

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Baltimore Street, 111.49' * DEPUTY ZONING COMMISSIONER
NE of the c/l of Pembroke Avenue * (7013 E. Baltimore Street)
12th Election District * OF BALTIMORE COUNTY
7th Councilmanic District * Case No. 90-208-A
Geraldine B. Harris
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 4 feet in lieu of the required 10 feet for an existing attached shed in accordance with Petitioner's Exhibit 1.

The Petitioner, by Vernon Harris, her husband, appeared and testified. There were no Prostants.

Testimony indicated that the subject property, known as 7013 East Baltimore Street, consists of 2,687.50 sq. ft. zoned D.R. 10.5 and is improved with a single family end-of-group home. Petitioner testified that he constructed a storage shed on the northeast side of the subject dwelling without benefit of a building permit on the advice of a builder that none was required. Shortly thereafter, Petitioner was advised that a building permit was required and that a variance would be needed due to the shed being located within the required side yard setback. Testimony indicated that Petitioners have experienced severe water leakage problems in the basement of their home and that the shed was constructed in order to store those items that would be damaged by the frequent flooding. Further testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner

the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of December, 1989 that the Petition for Zoning Variance to permit a side yard setback of 4 feet in lieu of the required 10 feet for an existing attached shed in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

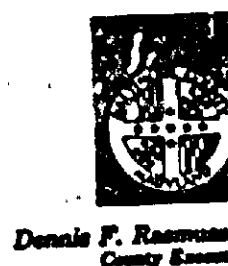
- 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

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

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

December 7, 1989



Ms. Geraldine B. Harris
7013 E. Baltimore Street
Baltimore, Maryland 21224

RE: PETITION FOR ZONING VARIANCE
S/S Baltimore Street, 111.49' NE of the c/l of Pembroke Road
(7013 E. Baltimore Street)
12th Election District - 7th Councilmanic District
Geraldine B. Harris - Petitioner
Case No. 90-208-A

Dear Ms. Harris:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

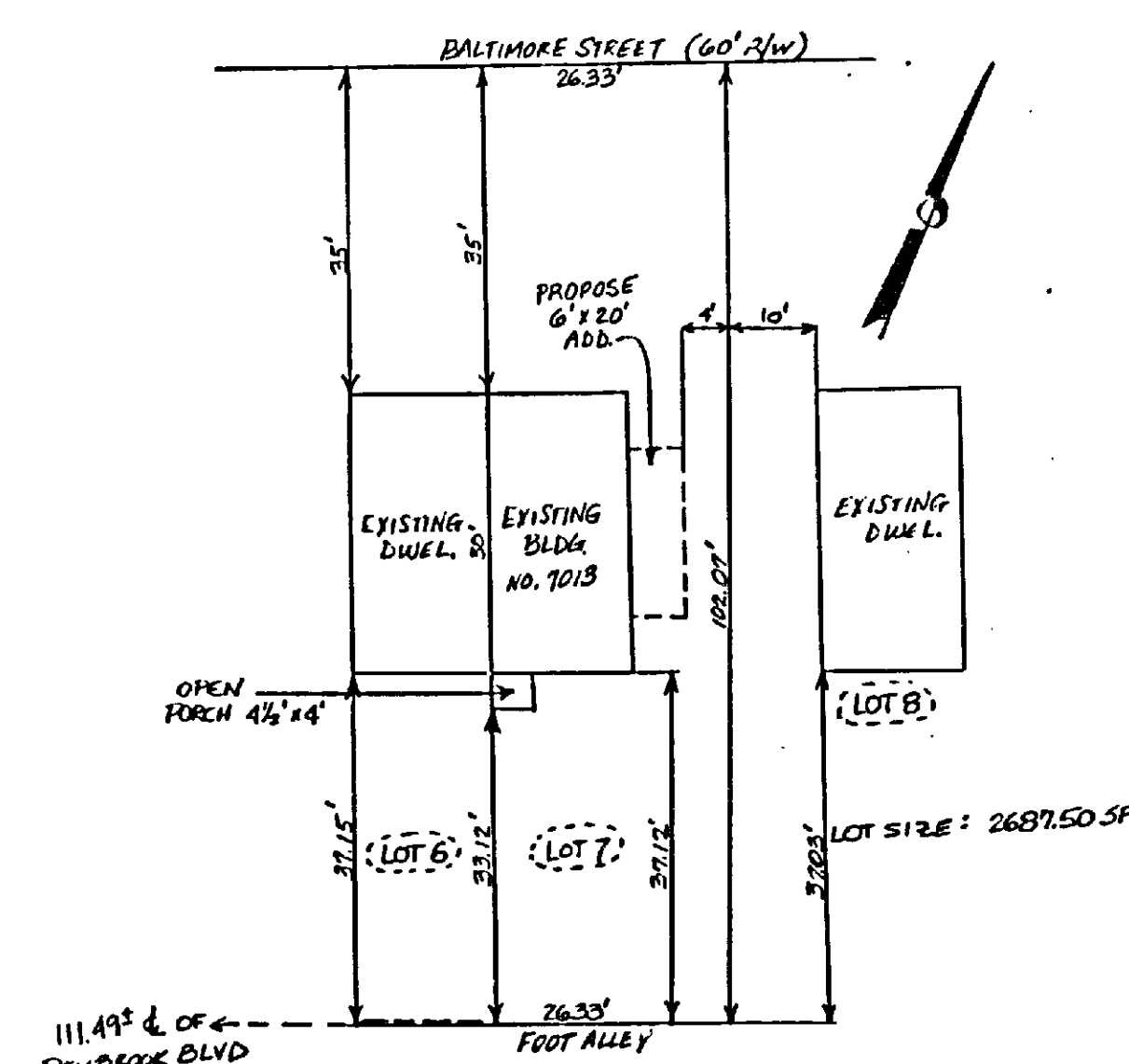
cc: People's Counsel

File

ZONING DESCRIPTION

Beginning on the south side of Baltimore Street, 60' wide at a distance 111.49' (+ or -) Nely from the centerline of Pembroke Boulevard. Also designated as Lot 7, Bldg. 1, Plat OCA in Plat Book 18, Folio 33 and known as 7013 Baltimore Street in the 12th Election District, containing 2687.50 square feet.

