

IN THE MATTER OF THE APPLICATION OF RICHARD M. GOLABIESKI FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NORTH SIDE OF ESSEX AVENUE, 285 EAST OF C/O OF CHERLYN ROAD (810-8 ESSEX AVENUE) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner in which the special hearing and variances were granted with some restrictions. At the onset of the hearing, Mr. Golabieski, the Appellant/Petitioner, made a special note that his appeal was only to the order requiring that the four trailers in question be removed within 90 days. The Board will note that there was no one at all present for the hearing except the Appellant/Petitioner.

Mr. Golabieski stated to the Board that he now has the proper zoning on the property that would permit the four storage containers in question to remain. The Board will amend the plan to delete the words "to be removed" from the four storage containers in question so shown on the plan. Mr. Golabieski further testified that at some time in the future he proposes a 12,000 sq. ft. storage building, and that he would be agreeable to removing all the trailers once he receives an occupancy permit for the proposed storage building. He further testified as to the screening that was already in place, and that it was his intention to install the additional screening. He made a special note that there were absolutely no protestations from any of the neighbors adjoining the site.

In open deliberation, the Board agreed to allow Mr. Golabieski to keep the four storage containers in question for a limited period of time and will so order.

Case No. 94-296-SPMA Richard M. Golabieski - Petitioner 2

ORDER

IT IS THEREFORE this 1st day of September, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing be and is hereby GRANTED subject to the following restrictions:

- 1) The four storage containers (originally marked on Petitioner's Plan "to be removed"), which were the subject of this hearing, shall be permitted to remain for a period of 5 years or until an occupancy permit has been granted for the proposed storage building, whichever is shorter.
- 2) If at the termination of the 5-year limitation on these four storage containers an occupancy permit has not been obtained, Appellant/Petitioner must petition Baltimore County for an extension of the time limit for the four storage containers which were the subject of this hearing.
- 3) The four storage containers marked "to remain" on Petitioner's Plan (marked Petitioner's Exhibit No. 1) shall be permitted to remain on the site until such time as the proposed building is completed.
- 4) No more than eight trailers, as shown on the plan, shall be permitted on this site.
- 5) Prior to the issuance of any use permits, the Petitioner shall submit a Landscape Plan for review and approval by the Baltimore County Landscape Architect; and
- 6) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-301 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William V. Hackett, Chairman
Mary E. Buchhalter, Jr.
Jason N. Lipowitz



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 687-3180

September 1, 1994

Mr. Richard M. Golabieski, Jr.
810 North Essex Avenue
Baltimore, MD 21221

RE: Case No. 94-296-SPMA
Richard M. Golabieski - Petitioner

Dear Mr. Golabieski:

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.

Very truly yours,

William V. Hackett
Chairman

encl.

cc: People's Counsel for Baltimore County

Pat Keller
Lawrence E. Schmidt
Timothy M. Lotzko
W. Carl Richards, Jr., /FADM
Docket Clerk /FADM
Arnold Jablon, Director /FADM

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - N/S of Essex Ave. 285' E of the C/O Cheryl Road (810-8 Essex Avenue) 15th Election District 7th Councilmanic District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 810-8 Essex Avenue, located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owner of the property, Richard M. Golabieski, Jr., through his attorney, John B. Gontum, Esquire. The Petitioner seeks a special hearing to approve existing storage containers on the property, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 255.2 to permit a front yard setback of 59 feet in lieu of the required 75 feet; from Section 409.B.A.2 to permit a stone paving in lieu of the required durable and dustless surface; and from Section 409.B.A.6 to permit an unstriped parking area in lieu of the required striped parking spaces. The subject property and relief requested are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Richard Golabieski, Jr., property owner, and his attorney, John B. Gontum, Esquire. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of a gross area of 2.3631 acres, split zoned D.R. 5.5 and M.U., and is the site of a Contractor's Storage and Equipment Maintenance yard.

in accordance with Petitioner's Exhibit 1, and as such, the Petition for Special Hearing, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 255.2 to permit a front yard setback of 59 feet in lieu of the required 75 feet; from Section 409.B.A.2 to permit a stone paving in lieu of the required durable and dustless surface; and from Section 409.B.A.6 to permit an unstriped parking area in lieu of the required striped parking spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner 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 relief granted herein shall be rescinded.
- 2) The special hearing relief granted herein is limited to the four (4) storage containers marked on Petitioner's Exhibit 1, which shall be permitted to remain on the site until such time as the proposed building is completed. However, the four (4) containers shall be removed immediately upon completion of said building. The other four (4) containers which are to be removed shall be removed within ninety (90) days of the date of this Order and/or prior to the issuance of any building permits.
- 3) Prior to the issuance of any use permits, the Petitioner shall submit a Landscape Plan for review and approval by the Baltimore County Landscape Architect.
- 4) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

This property was the subject of prior Case No. 76-245-V in which the Petitioner was granted a nonconforming use of the property as a Contractor's Storage and Equipment Yard on March 28, 1978 by the Board of Appeals. The Petitioner is desirous of constructing a one-story building of 12,000 sq. ft. to provide inside storage space for his construction equipment. Mr. Golabieski testified that the proposed building would not only be an improvement to the site but would protect expensive construction equipment from the elements. Due to the size of the lot and its location immediately adjacent to a residential community, the relief requested is necessary in order to develop the site as proposed. Access to the property is by way of a narrow driveway which is approximately 20 feet wide and extends approximately 460 feet to the property. It is significant to note that the Petitioner's family owned much of the property which surrounds the site and over the years, they subdivided the property for residential uses.

As to the relief requested for a variance to front yard setback requirements, this is an internal variance in that the front property line from which it is measured is leased by the Petitioner and will therefore not affect any other property. If the variance were denied, the Petitioner could not proceed with the proposed improvements. The other variances are necessary for the internal parking layout and the surface of the lot. The Petitioner indicated that the requested variances were necessary in that the heavy machinery he stores on the site would destroy a macadam paved parking lot, thus, a crusher run or stone paved parking lot seems appropriate in terms of the intended use of the site. However, in response to the Department of Public Works' comments dated February 15, 1994, the Petitioner agreed to pave the driveway entrance to the site.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. As noted herein, the subject property has been used as a contractor's equipment storage yard for many years. As to the storage containers, Petitioner's Exhibit 1 indicates that there are currently eight (8) trailers on the site, four of which are to be removed. The Petitioner indicated that he would like to retain the other four (4) trailers for storage space until such time as construction of the building has been completed. It does not appear that the granting of this relief will be detrimental to the health, safety or general welfare of the surrounding community, and thus, the Petition for Special Hearing shall be granted to permit four (4) containers to remain on the property until such time as construction of the new building is completed. However, as a condition of this relief, the Petitioner shall remove the other four (4) containers within ninety (90) days of the date of this Order. 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 relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *Wilson v. Baker*, 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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances were not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance relief sought shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of March, 1994 that the Petitioner shall be permitted to retain four (4) storage containers on the subject property.

ORDER RECEIVED FOR FILING
Date 9/1/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/1/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/1/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/1/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
401 Washington Avenue
Towson, MD 21204
March 14, 1994 (410) 887-4386

John B. Gontruh, Esquire
Bonsack, Gontruh & Hennegan
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
94-296-SPHA
75' of Essex Avenue, 205' E of the a/c Chelvey Road
(1010 N. Essex Avenue)
15th Election District - 7th Councilmanic District
Richard M. Golobiewski, Jr., Petitioner
Case No. 94-296-SPHA

Dear Mr. Gontruh:
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing and Variance have 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 the Zoning Administration and Development Management Office at 887-1391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

cc: Mr. Richard M. Golobiewski, Jr.

817 N. Essex Avenue, Baltimore, Md. 21221

People's Counsel

Petition for Special Hearing

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 Special Hearing under Section 505.2 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve...

