

IN RE: PETITION FOR ZONING VARIANCE  
SW/8 Leeds Avenue, 518' NW  
of the c/l of Leeds Avenue  
(1004 Leeds Avenue)  
1st Election District  
1st Councilmanic District  
Donald R. Anderson, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-133-A

\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing two apartment duplex dwelling unit on a lot with a 50-foot width at its front building line in lieu of the required 80 feet, a minimum side yard setback of 9.2 feet and a sum of both side yards of 23.8 feet in lieu of the required 35 feet for all, and to permit an existing accessory building (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Donald R. Anderson, appeared, testified, and were represented by Thomas N. Evans, Jr., Esquire. Appearing as interested parties in the matter were Charles Puls, Donald Schell, and Nicholas Meekins.

Testimony indicated that the subject property, known as 1004 Leeds Avenue, consists of 0.24 acres zoned D.R. 5.5 and is improved with a three story frame dwelling. Petitioners filed the instant Petition as a result of a complaint filed with the Zoning Office. Mr. Anderson testified that he and his wife moved to the subject property ten years ago. Testimony indicated Mr. Anderson's parents had purchased the property for their residency, at which time the dwelling was set up as two apartments. The first floor and basement level was used as the Petitioners' residence and the second floor was rented out. The interior layout of the dwelling is

as depicted on Petitioner's Exhibit 2. Mr. Anderson testified that to the best of his knowledge, the subject property has been used as a two apartment dwelling since the war. He testified that he acquired the property from his parents approximately five years ago and that he and his wife reside in the first floor and basement apartment. Mr. Anderson testified that since his family's ownership of the property, it has been used continuously and without interruption as a two apartment dwelling. He testified that the use of the property as a two apartment dwelling is in keeping with the neighborhood and does not create any detriment to the health, safety or general welfare of the surrounding community. Mr. Anderson indicated that to require conversion of the property back to a single family dwelling would result in practical difficulty and unreasonable hardship for him and his family as the income from the second apartment is necessary in order for Petitioners to meet their mortgage. In further support of Petitioners' request, Mr. Anderson introduced two Petitions signed by numerous residents of the community indicating they have no objections to the use of the property as a two apartment dwelling.

Testimony presented by Petitioner concerning the relief requested for the existing garage indicated that the subject garage was constructed by him after his purchase of the property with the benefit of a building permit. However, a miscalculation in the placement of the roof trusses resulted in a height of 17 feet in lieu of the maximum permitted 15 feet. Mr. Anderson testified that there is no plumbing in the garage and no intended use of the structure for commercial or residential purposes. The garage is strictly for storage use by his family. Mr. Anderson agreed to permit a representative of Baltimore County inspect the property to insure compliance with zoning regulations. As noted on the Petition, the garage

is located in what is marked a "15-foot private easement". Mr. Anderson testified that at the time of filing for his building permit, and commencement of construction of the garage, he was not aware of the 15-foot easement existing at the rear of the property along Leeds Avenue. Petitioner introduced documentation, marked Petitioner's Exhibits 4A and 4B, which indicates that the County had no interest in the easement and Petitioner was permitted to proceed with construction of the garage with the understanding that he was on notice of the possible encroachment on the private 15-foot easement and possible future civil action between private parties. Testimony indicated Mr. Anderson then proceeded at his own risk.

Messrs. Puls, Schell and Meekins appeared as interested parties and indicated that they had no objections to Petitioner's request in this matter. Mr. Puls expressed his opinion that variances should be limited and that the zoning regulations should be enforced. It was explained at that time that decisions are made on a case by case basis.

Ray Daugherty, a long-time resident of 1012 Leeds Avenue, did not appear at the hearing but submitted a letter of opposition to the relief requested "as President of the Oakley Improvement Association." Counsel for Petitioners objected due to the absence of proof that Mr. Daugherty had the authority to act on behalf of the Association and the inability to cross-examine Mr. Daugherty. Mr. Daugherty's letter has been placed in the file and a copy of the Order issued in this matter will be forwarded to him.

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).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of November, 1990 that the Petition for Zoning Variance to permit an existing two apartment duplex dwelling unit on a lot with a 50-foot width at its front building line in lieu of the required 80 feet, a minimum side yard setback of 9.2 feet and a sum of both side yards of 23.8 feet in lieu of the required 35 feet for all, and to permit an existing accessory building (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

ORDER RECEIVED FOR FILING  
Date 11/26/90  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 11/26/90  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 11/26/90  
By [Signature]

- 2 -

- 3 -

- 4 -

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.2 To permit an existing 2 apartment duplex dwelling unit on a lot with a 50 ft. width at front building line in lieu of the required 80 ft. and a minimum side yard setback of 9.2 ft. with a sum of both side yards of 23.8 ft. in lieu of the required 35 ft. Also from Section 402.3 to permit an existing accessory building (garage) with a height of 17 ft. in lieu of the maximum height of 15 ft.

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 ADDRESSED 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.

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:

Thomas N. Evans, Jr.

(Type or Print Name)

Signature

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 296-2727

Address

Phone No.

City and State

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

Name

Address

Phone No.

City and State

County, on the 15 day of Nov, 1990, at 2:00 o'clock

P.M.

JLL FILED 11/26/90

1 HR HEARING

ANY FURTHER ACTION REQUIRED FOR FILING

VIOLATION

By [Signature]

#### Legal Owner(s):

Donald R. Anderson

(Type or Print Name)

Signature

Laura L. Anderson

(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

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Address

Phone No.

City and

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: October 22, 1990  
Posted for: Donald R. Anderson, et al.  
Petitioner: Donald R. Anderson, et al.  
Location of property: SW 1/4 Leeds Avenue, SW 1/4 NW of c/l of Leeds Avenue, 1004 Leeds Avenue  
Location of Sign: In front of 1004 Leeds Avenue  
Remarks: S. J. Dyer  
Posted by: S. J. Dyer Date of return: November 2, 1990  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-18-90.

CATONSVILLE TIMES  
S. Zebe Olson  
Publisher

\$ 62.42

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. Oct 22, 1990  
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 Oct 18, 1990.

THE JEFFERSONIAN,

S. Zebe Olson  
Publisher

\$ 62.42

\$87.42

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

Account: R-001-6150  
Number

receipt  
N: 3904

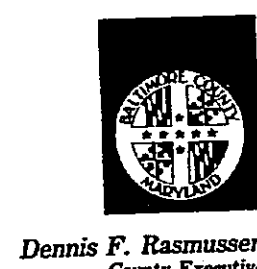
Date: 9-13-90  
11/15/90 M910042B  
PUBLIC HEARING FEES QTY PRICE  
080 -POSTING SIGNS / ADVERTISING 1 X \$87.42  
TOTAL: \$87.42  
LAST NAME OF OWNER: ANDERSON

Please make checks payable to: Baltimore County  
04-004-00120WCHRC  
04 0001-7477111-16-90 \$87.42

Cashier Validation:

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

October 30, 1990



Thomas N. Evans, Esquire  
401 Washington Avenue, Suite 904  
Towson, MD 21204

RE: Item No. 74, Case No. 91-133-A  
Petitioner: Donald R. Anderson, et ux  
Petition for Zoning Variance

Dear Mr. Evans:

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

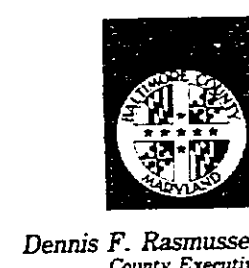
JED:jw

Enclosures

cc: Mr. & Mrs. Donald R. Anderson  
1004 Leeds Avenue  
Baltimore, MD 21227

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

J. Robert Haines  
Zoning Commissioner



Your petition has been received and accepted for filing this 12th day of September, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

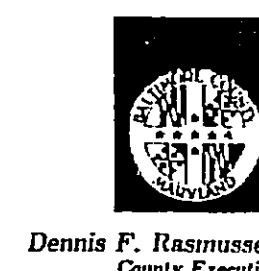
Petitioner: Donald R. Anderson, et ux

Petitioner's Attorney: Thomas N. Evans, Jr.

