

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 SE/S Eastern Ave., 245 ft. E * ZONING COMMISSIONER
 of Carroll Island Road * OF BALTIMORE COUNTY
 11415 Eastern Avenue *
 15th Election District *
 5th Councilmanic District *
 Edwin D. Skidmore, et ux * Case No. 95-32-A
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 11415 Eastern Avenue in the Bowleys Quarters section of Baltimore County. The Petition is filed by Edwin D. Skidmore and Loretta B. Skidmore, his wife, property owners. Variance relief is requested from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 ft. +/-, in lieu of the required 30 ft. The subject property and relief requested is more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was the property owner, Edwin D. Skidmore. Also present on his behalf was William N. Bafitis, Professional Engineer with Bafitis and Associates, Inc. Mr. Bafitis prepared the aforementioned site plan. The Petitioner was represented by Norman W. Lauenstein, Esquire. There were no Protestants or interested persons present.

Testimony and evidence was that the subject property is approximately 1.086 acres in net area and is zoned B.R.-C.S.A. This site lies immediately adjacent to Eastern Avenue across from the Williams Estates Mobile Home Park in Bowleys Quarters. The property is surrounded by commercial uses, including a Mobil Gas and Go on the southwest side and a sporting goods store on the northeast side. The property is located but a short distance

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 Date 8/31/90
 By M. Howard

MICROFILMED

from the intersection of Eastern Avenue and Carroll Island Road.

Presently, the property is improved with an existing 1-1/2 story stone dwelling. The Petitioner proposes converting and enlarging same to a small commercial/strip shopping area. The development will occur in two phases. The first phase will include a small 20 ft. addition to the side of the existing dwelling. The Phase 1 addition will encompass approximately 788 sq. ft. of improvements. In this respect, Mr. Bafitis indicated that the Development Review Committee had exempted the Phase 1 addition from the full development review process, including the Hearing Officer's Hearing.

Phase 2 addition will occur later and will be more extensive. A larger structure will be added onto the rear of the existing improvements. The proposed building Phase 2 addition will be 6,702 sq. ft. Also additional parking area will be added throughout the site.

Variance relief is requested to promote a 20 ft. side yard setback on the northeast side of the property. This is needed for the proposed Phase 1 addition in order to allow the Petitioner to add on to the existing building in a manner appropriate with the existing architecture and use of the property.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would

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Date 8/3/90
By Jh. Gouch

RECORDED

result in practical difficulty and/or unreasonable hardship upon the Petitioner.

It is also to be noted that comments were received from the various agencies which comprises the Zoning Plans Advisory Committee. Many of the comments were neutral or offered no opinion on the development. However, a comment was received from the Developers Engineering Section relating to the project. This comment requires that the existing 30 ft. County right-of-way located at the rear of the site be maintained. Also, a 72" x 44" drainpipe runs within the right of way and no construction shall be allowed. The Petitioner indicated that he has no objection to observing this comment and that development on that portion of the property would be addressed during the Phase 2 development. Moreover, Mr. Bafitis noted that there is an 80 ft. right of way on the north border of the property adjacent to Eastern Avenue maintained by the Maryland State Highway Administration. All ingress and egress points will be approved by the State Highway Administration. Therefore, it appears that the concerns expressed within Mr. Bowling's comment will be properly addressed during the ongoing development of this site.

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 31ST day of August, 1994 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 ft. (+/-), in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ORDER RECEIVED FOR FILING

Date

8/31/94

By

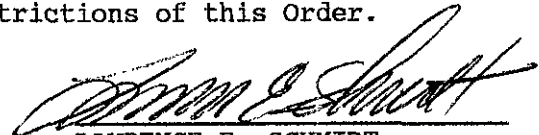
M. Horn

Handwritten signature

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. Compliance with the ZAC comments submitted by Robert W. Bowling, Chief of the Developers Engineering Section, dated 8/15/94, are adopted in their entirety and made a part of this Order.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

8/31/94

By

M. Novak

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 31, 1994

Norman W. Lauenstein, Esquire
809 Eastern Blvd.
Baltimore, Maryland 21221

RE: Case No. 95-32-A
Petition for Variance
Edwin D. Skidmore, et ux, Petitioners

Dear Mr. Lauenstein:

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

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att.

cc: Mr. and Mrs. Edwin D. Skidmore
1422 Missouri Avenue
St. Cloud, Florida 34769

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

11415 Eastern Ave.

95-32-A

which is presently zoned BR-CSA

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 Section(s) 238.2

(BCZR) To permit A side yard of 20'± in Lieu of the required 30'.

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

Strict compliance with the required sideyard would severely restrict the expansion of the existing residential building to accommodate commercial uses as the existing building was constructed in close proximity to the side property line.