Property is to be posted and advertised as prescribed by Zoning Regulations

I, we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and... 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.

Owner: Purchaser/Lessor:

Legal Owner(s):

Richard M. Golobiewski, Jr.

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

John B. Gontruh, Esquire

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contact person or representative to be contacted

Address

City and State

Attorney's Telephone No.: 655-9224

Address

Phone No.

Estimated Length of Hearing: 1/2 hour

Available for Hearing: ALL

Notified by: 7/10/94

Revised by: DATE

ORDER RECEIVED FOR FILING

By: 7/10/94

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By: 7/10/94

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CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 15TH Date of Posting: 7/10/94

Posted by: Richard M. Golobiewski, Jr.

Petitioner: Richard M. Golobiewski, Jr.

Location of property: 817 N. Essex Ave. 15th Election District

Location of Sign: 817 N. Essex Ave. 15th Election District

Remarks:

Posted by: Richard M. Golobiewski, Jr.

Date of return: 7/10/94

Number of Signs: 2

By: 7/10/94

Date: 7/10/94

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Date: 7/10/94

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/14/94

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 7/10/94.

THE JEFFERSONIAN

LEGAL AD - TOWSON

By: 7/10/94

Date: 7/10/94

By: 7/10/94

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 810 N. Essex Ave.

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management

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 the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve...

Property is to be posted and advertised as prescribed by Zoning Regulations

I, we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and... 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.

Owner: Purchaser/Lessor:

Legal Owner(s):

Richard M. Golobiewski, Jr.

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

John B. Gontruh, Esquire

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contact person or representative to be contacted

Address

City and State

Attorney's Telephone No.: 655-9224

Address

Phone No.

Estimated Length of Hearing: 1/2 hour

Available for Hearing: ALL

Notified by: 7/10/94

Revised by: DATE

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VARIANCES REQUESTED

On lot #2:

From:

Section 255.2 to permit a front yard setback of 59' in lieu of the required 75';

Section 409.8A.2 to permit stone paving in lieu of a durable and dust free surface;

Section 409.8A.6 to allow an unstriped area in lieu of required striping.

REASONS CITED:

Use has existed on site for many years as non-conforming. Zoning granted on site allows some construction without variance but requested zoning allows for placement indoors of substantial amount of equipment and improvement of site. The petitioner's family is the owner of the nearest property on front of site. Paving not suitable for equipment used.

Use has existed on site for many years as non-conforming. Zoning granted on site allows some construction without variance but requested zoning allows for placement indoors of substantial amount of equipment and improvement of site. The petitioner's family is the owner of the nearest property on front of site. Paving not suitable for equipment used.

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Use has existed on site for many years as non-conforming. Zoning granted on site allows some construction without variance but requested zoning allows for placement indoors of substantial amount of equipment and improvement of site. The petitioner

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 867-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No: 6977
Petitioner: Richard Golobinski, Jr.
Location: 810 N. Essex Avenue
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Richard Golobinski, Jr.
ADDRESS: 810 N. Essex Ave.
Baltimore, MD 21204
PHONE NUMBER: 677-2663

AJ:sgs (Revised 04/09/93)

File Number: 297
Planner: ASL
Date Filed: 1/26/94
94-296 SPHA

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was accepted for filing. A copy of this "flag" will be placed in the case file for the agenda by Sophia. A copy of this "flag" will be placed in the case file for the agenda by Sophia. A copy of this "flag" will be placed in the case file for the agenda by Sophia.

