

IN THE MATTER OF THE
THE APPLICATION OF
HOWARD E. MYERS, ET UX
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE
WICKERSHAM WAY, 90' WEST OF
GREENSIDE DRIVE
(218 WICKERSHAM WAY)
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

OPINION

This case comes before this Board on appeal from an Order of the Zoning Commissioner wherein the variance was granted to permit the proposed detached garage to be located partially in the side yard instead of the rear yard as required with the restriction that the side wall of the subject garage facing the Petitioner's dwelling shall be located no farther than 3 feet from the side wall of said dwelling. Petitioner's attorney in open hearing stipulated that in order to put the garage 3 feet from the Petitioner's dwelling a side porch 5 feet wide would have to be demolished. Petitioner in open hearing before the Board amended the plat to position the garage 6 feet from the Petitioner's dwelling and farther forward on the lot so that the distance between the garage and the neighbor's house would now be 17 feet. This arrangement was then agreed to by all parties.

It is the opinion of this Board that all the requirements of Section 307, Baltimore County Zoning Regulations, are complied with and the variance shall be granted.

ORDER

IT IS THEREFORE this 25th day of September 1991 by the County Board of Appeals of Baltimore County ORDERED that the

Case No. 91-275-A Howard E. Myers, et ux
variance to position the garage as shown on Petitioner's Exhibit No. 1 marked in red be and the same is GRANTED; and it is
FURTHER ORDERED that the amended drawing submitted as Petitioner's Exhibit No. 1 shall be the drawing presented to the Department of Permits & Licenses for final location of the proposed garage.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

John G. Disney
John G. Disney

S. Diane Levero
S. Diane Levero

IN RE: PETITION FOR ZONING VARIANCE
W/S Wickersham Way, 90 ft.
W of Greenside Drive
218 Wickersham Way
8th Election District
4th Councilmanic District
Howard E. Myers, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the front/side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners had initially filed a Petition for a Residential Variance requesting that the variance relief be granted administratively. Subsequent to said filing, a request for hearing was received by the Zoning Commissioner and this matter was, pursuant to Section 22-26(b) of the Baltimore County Code, set for hearing.

The Petitioners, by Baulah I. Myers, appeared and testified and was represented by Kathryn Turner, Esquire. Also appearing in support of the Petition was Robert Fedor, Contractor. Appearing and testifying as a Protestant was Keith Kang.

Testimony indicated that the subject property known as 218 Wickersham Way consists of .25 acres +/-, zoned D.R.5.5 and is improved with a single family two story brick dwelling.

Robert Fedor, the Petitioner's Contractor, testified that the proposed garage will match the existing dwelling in both style and materials

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Date 9/25/91
By M. Hackett

used. He indicated that there is sufficient room to adjust the location of the proposed garage to lessen the impact on the Petitioners' adjoining neighbor to the northwest along Wickersham Way. Mr. Fedor testified that, in his opinion, based on the unusual lot shape, the Petitioners would suffer an undue hardship and practical difficulty should the requested relief be denied.

Mrs. Baulah Myers testified that her husband is currently suffering from a degenerative joint disease which inhibits walking. She testified that the garage would protect their automobile from the elements and provide convenient parking.

Mr. Keith Kang, a Protestant, testified that the proposed garage was being located too close to the property line and would obstruct the view from their kitchen window. Mr. Kang had, as a preliminary matter, requested a postponement in that his father was unable to attend the hearing and personally voice his objections. The Petitioner, through counsel, agreed to keep the record of this matter open for ten days for the Protestant to submit in writing their objections to the Zoning Commissioner for consideration. Said written objections dated April 2, 1991 were received by this office and made a part of the official record.

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 relaxa-

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By M. Hackett

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PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-275-A

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, petition for a Variance from Section 400.1 To allow an accessory structure (detached garage) to be located in the front/side yard in lieu of the required rear yard.

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

physical requirements, age, most practical location for garage to provide easy access to house. Garage will remove on street parking requirements. Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, and 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 we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s):

(Type or Print Name)

Signature

* Address

* Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

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

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of Sep, 1991, that the subject matter of this petition be posted on the property on or before the 25th day of Sep, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of Sep, 1991, 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 the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of Sep, 1991, at 10:00 a.m.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

tion 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 good. However, it is clear from the testimony of the Petitioners' Contractor that the subject garage can be moved closer to the Petitioners' home and in so doing meet the concerns voiced by the Protestants.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested, if granted, will not be detrimental 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 relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of Sep, 1991 that the Petition for a Zoning Variance from Section Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the front/side yard in lieu of the required rear yard, in accordance with the

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located in the front/side yard in lieu of the required rear yard, in accordance with the Petitioner's Exhibit No.1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The side wall of the subject garage facing Petitioner's dwelling shall be located no farther than 3 feet from the side wall of said dwelling.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

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

JRH:mm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 9/25/91
By M. Hackett

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 25, 1991

Kathryn A. Turner
Attorney at Law
Levin and Gann
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 91-275-A
Myers: 218 Wickersham Way

Dear Ms. Turner:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

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

JRH:mm
encl.
cc: Peoples Counsel
Mr. and Mrs. Howard Myers
Mr. Keith Kang

ORDER RECEIVED FOR FILING
Date 9/25/91
By M. Hackett

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-275-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does personally or upon settlement will reside at: 218 Wickersham Way
Cockeysville Maryland 21030
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

BEULAH MYERS is an Elderly Woman's Home
mid 70's
Howard Myers receives medical attention for knees
located at garage would provide suitable entrance to house.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Howard E. Myers Beulah J. Myers
AFFIANT (Handwritten Signature) AFFIANT (Handwritten Signature)
Howard E. Myers Beulah J. Myers
AFFIANT (Printed Name) AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2ND day of JANUARY, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

HOWARD E. MYERS & BEULAH MYERS

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters set forth are true and correct to the best of his/her knowledge and belief.