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

J. Robert Haines  
Zoning Commissioner

DATE 10/30/90



Mr. & Mrs. Donald R. Anderson  
1004 Leeds Avenue  
Baltimore, Maryland 21227

Re: Petition for Zoning Variance  
CASE NUMBER: 91-133-A  
SW 1/4 Leeds Avenue, 518' NW of c/l of Leeds Avenue  
1004 Leeds Avenue  
1st Election District - 1st Councilmanic  
Petitioner(s): Donald R. Anderson, et ux

Dear Petitioners:

Please be advised that \$87.42 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 OWNER 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: Thomas N. Evans, Jr., Esq.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: October 12, 1990  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Donald R. Anderson, Item No. 74

The Petitioner requests a Variance to permit an existing 2-apartment duplex dwelling unit on a lot with a 50 ft. width at front building line in lieu of the required 80 ft. and a minimum side yard setback of 9.2 ft. with a sum of both side yards of 23.8 ft. in lieu of the required 35 ft., and to permit an existing accessory building (garage) with a height of 17 ft. in lieu of the maximum height of 15 ft.

Staff offers no comment regarding the variances which essentially address existing conditions. However, a restriction should be placed in the order prohibiting any living quarters, kitchen or bathroom facilities in the garage and limiting the storage to being the personal property of occupants of the principal dwelling only.

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  
ITEM74/ZAC1

Rec  
10/17/90

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

J. Robert Haines  
Zoning Commissioner

October 2, 1990

**NOTICE OF HEARING**



Dennis F. Rasmussen  
County Executive

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: 91-133-A  
SW 1/4 Leeds Avenue, 518' NW of c/l of Leeds Avenue  
1004 Leeds Avenue  
1st Election District - 1st Councilmanic  
Petitioner(s): Donald R. Anderson, et ux  
HEARING: FRIDAY, NOVEMBER 16, 1990 at 2:00 p.m.

Variances to permit an existing 2 apartment duplex dwelling unit on a lot with a 50 ft. width at front building line in lieu of the required 80 ft. and a minimum side yard setback of 9.2 ft. with a sum of both side yards of 23.8 ft. in lieu of the required 35 ft. Also to permit an existing accessory building (garage) with a height of 17 ft. in lieu of the maximum height of 15 ft.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

cc: Donald R. Anderson, et ux  
Thomas N. Evans, Jr., Esq.  
Mr. Daugherty

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

October 1, 1990



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 51, 67, 72, 74, 75, 76, 77, 79, and 81.

Very truly yours,

Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/jw

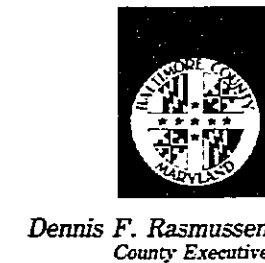
BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
September 11, 1990  
**RECEIVED**  
SEP 11 1990  
**ZONING OFFICE**  
TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING  
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES *C. E. B.*  
SUBJECT: ZONING ITEM #: 74  
PROPERTY OWNER: Donald R. Anderson, et ux  
LOCATION: SW/4 Leeds Avenue, 518' NW of centerline of Leeds Avenue (#1004 Leeds Avenue)  
ELECTION DISTRICT: 1st  
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
  - ( ) PARKING LOCATION ( ) RAMPS (degree slope)
  - ( ) NUMBER PARKING SPACES ( ) CURB CUTS
  - ( ) BUILDING ACCESS ( ) SIGNAGE
  - ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
  - (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
  - ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
  - ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
  - (X) OTHER - Section 802.3, 807.3, 809.3, Table 401 Line 8. 910.3, 1018.3.5 etc of the 1987 BOCA National Building Code are applicable when multiple tenants are involved.
- PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.
- THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.
- APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(801) 887-4500  
Paul H. Reincke  
Chief

SEPTEMBER 6, 1990



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

RE: Property Owner: DONALD R. ANDERSON  
Location: #1004 LEEDS AVENUE  
Item No.: 74 Zoning Agenda: SEPTEMBER 11, 1990

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. E. B.* 9-6-90 Noted and Approved *Capt. W. F. Brady*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 5, 1990  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting for September 11, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 51, 67, 72, 74, 75, 76, 77, 78, 81.

For 80-560-spha - Pizza Palace, 39 York Road - the previous County Review Group comments still apply.

