

IN RE: PETITION FOR VARIANCE
W/S Suncrest Road, 450' N of
the c/l of Waldman Avenue
(2424 Suncrest Road)
15th Election District
7th Councilmanic District

Richard Armacost, Sr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-461-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2424 Suncrest Road, located in the vicinity of Jones Creek in Edgemere. The Petition was filed by the owners of the property, Richard Armacost, Sr., and his wife, Bonnie L. Armacost, through their attorney, Michael E. Marino, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.2.C to permit a front setback of 19 feet in lieu of the required 25 feet for an existing dwelling; from Section 301.1.A to permit the existing carport to extend into the front yard 11 feet in lieu of the permitted 4.75 feet; from Sections 400.1 and 400.2 to permit a side yard setback of 11 feet in lieu of the required 15 feet for an existing garage and to permit said structure to be partially located in the side yard in lieu of the required rear yard, and to confirm the orientation of the existing dwelling as facing south in accordance with the site plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard and Bonnie Armacost, property owners, Alan Scoll, Landscape Architect, and Michael E. Marino, Esquire, attorney for the Petitioners. Appearing as

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Protestants in the matter were Mr. & Mrs. Calvin H. Schoeberlein, and their son and daughter-in-law, Mr. & Mrs. C. Justin Schoeberlein, both of whom own adjoining property at 2419 and 2421 Ketchum Road.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.47 acres, zoned D.R. 5.5 and is improved with a two-story single family dwelling, swimming pool, detached garage, carport, and a large shed. The property is a waterfront lot located on Jones Creek in southeastern Baltimore County. The Petitioners filed the instant Petition to legitimize existing conditions on their property. As to the variance relief sought, the Petitioners have determined that the front of their property faces south, due to the irregular shape of the lot and the location of existing improvements thereon, and due to the close proximity of the dwelling to the property line, the requested front setback is necessary. Mr. Alan Scoll testified that the setback deficiencies on the property were caused by a resubdivision of this development which was originally laid out in 1919 and resubdivided some time later. The subject parcel is roughly triangular shaped and lies along Suncrest Road in a north/south direction whereas the surrounding lots are rectangular in shape and lie in an east/west direction. It should be noted that both Suncrest Road and Ketchum Road run in a north/south direction and end at the waterline of Jones Creek.

Ms. Bonnie Armacost testified concerning the improvements on the property. She testified that she and her husband purchased the property in 1986 and have made several improvements to same since that time, including an addition on the west side of the dwelling and the detached garage, for which they obtained the requisite building permits in 1990, and the swimming pool. The existing shed is proposed to be removed. Ms. Armacost

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Date 8/1/95
By [Signature]

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testified that the manner in which they use their home dictates that the front faces south and the east side faces Suncrest Road.

The Schoeberleins who appeared in opposition to the Petitioners' apparently have no objections to the improvements on the subject property, but took issue with the Petitioners' request to confirm the front of the house as facing south. It should be noted that Mr. & Mrs. Calvin Schoeberlein's property abuts the south side of the Petitioners' property and Mr. & Mrs. C. Justin Schoeberlein's property abuts the Petitioners' property on the west side. The Protestants believe that given the fact that this property is a waterfront parcel, that the front of the property is that side which faces towards Jones Creek (north), or the east side facing Suncrest Road, the access road to this site. Furthermore, Mr. C. Justin Schoeberlein is concerned that the fence which he previously constructed along the north side of his property would be in violation of height requirements, given the fact that the Petitioners have determined the front of their house faces south. Furthermore, Mr. Calvin H. Schoeberlein testified that he may wish to construct a privacy fence or garage on his property at some point in the future and is concerned that he would have a problem doing so, given the configuration of the Petitioners' property.

After further discussion on these issues, and in consideration of the testimony and evidence offered by both sides, I believe the Petitioners' home is oriented towards the south side, and thus the relief requested should be granted. However, I advised the Schoeberleins that no existing or proposed fence shall be affected by virtue of my ruling in this matter and that the existing fence shall be permitted to remain in its present location. Furthermore, the orientation of the Armacost home will not limit the Protestants to a fence height of 42 inches for any future

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8/11/95
[Signature]

[Handwritten notes]

privacy fence and Mr. Schoeberlein will be permitted to construct both a fence and/or any additional buildings on his property without being limited by the orientation of the Armacost home.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

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237 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

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Date 5/11/75
By [Signature]

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioners have proven the practical difficulty standards as set forth above and that the relief requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and can be accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of August, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.2.C to permit a front setback of 19 feet in lieu of the required 25 feet for an existing dwelling; from Section 301.1.A to permit the existing carport to extend into the front yard 11 feet in lieu of the permitted 4.75 feet; from Sections 400.1 and

ORDERED FOR FILING
Date 8/11/95
By [Signature]

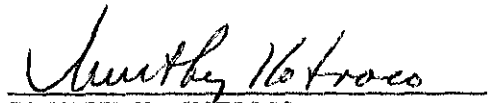
MICROFILMED

400.2 to permit a side yard setback of 11 feet in lieu of the required 15 feet for an existing garage and to permit said structure to be partially located in the side yard in lieu of the required rear yard, and to confirm the orientation of the existing dwelling as facing south, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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 relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the orientation of the subject property is such that it faces in a southerly direction; and,

IT IS FURTHER ORDERED that the fronting of this property in a southerly direction shall not restrict the height of any existing or proposed fence on the adjacent properties owned by the Schoeberleins.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 5/11/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 11, 1995

(410) 887-4386

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Suncrest Road, 450' N of the c/l of Waldman Avenue
(2424 Suncrest Road)
15th Election District - 7th Councilmanic District
Richard Armacost, Sr., et ux - Petitioners
Case No. 95-461-A

Dear Mr. Marino:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Richard Armacost
2424 Suncrest Road, Baltimore, Md. 21219

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

Mr. & Mrs. Calvin H. Schoeberlein
2419 Ketchum Avenue, Baltimore, Md. 21219

Mr. & Mrs. C. Justin Schoeberlein
2421 Ketchum Avenue, Baltimore, Md. 21219

People's Counsel; DEPRM; Case File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2424 Suncrest Road

which is presently zoned DR 5.5

#455

75-46A

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)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) physical characteristics of the subject property impose practical difficulty upon the owners with respect to the existing improvements as constructed.

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:

Michael E. Marino, Esquire

(Type or Print Name)

Signature

609 Bosley Avenue (410) 821-6633

Address Phone No.

Towson, Maryland 21204

City State Zipcode

Legal Owner(s):

RICHARD ARMACOST, SR.

(Type or Print Name)

Signature

BONNIE L. ARMACOST

(Type or Print Name)

Signature

2424 Suncrest Road

Address Phone No.

Baltimore, Maryland 21219

City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hr
unavailable for Hearing

the following dates _____ Next Two Months

ALL OTHER

REVIEWED BY: mjk DATE 6/13/95

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By _____



Printed with Soybean Ink on Recycled Paper



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95-461-A

ATTACHMENT TO PETITION FOR VARIANCE

Armacost - 2424 Suncrest Road

1. 1B01.2.C. to permit the 19' setback in front in lieu of the required 25'.

2. To confirm the orientation of the house as shown on the site plan as facing south.

3. 301.1.A. to permit the carport to extend into the front yard 10' in lieu of the allowable 4.75'.

4. 400.1 and 400.2 to permit the 11' setback for the garage in lieu of the required 15'.

5. 400.1 to permit the existing garage to be partially in the side yard in lieu of the rear yard.

DESCRIPTION FOR ZONING PURPOSES ONLY

2424 SUN CREST ROAD

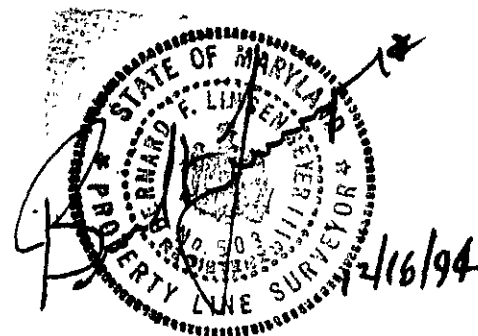
95-461-A

Beginning for the same thereof in the center of a 20-foot alley, now called Sun Crest Road, at a point distant 450 feet northerly from its intersection with the north side of a 30-foot avenue, now called Waldman Avenue, said point also being at the division lines between Lot Nos. 58-59 and 65-66 as laid out and shown on a plat of "Chesapeake Terrace", Section "B", running thence northerly and binding on the center of said 20-foot alley, now Sun Crest Road, with use thereof in common, 250 feet, more or less, to the waters of Jones Creek, thence running in a southwesterly direction and binding along the southernmost edges of said waters of Jones Creek as now surveyed, 205 feet, more or less, to a point at the end of a new divisional line through Lot No. 59, thence running southerly parallel with the center of Sun Crest Road and binding on said new divisional line 93.42 feet, more or less, to intersect the division line between Lot Nos. 59 and 58, aforesaid; and thence running easterly and binding on part of said division line 116.44 feet to the place of beginning; being the easternmost part of Lot No. 59 as laid out and shown on the plat of "Chesapeake Terrace", Section "B" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5, folio 36-37.

Containing approximately 0.47 acres of land, more or less.

Being the same lot of ground which by Deed dated October 10, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6812, folio 587, and known as 2424 Sun Crest Road.

#455



RECORDED
INDEXED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-461-A

District 15th Date of Posting 7/2/95

Posted for: Variance

Petitioner: Richard + Bernice Armacost

Location of property: 7424 Soncrest Rd

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by M. Kelly Date of return: 7/7/95
Signature

Number of Signs: 1

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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: #95-461-A
(Item 455)
2424 Suncrest Road
W/S Suncrest Road, 450' N
of c/ Waldman Avenue
15th Election District
7th Councilmanic
Legal Owner(s):
Richard Armacost, Sr.
and Bonnie L. Armacost
Hearing: Wednesday,
July 19, 1995 at 10:00
a.m. in Rm. 106, County Of-
fice Building.

Variance to permit the 19-foot setback in front in lieu of the required 25 feet; to confirm the orientation of the house as shown on the site plan as facing south; to permit the carport to extend into the front yard 11 feet in lieu of the allowable 4.75 feet; to permit the 11-foot setback for the garage in lieu of the required 15 feet; and to permit the existing garage to be partially in the side yard in lieu of the rear yard.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.

