial and related facilities) so that the adverse impacts of growth in the Critical Area are minimized. These criteria are based on the general policies found in Regulation 02. <COMAR 14.15.02.01>

ZONING ENFORCEMENT SECTION



TELEPHONE: 494-3351

CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION

CASE NUMBER C- 88-2-11 ELECTION DISTRICT: _____
LOCATION: 903 Lena Lane
Timothy C. Bennett, Petitioner

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:
☐ THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED.
☒ THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:

Commercial vehicle must be parked in designated commercial parking area and must be within 100 ft. of street.
6-27-88
15 day extension granted to file petition
Comply by 7-13-88

8-1-88
7-15-88
FAILURE TO COMPLY BY _____ WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

☐ COMPLIANCE HAS BEEN ATTAINED AND THE CASE WILL BE CLOSED.

INSPECTOR: *[Signature]* DATE: 8-1-88
COPIES: WHITE - Defendant Original PINK - File
GREEN - Defendant Duplicate GOLD - Inspection Report
YELLOW - Complainant

RONALD B. HICKERNELL
J. CARROLL HOLZER
CAROL S. FENLON
OF COUNSEL
J. HOWARD HENZEL

LAW OFFICES
HOLZER, MAHER & DEMILIO
80 W. CHESAPEAKE AVENUE
SUITE 400
TOWSON, MARYLAND 21204
(410) 825-6660

WASHINGTON, D.C. OFFICE
225 SHORHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

August 12, 1988
#6343

Mr. Bob Sheesley
Department of Environmental
Protection & Resource Management
401 Bosley Avenue
Room 416
Towson, Maryland 21204

Dear Mr. Sheesley:

Please be advised that I represent Mr. Clyde Bennett and his son Timothy Bennett who reside at 903 Leane Lane, Baltimore, Maryland 21221. Mr. Tim Bennett who resides on said property parks his commercial vehicle in the back of said property occasionally as a result of his employment situation. He is requesting a special hearing from the zoning commissioner to allow the right to park a privately owned commercial vehicle on his property. I have enclosed a copy of the petition that we attempted to file today seeking such relief as well as his description of the property which accompanied the petition. I am also enclosing a copy of two plats, one showing a 1 inch to 100 ft. scale and one showing a 1 inch to 50 ft. scale both indicating the location of the truck parking.

We are advised that it appears that this site comes close to 300 feet from the shore line of back river and that we must seek your comments prior to filing this petition.

I would appreciate your reviewing the same and contacting me if you have any question in this regard and ultimately submitting a preliminary comment to the zoning commissioner so that our petition for this special hearing might be accepted. Please feel free to call me if you have any questions.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Gary Freund
Tim Bennett

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO
OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 887-3180

WASHINGTON, D.C. OFFICE
225 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005
PLEASE REPLY TO:

November 14, 1988
#6343

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

RE: Variance - Timothy Bennett
Truck Parking

Dear Commissioner Haines:

In July, 1988, my client was parking his tractor trailer on his own property behind his home located at 803 South Marlin Avenue. Apparently he had been parking his vehicle there for a number of years without complaint until the owner of a neighborhood tavern decided to complain.

I responded to the Complaint filed by your office, and was advised that we should file a Petition for Variance to permit this truck in excess of 10,000 lbs. to park behind the home. I prepared the Petition, set up an appointment with your Office to review the Petition and when I did so, I was advised it must first be approved by the Department of Environmental Protection.

I waited a substantial period of time and in late August, I believe, had the proposal reviewed by David Flowers, who advised me this was the wrong procedure and that I should have been able to file the Variance with your department. In any event, he determined, in looking at the project, that he could approve it as long as there were no impervious surfaces created by roof or no macadam required for the parking pad.

Apparently, the individual creating this complaint renewed his objection to your department and the enclosed citation 89-137 which calls for a response on or before November 22, 1988, was

Mr. Robert Haines
November 14, 1988
Page two

served on Mr. Bennett. In the meantime, I visited your office again and was advised that we had to file a Petition for Special Hearing to interpret whether or not this matter could be variances and secondly, a Variance. I was further advised that we would need a sealed engineers plat for purposes of the Special Hearing.

I understand that a Variance need not contain the sealed engineers plat and that perhaps a document setting forth the approximate location such as the one I have enclosed herein could be sufficient. I have also been advised by your staff that they were not sure of the success of this request for a Variance.

In light of all that has transpired and the fact that my client is not a developer, nor does he have the resources to expend \$1,000.00 for an engineer to develop the necessary plat, I would appreciate your consideration in allowing a Petition for Variance to be filed to allow the vehicle to be parked on the site without the need for an expensive plat sealed by an engineer.

I believe you could determine, under the Variance Petition, whether or not this was even a proper subject matter for Variance, if that is the concern. This procedure would allow the process to continue in view of this most recent citation by your Department, as well as avoiding an unnecessary expense to my client to see if he could comply with the Zoning Regulations.

I would also request that this letter and historical background contained herein be considered as a request to delay the need to stand trial in the District Court of Maryland until such time as it is determined whether we can proceed in this fashion and a hearing is held before you.

I believe you can see from the background to date that we have not endeavored to avoid the process or our responsibilities of complying with the law, but that we were caught in a "no man's land" at a time when the Regulations and procedures were being changed.

Thank you very much for your consideration of this request.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

5/1/90 - Following parties notified of hearing set for Friday, Aug. 3, 1990 at 10:00 a.m.:

J. Carroll Holzer, Esq.
Timothy C. Bennett, et ux
Mr. & Mrs. Bernard Herzberg
Mr. Frank Manish
Mr. Paul Bollenger
Ms. Anna F. Felt
Mr. Martin Wernsdorfer
Ms. Helen Zeidel
Mr. Glen Hanke
Mr. E. Hendrick
Ches. Bay Crit. Areas Comm.
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon
DEPRM

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

J. Robert Haines
Zoning Commissioner

January 12, 1990



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

RE: Petition for Special Hearing
and Zoning Variance - S/S
Lena Lane, 185.37' E. of
Marlyn Avenue
(903 Lena Lane)
15th Election District, 5th Councilmanic District
Timothy C. Bennett, et ux - Petitioner
Case No. 90-131-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case (Variance only) was filed in this office on December 18, 1989 by J. Carroll Holzer, Esquire, on behalf of Timothy C. Bennett, et ux, Petitioners. 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

J. ROBERT HAINES
Zoning Commissioner

JRH:jat

Enclosures

cc: J. Carroll Holzer, Esquire
305 W. Chesapeake Ave., Suite 105,
Towson, Maryland 21204

Timothy C. Bennett, et ux
903 Lena Lane; 21221



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 19, 1990

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-131-SPHA (Timothy C. Bennett, et ux)

Dear Mr. Holzer:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Timothy C. Bennett
Mr. and Mrs. Bernard Herzberg
Mr. Frank Manish
Mr. Paul Bollenger
Ms. Anna F. Felt
Mr. Martin Wernsdorfer
Ms. Helen Zeidel
Mr. Glen Hanke
Mr. E. Hendrick
Chesapeake Bay Critical Areas Commission
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Department of Environmental Protection & Resource Mgmt.

Appeal Case No. 90-131-SPHA
January 12, 1990
Page 2

cc: Mr. & Mrs. Bernard Herzberg
717 S. Marlyn Avenue; 21221

Mr. Frank Manish
809 S. Marlyn Avenue; 21221

Mr. Paul Bollenger
1042 Foxcroft Lane; 21221

Ms. Anna F. Felt
613 S. Marlyn Avenue; 21221

Mr. Martin Wernsdorfer
1 Brett Court, Apt. 306; 21221

Ms. Helen Zeidel
721 S. Marlyn Avenue; 21221

Mr. Glen Hanke
28 Nerby Road; 21221

Mr. E. Hendrick
723 S. Marlyn Avenue; 21221

Chesapeake Bay Critical Areas Commission

Department of Environmental Protection and Resource Management

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

File



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

HEARING ROOM -
Room 301, County Office Bldg.

May 1, 1990

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. 90-131-SPHA TIMOTHY C. BENNETT, ET UX
S/S Lena Lane, 185.37' E of Marlyn Ave.
(903 Lena Lane)
15th Election District
5th Councilmanic District
SPH/VAR-Weight limitations for commercial vehicles
11/20/89 - D.Z.C.'s Order GRANTING Special Hearing; DENYING Variance.

ASSIGNED FOR: FRIDAY, AUGUST 3, 1990 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for Petitioners/Appellants

Timothy C. Bennett, et ux

Mr. & Mrs. Bernard Herzberg

Mr. Frank Manish

Mr. Paul Bollenger

Ms. Anna F. Felt

Mr. Martin Wernsdorfer

Ms. Helen Zeidel

Mr. Glen Hanke

Mr. E. Hendrick

Chesapeake Bay Critical Areas Commission

People's Counsel for Baltimore County

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning
Arnold Jablon, County Attorney
Dept. of Environmental Protection & Resource Mgmt.

LindaLee M. Kuszmaul
Legal Secretary

RE: Petitions for Special Hearing * BEFORE THE DEPUTY
and Zoning Variance - S/S Lena * ZONING COMMISSIONER
Lane, 185.37' East of *
Marlyn Avenue (903 Lena Lane) * OF
15th Election District * BALTIMORE COUNTY
5th Council Manic District *
Timothy C. Bennett, * Case No. 90-131-SPHA
et ux Petitioners *

NOTICE OF APPEAL

Clyde C. Bennett, Doris L. Bennett and Timothy Bennett by and through his attorney, J. Carroll Holzer, hereby enter an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner denying Petitioner's request for Variance in the above captioned case. Attached to this notice is Petitioners' check for the appeal.