As WITNESS my hand and Notarial Seal.

1-2-91

DATE

Bernard H. Snyder
NOTARY PUBLIC
My Commission Expires: 12-1-94

Zoning Description

REQUEST FOR ZONING VARIANCE

Beginning at a point on the North side of Wickersham Way which is 50' wide at the distance of 180' West of the centerline of the nearest improved intersecting street being Greenside Drive which is 70' wide. Being Lot #2, Block C, in the subdivision of Ramsgate A Section of Montrose as recorded in Baltimore County Plat Book O.T.G. No. 31, Folio 33, containing 11,000 sq. ft. Also known as 218 Wickersham Way Cockeysville MD 21030 and located in the 8th Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 8th Date of Posting: 1/18/91
Posted for: Howard E. Myers et al
Petitioner: Howard E. Myers et al
Location of property: 218 Wickersham Way, P.O. of Greenside Dr.
Location of Sign: Facing Wickersham Way, across Rd. Fr. road way
Remarks: on property of P.H. Myers
Posted by: Michael Date of return: 1/25/91
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 8th Date of Posting: 2/8/91
Posted for: Howard E. Myers et al
Petitioner: Howard E. Myers et al
Location of property: 218 Wickersham Way, P.O. of Greenside Dr.
Location of Sign: Facing Wickersham Way, across Rd. Fr. road way
Remarks: on property of P.H. Myers
Posted by: Michael Date of return: 2/8/91
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 8th Date of Posting: 4/4/91
Posted for: Howard E. Myers et al
Petitioner: Howard E. Myers et al
Location of property: 218 Wickersham Way, P.O. of Greenside Dr.
Location of Sign: Facing Wickersham Way, across Rd. Fr. road way
Remarks: on property of P.H. Myers
Posted by: Michael Date of return: 4/4/91
Number of Signs: 1

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 91-275-A
Petitioner(s): HOWARD MYERS
Location: 218 WICKERSHAM WAY

I/WE, KEITH KANG

(Type or Print)

(Legal Owners (or Residents, of

218 WICKERSHAM WAY

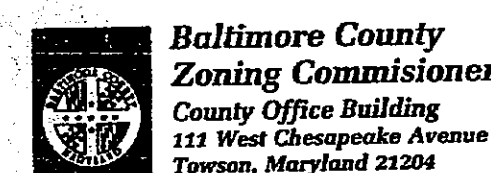
Address

COCKEYSVILLE, MD 21030 (201) 606-6000

City/State/Zip Code

which is located approximately 3 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Keith Kang 2/5/91
Signature Date



Baltimore County Zoning Commissioner

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

Account: R-001-6150

Number

91-275-A

Date

5/18/91

49100060

APPEAL FEES	QTY	PRICE
140 OF ALL OTHER ORDERS	1 X	\$125.00
150 POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$150.00

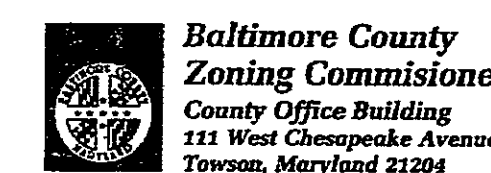
LAST NAME OF OWNER: MYERS

04A0480094MICHCRC

\$150.00

Please Make Checks Payable To: Baltimore County 04A0480094MICHCRC

Cashier Validation



Baltimore County Zoning Commissioner

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

Account: R-001-6150

Number

Date

2/04/91

49100065

ADD. USE PERMIT FEES	QTY	PRICE
610 CHALL/FED - <u>UPA</u> HEARING	1 X	\$35.00
TOTAL:		\$35.00

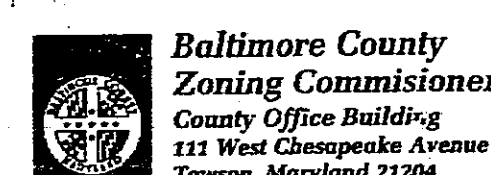
LAST NAME OF OWNER: PANA

04A0480038MICHCRC

\$35.00

Please Make Checks Payable To: Baltimore County 04A0480038MICHCRC

Cashier Validation



Baltimore County Zoning Commissioner

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

Account: R-001-6150

Number

Date

91-275

49100064

ADD. USE PERMIT FEES	QTY	PRICE
610 CHALL/FED - <u>UPA</u> HEARING	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: MYERS

04A0480038MICHCRC

\$35.00

Please Make Checks Payable To: Baltimore County 04A0480038MICHCRC

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-8-91

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 3-7-91

THE JEFFERSONIAN,

1-2-20 McLinn
Publisher

\$ 84.29

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-8-91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-7-91

TOWSON TIMES,

S. Zabe Orlman
Publisher

\$ 84.29

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 located herein at Room 111 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:00 a.m.

