

IN RE: PETITION FOR ZONING VARIANCE
NE/S of Walter Avenue, 62' NW
of the c/l of Dawn Drive
(4048 Walter Avenue)
11th Election District
5th Councilmanic District
Francesco Leandri, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-252-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (shed) to be located in the front yard in lieu of the required rear yard and an amendment to the Final Development Plan of Dawnvale South in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Emil B. Pielke, Esquire. Also appearing on behalf of the Petition was Annalisa Leandri, Petitioners' daughter. The following individuals appeared as Protestants: Gordon and Marlene Kirsch, Al and Ruth Metzger, and Dorothy S. McNann.

Testimony indicated that the subject property, known as 4048 Walter Avenue, consists of .20 acres zoned D.R. 5.5 and is improved with a single family dwelling which Petitioners purchased on October 23, 1988. Said property is one of four lots with access via a panhandle drive off of Walter Avenue in the subdivision known as Dawnvale South and is located in the Land Records of Baltimore County, Liber SM 56, Folio 117. All four lots have been developed with newly constructed single family residences. Petitioners testified that when they purchased the property, the builder advised them that the proposed shed would be permitted. Mr. Leandri, a bricklayer, commenced construction of the 12' x 24' building, as depicted in Petitioner's Exhibit 1, without a permit. Thereafter, in May or June

1989, a stop work order was issued pending Petitioners' application for a permit. When Petitioners applied for their permit, it was determined that the subject building could not be constructed without the requested variance. Petitioners indicated that due to the location of the existing dwelling and the lack of adequate rear yard area to build an accessory structure of sufficient size to meet Petitioners' needs, the requested variance is necessary. Petitioners testified that a denial of the variance would result in practical difficulty and unreasonable hardship.

The Protestants introduced numerous photographs of the subject building which clearly depict its location on the property and surrounding uses. The Protestants claim that the shed, which they believe is greater than the 15-foot height permitted in the zoning regulations, is exceptionally large and unsightly in its present location. The Protestants contend that the building is detrimental to their property values as the subject property is located immediately off of Walter Avenue, a main access street used regularly by the community residents. Mr. & Mrs. Metzger, the adjoining property owners, testified in detail as to their objections to the subject building, indicating that besides it being unsightly and detrimental to their property values, the building actually blocks their view when exiting from Walter Avenue.

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Further, Petitioners have failed to prove that the relief requested would not be detrimental to the health, safety or general welfare of the community. Therefore, the variance requested must be denied.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of February, 1990 that the Petition for Zoning Variance to permit an accessory structure (shed) to be located in the front yard in lieu of the required rear yard and an amendment to the Final Development Plan of Dawnvale South in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the accessory structure be removed within sixty (60) days of the date of this order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ZONING DESCRIPTION

Beginning on the Northeast side of Walter Avenue at a point distant 62' Northwest of the c/l of Dawn Drive also being known and designated as Lot numbered one (1) on a Plat entitled "Dawnvale South", as per plat thereof duly recorded among the Plat Records of Baltimore County S.M. No. 56, plat 117. The improvements thereon being known as No. 4048 Walter Avenue. Contains 8,712 sq. ft or .20 acres.

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

J. Robert Hiney
Zoning Commissioner

February 13, 1990

Emil B. Pielke, Esquire
7937 Belair Road
Baltimore, Maryland 21236

Dennis F. Eastman
County Executive

RE: PETITION FOR ZONING VARIANCE
NE/S of Walter Avenue, 62' NW of the c/l of Dawn Drive
(4048 Walter Avenue)
11th Election District - 5th Councilmanic District
Francesco Leandri, et ux - Petitioners
Case No. 90-252-A

Dear Mr. Pielke:

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

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

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. & Mrs. Gordon L. Kirsch
10 Linmen Way, Baltimore, Md. 21236

Mr. & Mrs. Al Metzger
& Lona Court, Baltimore, Md. 21236

Ms. Dorothy S. McNann
9513 Dawnvale Road, Baltimore, Md. 21236

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 10-102 of the Zoning Regulations of Baltimore County to permit an accessory structure in the front yard (as determined by the street) in lieu of the required rear yard and amend the Final Development Plan of Dawnvale South.

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

TO BE DISCUSSED AT HEARING

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.