J. CARROLL HOLZER
Holzer, Maher & Demilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204
(301) 825-6960
Attorney for Petitioner

RECEIVED DEC 18 1990
205

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

JULY 19, 1989



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: TIMOTHY C. BENNETT
Location: S SIDE LENA LANE
Item No.: 588 Zoning Agenda: JULY 11, 1989

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Ch. H. Kelly* 7-20-89 Noted and Approved *Ch. H. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

JUL 21 1989

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



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
12th day of July, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

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

Petitioner: Timothy C. Bennett
Petitioner's Attorney: J. Carroll Holzer

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 27, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 588, Case No. 90-131-SPHA
Petitioner: Timothy C. Bennett
Petition for Zoning Variance

Dear Mr. Holzer:

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 MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

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

JED:jw

Enclosures

cc: Timothy C. Bennett
903 Lena Lane
Baltimore, MD 21221

Memo to Mr. J. Robert Haines
August 30, 1989
Page 2

Findings: This zoning variance request does not propose any development activities in accordance with the definition stated above. Therefore, this request does not require a Chesapeake Bay Critical Area Findings.

CONCLUSION

A Critical Area Findings is not required for this petition. If there are any questions, please contact Mr. David Flowers at 887-3900.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 588
Bennett Property
Chesapeake Bay Critical Area Findings

DATE: September 22, 1989

OCT 3 1989
ZONING OFFICE

SITE LOCATION
The subject property is located at 903 Lena Lane on Deep Creek. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME Mr. Timothy C. Bennett

APPLICANT'S PROPOSAL
The applicant has requested a variance from sections 431(B)(1) and 431(B)(2) of the Baltimore County Zoning Regulations to allow a commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot not within a fully enclosed structure. The applicant has also requested a special hearing for a variance on the weight limitations of a commercial vehicle.

DEFINITIONS
(21) "Development activities" means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures. <COMAR 14.15.01.01.(21)>

REGULATIONS AND FINDINGS

1. Regulation: Development in the Critical Area

.01 Introduction

The Commission is charged with the development of criteria that will accommodate growth, and also provide for the conservation of habitat and the protection of water quality in the Critical Area. In this Chapter, criteria are proposed for directing, managing, and controlling development (e.g. residential, commercial, industrial and related facilities) so that the adverse impacts of growth in the Critical Area are minimized. These criteria are based on the general policies found in Regulation 02. <COMAR 14.15.02.01>

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Timothy C. Bennett, Item 588
Zoning Petition No. 90-131-SPHA

DATE: October 3, 1989

The petitioner requests a Special Hearing and a Variance to determine that a Variance can be granted from Section 431(B)(1) of the Baltimore County Zoning Regulations and to permit the parking of a commercial vehicle over 10,000 pounds in a residential zone.

In reference to this request, staff offers the following comments:

- Bill No. 70, 1988 was recently enacted by the Baltimore County Council. This legislation clearly prohibits residential storage of commercial vehicles exceeding 10,000
- Section 307.1 states that the Zoning Commissioner has the power to grant variances from height and area regulations from off-street parking regulations and from sign regulations. The petitioner's request is not in keeping with this section since relief is being requested for a particular accessory use
- Staff opposes any commercial intrusion into residential communities and feels that the granting of the petitioner's request would set a dangerous precedent.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

OCT 03 1989

IN THE MATTER OF
ZONING VARIANCE -
TIMOTHY BENNETT
PETITIONER
* * * * *
* * * * *
* * * * *

BEFORE THE
BALTIMORE COUNTY
ZONING COMMISSIONER
CASE NO. 90-131 SPHA,
Item 588

MEMORANDUM

This matter has been heard by the Deputy Zoning Commissioner concerning the Petition of Mr. Timothy C. Bennett, for permission to park his tractor on his property at 903 Lena Avenue, in the Essex area of Baltimore County. Mr. Bennett had been parking his tractor behind his home located on Lena Avenue, in a wooded area partially concealed from view. The property directly in front of Mr. Bennett is utilized as a mini-market and the South Marilyn Liquor Store.

The two issues involved before the Deputy Zoning Commissioner relate to First, whether or not the Zoning Commissioner can grant a variance for the parking of commercial vehicle pursuant to Section 431 of the Baltimore County Zoning Regulations. The second issue presented is assuming a variance can be granted, whether under the standards set forth in McLean v. Soley 270 Md. 211, have been met by Mr. Bennett. This Memorandum will address the questions in that order.