6/361 June 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/29, 1995

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 6/29, 1995

THE JEFFERSONIAN,

A. Henrickson
LEGAL AD. - TOWSON

Subscriber

APPROVED FOR PUBLICATION
JUL 19 1995



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

receipt

95-461-A

Account: R-001-6150

Number

Item: 455

Taken In
 By: [Signature]

Date 8/13/95

Armacost, Richard - 2424 Suncrest Rd

010 - Res Variance - \$50.00

080 - 1 sign posting - \$35.00

Total - \$85.00

RECEIVED

COMMUNICATIONS
 BY COMPUTER - 11/95

Please Make Checks Payable To: Baltimore County

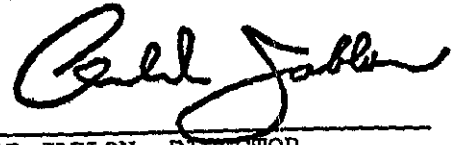
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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 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.: 455

Petitioner: Armacost, Richard

Location: 2424 Suncrest Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ~~W. A. ...~~ Michael E. Marino, Esquire

ADDRESS: ~~2142A ...~~ 609 Bosley Ave

~~...~~ Towson, MD 21204

PHONE NUMBER: (410) 821-6630

AJ:ggs

MICROFILMED (Revised 04/09/93)

TO: PUFFOXTENT PUBLISHING COMPANY
June 29, 1995 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esq.
609 Bosley Avenue
Towson, Maryland 21204
821-6630

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: 95-461-A (Item 455)

2424 Suncrest Road

W/S Suncrest Road, 450' N of c/1 Waldman Avenue

15th Election District - 7th Councilmanic

Legal Owner(s): Richard Armacost, Sr. and Bonnie L. Armacost

HEARING: WEDNESDAY, JULY 19, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance to permit the 19-foot setback in front in lieu of the required 25 feet; to confirm the orientation of the house as shown on the site plan as facing south; to permit the carport to extend into the front yard 11 feet in lieu of the allowable 4.75 feet; to permit the 11-foot setback for the garage in lieu of the required 15 feet; and to permit the existing garage to be partially in the side yard in lieu of the rear yard.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 22, 1995

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: 95-461-A (Item 455)

2424 Suncrest Road

W/S Suncrest Road, 450' N of c/l Waldman Avenue

15th Election District - 7th Councilmanic

Legal Owner(s): Richard Armacost, Sr. and Bonnie L. Armacost

HEARING: WEDNESDAY, JULY 19, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance to permit the 19-foot setback in front in lieu of the required 25 feet; to confirm the orientation of the house as shown on the site plan as facing south; to permit the carport to extend into the front yard 11 feet in lieu of the allowable 4.75 feet; to permit the 11-foot setback for the garage in lieu of the required 15 feet; and to permit the existing garage to be partially in the side yard in lieu of the rear yard.

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

Arnold Jablon

Director

Department of Permits and Development Management

cc: Richard and Bonnie Armacost, Sr.
Michael E. Marino, Esq.
Calvin Schoeberlein
Karen Kiel

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.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1995

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 455
Case No.: 95-461-A
Petitioner: Mr. and Mrs. Armacost

Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 13, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED




BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 27, 1995

FROM: Pat Keller, Director, OPZ 

SUBJECT: 2424 Suncrest Rd.

INFORMATION:

Item Number: 455
Petitioner: Armacost Property
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The subject Petition has been filed in response to Violation Case # CV-95-160.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffrey W. Long

Division Chief: Pat Keller

PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management July 6, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #455 - Armacost Property
2424 Sun Crest Road
Zoning Advisory Committee Meeting of June 26, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

This site must comply with Section 26-453(c) of the Baltimore County Code (Chesapeake Bay Critical Area Regulations) which limits man-made impervious surfaces to 25% of the lot. Removal of the one-story shed as shown on the plan as "to be removed" will meet this requirement.

JLP:TL:sp

c: Richard & Bonnie Armacost

ARMACOST/DEPRM/TXTSBP

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 07/03/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUN. 26, 1995

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: 450, 451, 452, 453, 454, 455,
457, 458, 459, 460, 463 AND 464.

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JUL 3 1995

ZADM

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

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

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

Re: Baltimore County
Item No.: 455 (MJK)

Dear Ms. Watson:

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,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

**PETITION PROBLEMS
AGENDA OF JUNE 26, 1995**

#451 --- MJK

1. No legal owner listed on petition form.
2. No address or telephone number for protestants.
3. Zoning listed on petition form does not agree with zoning on front of folder (D.R.-5.5 on petition form; D.R.-5.5, D.R.-10.5, D.R.-16, O-2 listed on folder).

#452 --- JLL

1. Petitioner's copy of receipt is still in folder.

#454 --- RT

1. No special hearing fee charged to amend the FDP.
2. Need attorney.

#455 --- MJK

1. No telephone number for legal owner.

#456 --- JRA

1. No telephone number for legal owner.
2. No councilmanic district on folder.

#457 --- MJK

1. No telephone number for legal owner.

#459 --- MJK

1. Need title of persons signing for legal owner.
2. No telephone number or address for representative to be contacted.

#461 --- JLL

1. No review information on bottom of petition forms.
2. No practical difficulty or hardship listed on variance petition.

#465 --- CAM

1. No review information on bottom of petition form.
2. No item number on petition form.
3. No legal owner signature, typed name, address, or telephone number.
4. No name or telephone number of representative to be contacted.

#466 --- MJK

1. No telephone number for legal owner.



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. Reing
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B206872 CONTROL #: MR DIST: 15 PREC: 20
DATE ISSUED: 07/27/94 TAX ACCOUNT #: 1519074742 CLASS: 34

PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 2421 KETCHUM AVE
SUBDIVISION: CHESAPEAKE TERRACE

OWNERS INFORMATION

NAME: SCHOBERLIEN, HELEN K
ADDR: 2421 KETCHUM AVE, 21219

TENANT:

CONTR: T LEWIS CONT CO

ENGR:

SELLR:

WORK: ERECT 6' HIGH WOOD PRIVACY FENCE IN SIDE YARD
OF SFD 38LF/ IF FENCE IS TO BE ERECTED WITHIN
ANY EASEMENTS, IT MUST BE REMOVED AT OWNER'S
EXPENSE IF NECESSARY/ DOES NOT ABUT ANY FRONT
YARD/ LAC ESSEX OFFICE

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & FENCE
2,000.00 EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: OTHER - RESIDENTIAL

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT:

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0060.00 X 0000.00

FRONT STREET:

SIDE STREET:

FRONT SETB: N/C

SIDE SETB: 0"-N/C

SIDE STR SETB:

REAR SETB: N/C

MICROFILMED



Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

June 13, 1995

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 455

VIOLATION CASE # CV-95-160
LOCATION OF VIOLATION 2424 SUNCREST LANE
DEFENDANT RICHARD ARMACOST
ADDRESS 2424 SUNCREST LANE

PETITIONER MIKE MARINO ESQ.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

CALVIN SCHOEBERLEIN
2419 KETCHUM LANE 21219
KAREN KIEL
2417 KETCHUM LANE 21219

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

MICROFILMED

RE: PETITION FOR VARIANCE
2424 Suncrest Road, W/S Suncrest Rd, 450'
N of c/l Waldman Avenue, 15th Election
District - 7th Councilmanic

Richard and Bonnie L. Armacost Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-461-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 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

[Faint handwritten notes]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MICHAEL MARINO

609 BOSLEY AVE
TOWSON MD 21204

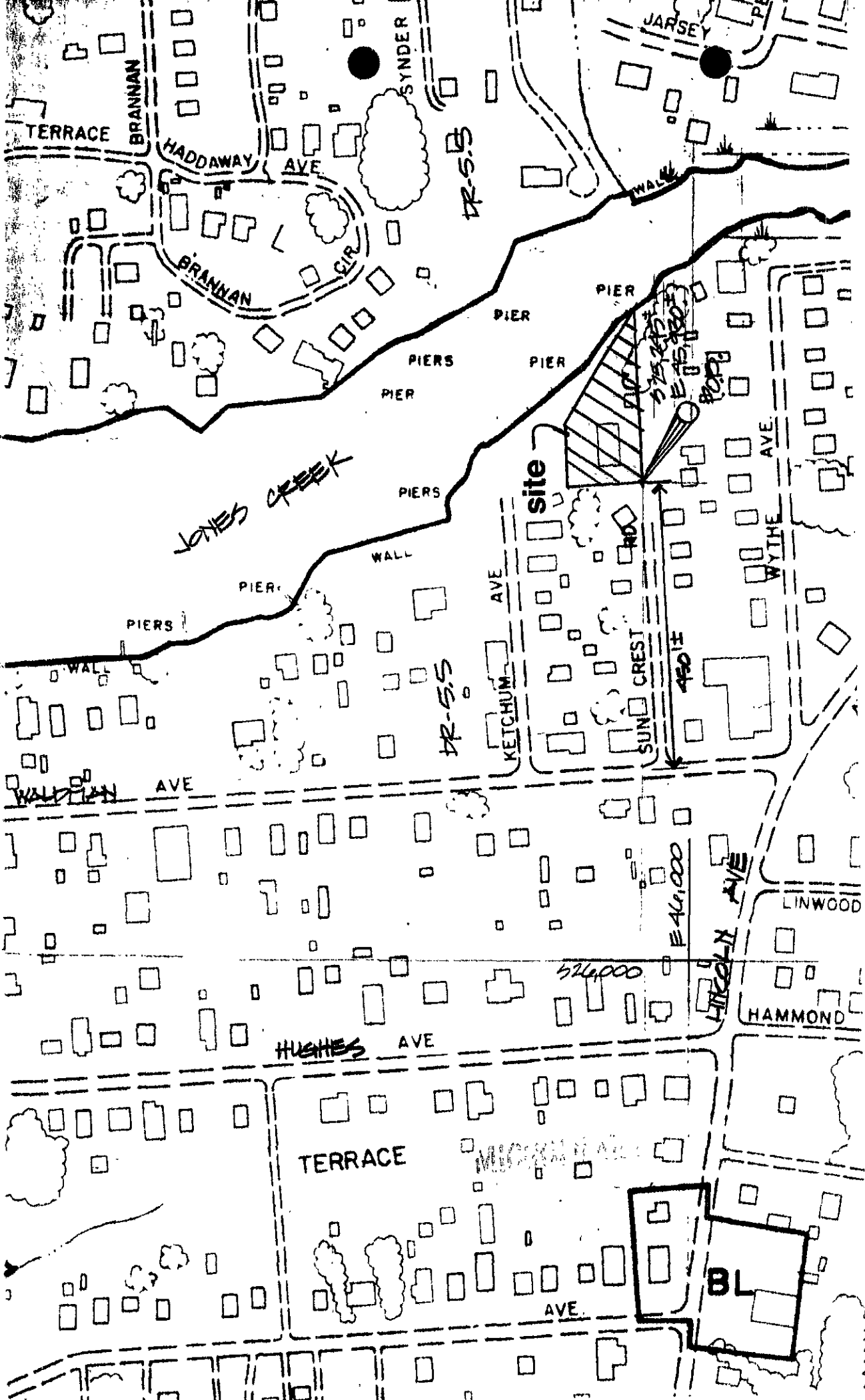
ALAN SCOTT

7115 AMBASSADOR RD
BALTO, MD, 21204

Bonnie d Richard Amacost
~~2424 Suncrest~~

2424 Suncrest RD
BALTO MD 21219





1992 Baltimore County Zoning Map (SE 7H) To
 Accompany Zoning Petition

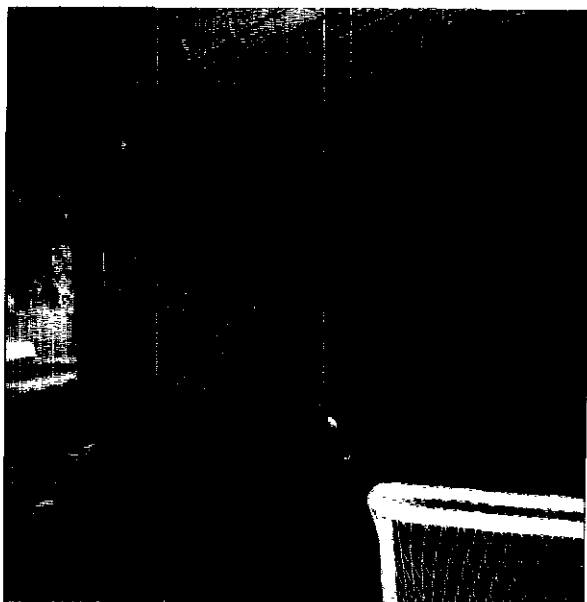


455

95-461-A

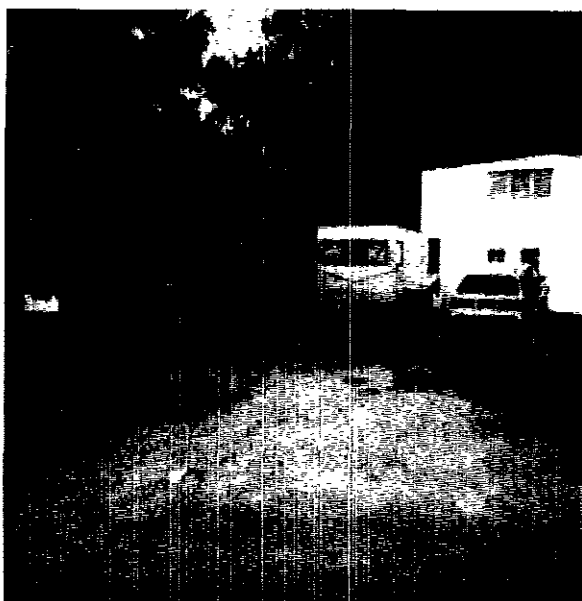
2424 SUN CREST ROAD
D.S. THALER & ASSOC., INC.

CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
 7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
 (410) 944-ENGR, (410) 944-3647

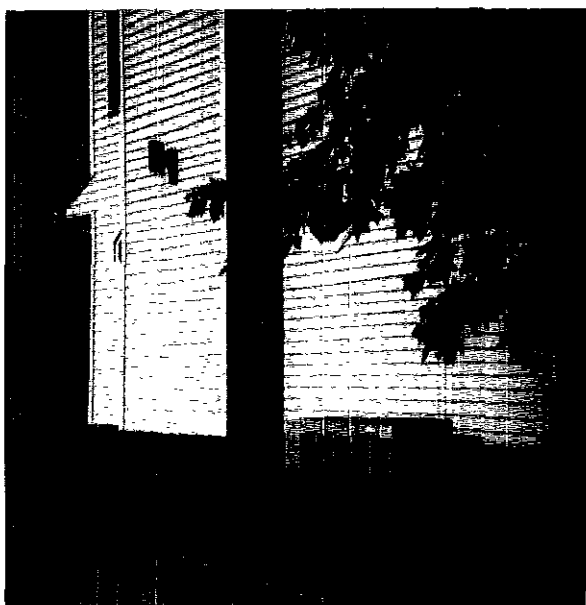


Pet

3A



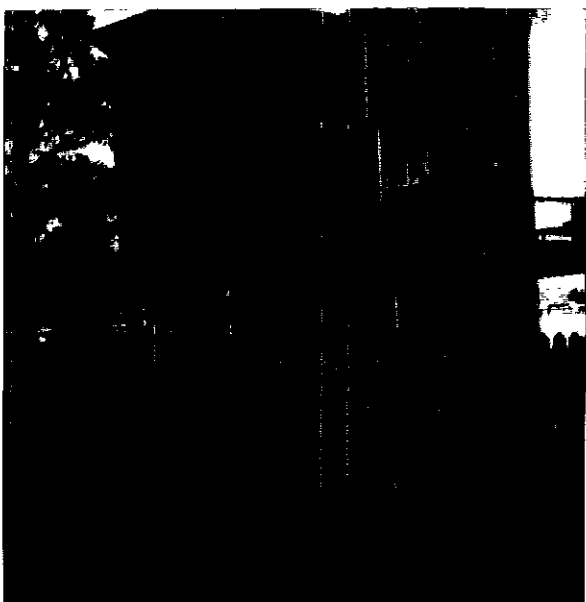
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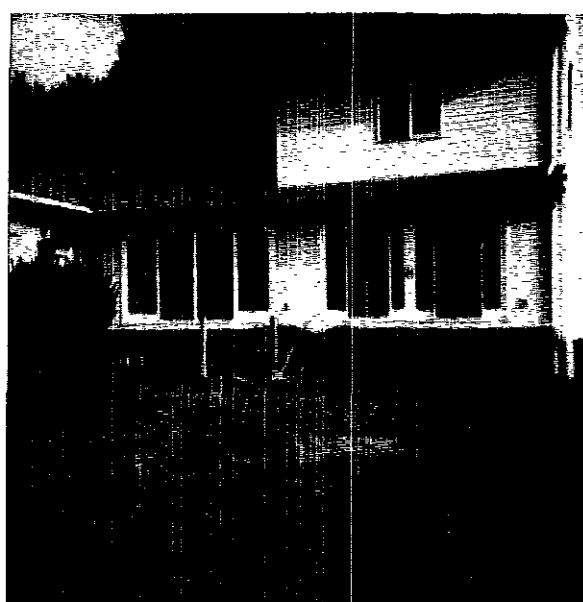
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3D