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 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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Norman W. Lauenstein

(Type or Print Name)

Signature

809 Eastern Boulevard

Address

687-2299

Phone No.

Baltimore, Md.

City

21221

State

Zipcode

Legal Owner(s):

Erwin D. Skidmore

(Type or Print Name)

Signature

Loretta B. Skidmore

(Type or Print Name)

Signature

1422 Missouri Ave.

Address -

1-407-892-5199

Phone No.

St. Cloud

City

Florida

State

32799

Zipcode

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

Bafitis & Associates Inc., Clyde Hinkle, Engineers

Name

1249 Engleberth Rd.

Address

410-391-2336

Phone No.

Balto. Md. 21221

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

MICROFILMED

95-32-A

Zoning Description
11415 Eastern Avenue
15th Election District
Baltimore County, Maryland

Beginning at a point in the center of Eastern Avenue, which is 50 feet wide, at a distance of 245 feet Easterly from the intersection of centers of Carroll Island Road, which is 70 feet wide, and Eastern Avenue; Thense the following courses and distances:

N 37° 05' 47" E	14.50'
N 39° 14' 47" E	50.00'
N 42° 55' 47" E	50.00'
N 48° 32' 47" E	50.00'
N 48° 32' 47" E	55.10'
N 52° 26' 47" E	45.40'
S 40° 41' 13" E	289.90'
S 48° 11' 47" W	37.40'
S 38° 22' 47" W	44.50'
S 73° 57' 47" W	22.00'
N 72° 39' 05" W	137.99'
N 72° 19' 13" W	71.50'
S 53° 40' 47" W	54.40'
N 39° 23' 13" W	94.80'

to the point of beginning. Containing 1.3 Acres of land, more or less.

BAFITIS & ASSOCIATES INC.,



William N. Bafitis, P.E.
Md. Reg. No. 11641

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-32-17

District 15th Date of Posting 8/12/94

Posted for: Variations

Petitioner: Edwin D. & Loretta Skidmore

Location of property: 11415 Eastern Ave, SE/S

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 8/12/94
Signature

Number of Signs: 1



MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 12, 1994

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 August 11, 1994.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD - TOWSON

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-32-A
(Item 33)
11416 Eastern Avenue
SE/S Eastern Avenue, 245'
E of Carroll Island Road
15th Election District
5th Councilmanic
Petitioner(s):
Edwin D. Skidmore and
Loretta B. Skidmore
Hearing: Tuesday,
August 30, 1994 at 9:00
a.m. in room 118, Old
Courthouse.

Variance to permit a side yard of 20' +/- in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or hearing, please call 887-3391.

8/089 August 11.

THIS CERTIFICATE WAS
FILED IN THE TOWSON
OFFICE OF THE CLERK



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt
 95-32-A

Account: R-001-6150

Number 33

Date 7.29.94.

SKIDLOVE. 11415 EASTERN AVE.

SMA.

020	C D A L.	250
080	1 SIGN.	35
<hr/>		
TOTAL.		285

RECEIVED

02A02#0291NTE HRC \$285.00
 RA 0310120AM07-29-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor 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 accessed 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.: 33

Petitioner: Ed. S. LOAGTCA SKIDMORE

Location: 11415 EASTON AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Norman LAUENSTEIN - ATTY

ADDRESS: 809 EASTERN BLVD.
ESSEX MD 21221

PHONE NUMBER: 410 687 2299

AJ: ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
August 11, 1994 Issue - Jeffersonian

Please forward billing to:

Norman Lauenstein, Esq.
809 Eastern Boulevard
Essex, Maryland 21221
687-2299

NOTICE OF HEARING

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or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-32-A (Item 33)
11415 Eastern Avenue
SE/S Eastern Avenue, 245' E of Carroll Island Road
15th Election District - 5th Councilmanic
Petitioner(s): Edwin D. Skidmore and Loretta B. Skidmore
HEARING: TUESDAY, AUGUST 30, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard of 20'+/- in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

887-3391

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

AUG. 0 4 1994

(410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Petitioner(s): Edwin D. Skidmore and Loretta B. Skidmore
HEARING: TUESDAY, AUGUST 30, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard of 20'+/- in lieu of the required 30 feet.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Edwin and Loretta Skidmore
Norman Lauenstein, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

August 24, 1994

(410) 887-3353

Norman W. Lauenstein, Esquire
809 Eastern Blvd
Baltimore, MD 21221

RE: Item No. 33, Case No. 95-32-A
Petitioner: Edwin D. Skidmore, et ux
Petition for Variance

Dear Mr. Lauenstein:

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 July 29, 1994, and a hearing 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.

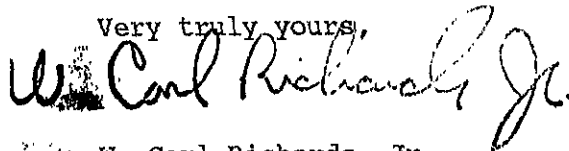
1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this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

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2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,



W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

RECEIVED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building,
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 25, 26, 29, 30, 31, 32,
33 AND 34.