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

RWB:s

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

James Dyer  
Zoning Supervisor  
TO: Zoning Supervisor  
James Thompson  
Zoning Enforcement Coordinator  
FROM: Zoning Enforcement Coordinator  
Item No.: 74 (if known)  
SUBJECT: Petitioner: *Anderson* (if known) **91-133-A**

VIOLATION CASE # *90-2303*  
LOCATION OF VIOLATION *1004 Leeds Ave 21229*  
DEFENDANT *Donald R. Anderson* ADDRESS *544*

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS  
*Mr. Daugherty* *1017 Leeds Ave 21229*

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

THOMAS N. EVANS, JR.  
ATTORNEY AT LAW  
SUITE 904  
401 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(301) 256-2727

FILE NO. 1683-90

October 5, 1990

Office of Planning & Zoning  
Baltimore County  
Towson, Maryland 21204

Re: Case No. 91-133-A

Dear Sir/ Madam:

As requested, please find enclosed three (3) copies of floor plans of 1004 Leeds Avenue for inclusion in the above referenced case file.

Yours truly,  
*Thomas N. Evans, Jr.*  
Thomas N. Evans, Jr.

TNE:ser  
Enclosures

*Ray Daugherty*  
*1017 Leeds Ave*  
*Balto. Md. 21229*  
*Nov 14, 1990*

Dear Mr. Haines;  
Due to a recent total hip replacement (left hip) & arthroscopic surgery on the right knee, I am unable to attend the public hearing in room 106 of the County Office Bldg.  
As Pres. of the Oakley Improv Assn. and a long time home owner (45 yrs) at 1012 Leeds Ave., I and members of the Assn. strenuously object to the "hammock garage" (24' x 32' x 17') recently built on the back of the Anderson property at 1004 Leeds Ave.  
This garage has been built eleven (11) feet into an existing fifteen (15) feet alley easement. The 15 foot alley easement is shown on all of the deeds & survey plots of all of the 900 & 1000 blk. even numbered houses.  
Since this permit was stopped by us because the plot plan submitted by Anderson was incorrect. We members neighbors & etc do not understand why

PLEASE PRINT CLEARLY

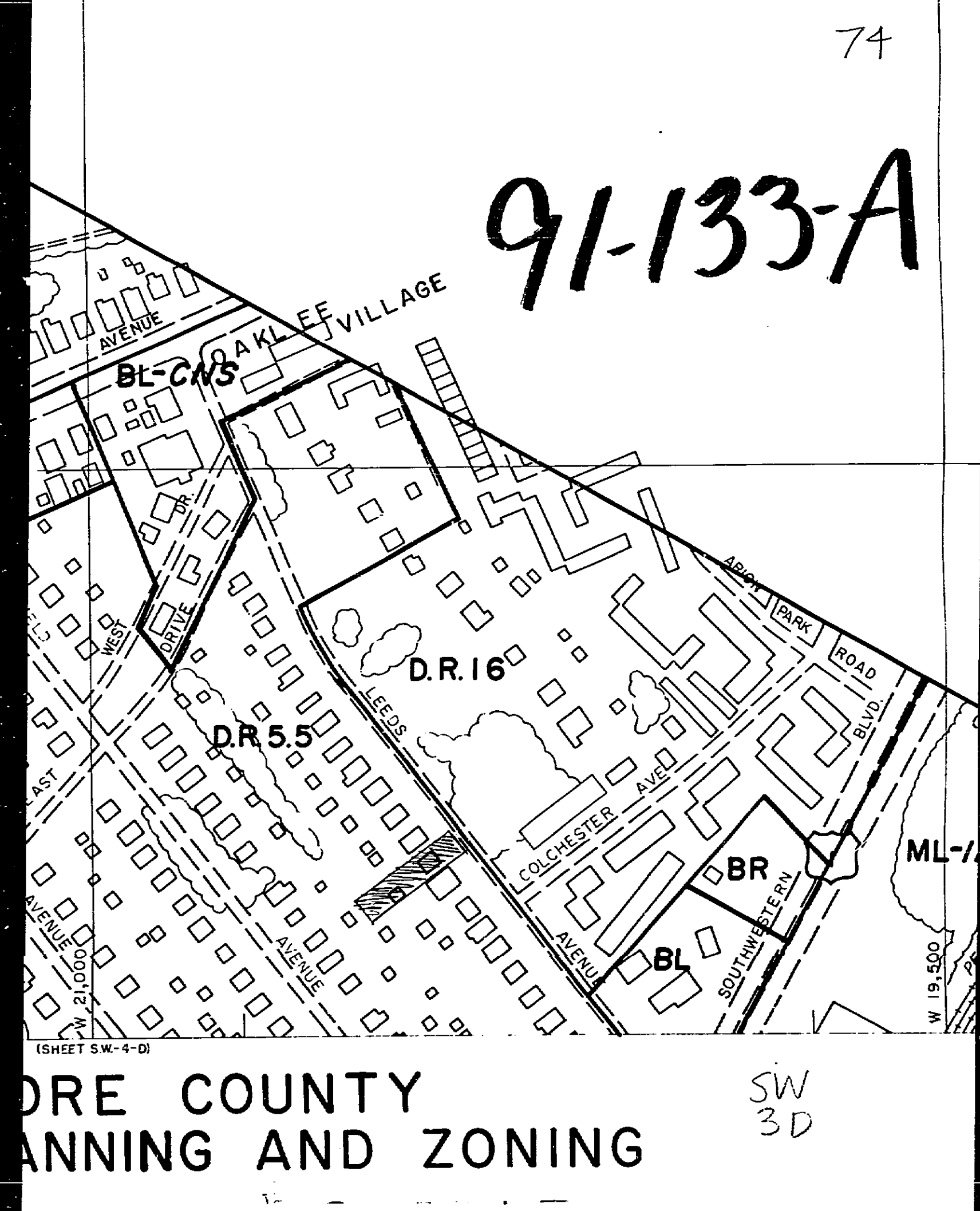
PETITIONER(S) SIGN-IN SHEET

| NAME                      | ADDRESS                     |
|---------------------------|-----------------------------|
| <i>Charles R. Pils</i>    | <i>1020 Leeds Ave 21229</i> |
| <i>Donald R. Anderson</i> | <i>930 Leeds Ave</i>        |
| <i>Nicholas R. Pils</i>   | <i>1016 Leeds Ave 21229</i> |

PLEASE PRINT CLEARLY

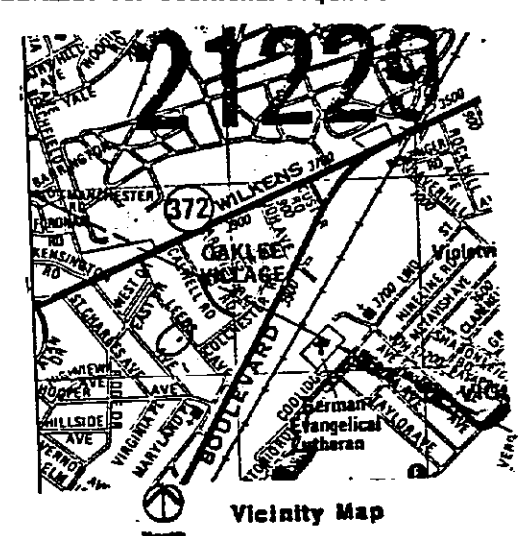
PETITIONER(S) SIGN-IN SHEET

| NAME                      | ADDRESS                           |
|---------------------------|-----------------------------------|
| <i>Donald R. Anderson</i> | <i>1004 Leeds Ave Balto 21229</i> |