Point of contact, daughter:

ANNALISA LEANDRI # 433-8886

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Emil B. Pielke

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

661-6629

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this

13th day of February, 1990

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the

20th day of February, 1990, at 2 o'clock

P.M.

J. Robert Hiney

Zoning Commissioner of Baltimore County

(over)

Views of the structure at 4048 Walter Ave. from street
Case # 90-252-A



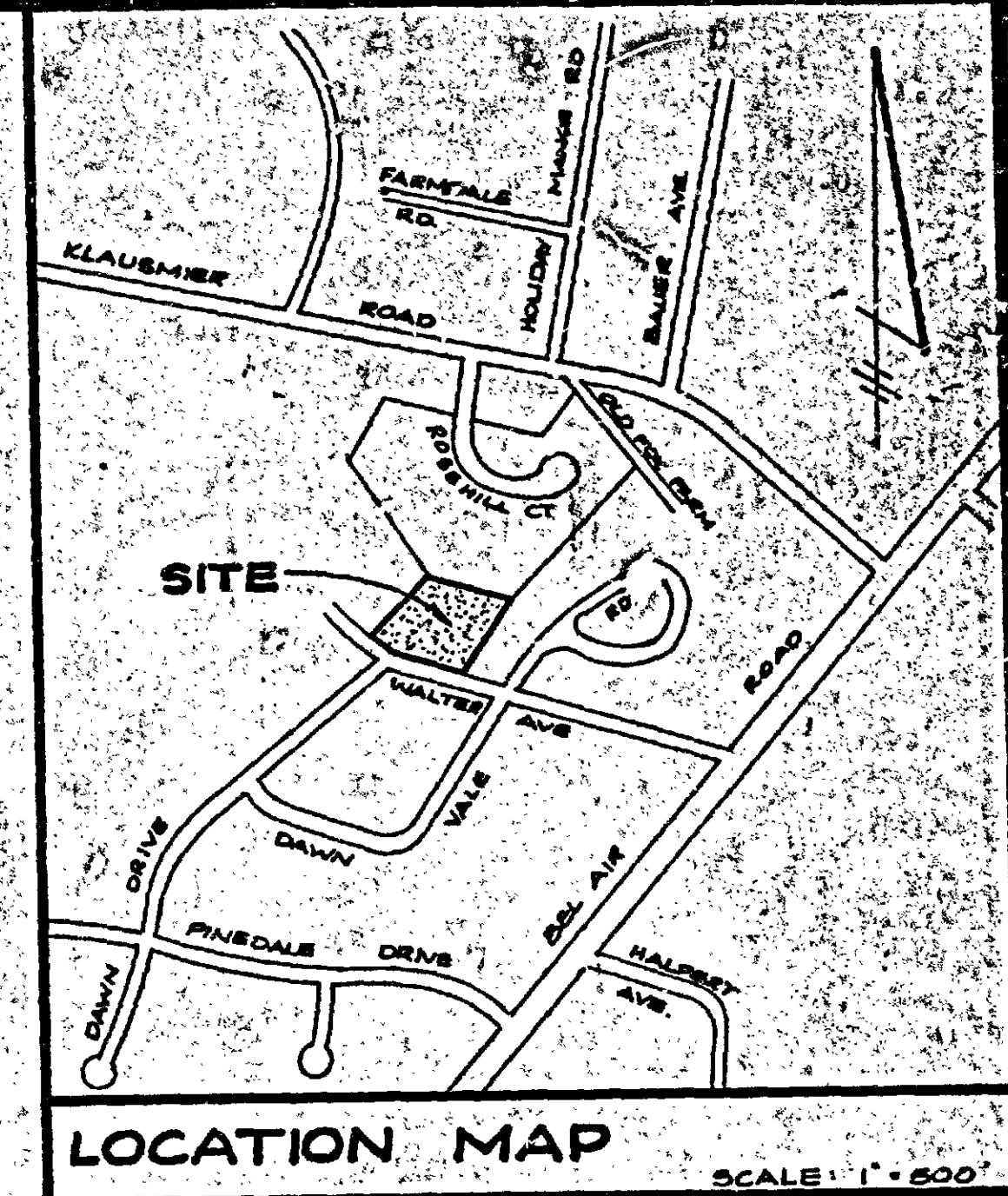
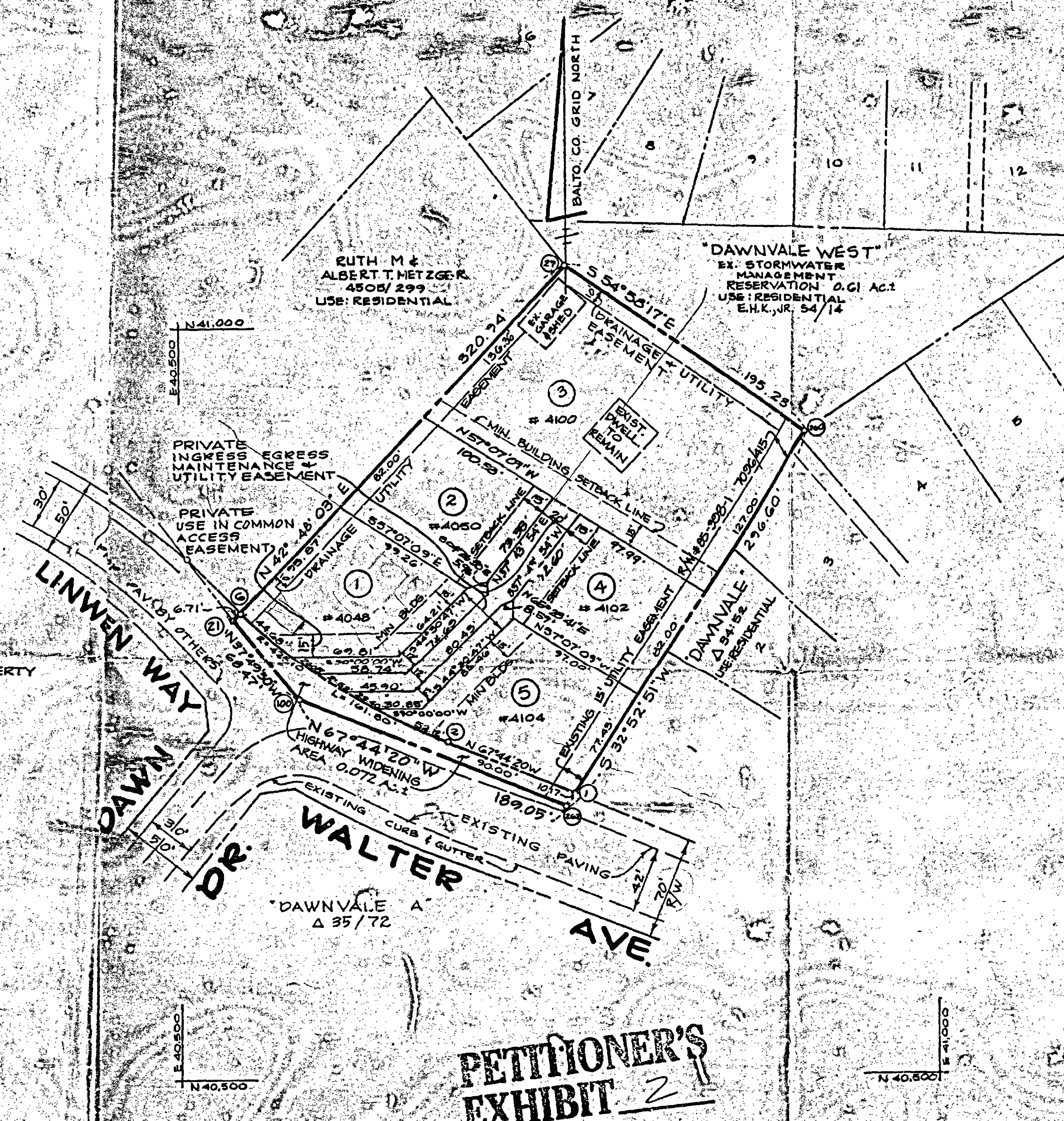
Property of Francesco Leandri
4048 Walter Ave.
Case # 90-252-A
View of this structure
coming down Metzger
Driveway - 4 Lona Ct.



COORDINATES						CURVE DATA									
NO.	NORTH	EAST	NO.	NORTH	EAST	FROM	TO	RADIUS	DELTA	LENGTH	TANG	CHORD	CHORD BEG.	CHORD END.	
21	40805.41	40532.87	100	40751.53	40578.86	2	6	425.10	21° 5' 27"	161.80	51.89	160.82	N 56° 50' 00" W		
27	41040.89	40754.93	1	40658.26	40759.34										
260	40928.80	40914.84	2	40722.56	40670.05										
262	40679.71	40753.82	6	40810.33	40541.42										

DENSITY CALCULATIONS

- GROSS AREA OF SITE: 1.640 AC.±
- NET AREA OF SITE: 1.568 AC.±
- EXISTING ZONING OF SITE: DR 55
- DENSITY ALLOWED: 1.640 x 5.5 = 9.02
- DENSITY PROPOSED: 5 SINGLE FAMILY LOTS
- PARKING SPACES REQUIRED: 24.6 = 10
- PARKING SPACES PROVIDED: 10
- OPEN SPACE REQUIRED: 4505 SF x 5 = 22525 SF OR 0.075 AC.±
- OPEN SPACE WAIVED 3/11/87 BY BALTO. CO DEPT. RECREATION + PARKS.



Filed for record
S.M. 56 FOLIO 117
Date JUN 17 1987
Test: *Seamus P. Smith*
Clerk

DEED REFERENCE# S.M. 7417/395
TAX ACCOUNT# 11-16-025000-1-11-22-000675
DAWNVALE SOUTH
11th ELECTION DISTRICT BALTIMORE COUNTY, MD
DATE 4/10/87
SCALE: 1"=50'

SEWERAGE DRAINAGE AREA (SMP/MS/STALL)
DATE OF APPROVAL: 3/1/87

APPROVED: *[Signature]* 6/10/87
DIRECTOR OF PUBLIC WORKS
DATE

APPROVED: *[Signature]* 6/10/87
DIRECTOR OF PLANNING AND ZONING
DATE

APPROVED: *[Signature]* 1/9/87
DEPUTY STATE & COUNTY HEALTH OFFICER
DATE

SURVEYOR'S CERTIFICATE
THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THE PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INSISTING AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

[Signature] 6/10/87
REG. NO. 272
DATE

OWNER'S CERTIFICATE
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, IN SO FAR AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

[Signature] 4/10/87
DATE

NOTE:
THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

NOTE:
HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE, AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED INTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST.

NOTE:
1) FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE.
2) RECORDING OF THIS PLAT DOES NOT CONSTITUTE, OR IMPLY, ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.
3) THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE COUNTY DEEDS 56-82 (SECTION 22-68).
4) RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5) THE INFORMATION SHOWN ON THIS PLAT MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6) ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.

P.M.A. COMPLETED 50-115-222
FINAL PLAT CHECKED BY: *[Signature]*
PLANNING DEPT.
DATE 6/10/87
ENGINEERING DEPT. NAME: *[Signature]*
HOUSE NOS. 2-2-16-17

ENGINEERS • SURVEYORS • LAND PLANNERS
W. DUVALL & ASSOC., INC.
530 E. JOPPA RD.
TOWSON, MD. 21204
(301) 583-2571

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:
K-6118 N. 40892.66
E 41022.72
K-6114 N. 40892.66
E 41047.52

COMPUTED BY: *[Signature]*
DRAWN BY: *[Signature]*
CHECKED BY: *[Signature]*
PROJECT NUMBER: 564455 FOLIO 117

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 14, 1989

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

Emil B. Pielke, Esquire
7937 Belair Road
Baltimore, MD 21236

RE: Item No. 107, Case No. 90-252-A
Petitioner: Francesco Leandri, et ux
Petition for Zoning Variance

Dear Mr. Pielke:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

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

Very truly yours,

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

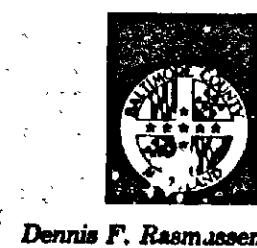
JED:jw

Enclosures

cc: Mr. & Mrs. Francesco Leandri
4048 Walter Avenue
Baltimore, MD 21236

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 4th day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Francesco Leandri, et al

Petitioner's Attorney: Emil B. Pielke

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: December 7, 1989
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Francesco Leandri, Item 107
Zoning Petition No. 90-252

The Petitioner requests a variance to permit an accessory structure in the front yard in lieu of the required rear yard and amend the Final Development Plan of Dawnvale South.

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.