RECEIVED
AUG 9 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

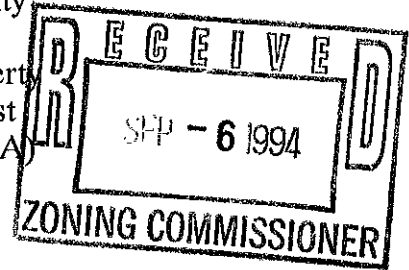
O. James Lighthizer
Secretary
Hal Kassoff
Administrator

95-32

September 1, 1994

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

Re: Baltimore County
MD 150
Skidmore Property
Variance request
Item # +33 (JRA)
Mile Post 7.99



Dear Ms. Winiarski:

This office has reviewed the plan for the referenced item and we offer the following:

The 80' future right-of-way indicated on the plan is consistent with the State Highway Administration's (SHA) current and long range planning documents for MD 150 in this area.

We request the County require the developer dedicate to the SHA future right-of-way (40' from centerline of roadway) along the property frontage, as a condition of plan approval along with the following:

1. Construct 30' entrance with 15' radii at the requested location.
2. Construct SHA Type "A" curb and gutter from property corner to property corner, set 24' from center of existing roadway.

Therefore, we have no objection to approval of the variance to permit a side yard of 20+/- feet in lieu of the required 30', subject to our aforementioned entrance improvements and right of way request.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.

My telephone number is 410-333-1350 (Fax# 333-1041)

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

MICROFILMED

Ms. Julie Winiarski
Page Two
September 1, 1994

- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for the opportunity to review this plan.

Very truly yours,



Dr David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1994

95-32

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 24, 25, 26, 29, 30, 31, 32, 33 and 34.

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 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Edy L. Kerns

PK/JL:lw

RE: PETITION FOR VARIANCE *
11415 Eastern Avenue, SE/S Eastern *
Avenue, 245' E of Carroll Island Rd *
15th Election Dist., 5th Councilmanic *
Edwin D. Skidmore, et al. *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-32-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Norman W. Lauenstein, Esquire, 809 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECEIVED

AUG 19 1994

ZADM

N 15,000

ML-1M

B F

Point of Beginning
APR 21 1954
E 20 00 00

SITE

N 15,000

BR-0-3A

EASTERN

BL-CNS

BARRETT

BL-CCC

D.R. 2

11415

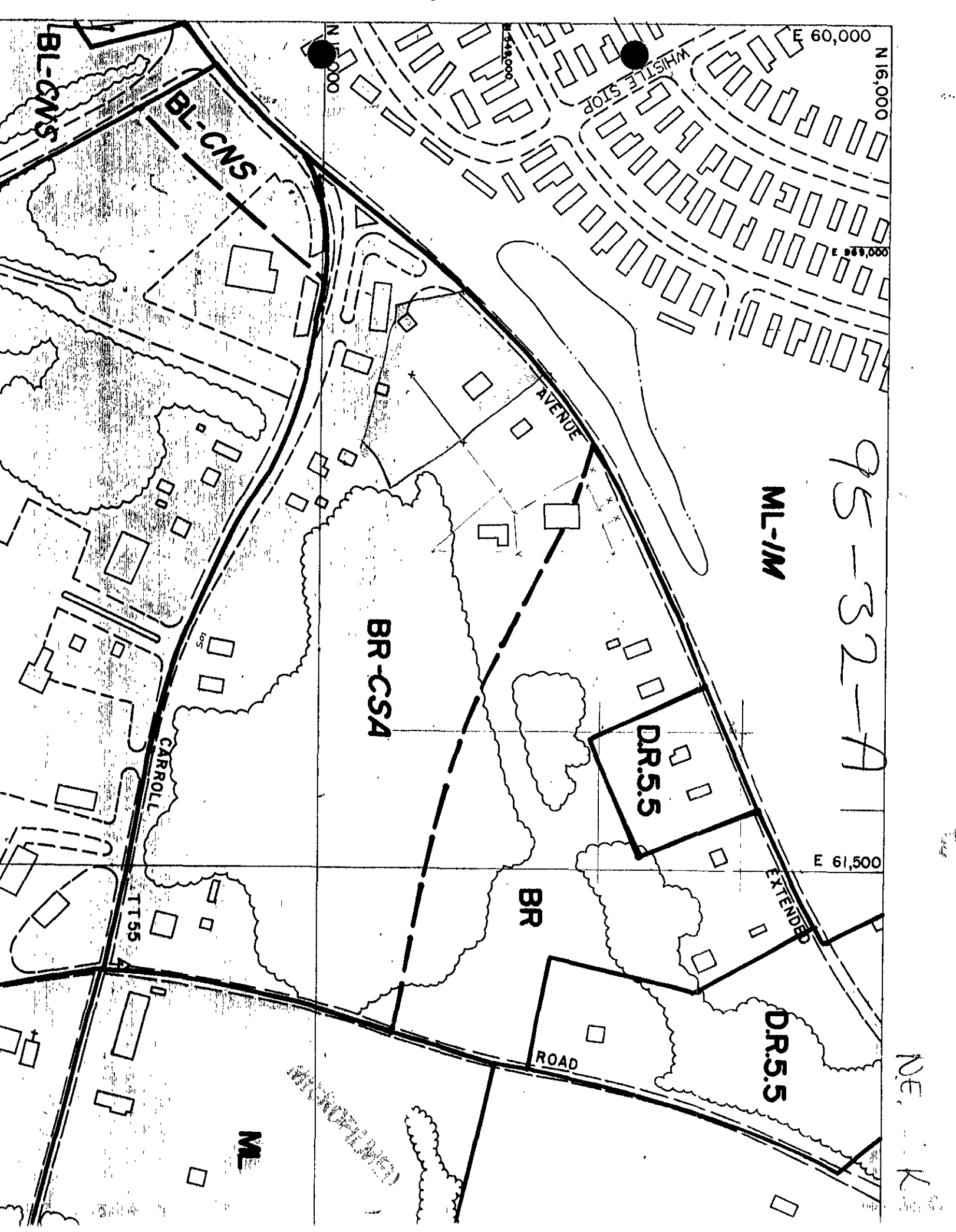
N 14,000

PIER

#11415 EASTERN AVENUE
SKIDMORE PROPERTY

MICROFILMED

From 1"=200' Zoning Map N.E. 4-K



BL-CNS

BL-CNS

BR-CSA

BR

ML-1M

DR.5.5

DR.5.5

ML

ROAD

CARROLL

AVENUE

WHISTLE STOP

T 155

E 60,000

N 16,000

E 61,500

95-32-A

NE. K

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/8 Eastern Ave., 245 Ft. E * ZONING COMMISSIONER
of Carroll Island Road * OF BALTIMORE COUNTY
11415 Eastern Avenue *
15th Election District *
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Edwin D. Skidmore, et ux * Case No. 95-32-A
Petitioners * * * * *

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Phase 2 addition will occur later and will be more extensive. A larger structure will be added onto the rear of the existing improvements. The proposed building Phase 2 addition will be 6,702 sq. ft. Also additional parking area will be added throughout the site.

Variance relief is requested to promote a 20 ft. side yard setback on the northeast side of the property. This is needed for the proposed Phase 1 addition in order to allow the Petitioner to add on to the existing building in a manner appropriate with the existing architecture and use of the property.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would

result in practical difficulty and/or unreasonable hardship upon the Petitioner.

It is also to be noted that comments were received from the various agencies which comprises the Zoning Plans Advisory Committee. Many of the comments were neutral or offered no opinion on the development. However, a comment was received from the Developers Engineering Section relating to the project. This comment requires that the existing 30 ft. County right-of-way located at the rear of the site be maintained. Also, a 72" x 44" drainpipe runs within the right of way and no construction shall be allowed. The Petitioner indicated that he has no objection to observing this comment and that development on that portion of the property would be addressed during the Phase 2 development. Moreover, Mr. Bafitis noted that there is an 80 ft. right of way on the north border of the property adjacent to Eastern Avenue maintained by the Maryland State Highway Administration. All ingress and egress points will be approved by the State Highway Administration. Therefore, it appears that the concerns expressed within Mr. Bowling's comment will be properly addressed during the ongoing development of this site.

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 31st day of August, 1994 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 ft. (+/-), in lieu of the required 30 ft., be and 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, 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. Compliance with the ZAC comments submitted by Robert W. Bowling, Chief of the Developers Engineering Section, dated 8/15/94, are adopted in their entirety and made a part of this Order.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES/mm

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

ORDER RECEIVED FOR FILING
Date 8/29/94
By *Th. Frank*

ORDER RECEIVED FOR FILING
Date 8/29/94
By *Th. Frank*

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 31, 1994

Norman W. Lauenstein, Esquire
809 Eastern Blvd.
Baltimore, Maryland 21221

RE: Case No. 95-32-A
Petition for Variance
Edwin D. Skidmore, et ux, Petitioners

Dear Mr. Lauenstein:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, 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:mm
att.
cc: Mr. and Mrs. Edwin D. Skidmore
1422 Missouri Avenue
St. Cloud, Florida 34769

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 11415 Eastern Ave. 95-32-A
which is presently zoned BR-CSA

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 Section(s) 238.2

(BZR) To permit A side yard of 20'± in Lieu of the required 30'.

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

Strict compliance with the required setback would severely restrict the expansion of the existing residential building to accommodate commercial uses as the existing building was constructed in close proximity to the side property line.

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 for Baltimore County.

Contact Person/Case:
Type of Petitioner:
Name:
Address:
City:
Attorney for Petitioner:
Name:
Address:
City:
Baltimore, Md. 21221

Edwin D. Skidmore
Loretta B. Skidmore
1422 Missouri Ave. 1-407-592-5109
St. Cloud Florida 32709
Bafitis & Associates Inc., Clyde Hinkle, Engineers
1249 Shaleberth Rd. 410-791-2326
Baltimore, Md. 21221

Zoning Description
11415 Eastern Avenue
15th Election District
Baltimore County, Maryland

Beginning at a point in the center of Eastern Avenue, which is 50 feet wide, at a distance of 245 feet easterly from the intersection of centers of Carroll Island Road, which is 70 feet wide, and Eastern Avenue; thence the following courses and distances:

- N 37° 05' 47" E 14.50'
- N 39° 14' 47" E 50.00'
- N 42° 55' 47" E 50.00'
- N 48° 32' 47" E 50.00'
- N 48° 32' 47" E 55.10'
- N 52° 26' 47" E 45.40'
- S 40° 41' 13" E 289.90'
- S 48° 11' 47" W 37.40'
- S 38° 22' 47" W 44.50'
- S 73° 57' 47" W 22.00'
- N 72° 39' 05" W 137.99'
- N 72° 19' 13" W 71.50'
- S 53° 40' 47" W 54.40'
- N 39° 23' 13" W 94.80'

to the point of beginning. Containing 1.3 Acres of land, more or less.

BAFITIS & ASSOCIATES INC.,

William H. Bafitis, P.E.
Professional Engineer
Md. Reg. No. 11641

95-32-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *15th* Date of Posting: *8/11/94*
Posted for: *Variances*
Petitioner: *Edwin D. & Loretta Skidmore*
Location of property: *11415 Eastern Ave., SE/8*
Location of Sign: *Facing road, on front left hand corner*
Remarks:
Posted by: *MM* Date of return: *8/12/94*
Number of Signs: *9*

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 12, 1994

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 August 11, 1994.

THE JEFFERSONIAN,
A. Hemickson
LEGAL AD - TOWSON

Advertisement published in the Towson, Maryland edition of THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 11, 1994.

receipt
 95-32-A

Account ROP 16150
 Number 33
 Date 7/29/94
 SKIDMORE, OWINGS & MERRILL
 11415 Eastern Avenue
 15th Election District - 5th Councilmanic
 Petitioner(s): Edwin D. Skidmore and Loretta B. Skidmore
 HEARING: TUESDAY, AUGUST 30, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

020 CUM 250
 030 1500 350
 TOTAL 250

Please Make Checks Payable To: Baltimore County

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

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
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:
 Item No.: 33
 Petitioner: Ed & Loretta Skidmore
 Location: 11415 Eastern Ave

PLEASE FORWARD ADVERTISING BILL TO:
 NAME: *Arnold Jablon*
 ADDRESS: *809 Eastern Blvd
 Essex MD 21221*
 PHONE NUMBER: *410 567-2299*

AJ:ggg (Revised 04/09/93)

TO: POTUMPT PUBLISHING COMPANY
 August 11, 1994 Issue - Jeffersonian

Please forward billing to:
 Norman Lauenstein, Esq.
 809 Eastern Boulevard
 Essex, Maryland 21221
 687-2299

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-32-A (Item 33)
 11415 Eastern Avenue
 SE/5 Eastern Avenue, 245' E of Carroll Island Road
 15th Election District - 5th Councilmanic
 Petitioner(s): Edwin D. Skidmore and Loretta B. Skidmore
 HEARING: TUESDAY, AUGUST 30, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard of 20' +/- in lieu of the required 30 feet.

LAWRENCE E. SCHWIDT
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 AUG 0 4 1994 (410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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 HEARING: TUESDAY, AUGUST 30, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard of 20' +/- in lieu of the required 30 feet.

Arnold Jablon
 Arnold Jablon
 Director

cc: Edwin and Loretta Skidmore
 Norman Lauenstein, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 August 24, 1994 (410) 887-3353

Norman W. Lauenstein, Esquire
 809 Eastern Blvd
 Baltimore, MD 21221

RE: Item No. 33, Case No. 95-32-A
 Petitioner: Edwin D. Skidmore, et ux
 Petition for Variance

Dear Mr. Lauenstein:

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 July 29, 1994, and a hearing 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.