Case Number: 91-275-A

Petitioner(s): Howard E. Myers, et al

Location: 218 Wickersham Way, 90' W of Greenside Drive

8th Election District

4th Councilmanic

Petitioner(s): Howard E. Myers, et al

Hearing Date: March 25, 1991 at 11:00 a.m.

Statement: To allow an accessory structure (detached garage) to be located in the front side yard in lieu of the required rear yard.

J. ROBERT HAINES

Zoning Commissioner

Baltimore County

11/27/90 91019 Mar. 7.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3-12-91

Howard + Beulah MYERS
218 Wickersham Way
Cockeysville, Maryland 21030

RE:

Case Number: 91-275-A
1/3 Wickersham Way, 90' W of Greenside Drive
218 Wickersham Way
8th Election District - 4th Councilmanic
Petitioner(s): Howard E. Myers, et al
HEARING: MONDAY, MARCH 25, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 109.29 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 BE ISSUED. 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.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 21, 1991

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:

Case Number: 91-275-A
N/S Wickersham Way, 90' W of Greendale Drive
218 Wickersham Way
8th Election District - 4th Councilmanic
Petitioner(s): Howard E. Myers, et ux
HEARING: MONDAY, MARCH 25, 1991 at 11:00 a.m.

Variance to allow an accessory structure (detached garage) to be located in the front/side yard in lieu of the required rear yard.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Myers
Keith Kang

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 11, 1991

Mr. & Mrs. Howard E. Myers
218 Wickersham Way
Cockeysville, MD 21030

RE: Item No. 276, Case No. 91-275-A
Petitioner: Howard E. Myers, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Myers:

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

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
4th day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Howard E. Myers, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: January 25, 1991
Zoning Commissioner

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

SUBJECT: Albert Jones, Item No. 245
Michael Homsey, III, Item No. 246
Roy A. Mansfield, Item No. 260
Barry Mogol, Item No. 262
Pat Guzman, Item No. 271
Matthew S. Duerksen, Item No. 266
Howard E. Myers, Item No. 270

In reference to the above-mentioned cases, staff offers no comments.

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

ITEMVARI.ED/ZAC1

received
1/28/91

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 18, 1991

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

RE: Property Owner: HOWARD E. MYERS
Location: #218 WICKERSHAM
Item No.: 276 Zoning Agenda: JANUARY 22, 1991

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: *John Kelly* Noted and Approved
Fire Prevention Bureau
Special Inspection Division

JF/HEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 23, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
For January 22, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 266, 270, and 274.

For Items 268, 275, 276 and 277, the previous County Review Group Comments are still applicable.

For Item 272, the driveway location shown would require the relocation of Pole #110021. Also, an extension of the public sanitary sewer in Ellinwood Road or Hazelwood Avenue may be required to serve this property.

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

RWB:6

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

September 25, 1991

Kathryn Turner, Esquire
LEVIN & GANN
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 91-275-A
Howard E. Myers, et ux

Dear Ms. Turner:

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

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. & Mrs. Howard E. Myers
Mr. Keith Kang
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotrocco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

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

Hearing Room -
Room 301, County Office Bldg. July 10, 1991

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 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. 91-275-A HOWARD E. MYERS, ET UX
N/S Wickersham Way, 90' W of Greendale Dr. (218 Wickersham Way)
8th Election District
4th Councilmanic District
VAR-Accessory structure (detached garage) in front/side yard in lieu of rear yard.
4/26/91 -Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: TUESDAY, SEPTEMBER 17, 1991 AT 1:00 P.M.

cc: Mr. and Mrs. Howard Myers Petitioners/Appellants
Kathryn Turner, Esquire Counsel for
Petitioners/Appellants

Mr. Keith Kang

People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services Unit
J. Robert Haines
Timothy M. Kotrocco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 16, 1991

Howard and Beulah Myers
218 Wickersham Way
Cockeysville, Maryland 21030

Re: CASE NUMBER: 91-275-A
LOCATION: N/S Wickersham Way, 90' W of Greenside Drive
218 Wickersham Way

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 23, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is February 7, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post on them be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

PETITION CHECKLIST

ITEM # 270
DATE: 1-9-91

91-275-A

Before the above petition can be accepted for filing, the following items must be corrected/included:

- ☒ Section information has been typed in. Please check and return to top drawer.
- ☐ Item number must be on all papers in the file folder.
- ☐ Item number must be in ink (pencil does not copy well).
- ☐ Item number generated by computer (on receipt) is not the same as item number on material in folder and/or pink sheet.
- ☐ Section information missing on petition forms.
- ☐ Not "original" signatures on all copies of petition forms.
- ☐ Owner's name address and/or telephone number is not on petition forms.
- ☐ Need signature and/or printed name and/or title of person signing for company.
- ☐ Need an attorney.
- ☐ "Red stamp" or closing information is not on petition form.
- ☐ Following information is missing on the file folder:
 - ☐ Petitioner's name
 - ☐ Item number
 - ☐ Description
 - ☐ Actual address
 - ☐ zoning
 - ☐ acreage
 - ☐ election district
 - ☐ councilmanic district
- ☐ Need 12 plats. Only ___ in folder.
- ☐ Plats need to be folded to 8-1/2" x 11".
- ☐ There is a difference in date between date taken in and date put in drawer for agenda. Put a note in the folder explaining this.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 8, 1991

Howard and Beulah Myers
218 Wickersham Way
Cockeysville, Maryland 21030

Re: CASE NUMBER: 91-275-A
LOCATION: N/S Wickersham Way, 90' W of Greenside Drive
218 Wickersham Way

Dear Petitioners:

A formal request having been filed, this matter must be scheduled for a public hearing.

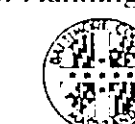
As you recall, it will now be necessary to re-post the property and run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 21, 1991

Kathryn A. Turner
Attorney at Law
Levin and Gann
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Myers Residential Variance
Case No. 91-275-A

Dear Ms. Turner:

I am in receipt of your letter dated May 3, 1991 regarding the above subject matter.

Please be advised that I will not change my Order and suggest that you take an appeal.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 28, 1991

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

RE: Petition for Zoning Variance
N/S Wickersham Way, 90 ft. W of Greenside Drive
(218 Wickersham Way)
8th Election District, 4th Councilmanic District
HOWARD E. MYERS, ET UX - Petitioner
Case No. 91-275-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 23, 1991 by Kathryn A. Turner, Attorney on behalf of the 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:cer

Enclosures

cc: Mr. & Mrs. Howard Myers, 218 Wickersham Way, Cockeysville, MD 21030

Kathryn Turner, Esquire - Levin & Gann
305 W. Chesapeake Avenue, Towson, MD 21204

Keith Kang, 216 Wickersham Way, Cockeysville, MD 21030

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

File

7/10/91 - Following parties notified of hearing set for Tuesday, September 17, 1991 at 1:00 p.m.:

Mr. and Mrs. Howard Myers
Kathryn Turner, Esquire
Mr. Keith Kang
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
3 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-530-3700
TELECOPIER 301-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0000
TELECOPIER 301-296-2801

ELIAS LEVIN (8893-1060)
CANNELL COUNTY OFFICE
1137 LIBERTY ROAD
STYKENVILLE, MD 21784

KATHRYN A. TURNER

April 1, 1991

HAND DELIVERED

J. Robert Haines, Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Residential Variance
Myers: 218 Wickersham Way
Case #91-275-A
Item #270

Dear Commissioner Haines:

My understanding from speaking with Mr. Keith Kang is that his parents' primary objection to the variance requested by the Myers is that the proposed garage will obstruct their view from their kitchen window. Further, Mr. Kang has informed me his parents do not believe that our proposal to move the garage 3-4 feet closer to the Myers' house will solve their problem.

I suggested to Mr. Kang the possibility of building the proposed garage flush with the house. Although Mr. Kang indicated that this may be a possible solution he could not speak for his parents. Since this proposal would necessitate a variance from the rear yard setback, we would like a ruling on the original variance request as amended by our proposal to move the garage 3-4 feet closer to the house as raised at the hearing.

Please call me if you have any questions.

Sincerely,

Kathryn A. Turner

KAT/ls

cc: Mr. Howard Myers
Ms. Beulah Myers
Mr. Robert Padon

LAW OFFICES
LEVIN & GANN

ELIAS LEVIN (8893-1060)
CANNELL COUNTY OFFICE
1137 LIBERTY ROAD
STYKENVILLE, MD 21784

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
3 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-530-3700
TELECOPIER 301-625-9050

May 3, 1991

HAND-DELIVERED

J. Robert Haines, Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Myers Residential Variance
Case No. 91-275-A

Dear Commissioner Haines:

I am in receipt of your April 26, 1991 decision. In the above referenced case. Restriction/condition #2 of the Order, unless modified, will impose a severe hardship on our client. Therefore, I am respectfully requesting that you modify the Order as to restriction/condition #2.

The plat submitted as Petitioner's Exhibit No. 1 shows the proposed garage located ten feet from the Myers' house. At the hearing, in an attempt to address the concerns of the Kangs, we offered to move the garage three feet closer to the house, i.e. the garage would be located seven feet rather than ten feet from the house.

Restriction/condition No. 2 requires that the proposed garage be located no farther than three feet from the house. This is an adjustment in the location of the garage far exceeding that offered and/or intended by the Petitioner.

The Petitioner is unable to construct the garage in accordance with restriction/condition No. 2 due to interference with the existing improvements. For example, the Petitioners would be unable to enter or exit the house via the existing side entrance (as they regularly do) if the garage is no farther than three feet from the house. As shown on the plat and on the enclosed photograph, there is an existing porch at the side entrance which extends five (5) feet into the front/side yard. One intent of the garage was to facilitate the Petitioners' use of this side entrance due to their age and frailties.