I. The Zoning Commissioner Has Authority To Vary Offstreet Parking

The first point raised by the Petitioner in regard to this issue is that the present law should not be applicable to this particular application by Mr. Bennett. The documents presented as Exhibits during the course of the hearing, clearly reflect that Mr. Bennett through no fault of his own, attempted to file his petition under the then existing law which clearly would have allowed a variance to be granted by the Zoning Commissioner. The Zoning Regulations allowed for a residential garage, which could include one commercial vehicle under the definition of "garage, residential". The Petitioner, through his counsel, attempted to file a petition with the Zoning Office in late June of 1988 pursuant to Bills No. 70-88. Again in effect on August 15, 1988 before the present law went into effect in early July of 1988 the Petitioner attempted to file a petition which was rejected by the Zoning Office and he was directed to proceed to DEPREM for their review proper to the acceptance of a petition. It subsequently turned out that this procedure was incorrect and the petition should have been

accepted by the Zoning Office at that time. The Petitioner was ready, willing and prepared to file the petition to allow a garage to be built, however, DEPREM indicated that they would prefer less impervious surface and encouraged crusher-run to be utilized, with no roof on the garage to satisfy environmental concerns. As a result of all of the delay, none of which was occasion or caused by Mr. Bennett, a petition was not filed until after August 15, 1988.

Petitioner would urge that clearly it should be recognized by the Deputy Zoning Commissioner that he is entitled to consideration under the then existing law as it applied to this matter.

Secondly, even assuming arguendo that the petition was filed after August 15, 1988, and the new law was in effect, the Zoning Commissioner still has the authority to waive or to vary "offstreet parking regulations". Contrary to the comments of the Office of Planning and Zoning dated October 3, 1988, the petitioner's request is not an effort to obtain a variance for a "particular accessory use". In reviewing Section 307-Variances under the Baltimore County Zoning Regulations, it is clear that the Zoning Commissioner has the authority to vary "offstreet parking regulations". It is that aspect that is the substance of the variance request in the instant matter. In addition, in case No. 90-84-SPHA, Item No. 514 a Petition for Variance for a very similar situation was presented. In that case, it is understood that while the Petition for Variance was denied for failure to meet the criteria found in the Zoning 270 Md. 208, (1973), the authority was found in the Zoning Commissioner to grant such a variance.

WHEREFORE, Petitioner respectfully submits that there is clear and ample authority in the Office of the Zoning Commissioner to grant a variance in regard to Petitioner's request.

II. The Petition for Variance

The Petitioner respectfully requests that he has complied with all of the elements as set forth in McLean v. Soley 270 Md. 208, (1973) in establishing first - that strict compliance with the regulations would result in "practical difficulty or unreasonable hardship" and second - that the granting of the variance would be in harmony with the spirit intent of the zoning regulations and without substantial injury to the public health, safety and welfare. The Petitioner would submit, without reciting all of the testimony presented during the course of the hearing, that he has been parking his vehicles there without complaint on the part of the neighbors for over six years and that the adjoining property consists of a liquor

store and a mini-mart. He further testified that his trip into and out of the site would only occur on two to three occasions per week. Further, he testified that he is a full time owner of a truck and that is his sole means of support. He further testified that the expenses involved in owning a truck are incredibly high and that the insurance for such a vehicle plays a large role in those expenses. Of prime concern by parking the vehicle behind his home is that fact that he can avoid vandalism and the resulting insurance claims and money loss which would be costly to him. Petitioner owns his own trailer which costs approximately \$80,000.00 and siphoning of fuel and stealing of parts from such vehicle is a normal consequence if left in an unsecured location. For other reasons which were testified to by Mr. Bennett at the time of the hearing, he concludes that it would be an economic hardship upon him to have to relocate the parking of this trailer. He further indicates that he is willing to comply with whatever environmental limitations are imposed by DEPRM. That is to say, if DEPRM desires that a garage be constructed he is certainly willing to do that and conceal the vehicle from sight; if it is decided that crusher-run would be appropriate with no roof on the garage, then he would also comply with that stipulation.

Furthermore, Petitioner indicated that if required, he would simply park the tractor and not the trailer portion of his operation on the site and contain within a garage or shielded from view. Petitioner further would comply with any terms or conditions in regard to hours of operation as set forth by the Zoning Commissioner.

WHEREFORE, it is respectfully requested by the Petitioner that the Deputy Zoning Commissioner grant the Petition for Variance and impose whatever terms and conditions concerning operation or limitations thereon that she deems appropriate.