Need an attorney

The following information is missing:
Description, including accurate beginning point
Actual address of property
Zoning
Acreage
Plat (need 12, only submitted)
200 scale zoning map with property outlined
Election district
Comprehensive district
MDC section information and/or wording
Hardship/practical difficulty information
Owner's signature (need minimum 1 original signature) and/or
printed name and/or address and/or telephone number
Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Signature (need minimum 1 original signature) and/or
printed name and/or title of person signing for legal owner/contract purchaser
Power of attorney or authorization for person signing for legal owner and/or contract purchaser
Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Notary Public's section is incomplete and/or incorrect and/or commission has expired
and/or commission has expired

PET-FLAG (TEXTBOOK)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 867-3353

NOTICE OF HEARING

The Zoning Commission 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 109 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 on February 23, 1994 at 10:00 A.M. at the following address:

Case Number: 94-296-SPHA (Item 297)
Site Name: 810 N. Essex Avenue
Petitioner: Richard A. Golobinski, Jr.
Petitioner's Address: 810 N. Essex Avenue
Petitioner's Phone: (410) 677-2663
Hearing: Public, March 2, 1994 at 11 A.M., Rm. 109, City Office Building.

Special hearing to approve zoning change for the site plan. Petition to amend a final plat of subdivision of 10 lots in line of the proposed 75 feet, to permit a stone parking in line of a driveway and front lawn surface; and to allow an unimproved area in line of the proposed driveway.

Arnold Jablon, Director
Richard A. Golobinski, Jr.
John S. Gentry, Jr.

NOTE: (1) APPROVE DATE & TIME MUST BE APPROVED BY THE BOARD, 111 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204. (2) BOARD MEETING INFORMATION, NO PUBLIC COMMENTARY PERMITTED. (3) FOR INFORMATION CONCERNING THE FILING OF A PETITION, CONTACT THE OFFICE AT 867-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 867-3353

NOTICE OF HEARING

The Zoning Commission 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 109 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 on February 23, 1994 at 10:00 A.M. at the following address:

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Special hearing to approve zoning change for the site plan. Petition to amend a final plat of subdivision of 10 lots in line of the proposed 75 feet, to permit a stone parking in line of a driveway and front lawn surface; and to allow an unimproved area in line of the proposed driveway.

Arnold Jablon, Director
Richard A. Golobinski, Jr.
John S. Gentry, Jr.

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
DATE: February 16, 1994
FROM: Paul M. Belling, Chief
Development Engineering Section
RE: Zoning Advisory Committee Meeting
for February 14, 1994
Item No. 297

The Development Engineering Section has reviewed the subject zoning item. See CPO #30106 (810 North Essex Avenue). The plan was approved on April 22, 1992 and the final variance dated January 14, 1992 was approved. The plan is in compliance with the provisions of the Zoning Ordinance, which allow for a two-story concrete parking entrance and driveway.

The site is subject to all landscape requirements from all previous development reviews and zoning hearings. A landscape plan must be submitted to and approved by the Department of Public Works prior to release of the permits.

BMB

Maryland Department of Transportation
State Highway Administration

O. James Lightner
Secretary
Hal Kassoff
Administrator

2-7-94

Re: Baltimore County
Item No. 297 (JSS)

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

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
for DAVID H. RAYSEY, ACTING CHIEF
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Paul Minton, Deputy Director
Office of Planning and Zoning

DATE: February 15, 1994

SUBJECT: 810 N. Essex Avenue

REVISION:

Item Number: 297

Petitioner: Richard A. Golobinski, Jr.

Property Size:

Setback: D.B. 5.5 S.M.

Requested Action:

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comments:

1. Because the site is surrounded on three sides by residential uses, a driveway and front lawn surface is desirable. Therefore, staff does not support a variance to this request.
2. Landscaping acceptable to the County's landscape plan should be provided to adequately screen and buffer the proposed use from adjacent uses. A landscape plan should be submitted and approved prior to the issuance of any building permits.

Prepared by: [Signature]
Division Chief: [Signature]
PK/2/15

52C.297/TEXTBOOK/52C1

Baltimore County Government
Fire Department

700 East Joyce Road Suite 901
Towson, MD 21206-5000
(410) 867-4500

DATE: 02/03/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-11003

RE: Property Owner: RICHARD M. GOLOBINSKI, JR.
LOCATION: 810 NORTH ESSEX AVE.
Item No. 297
Zoning Agenda: SPECIAL HEARING

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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

THE STONE PAVING MUST BE CAPABLE OF SUPPORTING EMERGENCY APPARATUS WEIGHING 50,000 LBS OR TWO AXLES.

RECEIVED
FEB 9 1994
ZADM

REVISOR: LT. ROBERT P. SAUERHAARD
Fire Prevention, PHONE 867-4691, MD-11027

cc: File

76



111 West Chesapeake Avenue
Towson, MD 21204

April 18, 1994

(410) 887-3353

Mr. Richard Golabieski, Jr.
810 North Essex Avenue
Baltimore, Maryland 21221

RE: Petitions for Variance and Special Hearing
(Special Hearing ONLY Portion Only) 9/0/94... 1474
N/S of Essex Avenue - 285' E of the c/l Cheryl Road
(810-N Essex Avenue)
15th Election District
7th Councilmanic District
Richard M. Golabieski - Petitioner
Case No. 94-296-SFHA

Dear Mr. Golabieski:

Please be advised that an appeal of the above-referenced case was
filed in this office on April 18, 1994. All materials relative to the
case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not
hesitate to contact Charlotte Jablon at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

Attest:

cc: People's Counsel

APPEAL

Petitions for Variance and Special Hearing
(SPECIAL HEARING PORTION ONLY)
N/S of Essex Avenue - 285' E of the c/l Cheryl Road
(810-N Essex Avenue)
15th Election District - 7th Councilmanic District
RICHARD M. GOLABIESKI - PETITIONER
Case No. 94-296-SFHA

Petitions for Variance and Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner's Exhibits: 1 - Plan to Accompany Zoning Special
Hearing and Variance

County Board of Appeals Opinion - Case No. 76-245-V (C-76-483)

Zoning Commissioner's Order Dated March 14, 1994 (Granted)

Notice of Appeal received on April 13, 1994 from Richard Golabieski, Jr.

cc: Richard Golabieski, Jr., 810 North Essex Avenue, Balto., MD 21221

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

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Docket Clerk
Arnold Jablon, Director of ZAM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 1, 1995

Richard Golabieski, Jr.
810 North Essex Avenue
Baltimore, MD 21221

RE: Case No. 94-296-SFHA
RICHARD M. GOLABIESKI
15th District

Dear Mr. Golabieski:

As no further appeals have been taken regarding the subject
matter, we have closed the file and returned same to the Office of
Zoning Administration and Development Management, along with any
exhibits entered in this matter. The Zoning Office maintains the
permanent file.

Anyone interested in either the file or the exhibits is
advised to contact Owen Stephens in Zoning Administration at 887-
3391 immediately upon receipt of this letter. By copy of this
letter, all parties of record that may have an interest in this
file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: People's Counsel for Baltimore County

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Richard M. Golabieski - Petitioner
Case No. 94-296-SFHA
DATE: August 11, 1994 / at conclusion of hearing
BOARD / PANEL: William T. Hackett (WTH)
Harry E. Buchheiser, Jr. (HEB)
Judson R. Lipovits (JRL)
SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Present at the deliberation was Richard M. Golabieski,
Appellant / Petitioner.

PURPOSE --to deliberate issues and matter of petition for
special hearing as appealed by Petitioner and presented to the
Board; testimony and evidence taken at hearing this date.
Written Opinion and order to be issued by the Board.

Opening comments by Chairman Hackett as to case name and number,
and issues to be deliberated in this matter.

WTH: Has reviewed this matter; will permit him to keep the trailers
for 5 years for a total of eight trailers; at the end of the
fourth year, if he has not gotten started on the building, he
will have to apply through Mr. Schmidt for an extension --
would hazard guess that it would be granted; but for now, will
have eight trailers for 5 years; eight is maximum number; no
new trailers can be added.

JRL: Agrees with Chairman; no further comments to offer.

HEB: No additional comment; agrees with other two Board members.