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 218 Wickesham Way see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Roadway
 plat book # 51, folio # 22, lot # 2, section # C

OWNER: William Myers & Brian Myers

25' #216 Wickesham Way
 25' #218 Wickesham Way
 25' #220 Wickesham Way
 25' #222 Wickesham Way
 25' #224 Wickesham Way
 25' #226 Wickesham Way
 25' #228 Wickesham Way
 25' #230 Wickesham Way
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 25' #298 Wickesham Way
 25' #300 Wickesham Way

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 1/4 Sec. 99
 1/4 Sec. 100

North
 date: 11/1/91
 prepared by: Roger Fennell Scale of Drawing: 1" = 20'

LOCATION INFORMATION

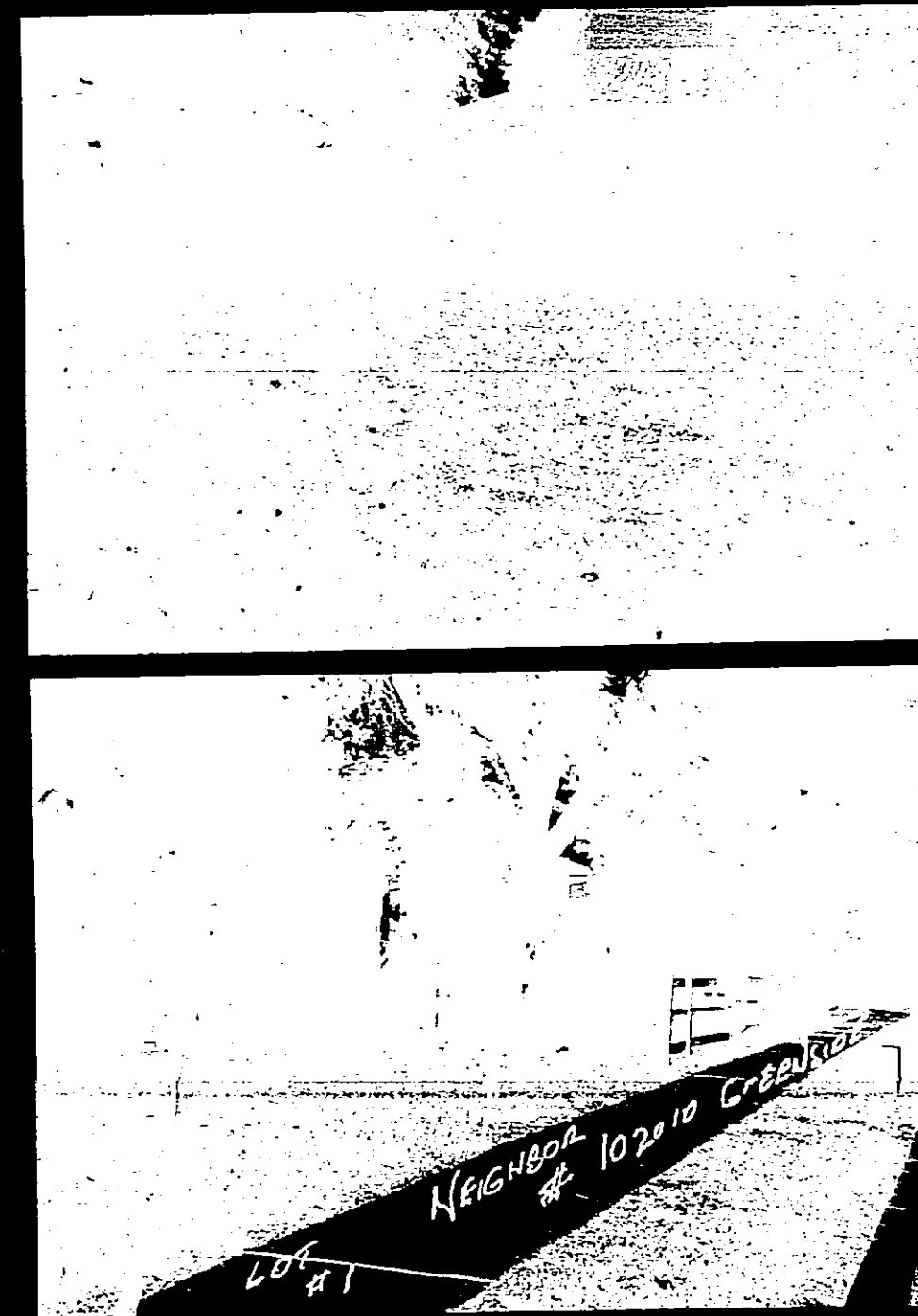
Councilmatic District: 4
 Election District: 8
 1"=200' scale map: N.W. 1/4
 Zoning: DR 5.5
 Lot size: 2.5 acre
 square feet: 11,000

SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐
 Prior Zoning Hearings: ☐

