

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
 N/S Texas Avenue, 556' E of Harford Road
 (3016 Texas Avenue)
 14th Election District
 6th Councilmanic District
 Elwood L. Ulmer, et ux
 Petitioners

* ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 91-436-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed addition and deck in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. The evidence indicated Petitioners are replacing an existing enclosed divided porch addition, which is over 25 years old and in severe disrepair. Petitioners also submitted a letter of support from the immediately adjoining property owner of 3014 Texas Avenue which has been marked Petitioner's Exhibit 2. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 107.1 of the B.C.Z.R. Furthermore, strict compliance

with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1991 that the petition for Residential Variance to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed addition and deck, 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:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The addition shall contain no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:bjs

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

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning



111 West Chesapeake Avenue
 Towson, MD 21201

887-3353

June 19, 1991

Mr. & Mrs. Elwood L. Ulmer
 3016 Texas Avenue
 Baltimore, Maryland 21234

RE: PETITION FOR RESIDENTIAL VARIANCE
 N/S Texas Avenue, 556' E of Harford Road
 (3016 Texas Avenue)
 14th Election District - 6th Councilmanic District
 Elwood L. Ulmer, et ux - Petitioners
 Case No. 91-436-A

Dear Mr. & Mrs. Ulmer:

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

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

Very truly yours,

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

JRH:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
 Date 6/19/91
 By [Signature]

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
 91-436-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/so presently or upon settlement will reside at 3016
Texas Ave., Baltimore, Maryland 21234
 (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)

The present structure, over 25 years old is an enclosed divided porch. It is in severe disrepair with rotting wood and is pulling away from the house. It is being used as a pantry off of our kitchen and as a study-sitting room. It would create a real hardship to be deprived of this much space in our small house.

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

Elwood L. Ulmer
 AFFIANT (Handwritten Signature)

Emily P. Ulmer
 AFFIANT (Handwritten Signature)

Elwood L. Ulmer
 AFFIANT (Printed Name)

Emily P. Ulmer
 AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of April, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Elwood L. Ulmer

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

AS WITNESS my hand and Notarial Seal.

April 19, 1991

Richard S. Rinkel
 NOTARY PUBLIC

My Commission Expires: April, 1992

Elwood L. & Emily P. Ulmer
 3016 Texas Avenue
 Baltimore, Maryland 21234
 Phone: 668-2037 Work: 823-2940

ZONING DESCRIPTION 91-436-A

Beginning at a point on the north side of Texas Avenue, a one way street, which is 24 feet wide at the distance of 556 feet east of the centerline of the nearest improved intersecting street which is Harford Road, which is 46 feet wide. Being the easternmost 10 feet of Lot 25 and all of Lots 26 and 27 in the subdivision of Parkville Grove as recorded in Baltimore County Plat Book WPC #6, Folio # 182, containing 6000 square feet (0.14 acre) in the lot. Also known as 3016 Texas Avenue and located in the 14th Election District.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 14th Date of Posting 7/19/91
 Posted for Variance
 Petitioner: Elwood L. Ulmer, et ux
 Location of property: N/S Texas Ave, 556' E of Harford Rd
3016 Texas Ave
 Location of Sign: Landing Texas Ave, across from house
on property of Elwood Ulmer
 Remarks:
 Posted by [Signature] Date of return 7/24/91
 Number of Signs 1

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

receipt

Account: R-001-6150
 Number

Date

3.07.01	HP100424	
PUBLIC HEARINGS FEES	BY	FRISE
100 - ZONING VARIANCE (1RL)	1 X	155.00
100 - POSTING SIGNS / ADVERTISEMENTS	1 X	303.00
LAST NAME OF OWNER: ULMER	TOTAL:	458.00

Please Make Checks Payable To Baltimore County
 04A04W0110M1CHRC 660.00
 0011105AM05-07-91

Cashier Validation

PETITION FOR RESIDENTIAL VARIANCE

91-436-A

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, petition for a Variance from Section

BC-3-C-1 to permit a SIDE YARD SETBACK of

five (5) feet in lieu of the required ten (10) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty): The present structure, over 25 years, is an enclosed divided porch. It is in severe disrepair with rotting wood and pulling away from the house. We are using part of the structure as a pantry off of our kitchen and the other part as a study-sitting room. It would create a real hardship to be deprived of this much space in our small house. We are proud of our neighborhood and would like to improve the appearance of the addition to our house, which, in turn, would improve the property values in our neighborhood. 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, 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/State/Zip Code

(Type or Print Name)

Signature

Address

City/State/Zip Code

Address

Attorney's telephone number

Legal Owner(s):

(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.