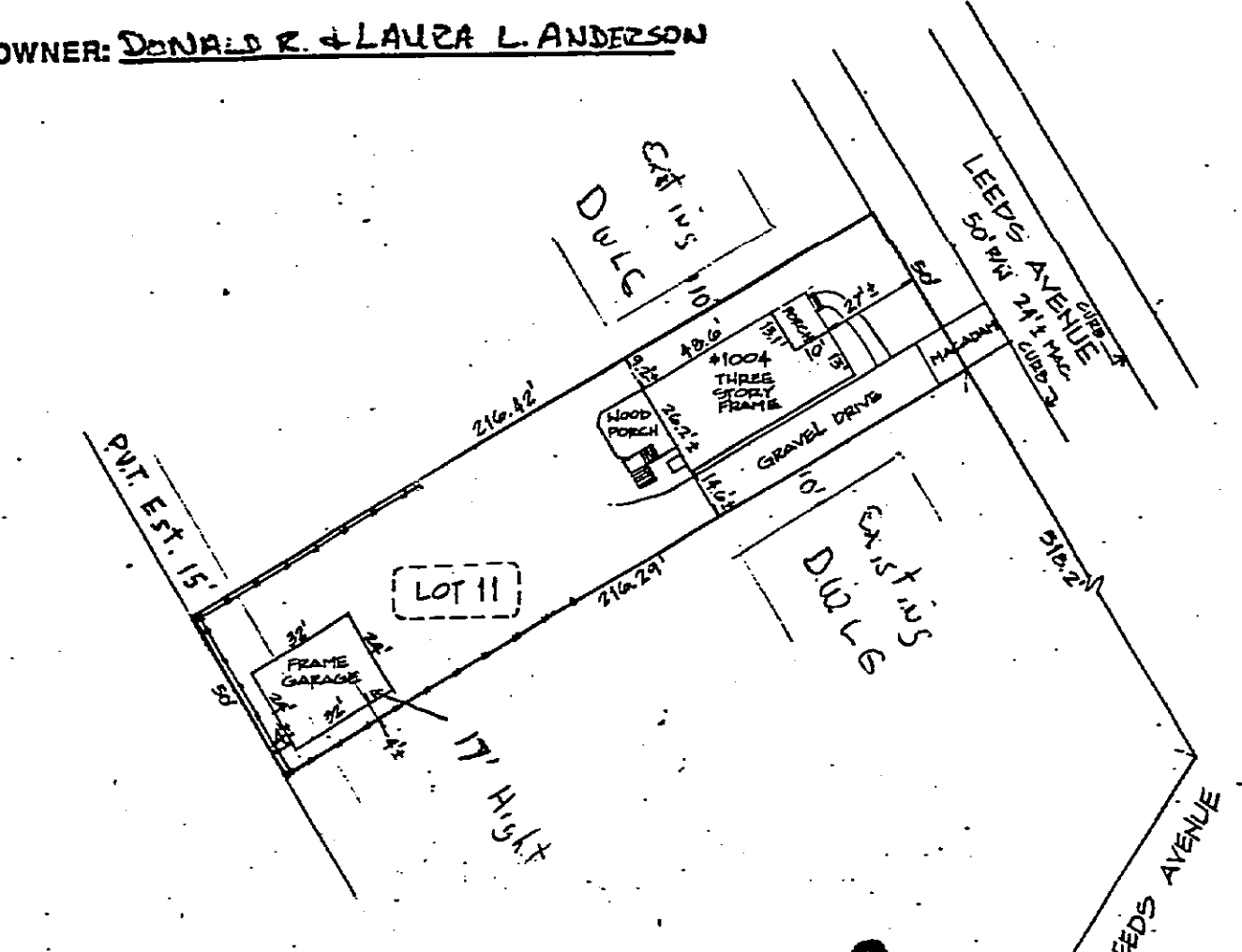
**Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing**

PROPERTY ADDRESS: 1004 LEEDS AVENUE  
 Subdivision name: KAUFMAN PLAT  
 plat book 12, folio 22, lot 11, section 6  
 OWNER: DONALD R. & LAURA L. ANDERSON