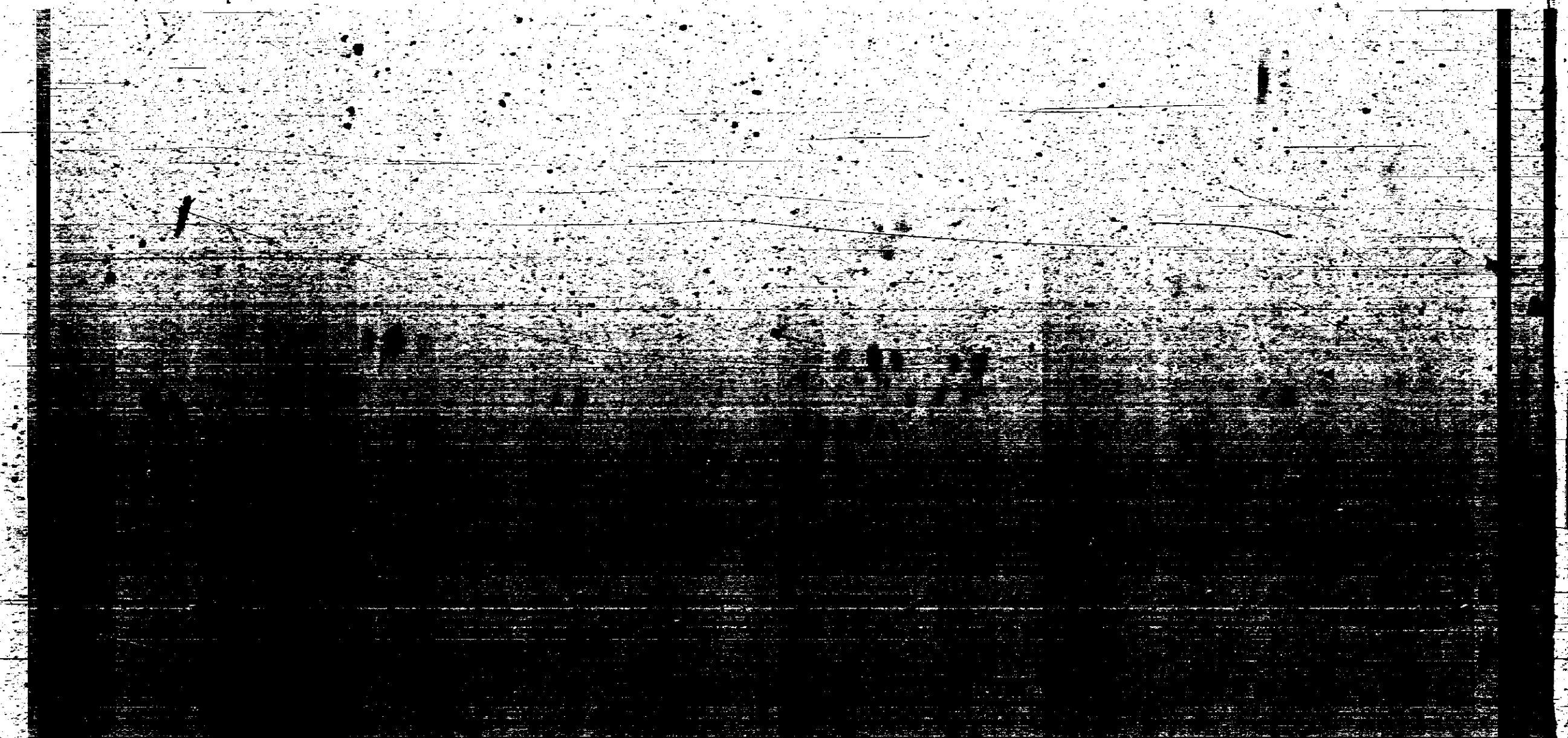
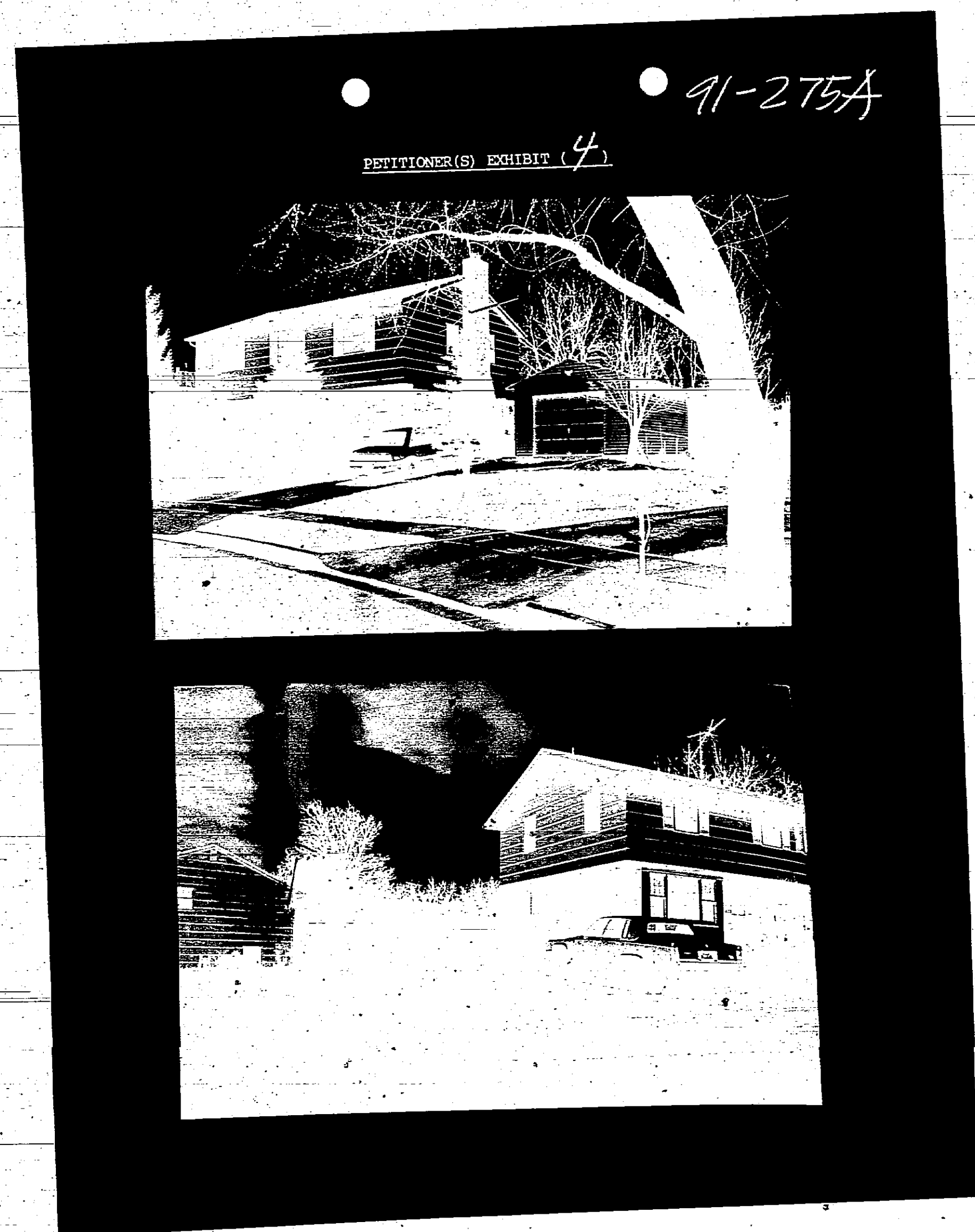