Respectfully submitted;

J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
(301) 825-6960

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this day of November, 1989, a copy of the foregoing Memorandum was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

J. CARROLL HOLZER

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

January 8, 1990

Mr. Timothy C. Bennett
903 Lena Lane
Baltimore, Maryland 21221

RE: Petitions for Special Hearing and Zoning Variance
S/S Lena Lane, 185.37' +/- E of Marlyn Avenue
(903 Lena Lane)
15th Election District - 5th Councilmanic District
Timothy C. Bennett - Petitioner
Case No. 90-131-SPHA



Dennis F. Rasmussen
County Executive

Dear Mr. Bennett:

In response to your correspondence received in this office on December 19, 1989 regarding the above-captioned matter, the following comments are offered.

Please be advised that your conclusion that you could park your commercial truck, which weighs in excess of 10,000 lbs., in a garage on your property is not correct. Enclosed for your reference is a copy of Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.) which addresses this issue. Clearly, the parking of a vehicle over 10,000 lbs. in a garage is not in compliance with the conditions set forth in Section 431.

If you should have any further questions on this subject, please do not hesitate to contact the Zoning Coordinator's Office at 887-3391.

Very truly yours,

C. H. Nistor

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Case File
File

Section 431. -- PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY. (Bill No. 70, 1988.)

A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. (Bill No. 70, 1988.)

B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions: (Bill No. 70, 1988.)

1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds. (Bill No. 70, 1988.)

2. The owner or operator of the vehicle shall reside on the lot. (Bill No. 70, 1988.)

3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure: (Bill No. 70, 1988.)

a. No materials, products, freight, or equipment shall be visible; (Bill No. 70, 1988.)

b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door; and (Bill No. 70, 1988.)

c. The vehicle shall be parked in a side or rear yard. (Bill No. 70, 1988.)

APPROVED JUL 01 1989

4-124

In Re: Case #90-131-spha
Deputy Zoning Commissioner

Dear Ms. Nastarowicz,

In reference to the decision on the request for variance of weight limitations I noted that your finding of fact included the phrase "a variance to permit a commercial vehicle in excess of 10,000 lbs. to be parked on a residential lot and not within a fully enclosed structure". This leads me to believe that I could park my truck in a garage on my property which, as was stated during the trial, I would be more than willing to do.

If this is the case I would like to take steps to get the permits and build a garage. I have appealed and would rather avoid the time and expense of another hearing.

Please afford me as your decision on this matter affects my business. For even though you determined that it would not present a hardship for me to park elsewhere if I can't it will represent sufficient increase in expense to get out of this business and find new employment. I will be the My profit margin was slim to begin with and this will be the final straw. If that isn't a hardship I don't know what is.

Thank you for prompt attention to this matter.

Sincerely,

Tim Bennett

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

November 20, 1989

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Lena Lane, 185.37' +/- E of Marlyn Avenue
(903 Lena Lane)
15th Election District - 5th Councilmanic District
Timothy C. Bennett, et ux - Petitioners
Case No. 90-131-SPHA

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Zoning Variance has been denied 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 Redcliffe at 887-3391.

Very truly yours,

C. H. Nistor

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. Bernard Herzberg
717 S. Marlyn Avenue; 21221

Mr. Frank Manish
809 S. Marlyn Avenue; 21221

Mr. Paul Bollinger
1042 Foxcroft Lane; 21221

Ms. Anna F. Felt
613 S. Marlyn Avenue; 21221

Mr. Martin Wernsdorfer
1 Brett Court, Apt. 306; 21221

Ms. Helen Zeidel
721 S. Marlyn Avenue; 21221

Mr. Glen Hanks
28 Perhey Road; 21221

Mr. E. Hendrick
723 S. Marlyn Avenue; 21221

Chesapeake Bay Critical Areas Commission; DEPRM; People's Counsel

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15
Posted for: Appeal
Date of Posting: 2/1/90
Petitioner: Timothy C. Bennett
Location of property: S/S Lena Lane, 185.37' +/- E of Marlyn Ave.
Location of Signs: Signs are located on the 10' by 10' structure.
Remarks: Represented by Petitioner
Posted by: M. H. Nistor
Number of Signs: 1
Date of return: 2/1/90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Thurston, Maryland 21204
(301) 837-6353

J. Robert Haines
Deputy Commissioner

Mr. Timothy C. Bennett
903 Lena Lane
Baltimore, Maryland 21221

RE: Petitions for Special Hearing and Zoning Variance
3/8 Lena Lane, 185.37' +/- E of Marlyn Avenue
(903 Lena Lane)
15th Election District - 5th Councilmanic District
Timothy C. Bennett - Petitioner
Case No. 90-131-SPHA

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Very truly yours,

Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Case File
File

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In Re: Case #90-131-spha
Deputy Zoning Commissioner

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Thank you for prompt attention to this matter.