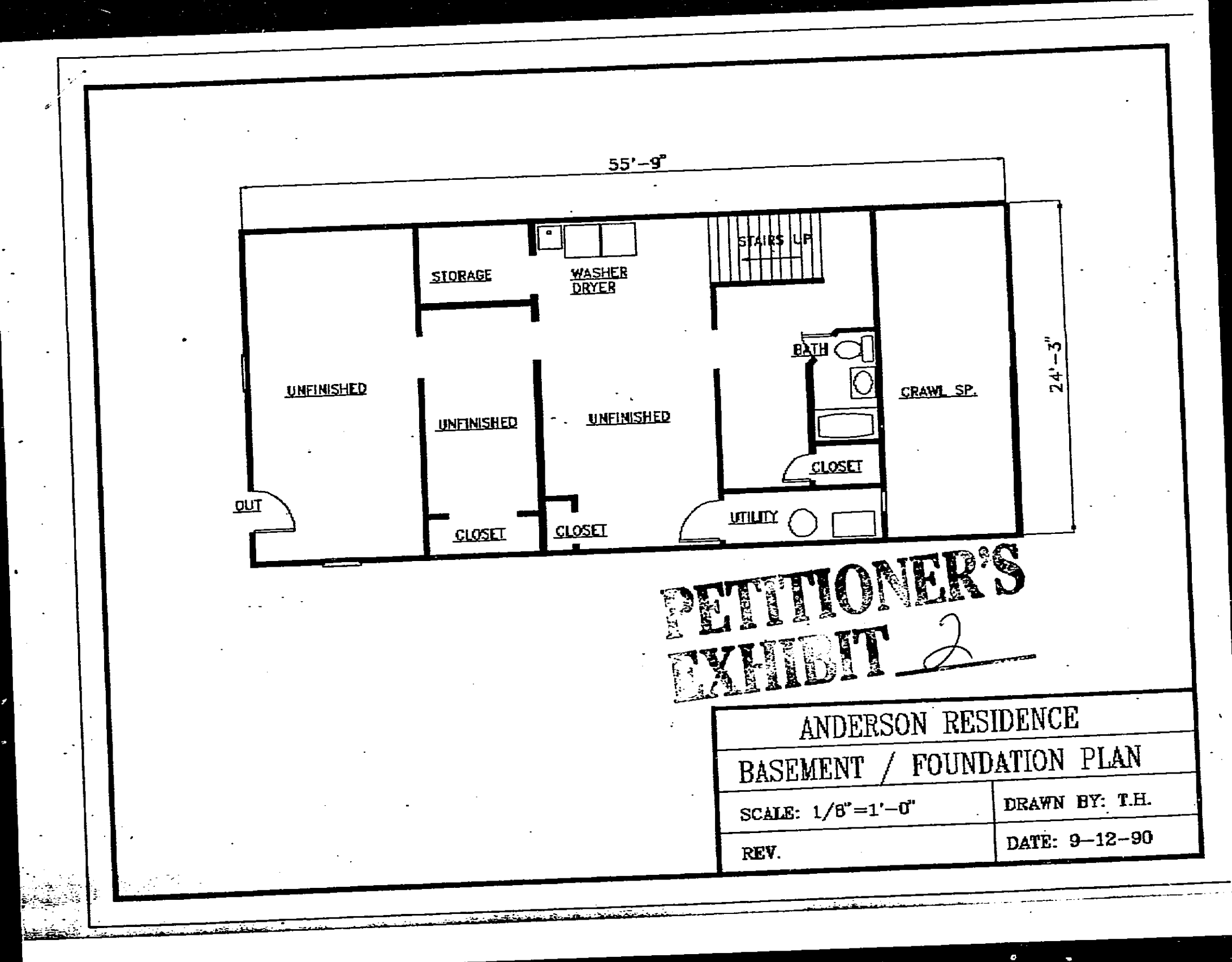
**LOCATION INFORMATION**  
 Councilmanic District: 1  
 Election District: 1  
 T-200' scale map: SW 3D  
 Zoning: DR-55  
 Lot size: 0.24 acreage, 10,817.0± square feet  
 Sewer: ☒  
 Water: ☒  
 Chesapeake Bay Critical Area: ☐  
 Prior Zoning Hearings: NONE

**Zoning Office USE ONLY!**  
 reviewed by: [initials] ITEM #: 74 CASE#:



North  
 date: 8-9-90  
 prepared by: [initials]  
 Scale of Drawing: 1" = 10'

**91-133-A**



**PETITIONER'S EXHIBIT 2**

**ANDERSON RESIDENCE**  
 BASEMENT / FOUNDATION PLAN  
 SCALE: 1/8" = 1'-0"  
 REV. 1 DRAWN BY: T.H.  
 DATE: 9-12-90

November 15, 1990

To Whom It May Concern:

We, the undersigned, do not object to the garage locale at the rear of 1004 Leeds Avenue as it is presently constructed.  
 We fully state that we do not object to its use of the house at 1004 Leeds Avenue as a two family apartment dwelling and that it has not caused a problem during the past 10 years which has been occupied as such, to one landlord.

| NAME                                    | ADDRESS                             |
|-----------------------------------------|-------------------------------------|
| <u>Mr. &amp; Mrs. Douglas L. Senter</u> | <u>1006/1008 Leeds Ave / Towson</u> |
| <u>Mrs. O. J. J. J. J. J.</u>           | <u>1019 Beechfield #29</u>          |
| <u>Smalley W. J. J.</u>                 | <u>929 LEEDS AVE</u>                |
| <u>Mark S. Van</u>                      | <u>1002 Leeds Ave</u>               |

**PETITIONER'S EXHIBIT 3A**

November 15, 1990

To Whom It May Concern:

We, the undersigned, do not object to the garage locale at the rear of 1004 Leeds Avenue as it is presently constructed.  
 We fully state that we do not object to its use of the house at 1004 Leeds Avenue as a two family apartment dwelling and that it has not caused a problem during the past 10 years which has been occupied as such, to one landlord.

| NAME                                | ADDRESS                                  |
|-------------------------------------|------------------------------------------|
| <u>Mr. &amp; Mrs. Truman Wright</u> | <u>1003 Leeds Avenue Baltimore Md.</u>   |
| <u>Bank of America</u>              | <u>1003 Leeds Ave Baltimore MD 21209</u> |
| <u>James W. Egan</u>                | <u>1006 LEEDS AVE BALTO MD 21209</u>     |
| <u>Connie A. Ellis</u>              | <u>1008 Leeds Ave Balt MD 21209</u>      |
| <u>Janet Anderson</u>               | <u>1008 Leeds Ave Balt MD 21209</u>      |

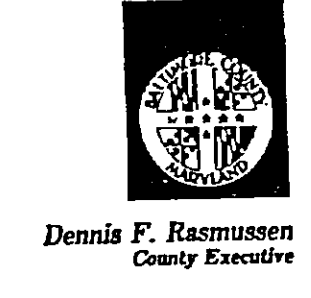
**PETITIONER'S EXHIBIT 3B**

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

J. Robert Haines  
 Zoning Commissioner

July 31, 1990

Mr. R. Daugherty  
 Oakleigh Improvement Association  
 1012 Leeds Avenue  
 Baltimore, MD 21229



RE: Building Permit No. B047523  
 Accessory Garage  
 1004 Leeds Avenue  
 13th Election District

Dear Mr. Daugherty:

This office has received the results of an investigation by the Department of Public Works concerning the County's involvement/ownership in the 15 foot wide use in common easement along the rear of properties binding on Leeds Avenue. Said easement being recorded among the Land Records of Baltimore County in Liber 7254, Folio 443. As you can see by the enclosed correspondence, the investigation resulted in a finding that the County does not have an interest in the easement. I am also enclosing a copy of a letter from the Anderson's Attorney, Mr. Thomas N. Evans, Jr. in which he states that his clients are willing to establish on record the fact that should a legitimate need arise in the future, the building will be removed. In the absence of any County involvement, any such agreement would be private and between all parties of interest.

By way of this letter, I am also advising Mr. Evans that this office will approve the building permit in question upon proper application thereof i.e. the 15 foot easement and its relationship to the garage must be clearly indicated on the site plan for the building permit as well as the application form. Said permit will be approved with the clear understanding that the applicant is aware of the encroachment upon this private 15 foot easement and of possible future civil action between the private parties regarding the construction of the garage within this right of way.

Very truly yours,  
[Signature]  
 JAMES E. DYER  
 Zoning Supervisor

JED:cer  
 cc: Mr. Thomas N. Evans, Jr.  
 Hon. Ronald B. Hickernell

Baltimore County  
 Department of Public Works  
 Towson, Maryland 21204

Gene L. Neff, P.E.  
 Director

June 7, 1990

Mr. Thomas N. Evans, Jr.  
 Attorney-at-Law  
 401 Washington Avenue, Suite 904  
 Towson, Maryland 21204



RE: Donald R. Anderson & Laura L. Anderson  
 1004 Leeds Avenue - Permit No. B047523  
 Your File No. 1683-90

Dear Mr. Evans:

The easement on your client's property to which you refer in your letter of May 25, 1990 and as described in the deed provided by you and recorded among the land records at Liber 7254, Folio 443 is indicated to be a 15 foot wide use-in-common easement along your client's rear property line to "any and all property binding on Leeds Avenue as an alley or road for ingress and egress for general use..."

Records in the Bureau of Land Acquisition do not indicate a County interest in this easement. Private title search would have to determine all parties of interest who could legally execute the recorded agreement that you propose in your fifth paragraph.

It should also be noted that if the garage construction is in accordance with the plot plan filed with the above-captioned building permit, the encroachment is eleven feet (11') into the 15 foot use-in-common easement under discussion rather than the three feet that you cite.

I hope that this information is of some help as you endeavor to resolve your client's problem.

Very truly yours,  
[Signature]  
 Gene L. Neff, P.E.  
 Director

GLN/SHM/WJZ/1E

PETITIONER'S EXHIBIT 1 CASE NUMBER: 91-133-A





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±

LOCATION

SHEET

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

ARBUTUS

S. W.  
3-D