

93-332-SPH

6302 Ebenezer Road

15th E.D.

Item 341

NE/S Ebenezer Road, 80'± SE of Stumps Road

7th C.D.

Petitioner(s): Joseph V. Eurice and Catherine E. Eurice

05/19/93

Zoning Commissioner Hearing set for this date beginning at 9:00 a.m.

05/24/93

ORDERED BY ZONING COMMISSIONER LAWRENCE E. SCHMIDT that the Petition for Special Hearing requesting approval for the continued use of two storage boxes and a collar box on the subject property, in accordance with Petitioner(s)' Exhibit No. 1, is hereby GRANTED, subject to restriction(s).

A.J.

RECEIVED
MAY 28 1993

IN RE: PETITION FOR SPECIAL HEARING
NE/S Ebenezer Road, 80' (+/-)
SE of Stemps Road
6302 Ebenezer Road
15th Election District
7th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-332-\$PH

ZADM

Joseph V. Eurice, et ux
Petitioners

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case comes before the Zoning Commissioner as a Petition for Special Hearing filed by Joseph V. and Catherine E. Eurice for that property known as 6302 Ebenezer Road, (also known as parcel 618) in the eastern section of Baltimore County. The Petitioners herein request approval for the continued use of two storage boxes and a cooler box on the subject property. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing. That plat is prepared by Frank S. Lee, Surveyor, and dated March 27, 1993.

Appearing at the public hearing held for this case was the Petitioners' attorney, Norman W. Lauenstein, Esquire. There were no Protestants, nor interested persons, present. Further, Mr. Lauenstein's clients were late in arriving at the hearing. Therefore, Mr. Lauenstein proffered their testimony and same was corroborated by Mr. Eurice, when he arrived.

Testimony and evidence indicated that the subject property is a tract of 18.5 acres and zoned R.C.2. The tract is heavily wooded and a portion is used as a farm. Testimony presented was that Mr. Eurice also owns substantial acreage nearby which is also a farm. The subject Petition is filed to legitimize an existing situation. Specifically, the plat shows that there are two storage boxes (framed sheds) in the center portion of the property adjacent to the fields which are in crop. These sheds are used to store farm equipment, fertilizer, etc. It was explained that this

material is easier stored in the storage boxes immediately adjacent to the fields then being transported on a daily basis from the barn to the fields.

Also, the plat shows a small vegetable stand from which Mr. Eurice and his wife sell produce. This stand is immediately adjacent to Ebenezer Road on the southwest side of the property. Under the Petition, the Eurices also seek permission to retain a metal cooler to the rear of the shed. It was proffered that the Petitioners store vegetables on a short term basis in this cooler.

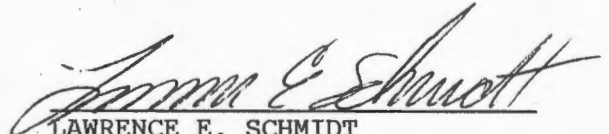
Based upon the testimony and evidence, I am persuaded that the Petition for Special Hearing should be granted. Clearly, the structures which are the subject of this Petition are incidental to the use of the property as a working farm. There is no evidence in the record that these structures are in any way detrimental to the health, safety or general welfare of the locale. Therefore, the Petition for Special Hearing should be approved.

Pursuant to the advertising, 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 of Baltimore County this 24th day of May, 1993 that the Petition for Special Hearing requesting approval for the continued use of two storage boxes and a cooler box on the subject property, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn