

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE NW/3 Gilley Terrace, 766 ft. W of Rossville Boulevard 7512 Gilley Terrace 14th Election District 6th Councilmanic District Rick Eisenacher, et ux Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-177-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Rick Eisenacher and Dori Eisenacher, his wife, for that property known as 7512 Gilley Terrace in the Rosedale section of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a maximum height of 21 ft. in lieu of the maximum permitted 15 ft. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of December, 1993 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a maximum height of 21 ft., in lieu of the permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions 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.
2. There shall be no commercial and/or business activity within the proposed accessory structure. The use thereof shall be incidental to the residential character of the property.
3. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 2, 1993

Mr. and Mrs. Rick Eisenacher
7512 Gilley Terrace
Baltimore, Maryland 21237

RE: Petition for Administrative Variance
Case No. 94-177-A
Property: 7512 Gilley Terrace

Dear Mr. and Mrs. Eisenacher:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative 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,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7512 Gilley Terr. Balto, MD 21237
which is presently zoned D.R. 35

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 400.3 (B222) To allow an accessory structure (detached garage) with a maximum height of 21 feet in lieu of the maximum permitted 15 feet.

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

1) I need to have a sizeable workshop and the only place I have to put it is on top of the garage. (Continued on other side)

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 of Baltimore County.

Contract Purchase Lease
Type of Petition Name
Signature
Address
City State Zip Code
Attorney for Petitioner
Type of Petition Name
Signature
Address
City State Zip Code

Dori Eisenacher
Rick Eisenacher
7512 Gilley Terr. H 461-8876 (DRI)
Balto. MD. 21237

A Public Hearing having been requested and/or found to be required it is ordered that the subject matter of this petition be set for a public hearing to be held on the 10th day of December, 1993 at 7:00 PM in the Zoning Hearing Room, 400 Washington Avenue, Towson, Maryland 21204.

REVIEWED BY *[Signature]* DATE 10-25-93
ESTIMATED POSTING DATE 11/15
ITEM # 178

Affidavit in support of Administrative Variance

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 that 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) do(es) presently reside at: 7512 Gilley Terr
Balto. MD 21237
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (business hearing or practical difficulty)

I AM IN NEED OF A SIZEABLE WORKSHOP AND THE ONLY SOLUTION IS TO PLACE IT ON TOP OF THE GARAGE because there are many large trees that would have to be removed (already wooded) and there is a large downspout on the back of the property that would require clearing most of the land and then extensive grading to level property.

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

Dori Eisenacher
Dori Eisenacher
Rick Eisenacher
Rick Eisenacher

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 14th day of October, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Maryland - Baltimore County

the Affiant(s) herein, personally known or satisfactorily identified to me as 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
10-14-93
Jennifer L. Schott
JENNIFER L. SCHOTT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 28, 1996

Affidavit in support of Administrative Variance

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 that 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) do(es) presently reside at: 7512 Gilley Terr
Balto MD 21237
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (business hearing or practical difficulty)

I am in need of a sizeable workshop and the only solution is to put it on top of the garage because there are many large trees that would have to be removed. There is a large downspout on the rear of the property that would require clearing most of the land and extensive grading. This is the only solution that makes sense.

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

Dori Eisenacher
Dori Eisenacher
Rick Eisenacher
Rick Eisenacher

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 17th day of November, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Dori and Rick Eisenacher

the Affiant(s) herein, personally known or satisfactorily identified to me as 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
Nov 17, 1993
Darlene A. Klamy
DARLENE A. KLAMY
NOTARY PUBLIC
My Commission Expires: July 1, 1994

ZONING DESCRIPTION

Zoning Description For 7512 Gilley Terr Balto
MD 21237 Election District 14 94-177-A
Councilman District 6
Beginning at a point on the North side of
Gilley Terrace which is 22 FEET wide at
a distance of 766 FEET WEST

OF THE NEAREST IMPROVED INTERSECTING
street ROSSVILLE BLVD which is 40 FEET WIDE
AS RECORDED IN DEED. LIBER B741, FOLIO 108
METES + BOUNDS: S 33° 54' 16" W 296.25',
N 61° 03' 01" W 298.5', N 33° 54' 16" E 231.27',
S 68° 33' 40" E 304.05' to the place of BEGINNING

Item
#178

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 14th Date of Posting 11/12/93
Posted for: Variances
Petitioner: Dori & Rick Eisenacher
Location of property: 7512 Gilley Terrace, Balto, MD 21237
Location of Signs: Front, rear, and side of property
Remarks:
Posted by: Matthew Date of return: 11/12/93
Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
212 Washington Avenue
Towson, Maryland 21204

Date 10-25-93

Rick Eisenacher
7512 Gilley Terr. (21237)

#010 - Residential Var. (1200H) \$50.00
#080 - Sign & posting 35.00
Total \$85.00

01/02/2007 14:14:46
PA 001122010 25 93
185.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 19, 1993

Mr. and Mrs. Eisenacher
7512 Gilley Terrace
Baltimore, Maryland 21237

RE: Case No. 94-177-A, Item No. 178
Petitioner: Rick Eisenacher, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Eisenacher:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 October 25, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

11-5 83

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 94-178 (JJS)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
DAVID M. SMITH, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: November 5, 1993

SUBJECT: Eisenacher Property

INFORMATION:

Item Number: 178

Petitioner: Eisenacher Property

Property Size: _____

Zoning: D.R. 3.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends the following condition be attached.

The Petitioner shall not convert the accessory structure to a second dwelling unit and/or apartment.

Prepared by: _____

Division Chief: _____

PK/JL:lw

ZAC: JJS/PSONE/ZAC

Pg. 1

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 10, 1993

(410) 887-3610

MEETING OF NOVEMBER 6, 1993

Property Owner: Dori Eisenacher and Rick Eisenacher
Location: #7512 Gilley Terrace
Item No.: #178 (JJS)

Property Owner: Harry H. Stierhoff, Jr. & Melanie K. Stierhoff
Location: #305 Lenora Avenue
Item No.: #179 (RT)

Property Owner: Perry Hall Courts II Joint Venture
Location: #6 Meadowbank Court
Item No.: 180 (RT)

Property Owner: Regent Development Company
Location: #1600 York Road
Item No.: #182 (JLS)

Property Owner: Rolling Road Plaza, Inc.
Location: #1100 North Rolling Road
Item No.: #183 (JCM)

Property Owner: Frederic W. Shaffer & Cynthia A. Shaffer
Location: #1218 Second Road
Item No.: #184 (JLL)

Property Owner: Martin Thalia Resnick & Thalia D. Pecnick
Location: #1111 Verdant Road
Item No.: #185 (JJS)

Property Owner: Kathleen Ruth Hughes & Richard H. Hughes
Location: #9212 Harford Road
Item No.: #186 (JLL)

Property Owner: Garrison Forest Associates, L.P.
Location: #10300 Reisterstown Rd. Garrison Forest Plaza
Item No.: #187 (WCR)

Property Owner: Eric H. Wilderson & Kathleen Wilderson
Location: #2276 Monocacy Road
Item No.: #188 (RT)

Property Owner: Joseph E. Buchanan, II
Location: Proposed #9712 A & B Magledt Road
Item No.: #189 (JJS)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 5, 1993

(410) 887-3353

Dori Eisenacher and Rick Eisenacher
7512 Gilley Terrace
Baltimore, Maryland 21237

Re: CASE NUMBER: 94-177-A
ITEM NUMBER: 178
LOCATION: 7512 Gilley Terrace

Dear Mr. & Mrs. Eisenacher:

Pursuant to review by Mr. Richards and/or his staff, the above matter has been incompletely rendered. Notwithstanding, it was processed through the system; enclosed you will find either a "Notice of Hearing" or "Notice of Case Number Assignment".

Be advised that the closing/hearing date, as indicated on the enclosed "Notice", will stand only if proper documentation is received within two weeks of the date of this letter. Alternatively, this case will be moved four to five weeks further out. To avoid such a delay, you must provide the following:

The Notary Section of your petition is incomplete, in that parties' names are not notarized. Please submit new affidavits.

Arnold Jablon
DIRECTOR
AJ:ggg

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 5, 1993

(410) 887-3353

Dori Eisenacher and Rick Eisenacher
7512 Gilley Terrace
Baltimore, Maryland 21237

Re: CASE NUMBER: 94-177-A
ITEM NUMBER: 178
LOCATION: 7512 Gilley Terrace

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The Notary Section of your petition is incomplete, in that parties' names are not notarized. Please submit new affidavits.

Arnold Jablon
DIRECTOR
AJ:ggg

note to file
I called
Petitioner &
confirmed that
this is a
home workshop,
no commercial
use of property
proposed or
contemplated
TSS
12/1/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 5, 1993

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Dori Eisenacher and Rick Eisenacher
7512 Gilley Terrace
Baltimore, Maryland 21237

Re: CASE NUMBER: 94-177-A (Item 178)
7512 Gilley Terrace
M/S Gilley Terrace, 766' W of Brannville Boulevard
14th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 14, 1993. The closing date (November 25, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
DIRECTOR



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200' ±	ROSSVILLE	NE.
DATE OF PHOTOGRAPHY JANUARY 1986	VICINITY	6-F