PK/JL/cmm

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

November 9, 1989

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

RECEIVED
NOV 16 1989



Dennis F. Rasmussen
County Executive

ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number 171, 91, 103, 105, 106, 107 and 108.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan,
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
600 York Road
Towson, Maryland 21204-2536
(301) 887-4500

Paul H. Rotondo
Chief

SEPTEMBER 28, 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: FRANCESCO LEANDRI
Location: NE/S of WALTER AVENUE
Item No.: 107 Zoning Agenda: OCTOBER 3, 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: *Paul H. Rotondo*
Noted and Approved
Planning Group
Special Inspection Division
File Prevention Bureau

JK/REK

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

J. Robert Haines
Zoning Commissioner

May 11, 1990



Dennis F. Rasmussen
County Executive

Mrs. Dorothy S. McMann
9513 Dawnvale Road
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
NE/S of Walter Avenue, 62' NW of the c/l of Dawn Drive
(4048 Walter Avenue)
11th Election District - 5th Councilmanic District
Francesco Leandri, et ux - Petitioners
Case No. 90-252-A

Dear Ms. McMann:

I am writing to clarify the letter sent to you dated, March 22, 1990, from the Deputy Zoning Commissioner, Ann Nastarowicz. In that letter, it was stated that the concrete slab in question had to be removed.

The order issued February 13, 1990, stated that the accessory structure (shed) must be removed within sixty (60) days from the date of the order. No restrictions were written to include the concrete slab.

Therefore, it has been determined by this department that the concrete slab in question may remain and does not constitute a zoning violation or disobedience to the Deputy Zoning Commissioner's Order.

If you should have any questions, please feel free to contact me at 887-5661.

Sincerely,

LEONARD WASILEWSKI
Zoning Inspector

LW:ls

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

J. Robert Haines
Zoning Commissioner

March 22, 1990



Dennis F. Rasmussen
County Executive

Mrs. Dorothy S. McMann
9513 Dawnvale Road
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
NE/S of Walter Avenue, 62' NW of the c/l of Dawn Drive
(4048 Walter Avenue)
11th Election District - 5th Councilmanic District
Francesco Leandri, et ux - Petitioners
Case No. 90-252-A

Dear Ms. McMann:

In response to your letter dated March 20, 1990 regarding the above-captioned matter, the following comments are offered.

By copy of this letter to the Zoning Inspector for the area, an inspection of the property will occur after April 16, 1990 to confirm that the concrete slab in question has been removed in accordance with the Order issued February 13, 1990. In the event the property is not in compliance with said Order, this office will proceed with a violation notice to the property owner.

Thank you for your consideration in this matter.

Very truly yours,

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

AMN:bjs

cc: Leonard Wasilewski
Zoning Inspector
Case File

9513 Dawnvale Road
Baltimore, MD. 21236
March 20, 1990

Mrs. Ann M. Nastarowicz
Deputy Zoning Commissioner
Baltimore County
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 90-252-A

Dear Mrs. Nastarowicz:

I am inquiring about the concrete slab that is used as the flooring for the structure that is to be removed April 13, 1990 according to your conclusion.

I feel, as do others in our community, that this will still be a violation of the zoning law as it is your findings.

Mr. Francesco Leandri has already started a new structure to the right and rear of his yard and I do not feel he needs this concrete slab on the front of the street for any useful purpose.

I would like to thank you for your consideration of this petition and the fact that you are so close to helping our county a safe and livable community.

Sincerely,

Dorothy S. McMann
Dorothy S. McMann (Mrs.)

RECEIVED
MAR 21 1990
ZONING OFFICE

December 10, 1989

RECEIVED
ZONING OFFICE
DEC 13 1989

J. Robert Haines, Zoning Commissioner
County Office Building
Room 106
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Zoning Variance
Case No. 90-252-A
Francisco Leandri, et ux
Hearing Date: Wednesday, 12/20/89 2:00 p.m.

Dear Mr. Haines:

As the property owners at 4 Lona Court (formerly 4044 Walter Avenue) and bordering on 4048 Walter Avenue, we would like to go on record as being opposed to granting the above-referenced zoning variance for the following reasons:

1. We see no valid reason to make an exception to the present zoning, especially since if the Leandri's had properly applied for a permit and been governed by existing laws, there would be no need for a variance. It is not the fault of the neighborhood that Mr. Leandri has put his time, money, and effort into the structure without applying for a permit, and, therefore, we feel the variance should not be granted.
2. If this variance is granted it is feared that further variances may be applied for and possibly granted for Dawnvale South as well as the surrounding neighborhood.
3. It is felt that the builder/developer of Dawnvale South (William Shafer) should have put the same covenants on Dawnvale South as those which apply to the Dawnvale West development which was built by Mr. Shafer's father.
4. The structure, in our opinion, presents a safety hazard as upon descending our driveway the view of the road is blocked to the left until we clear the structure.
5. The structure appears to be a permanent one as it sits upon concrete and block footings, and in our opinion constitutes it as a building.

Robert Haines
December 10, 1989

6. The structure is too large for the small size lot on which it is built, and breaks up the continuity of green lawns as shown originally on plans of Dawnvale South.

7. The original Dawnvale South plans showed a 35 foot setback from our property line. Why would it be the same rule apply to this structure since it appears to be permanent in nature due to the cement footings.

The Walter Avenue area is a nice neighborhood where homes and grounds have always been kept neat and orderly. As the front of my property and home look upon the structure at 4048 Walter, and border the 4048 property to the side, I am greatly concerned that this will decrease the value of my property and...

I sincerely ask the Zoning Commission not to grant this variance.

Sincerely,
Albert T. Metzger
Albert T. Metzger
Ruth M. Metzger

(4 Lona Court)
(Baltimore, MD 21236)
(256-0476)

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

J. Robert Haines
Zoning Commissioner

6 Ann Leandri
4048 Walter Avenue
Baltimore, Maryland 21236

Re: Petition for Zoning Variance
Case Number: 90-252-A
NE/S of Walter Avenue, 62' NW of c/l of Dawn Drive
4048 Walter Avenue
11th Election District - 5th Councilmanic District
Petitioner(s): Francisco Leandri, et ux
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 2:00 p.m.

Dear Mr. Peterson:

receipt
Account: B-0014150
Number: 747
90-252-A
K70000268

DATE: 12/20/89
PUBLIC HEARING FEES
QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$99.66
TOTAL: \$99.66
LAST NAME OF OWNER: LEANDRI
B 072-*****9886: 2205F
Cashier Validation: Please make checks payable to: Baltimore County

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

J. Robert Haines
Zoning Commissioner

11-24-89

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 21204 as follows:

Petition for Zoning Variance
Case Number: 90-252-A
NE/S of Walter Avenue, 62' NW of c/l of Dawn Drive
4048 Walter Avenue
11th Election District - 5th Councilmanic District
Petitioner(s): Francisco Leandri, et ux
HEARING: WEDNESDAY, DECEMBER 20, 1989 at 2:00 p.m.

Variance: To permit an accessory structure in the front yard (as determined by the street) in lieu of the required rear yard and amend the Final Development Plan of Dawnvale South.

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:ps

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1124
Date of Posting: 12/14/89

Posted for: *Francisco Leandri, et ux*

Location of property: *NE/S of Walter Ave., 62' NW of Dawn Drive*
4048 Walter Ave.

Location of Sign: *Facing Walter Ave., opposite 4048 Walter Ave.*
Rear Property of Leandri

Remarks: *Metzger*

Posted by: *Metzger* Date of return: 12/18/89

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, November 30, 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 30, 19 89

THE JEFFERSONIAN
S. Zebe Orlean
Publisher

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Conrad J. Kline</i>	<i>10 Lona Court 21236</i>
<i>William R. French</i>	<i>10 Lona Court 21236</i>
<i>Al Metzger</i>	<i>4 Lona Ct 21236</i>
<i>Ruth M. Metzger</i>	<i>4 Lona Ct 21236</i>
<i>Shirley A. McManis</i>	<i>9513 Dawnvale Rd 21236</i>
<i>John Brann</i>	<i>25 Shawbury Ct</i>

RECEIVED
MAR 27 1990
ZONING OFFICE

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204

In re: Petition for Zoning Variance
NE/S of Walter Avenue, 62' NW of the c/l of Dawn Drive
(4048 Walter Avenue)
11th Election District - 5th Councilmanic District
Francisco Leandri, et ux - Petitioners
Case No. 90-252-A

Dear Ms. Nastarowicz:

In reference to the above-captioned case and your decision dated February 13, 1990, I would like to question whether the cement base which the structure referred to in the caption sits on would also have to be removed. Basically, I would like to know if the concrete footing, cement block and cement base, which protrudes about 18 inches above ground level, would be considered part of the structure and have to be taken down as well.