Same as above

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of May, 1991, that the subject matter of this petition be posted on or before the 29th day of May, 1991.

J. Robert Haines
 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 ___ day of ___, 19___, 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 100, County Office Building in Towson, Baltimore County, on the ___ day of ___, 19___, at ___ o'clock, ___.

ORDER RECEIVED FOR FILING
 Date 6/19/91
 By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning



111 West Chesapeake Avenue
 Towson, MD 21201

May 23, 1991

887-3353

Mr. & Mrs. Elwood L. Ulmer
 3016 Texas Avenue
 Baltimore, Maryland 21234

Re: CASE NUMBER: 91-436-A
 LOCATION: N/S Texas Avenue, 556' E of Harford Road
 3016 Texas Avenue

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 May 29, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 13, 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 can then 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,

[Signature]
 R. G. Stephens
 (301) 887-3391

CASE NUMBER 91-436-A



PETITIONER'S EXHIBIT # 4

CASE NUMBER 91-436-A



PETITIONER'S EXHIBIT # 3

426

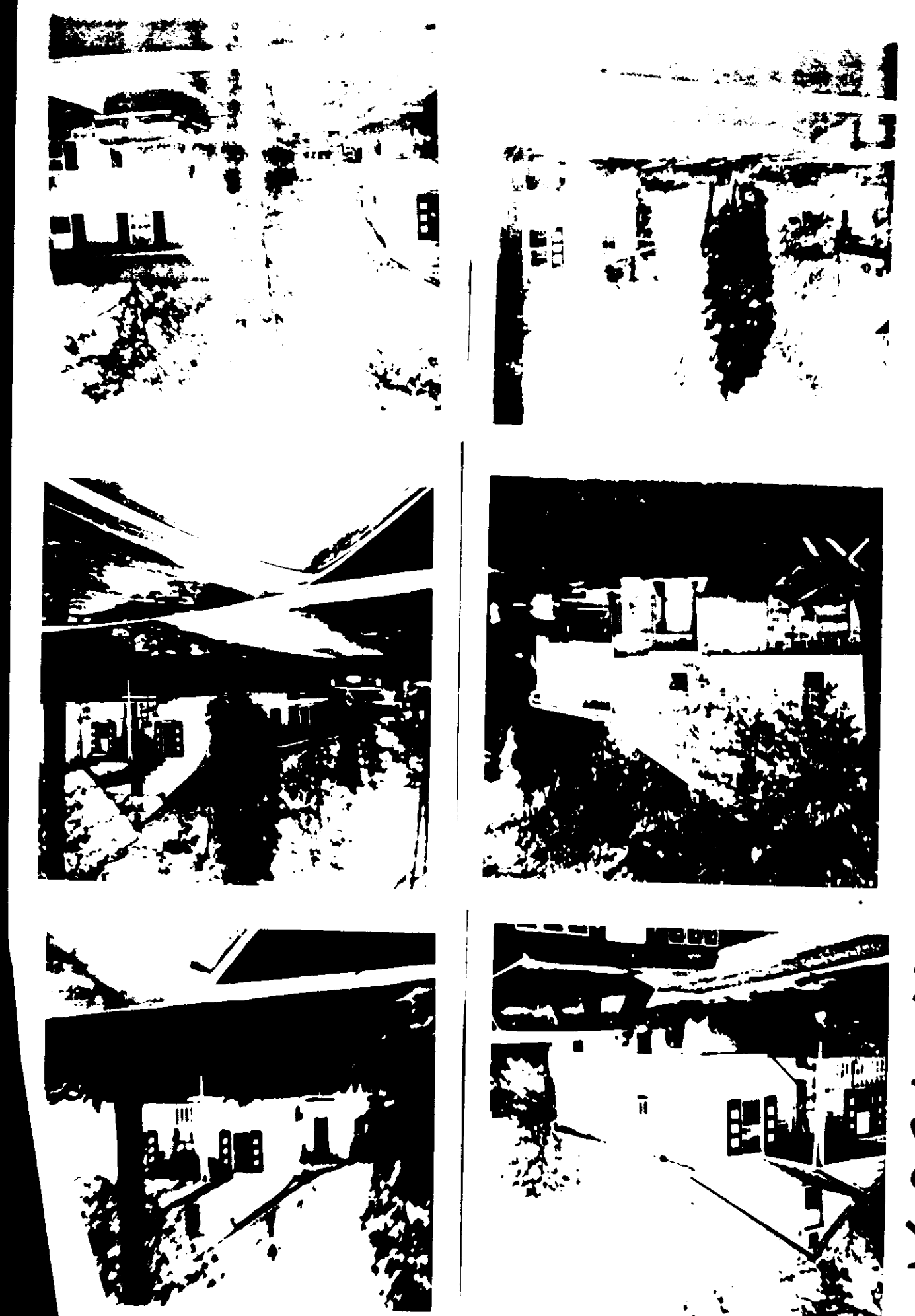
91-436-A

TO THE BOARD OF ZONING OFFICERS:

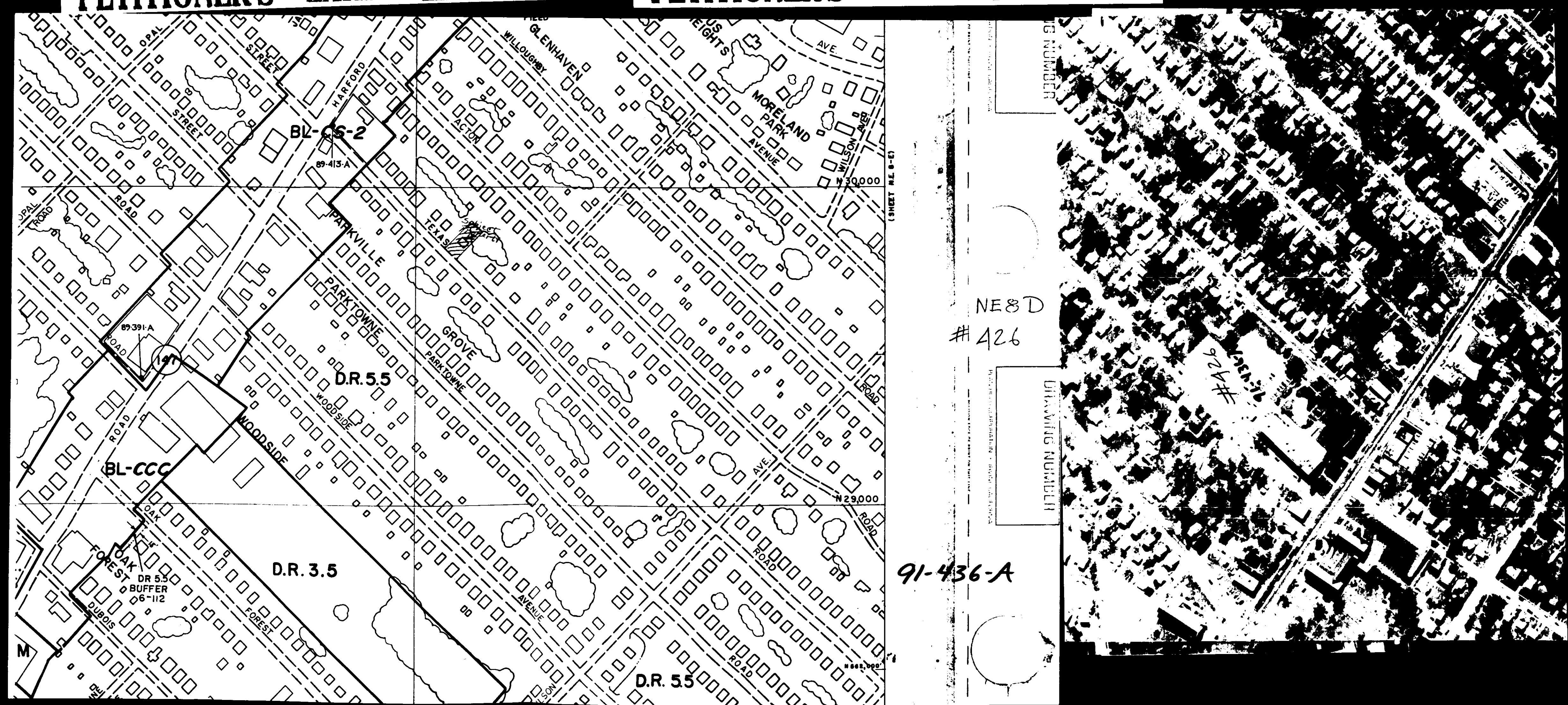
I AM THE PROPERTY OWNER OF 3014 TEXAS AVENUE.
I HAVE NO OBJECTION TO THE EXTENSION OF THE SIDE PORCH
BEING CONSTRUCTED AT 3014 TEXAS AVENUE, WHICH IS BEING
EXTENDED BY THREE (3) FEET. THE REMAINING DISTANCE BETWEEN THE
NEW PORCH AND THE PROPERTY LINE TO BE FIVE (5) FEET.