PETITIONER'S EXHIBIT 1



PLAT FOR ZONING VARIANCE
OWNERS: WALTER J. HARRIS & GERALDINE B. HARRIS
ELECTION DISTRICT NO. 12 (MARSH 14, 1953)
SECTION 3, SUBDIVISION EASTWOOD, LOT 7
CH. 1, PLAT OCA, BOOK 18, FOLIO 33
SCALE: 1" = 20'

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date: Receipt FEE
Day Month Year Number TYPE Identification Number Zip Code

Petitioner: HARRIS Geraldine (Initials)
Property Address: 7013 E. Baltimore St.

BALTIMORE COUNTY, MARYLAND No. 077450
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 18 Aug 89 ACCOUNT: R-01-615-000

AMOUNT: \$ 35.00

RECEIVED FROM: HARRIS

FOR: Res. Var

8 8117*****SUBJ: #1472

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 17, 1989

Ms. Geraldine B. Harris
7013 E. Baltimore Street
Baltimore, MD 21204

RE: Item No. 72, Case No. 90-208-A
Petitioner: Geraldine B. Harris
Petition for Zoning Variance

Dear Ms. Harris:

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 all issues or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

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

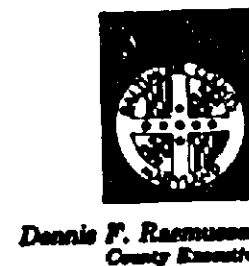
Very truly yours,

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

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning CommissionerDennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
30th day of August, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Gerald B. Harris

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: November 2, 1989
FROM: Pat Kaller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 90-208A
Geraldine Barsal Harris, Item 72

The Petitioner requests a Variance to allow a side yard setback for an attached shed of 4 feet in lieu of the required 10 feet.

In reference to this request, Staff offers no comment.

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.

PKJL:gg1
ZPVARI00

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

RECEIVED
AUG 21 1989
ZONING OFFICE

August 25, 1989

Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 285, 65, 66, 68, 69, 70, 71, and 72.

Very truly yours,

Michael P. Haines
Michael P. Haines
Bureau of Traffic Engineering

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case #90-208-A - P.O. #0018411 - Reg. #M34299 - 86 Lines # 543, was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week, before the 3rd day of November 1989; that is to say, the same was inserted in the issues of November 2, 1989

Kimbel Publication, Inc.
per Publisher.

By *K.C. O'Brien*

Baltimore County
Fire Department
400 West End
Towson, Maryland 21204
(301) 887-4400
Paul H. Krasner
Chief

AUGUST 24, 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: GERALDINE BARSAL HARRIS

Location: 47013 EAST BALTIMORE STREET

Item No.: 72 Zoning Agenda: AUGUST 29, 1989

Certificates:

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.

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", 1988 edition prior to occupancy.

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

AUG 26 1989

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 11/18
Posted for: Variance
Petitioner: Geraldine Barsal Harris
Location of property: 47013 E. Baltimore St., 111.49' x NE, 12th & 13th Aves
7013 E. Baltimore St.
Location of Sign: Along E. Baltimore St., between 28th & 29th Aves
on property of P. Kaller
Remarks: As shown
Posted by: Pat Kaller Date of return: 11/19
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 2, 1989

THE JEFFERSONIAN,

S. Zebe Orlan
Publisher

PO 18410
reg 134196

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

October 18, 1989

Dennis F. Rasmussen
County Executive

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 M. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-208-A
55 Baltimore Street, 111.49' x NEly from c/l of Pembroke Avenue
7013 East Baltimore Street
12th Election District - 7th Councilmanic
Petitioner(s): Geraldine Barsal Harris
HEARING: WEDNESDAY, NOVEMBER 29, 1989 at 2:30 p.m.

Variances to allow a side yard setback for an attached shed of 4 feet in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, maintain 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.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3331 to confirm hearing date.)

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

JPH:gs
cc: Mr. Harris

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

DATE 11/7/89

Geraldine Barsal Harris
7013 E. Baltimore Street
Baltimore, Maryland 21224

Re: Petition for Zoning Variance
CASE NUMBER: 90-208-A
55 Baltimore Street, 111.49' x NEly from c/l of Pembroke Avenue
7013 East Baltimore Street
12th Election District - 7th Councilmanic
Petitioner(s): Geraldine Barsal Harris
HEARING: WEDNESDAY, NOVEMBER 29, 1989 at 2:30 p.m.

Dear Ms. Harris:

Please be advised that \$113.31 is due for advertising and posting of the above captioned property.

Baltimore County
Zoning Commissioner
County Office Building
111 M. Chesapeake Avenue
Towson, Maryland 21204

receipt

Account #0014150

Number

No. 503

Date 11/29/89

PUBLIC HEARING FEE

000 - POSTING SIGN / ADVERTISING 1 X \$113.31

TOTAL \$113.31

LAST NAME OF OWNER: HARRIS

Cashier Validation:

8 8100*****1133118 2294F

Please make check payable to: Baltimore County