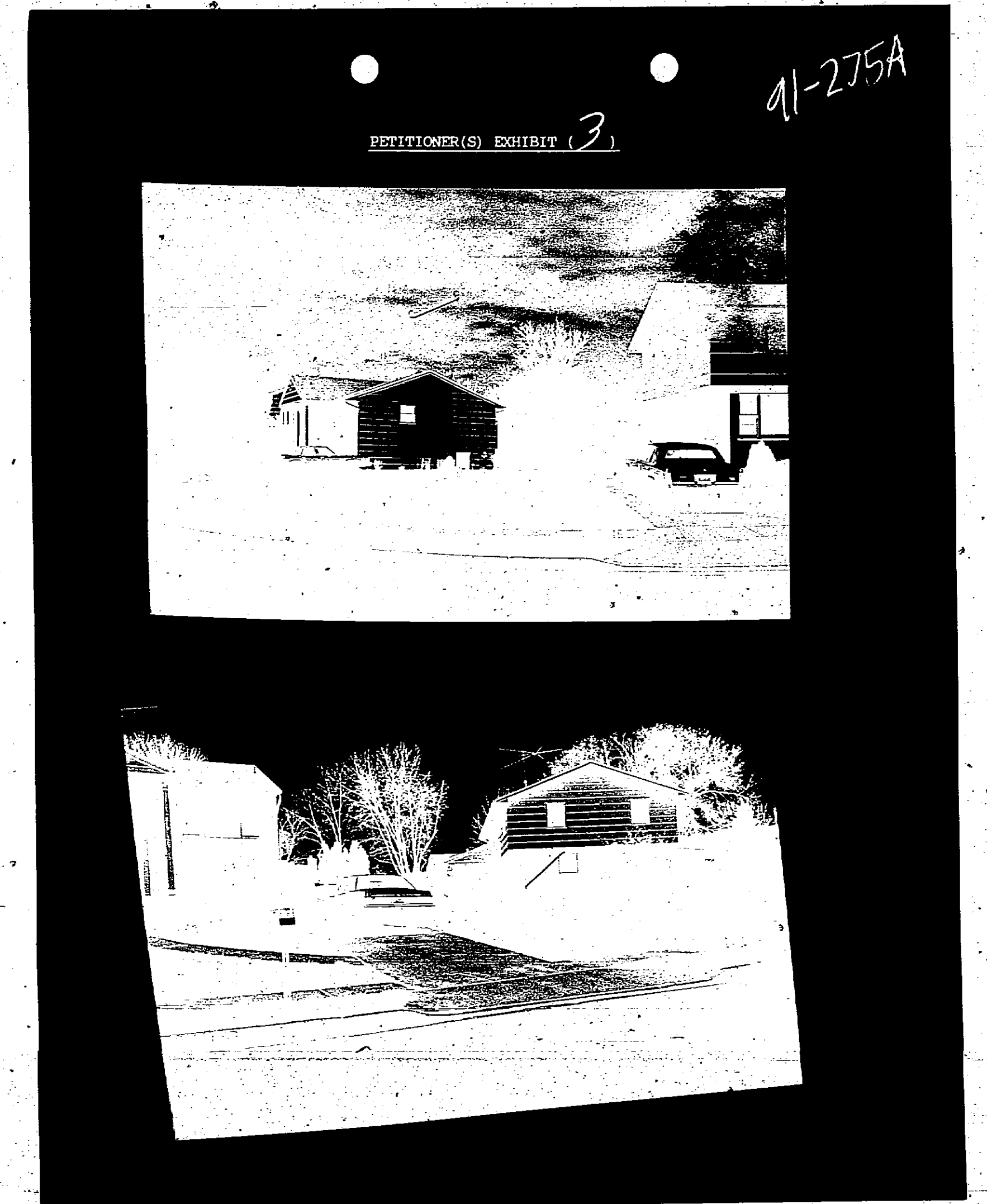
Zoning Office USE ONLY!
 reviewed by: ITEM # CASE #:
270 91-275-A