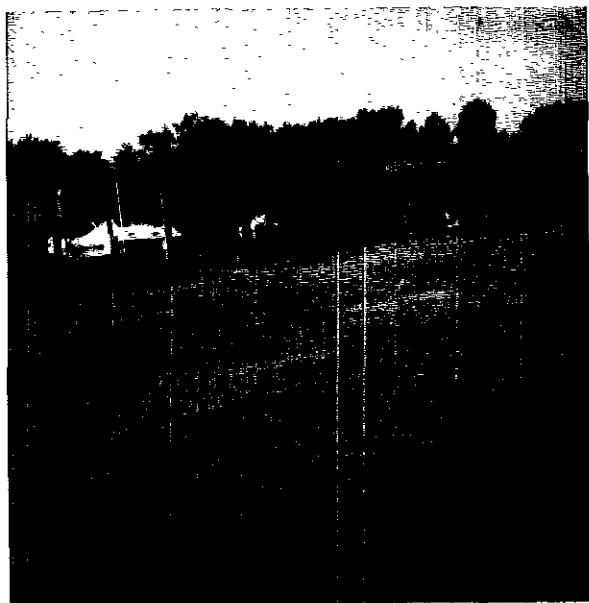


3E



3F

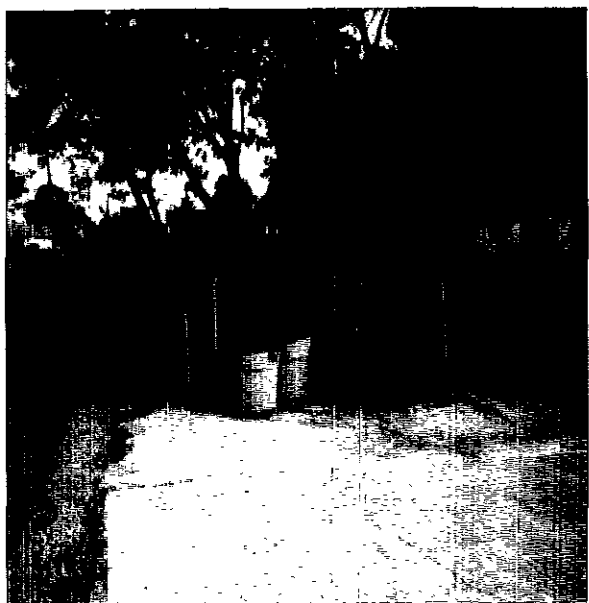
PETITIONER'S
EXHIBITS



36



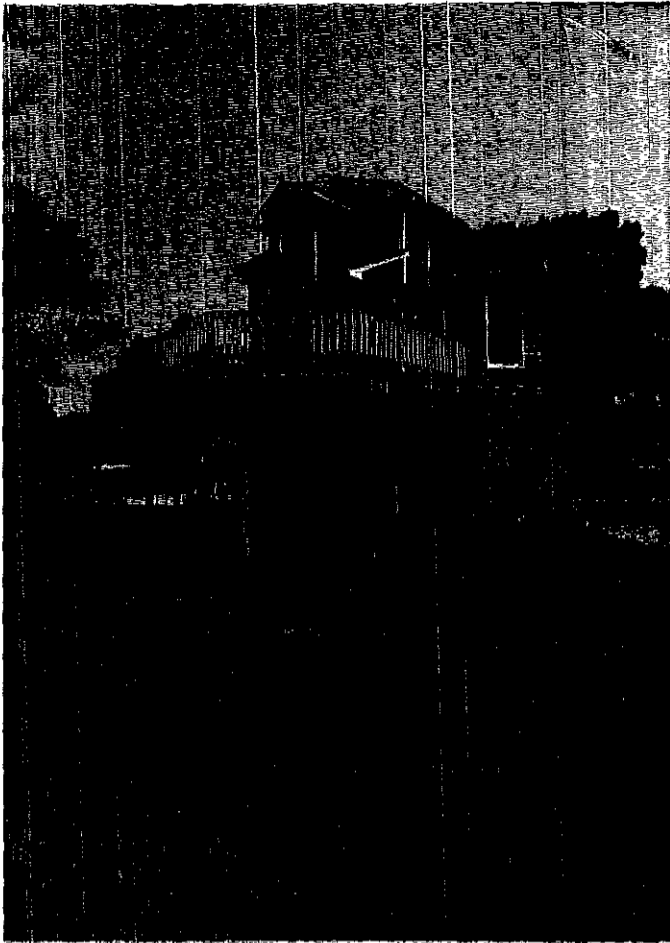
3H



3I

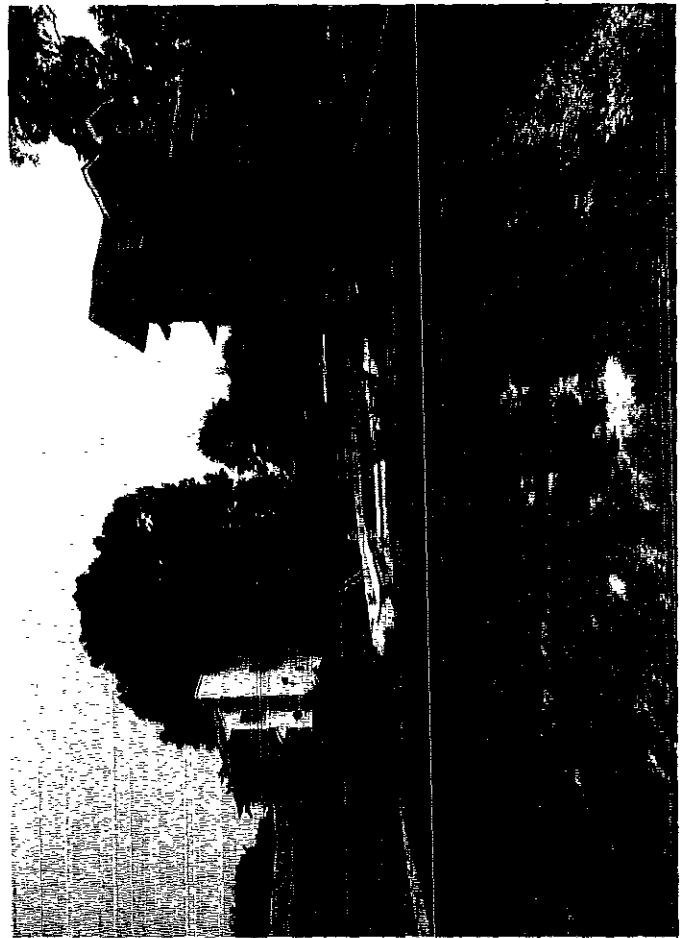
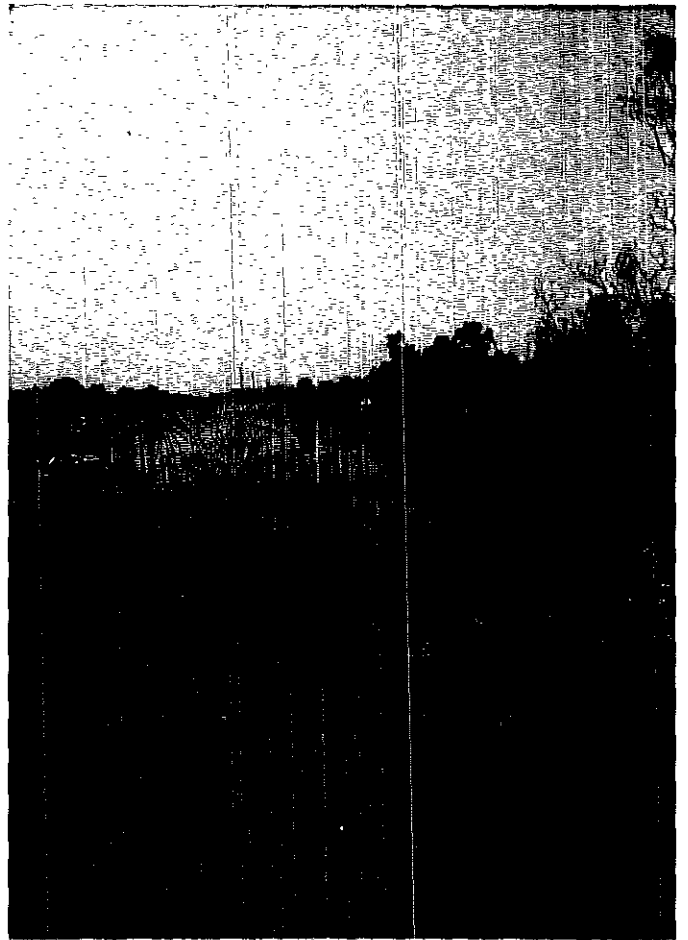


3J



PROTESTANT'S
EXHIBITS

PRO-EX



PLEASE PRINT CLEARLY

Protestant
~~BALTIMORE COUNTY REPRESENTATIVES~~
SIGN-IN SHEET

NAME

ADDRESS

Alvin Henry Schoeberlein

2419 Ketchum Ave 21219

Helen K. Schoeberlein

2419 Ketchum Ave 21219

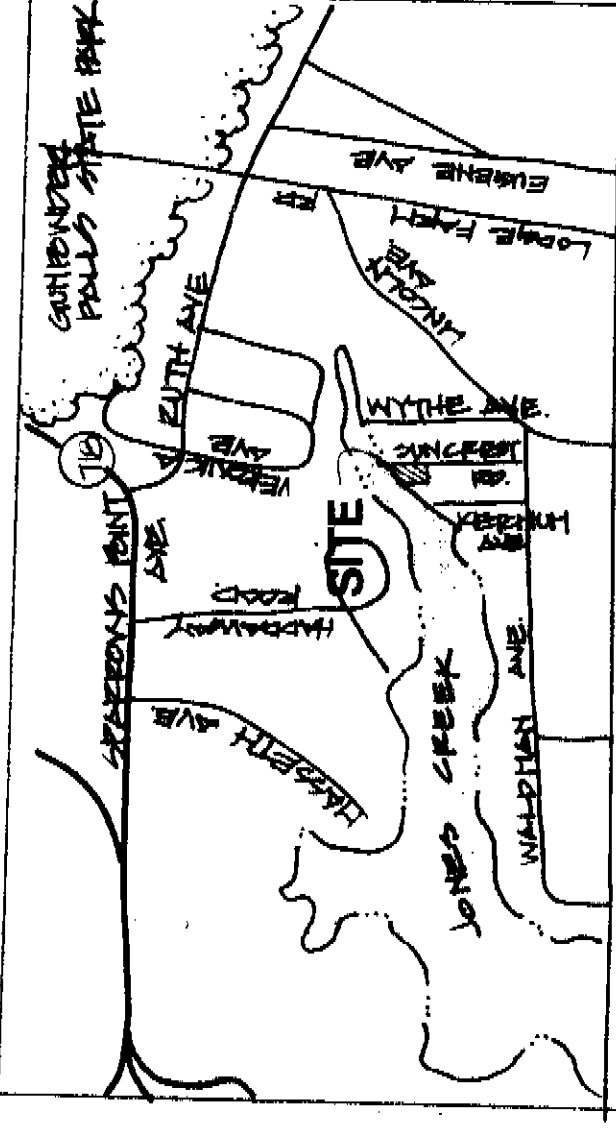
Mary Schoeberlein

2421 Ketchum Ave 21219

C. Justin Schoeberlein

2421 Ketchum Ave 21219





VICINITY MAP
1"=1000'

GENERAL NOTES:

1. DEVELOPMENT NAME: 2424 SUN CREST ROAD
OWNER: Richard and Bonnie Almacost
2424 Suncrest Road
Baltimore, MD 21219
Tel.: (410) 477-2170
2. CRG PLAN PREPARED BY: Stacey A. McArthur, R.L.A.
Election District: 15
Councilmanic District: 7
3. GENERAL DATA: ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 7
4. SITE INFORMATION: A. Gross acreage = 0.47
Net acreage = 0.47
B. Zoning: Existing Zoning = DR-5.5
C. Density Calculations: Allowable = 2.5 Dwelling Units
Existing = 1 Dwelling Unit
D. Parking: Required: 2 spaces/unit
Proposed: 2 spaces
5. UTILITIES: Public water and sewer are provided.
6. USE: The existing use is residential
The proposed use is residential
7. EXISTING: There are no known historic buildings, archaeological sites, endangered species, or hazardous materials on the site.
8. REFERENCES: Topography: Baltimore County 200 scale SE-7H
Boundary: D.S. Thaler & Associates, Inc. (12/94)
Zoning: Baltimore County 1992 200 scale SE-7H
Address: #B207308
Detached Garage: #B169440
9. ZONING PERMIT SITE HISTORY:

DEED: 7331/464
TAX ACCOUNT NUMBER: 15-11-150702
TAX MAP: 111 GRID: 16 PARCEL: 128, P/O Lot 59
ADC MAP: 4S-11F

PROPERTY REFERENCES

REVISIONS: 6-7-95: Building Orientation

PETITIONER'S EXHIBIT NO. 1

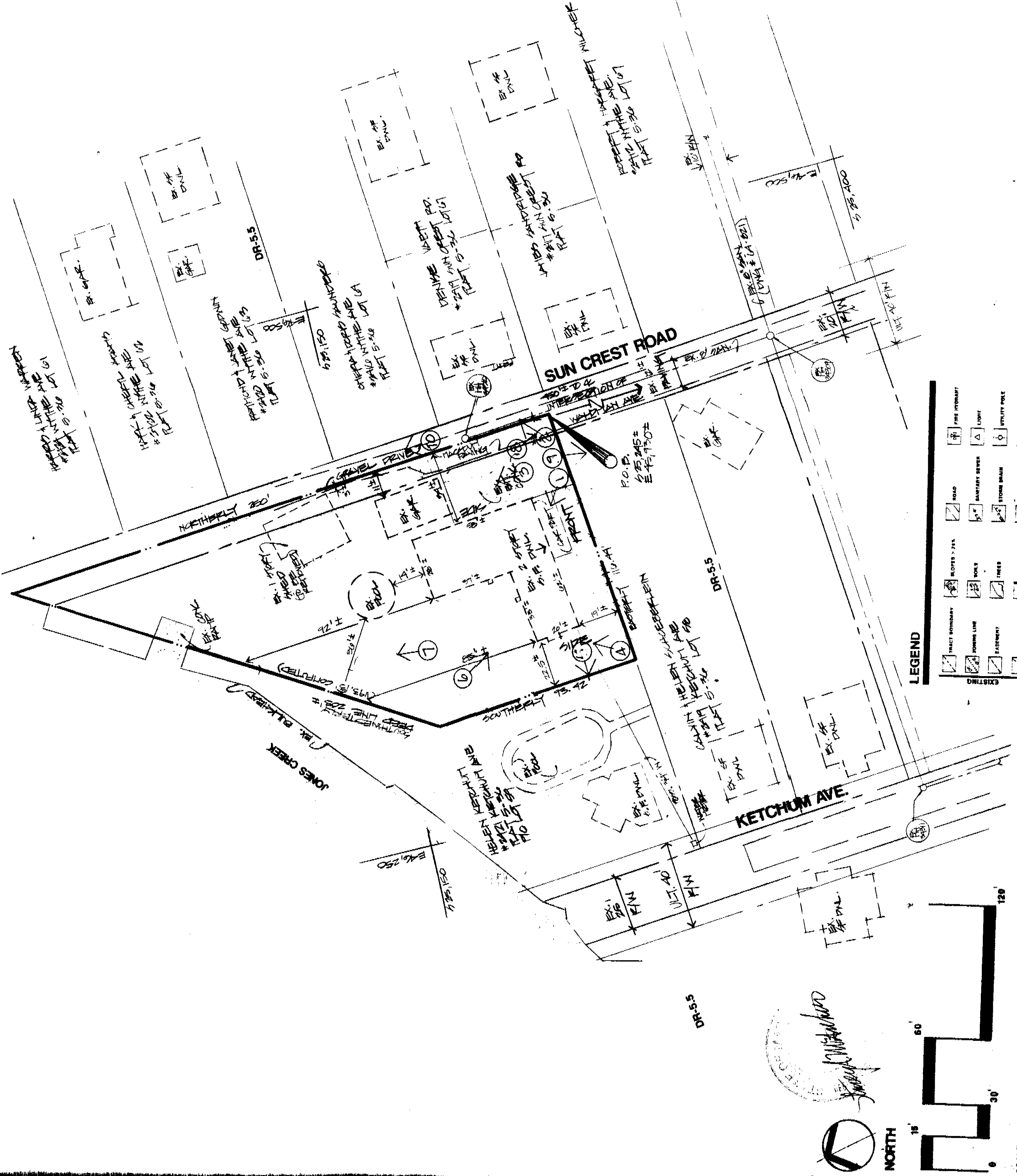
MICROFILMED

OWNER: Richard and Bonnie Almacost
2424 SUNCREST ROAD
BALTIMORE, MD 21219
(410) 477-2170

ELECTION DISTRICT: 15
SCALE: 1"=30'
P/N: 1640A

EXHIBIT TO ACCOMPANY PHOTOGRAPHS
PLAT TO ACCOMPANY ZONING PETITION
2424 SUN CREST ROAD

D.S. THALER AND ASSOCIATES
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-3647 12-15-94
REVISIONS: 6-7-95: Building Orientation

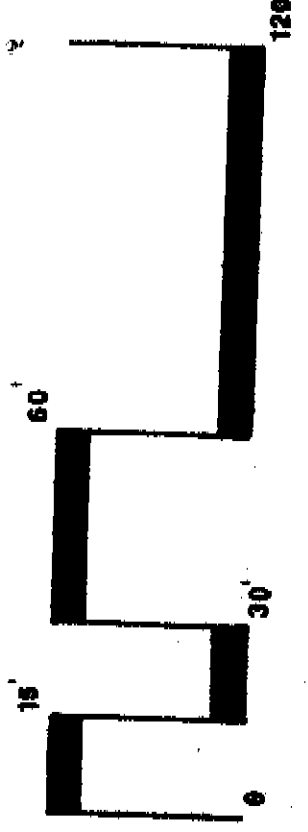


LEGEND

- TRACT BOUNDARY
- ZONING LINE
- EGRESS
- CONTOUR
- ROAD
- DRIVEWAY
- STONE WALL
- WATER
- FIRE HYDRANT
- LIGHT
- MANHOLE
- UTILITY POLE
- WELL

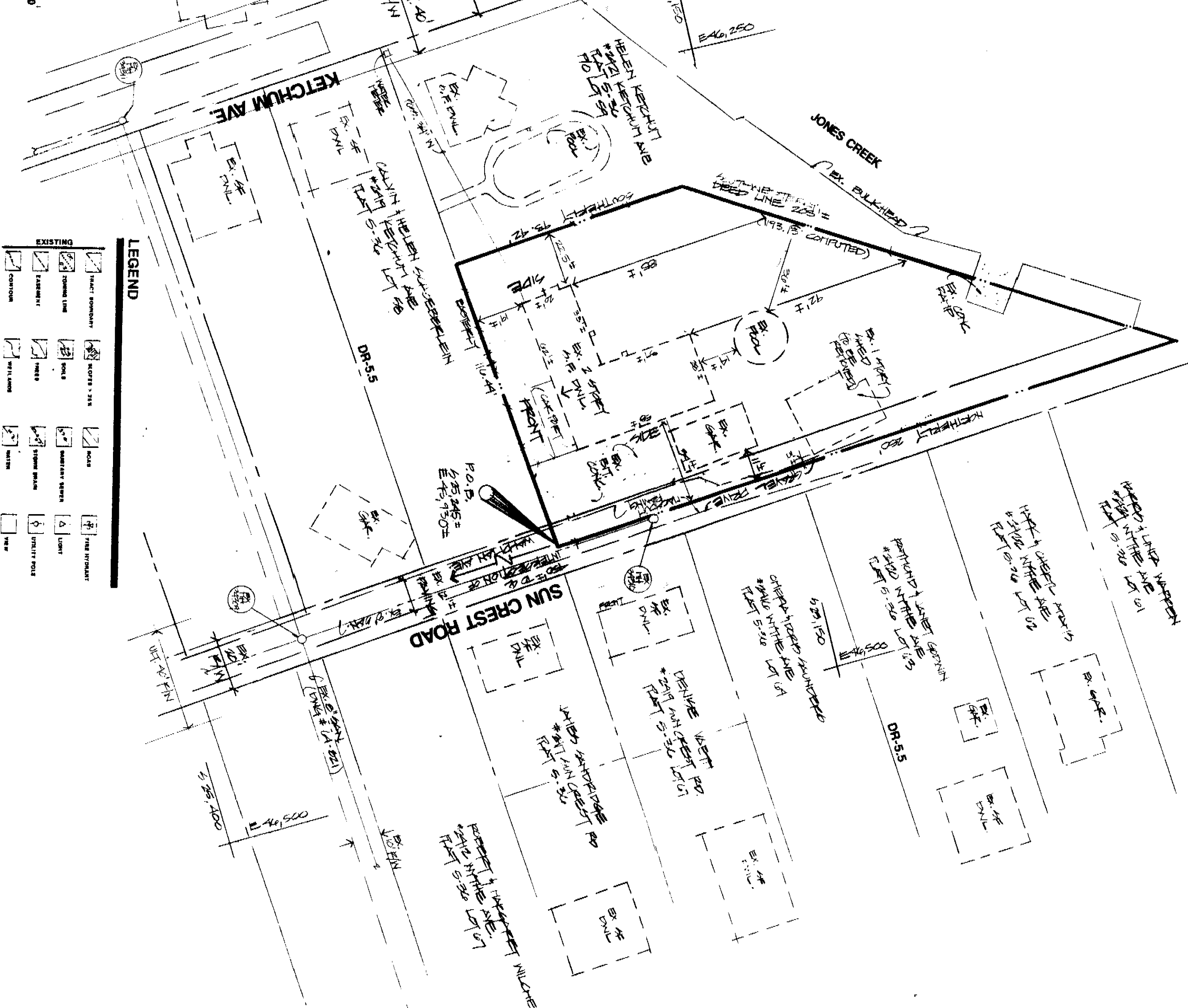
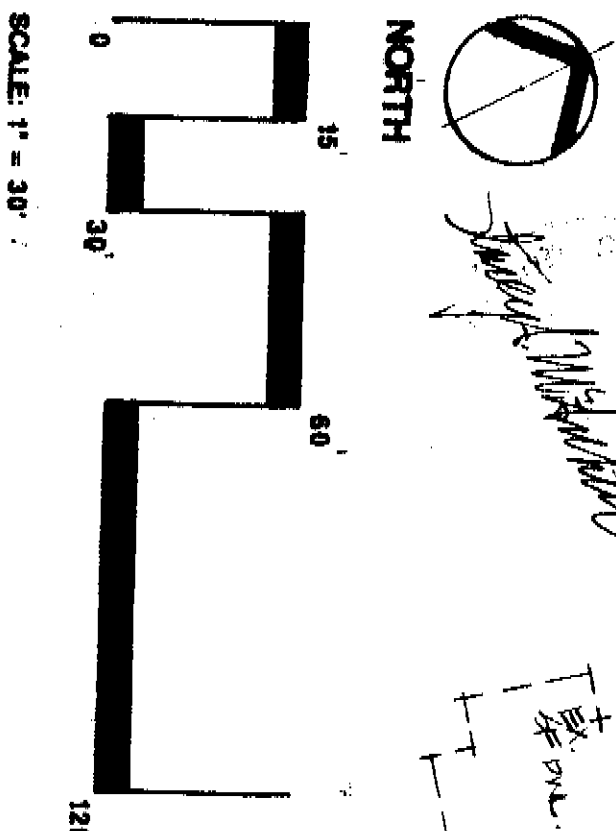
SMALL LOT TABLE SETBACKS
FRONT YARD: 25'
SIDE YARD: 10'
REAR YARD: 30'

Richard and Bonnie Almacost



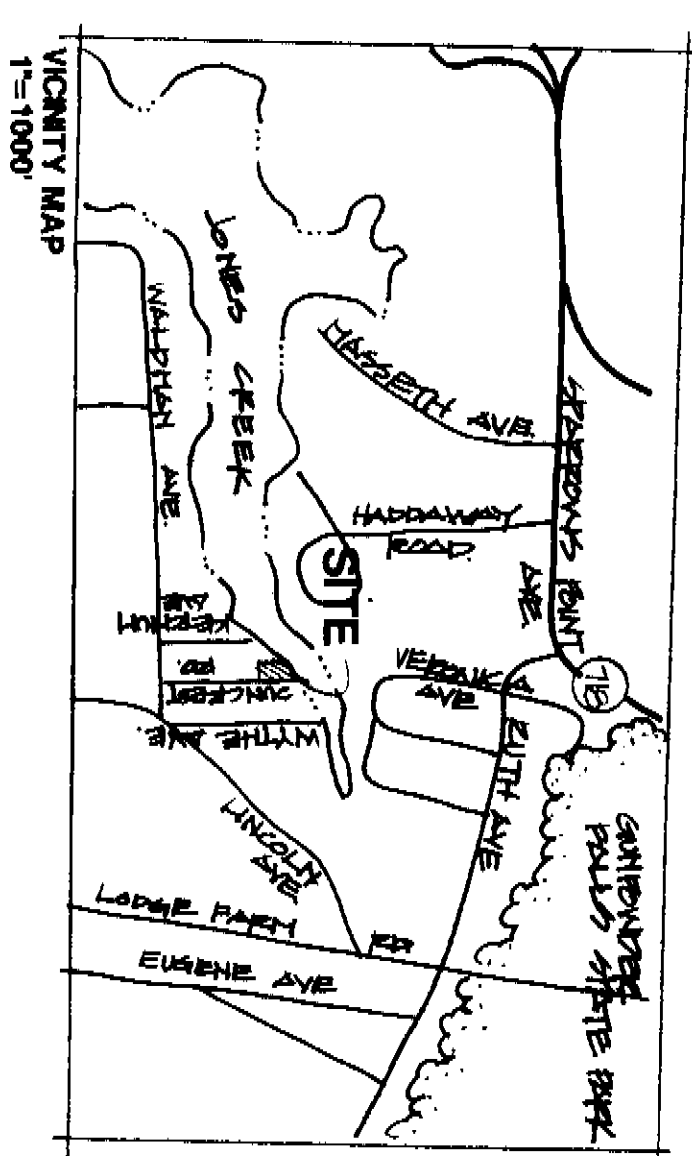
SCALE: 1" = 30'

SHALL LOT TABLE - SETBACKS
 FRONT YARD: 25'
 SIDE YARD: 10'
 REAR YARD: 30'



LEGEND

	PROJECT BOUNDARY		NOTES 3-5
	COMMON LINE		ROAD
	ASSESSMENT		UTILITY SEWER
	CONTOUR		STORM DRAIN
	WETLAND		WATER
	FIRE HYDRANT		LIGHT
	POLE		UTILITY POLE



GENERAL NOTES:

1. DEVELOPMENT: 2424 SUN CREST ROAD
 NAME: Richard and Bonnie Armacost
 2424 Suncrest Road
 Baltimore, MD 21219
 TEL: (410) 477-2170
2. CRG PLAN PREPARED BY: Stacy A. McArthur, R.L.A.
3. GENERAL DATA: Election District: 15
 Councilmanic District: 7
4. SITE INFORMATION:
 A. Gross acreage = 0.47
 Net acreage = 0.47
 B. Zoning Existing Zoning = DR-5.5
 C. Density Calculations:
 Allowable = 2.5 Dwelling Units
 Existing = 1 Dwelling Unit
 D. Parking
 Required: 2 Spaces/Unit
 Proposed: 2 Spaces

5. UTILITIES: Public water and sewer are provided.
6. USE: The existing use is residential
 The proposed use is residential
7. EXISTING: There are no known historic buildings, archaeological sites, endangered species, or hazardous materials on the site.
8. REFERENCES: Baltimore County 200 scale SE-7H
 Topography: D.S. Thaler & Associates, Inc. (12/94)
9. ZONING PERMIT SITE HISTORY: Baltimore County 1997 200 scale SE-7H
 Address: #8207308
 Detached Garage: #8189440

95-461-A

PETITIONER'S EXHIBIT NO. 3

OWNER:
 Richard and Bonnie Armacost
 2424 Suncrest Road
 Baltimore, MD 21219
 (410) 477-2170

ELECTION DISTRICT: 15

SCALE: 1"=30'

PAT: 1640A

PLAT TO ACCOMPANY ZONING PETITION
2424 SUN CREST ROAD

D.S. THALER AND ASSOCIATES
 7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
 (410) 944-3647 12-15-94

REVISIONS:
 5. EDITIONS: 6.7.95 Building Orientation

TM RE: PETITION FOR VARIANCE
W/S Suncrest Road, 450' N of
the c/l of Waldman Avenue
(2424 Suncrest Road)
15th Election District
7th Councilmanic District
Richard Armacost, Sr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-461-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2424 Suncrest Road, located in the vicinity of Jones Creek in Edgemere. The Petition was filed by the owners of the property, Richard Armacost, Sr., and his wife, Bonnie L. Armacost, through their attorney, Michael E. Marino, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.2.C to permit a front setback of 19 feet in lieu of the required 25 feet for an existing dwelling; from Section 301.1.A to permit the existing carport to extend into the front yard 11 feet in lieu of the permitted 4.75 feet; from Sections 400.1 and 400.2 to permit a side yard setback of 11 feet in lieu of the required 15 feet for an existing garage and to permit said structure to be partially located in the side yard in lieu of the required rear yard, and to confirm the orientation of the existing dwelling as facing south in accordance with the site plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard and Bonnie Armacost, property owners, Alan Scoll, Landscape Architect, and Michael E. Marino, Esquire, attorney for the Petitioners. Appearing as

ORDER RECEIVED FOR FILING
Date 8/11/95
By [Signature]

Protestants in the matter were Mr. & Mrs. Calvin H. Schoeberlein, and their son and daughter-in-law, Mr. & Mrs. C. Justin Schoeberlein, both of whom own adjoining property at 2419 and 2421 Ketchum Road.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.47 acres, zoned D.R. 5.5 and is improved with a two-story single family dwelling, swimming pool, detached garage, carport, and a large shed. The property is a waterfront lot located on Jones Creek in southeastern Baltimore County. The Petitioners filed the instant Petition to legitimize existing conditions on their property. As to the variance relief sought, the Petitioners have determined that the front of their property faces south, due to the irregular shape of the lot and the location of existing improvements thereon, and due to the close proximity of the dwelling to the property line, the requested front setback is necessary. Mr. Alan Scoll testified that the setback deficiencies on the property were caused by a resubdivision of this development which was originally laid out in 1919 and resubdivided some time later. The subject parcel is roughly triangular shaped and lies along Suncrest Road in a north/south direction whereas the surrounding lots are rectangular in shape and lie in an east/west direction. It should be noted that both Suncrest Road and Ketchum Road run in a north/south direction and end at the waterline of Jones Creek.

Ms. Bonnie Armacost testified concerning the improvements on the property. She testified that she and her husband purchased the property in 1986 and have made several improvements to same since that time, including an addition on the west side of the dwelling and the detached garage, for which they obtained the requisite building permits in 1990, and the swimming pool. The existing shed is proposed to be removed. Ms. Armacost

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Date 8/11/95
By [Signature]

testified that the manner in which they use their home dictates that the front faces south and the east side faces Suncrest Road.

The Schoeberleins who appeared in opposition to the Petitioners' apparently have no objections to the improvements on the subject property, but took issue with the Petitioners' request to confirm the front of the house as facing south. It should be noted that Mr. & Mrs. Calvin Schoeberlein's property abuts the south side of the Petitioners' property and Mr. & Mrs. C. Justin Schoeberlein's property abuts the Petitioners' property on the west side. The Protestants believe that given the fact that this property is a waterfront parcel, that the front of the property is that side which faces towards Jones Creek (north), or the east side facing Suncrest Road, the access road to this site. Furthermore, Mr. C. Justin Schoeberlein is concerned that the fence which he previously constructed along the north side of his property would be in violation of height requirements, given the fact that the Petitioners have determined the front of their house faces south. Furthermore, Mr. Calvin H. Schoeberlein testified that he may wish to construct a privacy fence or garage on his property at some point in the future and is concerned that he would have a problem doing so, given the configuration of the Petitioners' property.

After further discussion on these issues, and in consideration of the testimony and evidence offered by both sides, I believe the Petitioners' home is oriented towards the south side, and thus the relief requested should be granted. However, I advised the Schoeberleins that no existing or proposed fence shall be affected by virtue of my ruling in this matter and that the existing fence shall be permitted to remain in its present location. Furthermore, the orientation of the Armacost home will not limit the Protestants to a fence height of 42 inches for any future

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Date 8/11/95
By [Signature]

privacy fence and Mr. Schoeberlein will be permitted to construct both a fence and/or any additional buildings on his property without being limited by the orientation of the Armacost home.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 303 Md. App. 601 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself -- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

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By [Signature]

227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

ORDER RECEIVED FOR FILING
Date 8/11/95
By [Signature]

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioners have proven the practical difficulty standards as set forth above and that the relief requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and can be accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of August, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.2.C to permit a front setback of 19 feet in lieu of the required 25 feet for an existing dwelling; from Section 301.1.A to permit the existing carport to extend into the front yard 11 feet in lieu of the permitted 4.75 feet; from Sections 400.1 and

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Date 8/11/95
By [Signature]

400.2 to permit a side yard setback of 11 feet in lieu of the required 15 feet for an existing garage and to permit said structure to be partially located in the side yard in lieu of the required rear yard, and to confirm the orientation of the existing dwelling as facing south, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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 relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the orientation of the subject property is such that it faces in a southerly direction; and,

IT IS FURTHER ORDERED that the fronting of this property in a southerly direction shall not restrict the height of any existing or proposed fence on the adjacent properties owned by the Schoeberleins.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/11/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 11, 1995

(410) 887-4386

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Suncrest Road, 450' N of the c/l of Waldman Avenue
(2424 Suncrest Road)
15th Election District - 7th Councilmanic District
Richard Armacost, Sr., et ux - Petitioners
Case No. 95-461-A

Dear Mr. Marino:

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

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

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Richard Armacost
2424 Suncrest Road, Baltimore, Md. 21219
Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401
Mr. & Mrs. Calvin H. Schoeberlein
2419 Ketchum Avenue, Baltimore, Md. 21219
Mr. & Mrs. C. Justin Schoeberlein
2421 Ketchum Avenue, Baltimore, Md. 21219
People's Counsel; DEPRM; Cass File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2424 Suncrest Road
which is presently zoned DR 5.5

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)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) physical characteristics of the subject property impose practical difficulty upon the owners with respect to the existing improvements as constructed.

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.

Correct Purchaser(s):
 (Type or Print Name)
 Signature
 Address
 City State Zipcode

Legal Owner(s):
 RICHARD ARMACOST, SR.
 (Type or Print Name)
 Signature
 BONNIE L. ARMACOST
 (Type or Print Name)
 Signature
 2424 Suncrest Road
 Address Phone No.
 Baltimore, Maryland 21219
 City State Zipcode
 Name, Address and phone number of representative, if by contract.

Agency for Petitioner:
 Michael E. Marino, Esquire
 (Type or Print Name)
 Signature
 609 Bosley Avenue (410) 821-6633
 Address Phone No.
 Towson, Maryland 21204
 City State Zipcode

OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING: 2 hr
 available for hearing
 ALL OTHER: RECEIVED BY: *Smith* DATE: 6/13/95

ORDER RECEIVED FOR FILING
Date: 6/13/95
BY: *[Signature]*



ATTACHMENT TO PETITION FOR VARIANCE

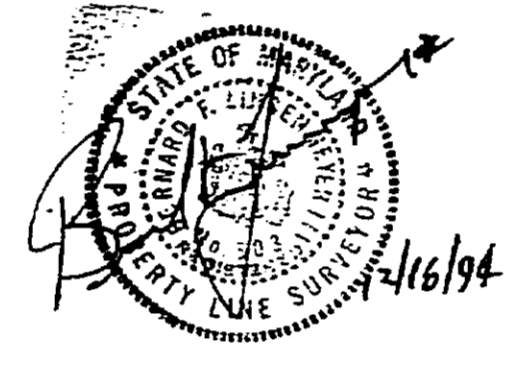
- Armocost - 2424 Suncrest Road
1. B01.2.C. to permit the 19' setback in front in lieu of the required 25'.
 2. To confirm the orientation of the house as shown on the site plan as facing south.
 3. 301.1.A. to permit the carport to extend into the front yard 10' in lieu of the allowable 4.75'.
 4. 400.1 and 400.2 to permit the 11' setback for the garage in lieu of the required 15'.
 5. 400.1 to permit the existing garage to be partially in the side yard in lieu of the rear yard.

December 16, 1994

DESCRIPTION FOR ZONING PURPOSES ONLY

2424 SUN CREST ROAD 95-461-A

Beginning for the same thereof in the center of a 20-foot alley, now called Sun Crest Road, at a point distant 450 feet northerly from its intersection with the north side of a 30-foot avenue, now called Waldman Avenue, said point also being at the division lines between Lot Nos. 58-59 and 65-66 as laid out and shown on a plat of "Chesapeake Terrace", Section "B", running thence northerly and binding on the center of said 20-foot alley, now Sun Crest Road, with use thereof in common, 250 feet, more or less, to the waters of Jones Creek, thence running in a southwesterly direction and binding along the southernmost edges of said waters of Jones Creek as now surveyed, 205 feet, more or less, to a point at the end of a new divisional line through Lot No. 59, thence running southerly parallel with the center of Sun Crest Road and binding on said new divisional line 93.42 feet, more or less, to intersect the division line between Lot Nos. 59 and 58, aforesaid; and thence running easterly and binding on part of said division line 116.44 feet to the place of beginning; being the easternmost part of Lot No. 59 as laid out and shown on the plat of "Chesapeake Terrace", Section "B" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5, folio 36-37. Containing approximately 0.47 acres of land, more or less. Being the same lot of ground which by Deed dated October 10, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6812, folio 587, and known as 2424 Sun Crest Road.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
 Posted for: Variance
 Date of Posting: 7/1/95
 Petitioner: Richard A. Armocost, Sr.
 Location of property: 2424 Suncrest Rd.
 Location of Signs: 111 W. Chesapeake Ave. County Office Building
 Remarks:
 Posted by: *[Signature]*
 Date of return: 7/1/95
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/29, 1995

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 6/29, 1995

THE JEFFERSONIAN,
A. Henkelson
 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, on Wednesday, July 19, 1995 at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:
 CASE: 95-461-A (Item 455)
 2424 Suncrest Road, 450' N of c/l Waldman Avenue
 15th Election District - 7th Councilmanic
 Legal Owner(s): Richard Armocost, Sr. and Bonnie L. Armocost
 Hearing: Wednesday, July 19, 1995 at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204
 Variance to permit the 19-foot setback in front in lieu of the required 25 feet; to confirm the orientation of the house as shown on the site plan as facing south; to permit the carport to extend into the front yard 10 feet in lieu of the allowable 4.75 feet; to permit the 11-foot setback for the garage in lieu of the required 15 feet; and to permit the existing garage to be partially in the side yard in lieu of the rear yard.
 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.
 6/28 1995

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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 free and should be remitted directly to the newspaper.

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

Carl Jablon
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:
 Item No.: 455
 Petitioner: Armocost, Richard
 Location: 2424 Suncrest Road
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: *Michael E. Marino, Esquire*
 ADDRESS: 609 Bosley Ave
 Towson, MD 21204
 PHONE NUMBER: (410) 821-6630

TO: PUBLISHER PUBLISHING COMPANY
 June 29, 1995 Issue - Jeffersonian

Please forward billing to:
 Michael E. Marino, Esq.
 609 Bosley Avenue
 Towson, Maryland 21204
 821-6630

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: 95-461-A (Item 455)
 2424 Suncrest Road
 W/S Suncrest Road, 450' N of c/l Waldman Avenue
 15th Election District - 7th Councilmanic
 Legal Owner(s): Richard Armocost, Sr. and Bonnie L. Armocost
 HEARING: WEDNESDAY, JULY 19, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance to permit the 19-foot setback in front in lieu of the required 25 feet; to confirm the orientation of the house as shown on the site plan as facing south; to permit the carport to extend into the front yard 10 feet in lieu of the allowable 4.75 feet; to permit the 11-foot setback for the garage in lieu of the required 15 feet; and to permit the existing garage to be partially in the side yard in lieu of the rear yard.