Zoning Plans Advisory Committee Comments
 August 24, 1994
 Page 2

- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
 W. Carl Richards, Jr.
 Zoning Coordinator

WCR:jw
 Enclosures

BALTIMORE COUNTY, MARYLAND
 INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 15, 1994
 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
 Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for August 15, 1994
 Item No. 33

The Developers Engineering Section has reviewed the subject zoning item. This plan is subject to future development plan comments.

An existing 30-foot County right-of-way is located at the rear of this site. A 72"x44" storm drain pipe runs from the northeast property line to the southwest property line in this right-of-way. No construction by the developer is allowed in the County right-of-way.

Also, all improvements, intersections, entrances, drainage requirements and construction affecting the Md. Rte. 150 right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

A schematic landscape plan must be submitted and approved as a condition of Development Plan approval.

RWB:aw

Baltimore County Government
 Fire Department

700 East Joppa Road Suite 901
 Towson, MD 21286-5500 (410) 887-4500

DATE: 08/09/94

Arnold Jablon
 Director
 Zoning Administration and
 Development Management
 Baltimore County Office Building
 Towson, MD 21204
 HO#1 523P-1105

RE: Property Owner:
 LOCATION: SEE BELOW
 Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments herein are applicable and required to be contacted or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time.
 IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 25,26,27,30,31,32,
 33 AND 36.

REVIEWER: LT. ROBERT F. SAUERHAUD
 Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED
 AUG 9 1994
 ZADM

NOTES

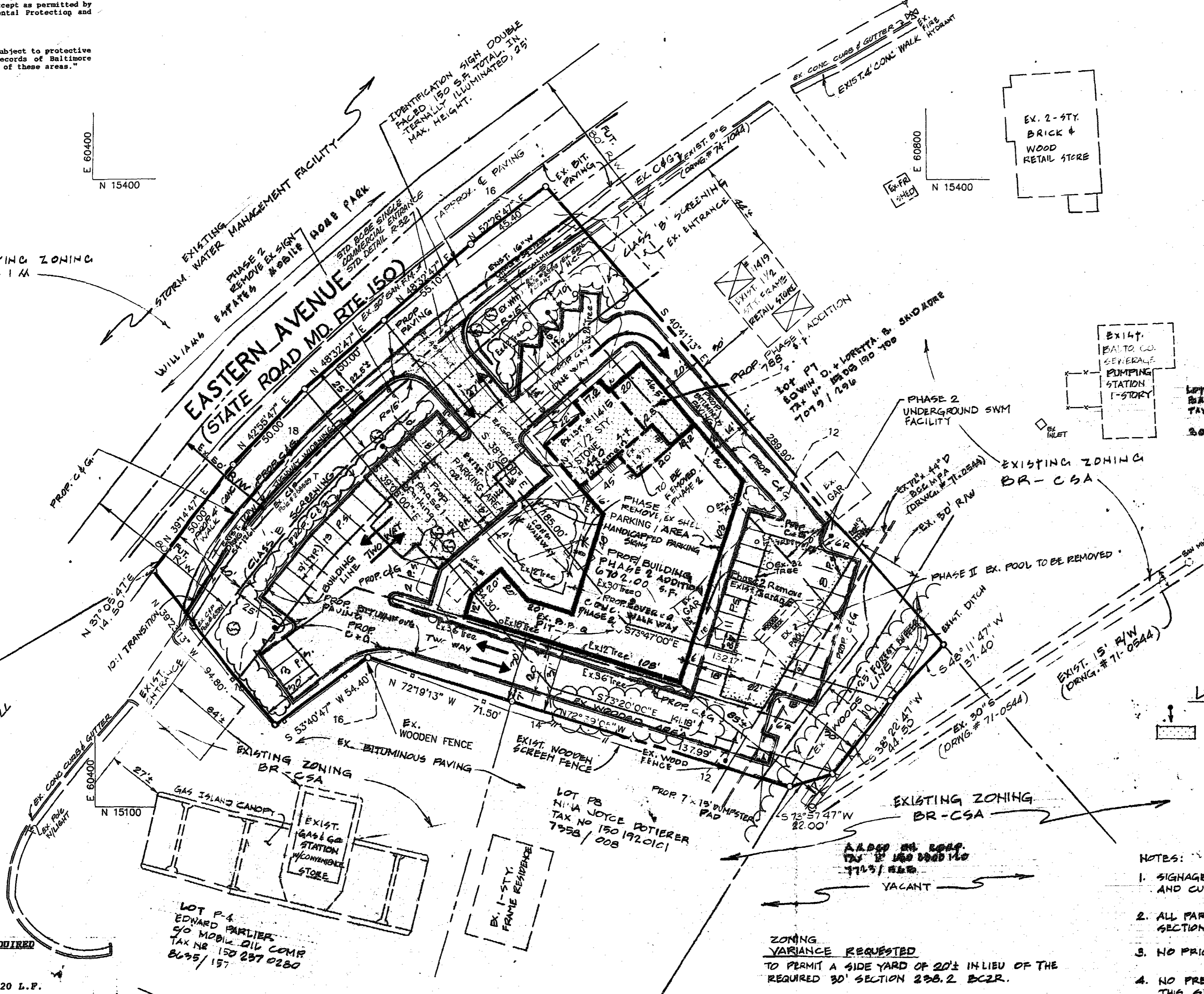
PAVING:
 All Driveway & Parking Surfaces to be Bituminous Concrete.
 The DRC granted a Limited Exemption for Phase I of this project DRC No. 022247, 15CS March 14, 1994.