Closing statement by Chairman Hackett: Board will issue written
Opinion and Order; will alleviate problems with removal of
trailers.

Note: appellate period runs from date of written Opinion and Order
and not from today's date.

Respectfully submitted,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

6/24/94 - Notice of Assignment for hearing scheduled for Thursday, August
11, 1994 at 10:00 a.m. sent to following:

Mr. Richard Golabieski, Jr.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZAM
Docket Clerk /ZAM
Arnold Jablon, Director /ZAM

8/11/94 - Hearing concluding matter deliberation by Board immediately following
conclusion of hearing; Petitioner's request to be granted w/restrictions; written
Order and Opinion to be issued. R.M.L.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 49
Old Courthouse, 400 Washington Avenue June 24, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASON. 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. 58-79.

CASE NO. 94-296-SFHA

RICHARD M. GOLABIESKI - Petitioner
N/S of Essex Ave., - 285' E of the c/l of
Cheryl Road (810-N Essex Avenue)
15th Election District
7th Councilmanic District

SFHA - To approve existing storage containers;
VAR - front yard setback; stone paving;
unstriped parking area.

1/16/94 - E.C.'s Order in which Petitions for
Special Hearing and Variances were GRANTED
with restrictions.

Appeal taken from special hearing portion only.

ASSIGNED FOR: THURSDAY, AUGUST 11, 1994 at 10:00 a.m.

cc: Mr. Richard Golabieski, Jr. Appellant / Petitioner

People's Counsel for Balto. County

Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZAM
Docket Clerk /ZAM
Arnold Jablon, Director /ZAM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

APRIL 13, 1994

TO WHOM IT MAY CONCERN
County Board of Appeals.

I would like to appeal case #
94-296-SFHA. I am in total agreement
with the setback's and the stone
paving. However I would like to
talk to the Commissioner about
the storage trailer's. I would like
my hearing fee's only to reflect
the trailers. (SFH Annex only)

THANK YOU

Richard Golabieski, Jr.
Richard Golabieski, Jr.

ANY QUESTION'S PLEASE CALL

None 687-7663
Area # 712-8974



RE: ALLEGED ZONING VIOLATION : BEFORE
on property located at : COUNTY BOARD OF APPEALS
810 Essex Avenue :
15th District : OF
Richard Golabieski : BALTIMORE COUNTY
Defendant - Appellant : No. 76-245-V (C-76-483)

OPINION

This case comes before the Board of Appeals on appeal of Richard Golabieski from an Order of the Deputy Zoning Commissioner, dated May 27, 1976, finding a zoning violation to exist, namely, contractor's storage yard, trailer, junk, etc.

The subject property is located at 810 Essex Avenue, in the 15th Election District of Baltimore County, and contains approximately 4.5 acres.

It was stipulated by the Defendant through counsel that a contractor's storage yard does exist on the subject property, and the existing zoning is D.R. 5.5, the Defendant's contention being that said storage yard is a legal nonconforming use.

The Defendant and five other witnesses from the neighborhood, some of them immediately adjacent to the subject property, produced overwhelming and uncontradicted testimony that the contractor's storage yard did, in fact, exist at the subject property long before the option of the Baltimore County Zoning Regulations.

The County's witnesses consisted of Gary Freund, zoning inspector, who indicated to the Board that the junk and debris part of the violation has been rected, and that other than the issue of nonconforming use, the only other matters are the location of two containers which the Defendant wishes to use in place of the two trailers which are being used by the contractor's storage equipment. The trailers which Mr. Golabieski sought to replace with the new containers were approximately thirty years old and were deteriorating and badly dilapidated. These trailers incidentally, had replaced old truck bodies some thirty years prior which had also been used for storage of contractors' equipment. The new containers sought to be used do not, as suggested, comply as an accessory building. However, it is the Defendant's position, and the position accepted by the majority of this Board, that these are merely a modernization of the type of vehicle which was a permitted