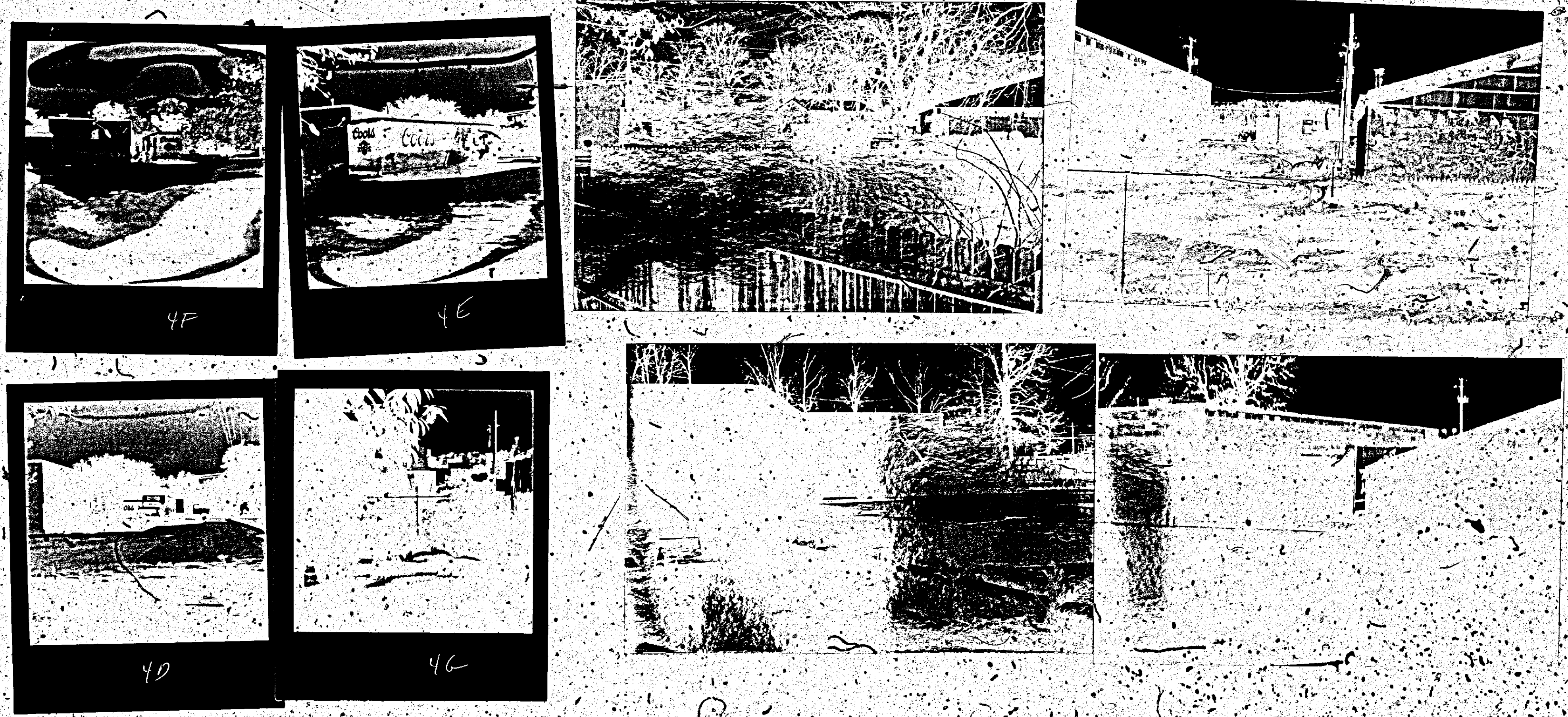
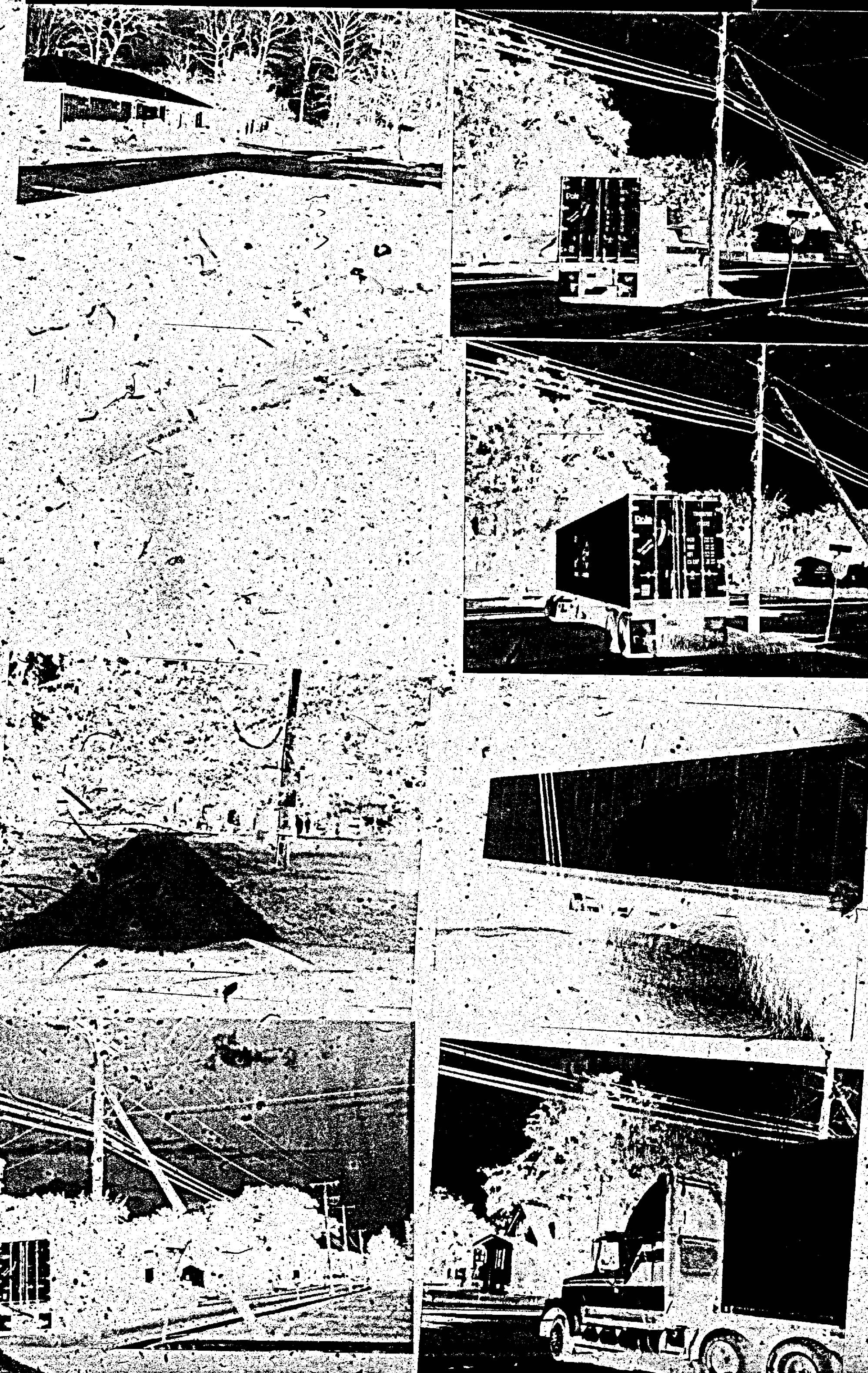
Sincerely,