SRM:
 Phase I
 Phase II

STANDARD NONDISTURBANCE NOTE:
 "There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management."

PROTECTIVE COVENANTS NOTE:
 "Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."

95-37-1



- LANDSCAPING REQUIRED**
- GENERAL PLANTING REQUIREMENTS:**
 Interior Roads: 1 Planting Unit/20 L.P.
 635 ÷ 20 = 32 P.U.
 Adjacent Roadway: 1 Planting Unit/40 L.P.
 270 ÷ 40 = 7 P.U.
TOTAL: 39 P.U. (50% major trees)
 - SPECIAL CONDITIONS:**
 7% of Surface Parking Lot Reserved for Landscaping.
 21,789 S.F. x 7% = 1,525 S.F.
 1 Planting Unit Per 12 Parking Spaces.
 48/12 = 4 P.U. (75% major trees).

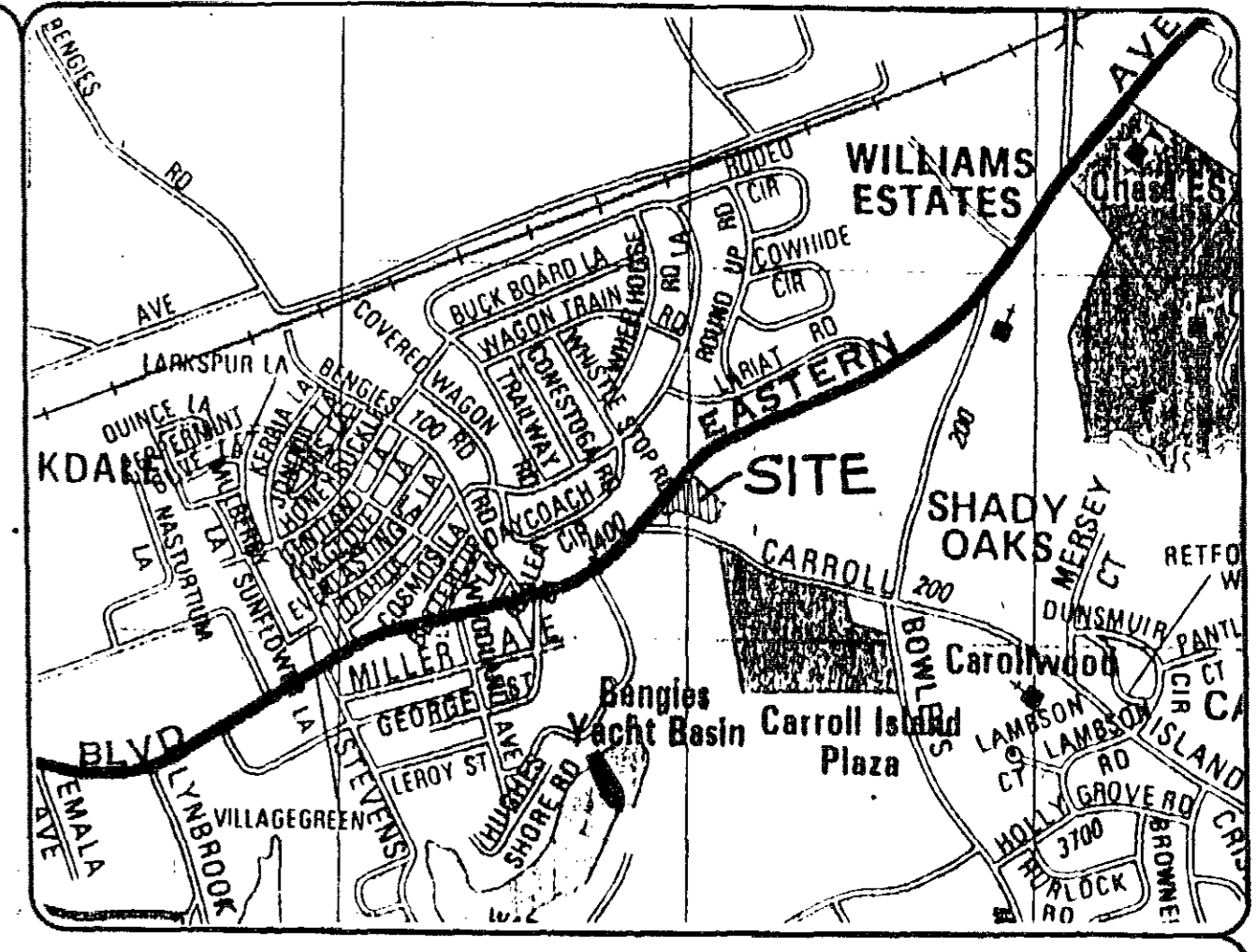
FRONT BUILDING LINE SETBACK PER SECT 303.2		
ADDRESS	STRUCTURE	SETBACK
#	GAS & GO CANOPY	27'
#1419	FRAME BUILDING	44'
SUM OF SETBACKS		71'
AVERAGE SETBACK		59.5'