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.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

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

June 22, 1995

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: 95-461-A (Item 455)
 2424 Suncrest Road
 W/S Suncrest Road, 450' N of c/l Waldman Avenue
 15th Election District - 7th Councilmanic
 Legal Owner(s): Richard Armocost, Sr. and Bonnie L. Armocost
 HEARING: WEDNESDAY, JULY 19, 1995 at 10:00 a.m. in Room 106, County Office Building.

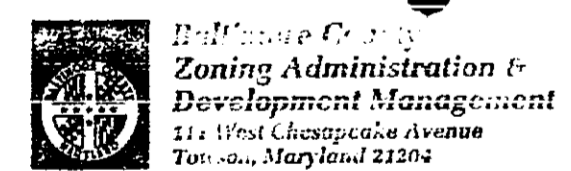
Variance to permit the 19-foot setback in front in lieu of the required 25 feet; to confirm the orientation of the house as shown on the site plan as facing south; to permit the carport to extend into the front yard 10 feet in lieu of the allowable 4.75 feet; to permit the 11-foot setback for the garage in lieu of the required 15 feet; and to permit the existing garage to be partially in the side yard in lieu of the rear yard.

Carl Jablon
 Director

Department of Permits and Development Management

cc: Richard and Bonnie Armocost, Sr.
 Michael E. Marino, Esq.
 Calvia Schoberlein
 Karen Kiel

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.



receipt

Account: R-001-6150
 Number: 455
 Date: 6/13/95

Armocost Richard - 2424 Suncrest Rd
 010 - Res Variance - \$50.00
 020 - 1 sign post - \$35.00
 Total - \$85.00

03933801SNDHRC
 SA 0089-3540a-11-95 155.00

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1995

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 455
Case No.: 95-461-A
Petitioner: Mr. and Mrs. Armacost

Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 13, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
J. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 7, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review
RE: Zoning Advisory Committee Meeting
for July 3, 1995
Item No. 455

The Development Plans Review Division has reviewed the subject zoning item. A portion of the site is shown on the FIRM Map as in Flood Zone "B" - the area between the 100-year flood and the 500 year flood zone, with the remainder in the 100-year flood area Zone "A". Indicate on the plat the limits of the 100-year flood area.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least one foot over the 100 year flood plain elevation in all construction.

Sun Crest Road is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 40-foot right-of-way.

There is no water main available in Sun Crest Road to connect to. Please indicate on the plat how you obtained your water supply.

RWB:sw

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: June 27, 1995
FROM: Pat Keller, Director, OP2
SUBJECT: 2424 Suncrest Rd.

INFORMATION:
Item Number: 455
Petitioner: Armacost Property
Property Size:
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The subject Petition has been filed in response to Violation Case # CV-95-160.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: *Jeffrey W. Long*
Division Chief: *J. J. [Signature]*
PK/JL

ITEM455/PZONE/2AC1

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: July 6, 1995
Zoning Administration and
Development Management
FROM: J. Lawrence Pilsbury, Jr.
Development Coordinator, DEPRM
SUBJECT: Zoning Item #455 - Armacost Property
2424 Sun Crest Road
Zoning Advisory Committee Meeting of June 26, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

This site must comply with Section 26-453(c) of the Baltimore County Code (Chesapeake Bay Critical Area Regulations) which limits man-made impervious surfaces to 25% of the lot. Removal of the one-story shed as shown on the plan as "to be removed" will meet this requirement.

JLP:TL:sp
c: Richard & Bonnie Armacost
ARMACOST/DEPRM/TXTSBP



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

(410) 887-4500

DATE: 07/03/95

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

RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF JUN. 26, 1995

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 450, 451, 452, 453, 454, 455, 457, 458, 459, 460, 463 AND 464.

RECEIVED
JUL 3 1995
ZADM

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

O. James Lighthizer
Secretary
Paul Kasloff
Administrator

6-23-95

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

Re: Baltimore County
Item No.: 455 (MJK)

Dear Ms. Watson:

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 Ronald Burns, Chief
Engineering Access Permits
Division

BS/

PETITION PROBLEMS
AGENDA OF JUNE 26, 1995

#451 - MJK

- No legal owner listed on petition form.
- No address or telephone number for protestants.
- Zoning listed on petition form does not agree with zoning on front of folder (D.R.-5.5 on petition form; D.R.-5.5, D.R.-10.5, D.R.-16, O-2 listed on folder).

#452 - JLL

- Petitioner's copy of receipt is still in folder.

#454 - RT

- No special hearing fee charged to amend the FDP.
- Need attorney.

#455 - MJK

- No telephone number for legal owner.

#456 - JRA

- No telephone number for legal owner.
- No councilmanic district on folder.

#457 - MJK

- No telephone number for legal owner.

#459 - MJK

- Need title of persons signing for legal owner.
- No telephone number or address for representative to be contacted.

BUILDING PERMIT

PERMIT #: B06072 CONTROL #: HR DIST: 15 P'NOC: 20
DATE ISSUED: 07/27/95 TAX ACCOUNT #: 1519074742 CLASS: 34

PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 2424 KETCHUM AVE
SUBDIVISION: CHESAPEAKE TERRACE

OWNERS INFORMATION
NAME: SCHOBBERLIEN, HELEN K
ADDR: 242 KETCHUM AVE, 21219

TENANT:
CONTR: T LEWIS COIT CO
ENGR:
SELLR:

WORK: ERECT 6' HIGH WOOD PRIVACY FENCE IN SIDE YARD
OF SFD 3817 IF FENCE IS TO BE ERECTED WITHIN
ANY EASEMENTS, IT MUST BE REMOVED AT OWNERS
EXPENSE IF NECESSARY. DOES NOT ABUT ANY FRONT
YARD/ LAC ESSEX OFFICE.

BLDG. CODE: BOCA CODE RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & FENCE
2,000.00 EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONTRACTION
USE: OTHER - RESIDENTIAL BASEMENT:
FOUNDATION: SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0060.00 X 0090.00

FRONT STREET:

SIDE STREET:

FRONT SETB: N/C

SIDE SETB: 0'-N/C

REAR SETB: N/C

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

Zoning Enforcement

Baltimore County
 Zoning Enforcement & Development Management
 *** Staff Organizational Chart ***
 Towson, Maryland 21284
 (410) 887-2551

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards June 13, 1995
 Zoning Coordinator

FROM: James H. Thompson -LJM
 Zoning Enforcement Coordinator

RE: Item No. 455

VIOLATION CASE # CV-95-160
 LOCATION OF VIOLATION 2424 SUNCREST LANE
 DEFENDANT RICHARD ARMACOST
 ADDRESS 2424 SUNCREST LANE

PETITIONER MIKE MARINO ESQ.
 Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

CALVIN SCHOEBERLEIN
 2419 KETCHUM LANE 21219
 KAREN KIEL
 2417 KETCHUM LANE 21219

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

RE: PETITION FOR VARIANCE
 2424 Suncrest Road, W/S Suncrest Rd, 450'
 N of c/l Waldman Avenue, 15th Election
 District - 7th Councilmanic
 Richard and Bonnie L. Armacost Sr.
 Petitioner

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 CASE NO. 95-461-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) 687-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