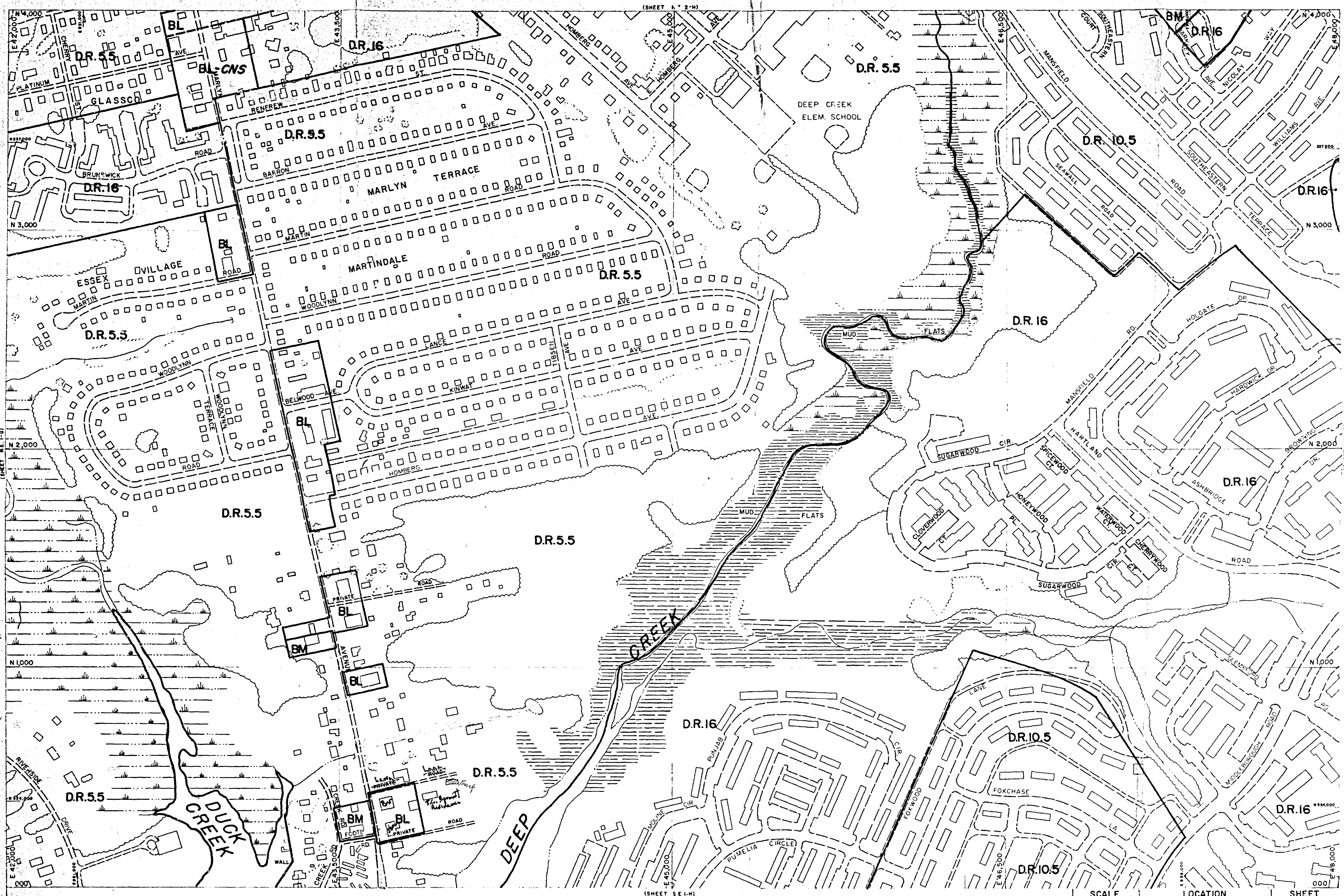
Tim Bennett

RECEIVED
DEC 10 1989
ZONING OFFICE

APPROVED JUL 01 1989

4-124





1 - SW 1 - SE
E - NW E - NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	ESSEX	N.E. 1-H
DATE OF PHOTOGRAPHY		
JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

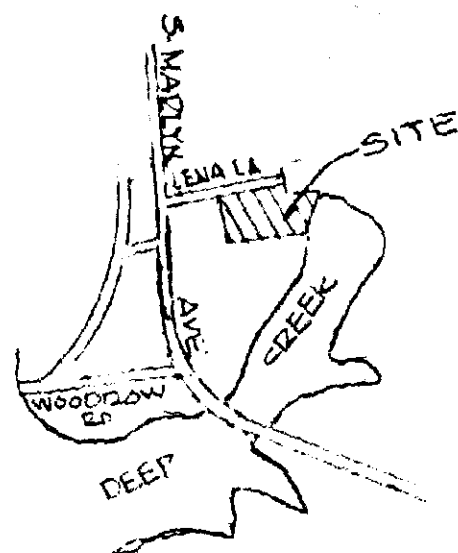
Dale T. Roberts
Chairman, County Council

Pettman's Exhibit 2

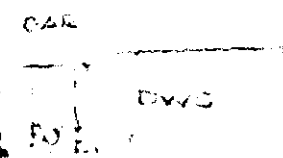
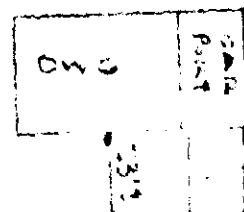
S. MARLTON

60'

AVE



LOCATION MAP
SCALE 1"=1000'



50'

CLYDE S. DORIS
BENNETT

LENA

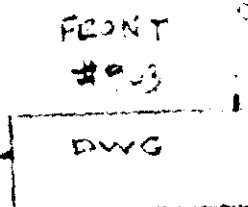
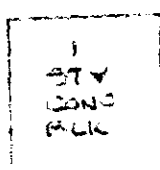
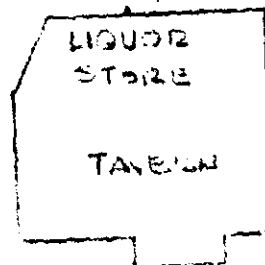
EX. PAVING

LANE

56.00 E

N84°00'E
140.00

S32°45'E
22.1



EX. TRUCK PARKING SPACE
NOT ENCLOSED GARAGE

DEEP CREEK
170.00

OWNER
TIMOTHY BENNETT
903 LENA LANE
BALTO, MD. 21221

EX. ZONING -
EX. USE - RESIDENCE
AREA OF LOT - 24.1
PUBLIC WATER-SEWER SERVICE LOT

PLAT TO ACCOMPANY PETITIONS FOR A SPECIAL HEALING
AND/OR ZONING VARIANCE
CASE 89-137; C-88-2310

15TH DISTRICT BALTIMORE CO, MARYLAND
SCALE 1"=50
DATE 4-5-99

Petitioner's
Exhibit
1



FRANK S. LEE
1277 NEIGHBORS AVE.
BALTIMORE, MD. 21237