LEGEND

- PROP. LIGHTING STANDARD, 0' HIGH
- PHASE I

NOTES:

- SIGNAGE TO BE IN COMPLIANCE WITH BCZR AND CURRENT ZONING POLICIES.
- ALL PARKING SPACES TO BE STRIPED PER SECTION 409.8 BCZR.
- NO PRIOR ZONING HEARINGS ON THIS SITE.
- NO PREVIOUS COMMERCIAL PERMITS FOR THIS SITE.
- THIS SITE IS NOT SITUATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS EXEMPT FROM THE FOREST CONSERVATION REGULATIONS IN ACCORDANCE WITH COUNTY COUNCIL BILL 163-93.
- THE DRC GRANTED A LIMITED EXEMPTION FOR PHASE I OF THIS PROJECT, DRC NO. 022247, 15CS, MARCH 14, 1994.
- ALL EXISTING SIGNAGE TO BE REMOVED.
- ALL PROPOSED PAVING SURFACES SHALL BE BITUMINOUS CONCRETE AND/OR CONCRETE.
- A WAIVER OF STORM WATER MANAGEMENT REQUIREMENTS WAS GRANTED FOR PHASE I OF THIS PROJECT.



VICINITY MAP
 SCALE: 1" = 1000'

- SITE DATA**
- OWNER:** Edwin D. & Loretta B. Skidmore
 1422 Woodmont Avenue
 St. Cloud, Florida 32799
 1-407-892-5199
 - TAX ACCOUNT NO.:** 150 880 1380
 150 880 1381
 - ORD REFERENCE:** 7079/296
 - EXISTING ZONING:** BR/CA
 - SITE AREA:**
 Gross Area: 57,918 S.F. = 1.330 Ac.
 Richard Skidmore: 10,622 S.F. = 0.244 Ac.
 Net Lot Area: 47,296 S.F. = 1.086 Ac.
 - BUILDING AREAS:**
 Phase 1 Existing Building Area: 1,440 S.F.
 Proposed Addition: 788 S.F.
 Total Phased Building Area: 2,228 S.F.
 Phase 2 Existing Building Area: 1,179 S.F.
 Phase 1 Addition: 788 S.F.
 Phase 2 Addition: 6,702 S.F.
 Total Phase 2 Building Area: 8,669 S.F.
 - FLOOR AREA RATIO:** ALLOWED = 2.0
 Phase 1: 2.228
 57,918 ÷ 0.04
 Phase 2: 8.669
 57,918 ÷ 0.15
 - PROPOSED BUILDING HEIGHT:** <40'
 - EXISTING SITE USE:** Retail
 - PROPOSED SITE USE:** Retail, Office-General, Medical Office or Clinic
 - PARKING:**
 Proposed: 5 P.S./1,000 S.F. (Retail), Office-General 3.3 P.S./1,000 S.F., Medical Office or Clinic 4.5 P.S./1,000 S.F.
 Phase 1: 2,228
 1,000 x 5 = 11.14 P.S.
 Say 12 P.S.
 Phase 2: 8,669
 1,000 x 5 = 43.4 P.S.
 Say 44 P.S.
 Proposed: 14 P.S.*
 Phase 1: 48 P.S.*
 Phase 2: 48 P.S.*
 - HANDICAPPED PARKING:** 2 P.S.
 Proposed: 2 P.S.
- *Using Most Restrictive Use.
 Retail

Baftis & Associates, Inc.
 1249 Engleberth Rd. Baltimore, MD 21221

William N. Baftis, P.E.
 PRESIDENT
 Civil Engineers/Land Planners SURVEYORS
 (410) 391-2336

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE FOR #11415 EASTERN AVENUE SKIDMORE PROPERTY
 15th ELECTION DISTRICT
 5th COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30'
 JOB ORDER NO: 93030
 DATE: 7-1-94

WILLIAM N. BAFTIS, P.E.
 SHEET 1 OF 1

NO.	REVISIONS	DATE