My concern is what the concrete base, which is used for if allowed to stay, and that it might be used as a parking pad/car port, since it connects to the driveway. I feel if used for this purpose this would still obstruct my view of the street, and the main access street used by the community and not be in compliance with zoning regulations. This would also still be unsightly to the community and decrease the property values in the neighborhood.

I also feel that if Mr. Leandri were allowed to have a parking pad/car port, that if he would have to have had to apply for a permit, and, therefore, the concrete pad would remain and should be removed as part of the structure.

I would very much appreciate it if you could clarify if or not the concrete pad is part of the structure and should be removed.

Thank you for your consideration, and I will await your reply.

Very truly yours,
Albert T. Metzger
Albert T. Metzger
4 Lona Court
Baltimore, MD 21236

ATM:dm

CERTIFICATE OF PUBLICATION
November 30, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 30, 1989

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
S. Zebe Orlean
Publisher

WE, THE UNDERSIGNED, DO HEREBY PROTEST THE VARIANCE CASE 90-252-A ALL ASKED FOR BY MR. & MRS. LEANDRI LOCATED AT 4048 WALTER AVENUE, BALTIMORE COUNTY MARYLAND 21236. WE FEEL THAT THE VARIANCE REQUESTED IS UNSIGHTLY AND NOT IN KEEPING WITH THE APPEARANCE OF THE NEIGHBORHOOD. WE FEEL THIS BUILDING WILL DECREASE OUR PROPERTY VALUES. A PERMIT WAS NOT APPLIED FOR. WE ASK THAT THIS VARIANCE BE DENIED.

<i>T.A. Ryan</i>	<i>27 Lona Ct</i>	<i>12/14/89</i>
<i>Mary K. Ryan</i>	<i>27 Lona Ct</i>	<i>12/10/89</i>
<i>Robert French</i>	<i>11 Lona Ct</i>	<i>12/10/89</i>
<i>John French</i>	<i>11 Lona Ct</i>	<i>12/10/89</i>
<i>Al Metzger</i>	<i>4 Lona Ct</i>	<i>12/10/89</i>
<i>Albert T. Metzger</i>	<i>4 Lona Ct</i>	<i>12/10/89</i>
<i>Dorise M. Metzger</i>	<i>4 Lona Ct</i>	<i>12/10/89</i>
<i>John Brann</i>	<i>9434 Dawn Drive</i>	<i>12/11/89</i>
<i>John Hyslop</i>	<i>4106 Walter Ave</i>	<i>12/11/89</i>
<i>Don R. Dardella</i>	<i>9525 Belair Rd</i>	<i>12-11-89</i>
<i>Shirley A. McManis</i>	<i>9513 Dawnvale Rd</i>	<i>12-11-89</i>
<i>Valter C. McManis</i>	<i>9513 Dawnvale Rd</i>	<i>12-11-89</i>
<i>Kinda Gerhardt</i>	<i>4103 Walter Ave</i>	<i>12/11/89</i>
<i>Gene Schmidt</i>	<i>9429 Dawn Drive</i>	<i>12/11/89</i>
<i>Lenny F. Schmidt</i>	<i>9429 Dawn Drive</i>	<i>12/11/89</i>
<i>Arthur Karish</i>	<i>9407 Dawnvale Rd</i>	<i>12/12/89</i>
<i>Al Codd</i>	<i>9502 Dawnvale Rd</i>	<i>12/12/89</i>
<i>John Codd</i>	<i>9502 Dawnvale Rd</i>	<i>12/12/89</i>

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Emil B. Licko, Attorney</i>	<i>7937 Belair Road</i>
<i>Francisco Leandri</i>	<i>Baltimore MD 21236-3715</i>

RECEIVED
MAR 27 1990
ZONING OFFICE

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204

In re: Petition for Zoning Variance
NE/S of Walter Avenue, 62' NW of the c/l of Dawn Drive
(4048 Walter Avenue)
11th Election District - 5th Councilmanic District
Francisco Leandri, et ux - Petitioners
Case No. 90-252-A

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