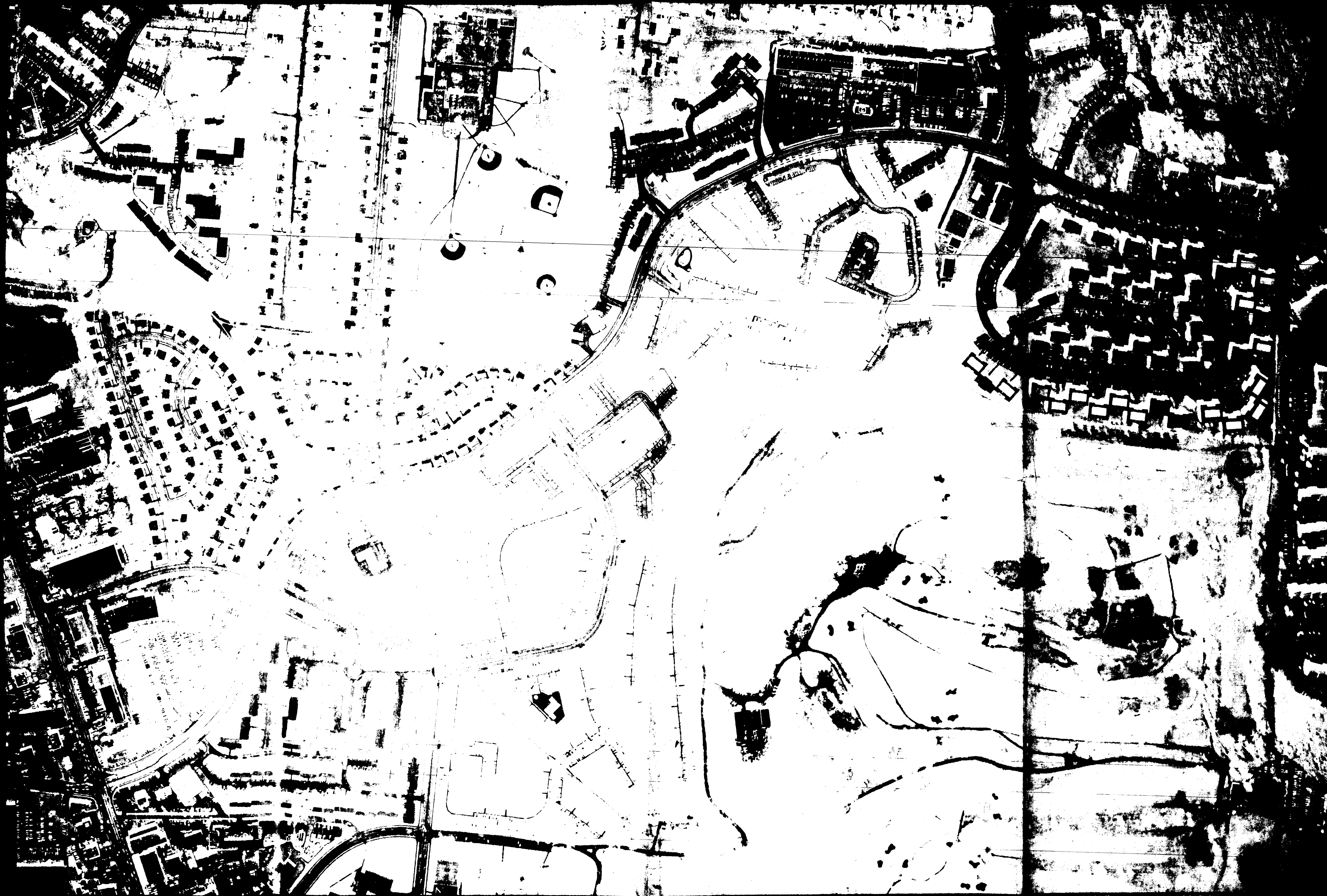
1st Exhibit
#1

CASE #: 91-275-A



PETITIONER'S EXHIBIT #





#200

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

TEXAS

91-275-A

NW
16-A