John J. Schmidt
JOHN SCHMIDT
3014 TEXAS AVENUE

*Petitioner's
Exhibit 2*



91-436-A



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 3014 Texas Ave., Baltimore, 21234 *** pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Parkville Grove

plat book # pg. 182, lot # 0025, section # 00

OWNER: Elwood L. and Emily P. Ulmer

Petitioner's Exhibit 1

91-436-A

TEXAS AVE.

North

date: _____ prepared by: _____ Scale of Drawing: 1" = 20'

LOCATION INFORMATION	
Councilmanic District:	6
Election District:	14
1"-200' scale map#:	DR 5.5
Zoning:	N.E. DB
Lot size:	0.44 6,000sq. ft.
acreage	square feet
SEWER:	<input type="checkbox"/> public <input type="checkbox"/> private
WATER:	<input type="checkbox"/> public <input type="checkbox"/> private
Chesapeake Bay Critical Area:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Prior Zoning Hearings:	None
Zoning Office USE ONLY!	
reviewed by:	ITEM #: CASE#:
<i>J.P.</i>	426

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21201

June 11, 1991

887-3353

Mr. & Mrs. Elwood L. Ulmer
3016 Texas Avenue
Baltimore, MD 21234

RE: Item No. 426, Case No. 91-436-A
Petitioner: Elwood L. Ulmer, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Ulmer:

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 21201

887-3353

Your petition has been received and accepted for filing this 9th day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Elwood L. Ulmer, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 3, 1991

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

SUBJECT: James D. Lamont, Item No. 424
Elwood L. Ulmer, Item No. 426
Thomas P. Ogle, Sr., Item No. 428
Leslie J. Polt, Item No. 430

In reference to the Petitioner's request, 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

ITEMVAR/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 21, 1991

This office has no comments for items number 424, 425, 426, 428 and 430.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department



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

(410) 887-4500

MAY 21, 1991

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

RE: Property Owner: ELWOOD L. ULMER

Location: #3016 TEXAS AVENUE

Item No.: 426 Zoning Agenda: MAY 21, 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: *Noted and Approved*
Planning Group
Special Inspection Division

Noted and Approved
Fire Prevention Bureau

JF/KEK

RECEIVED
MAY 11 1991
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 7, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 21, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 424, 425, 426, 428 and 430.

For Item 428, a County Review Group Meeting may be required.

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

RWB:s