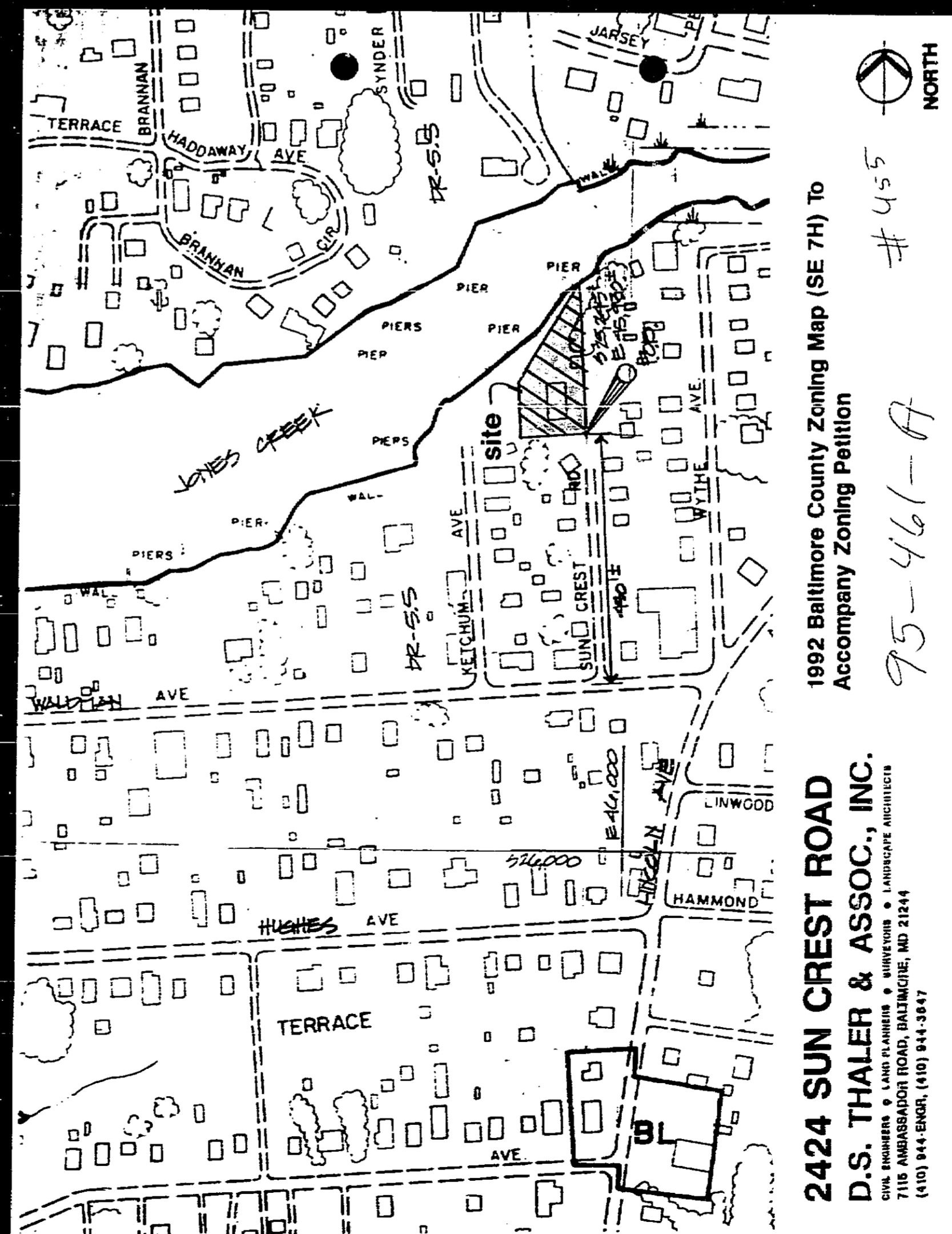
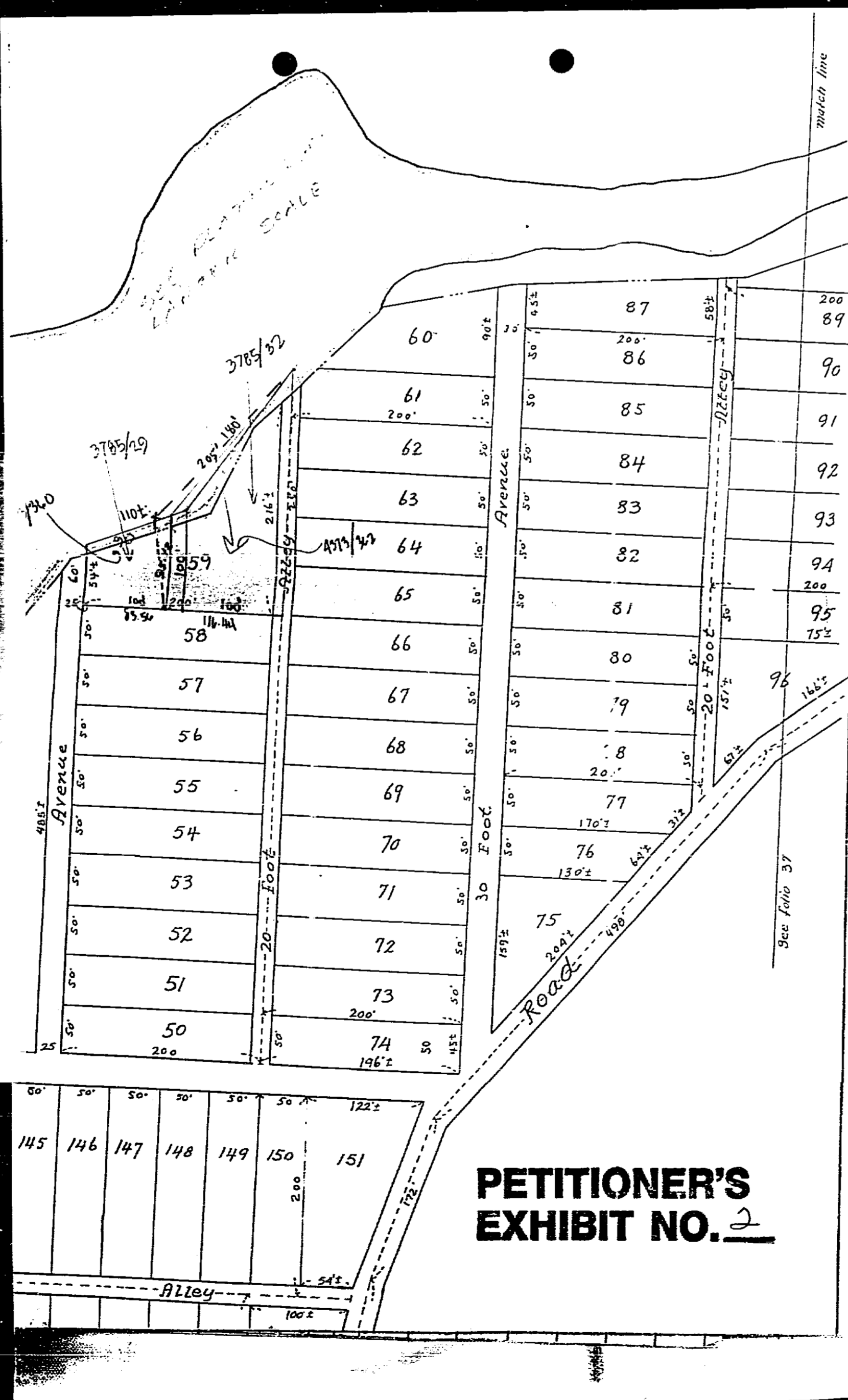
Petitioner
 BALTIMORE COUNTY REPRESENTATIVES
 SIGN-IN SHEET

NAME	ADDRESS
<i>Allen Henry Schoeberlein</i>	<i>2419 Ketchum Ave 21219</i>
<i>Helen K. Schoeberlein</i>	<i>2419 Ketchum Ave 21219</i>
<i>Mary Schoeberlein</i>	<i>2431 Ketchum Ave 21219</i>
<i>Justin Schoeberlein</i>	<i>2421 Ketchum Ave 21219</i>

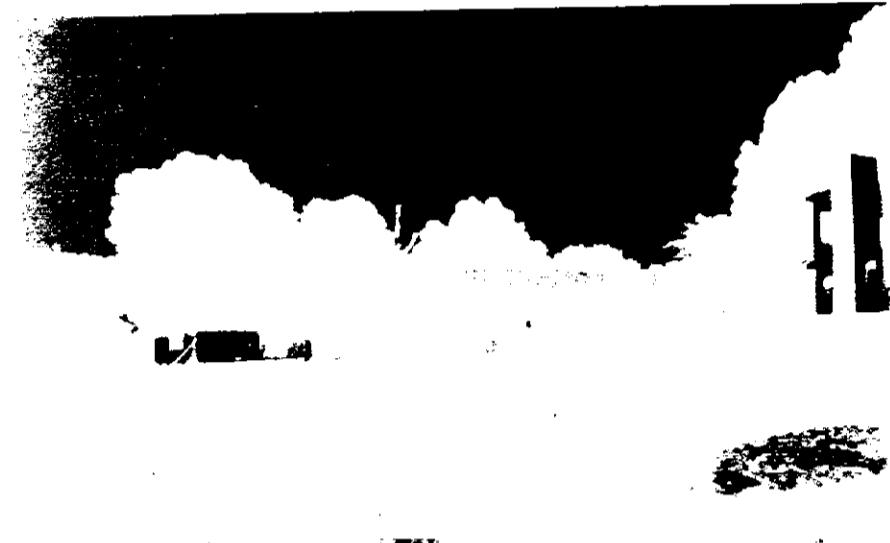
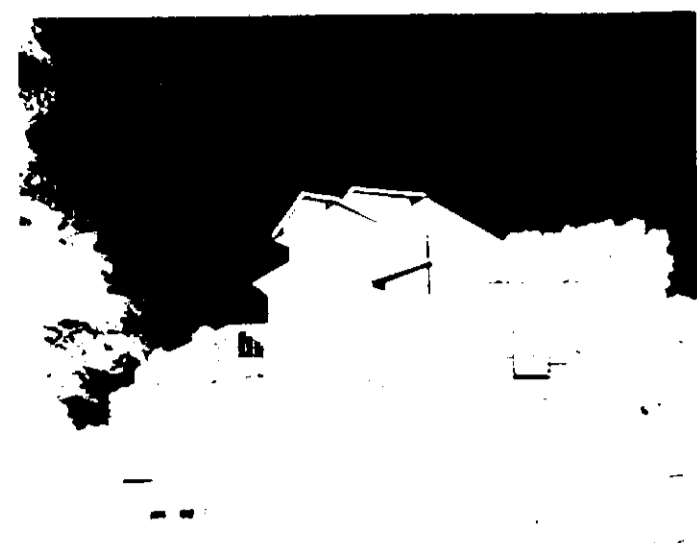
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

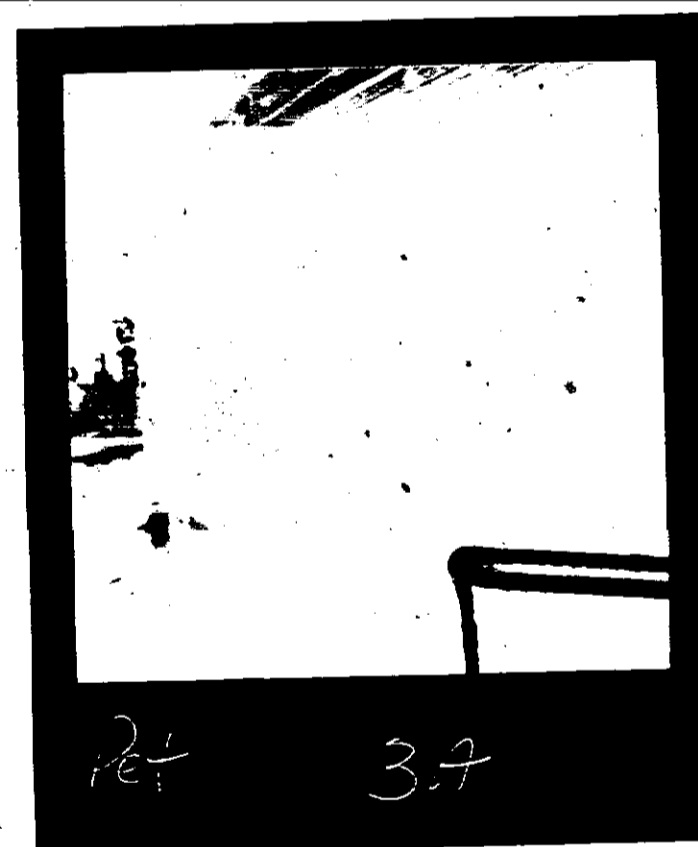
NAME	ADDRESS
<i>Michael Marino</i>	<i>609 Bosley Ave Towson MD 21204</i>
<i>And Scott</i>	<i>715 AMBASSADOR RD BWI, MD 21204</i>
<i>Bonnie Richard Armacost</i>	<i>2424 Suncrest Rd BWI MD 21219</i>



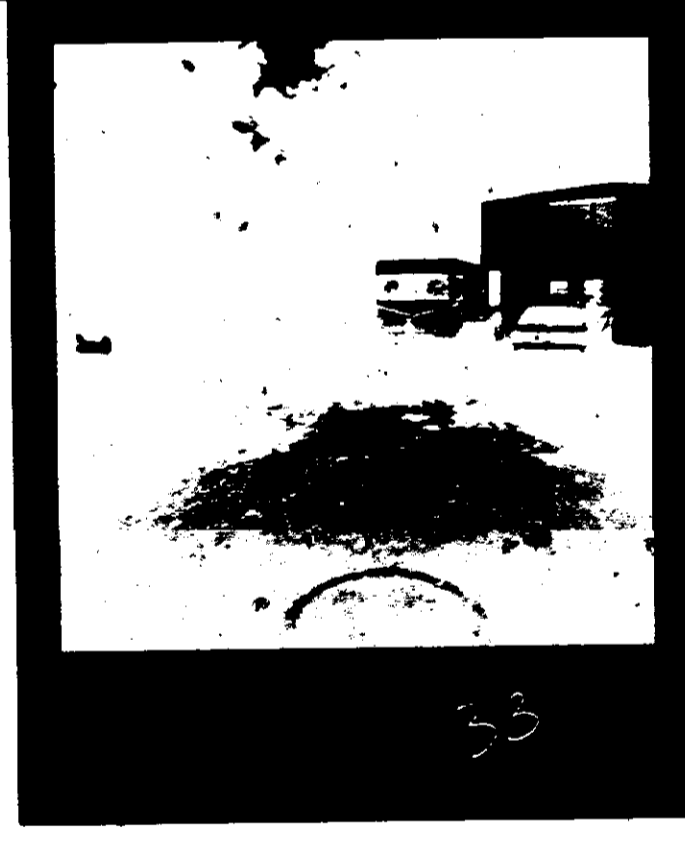
Peterson's
Exhibits 1
(9) photographs
95-461-A



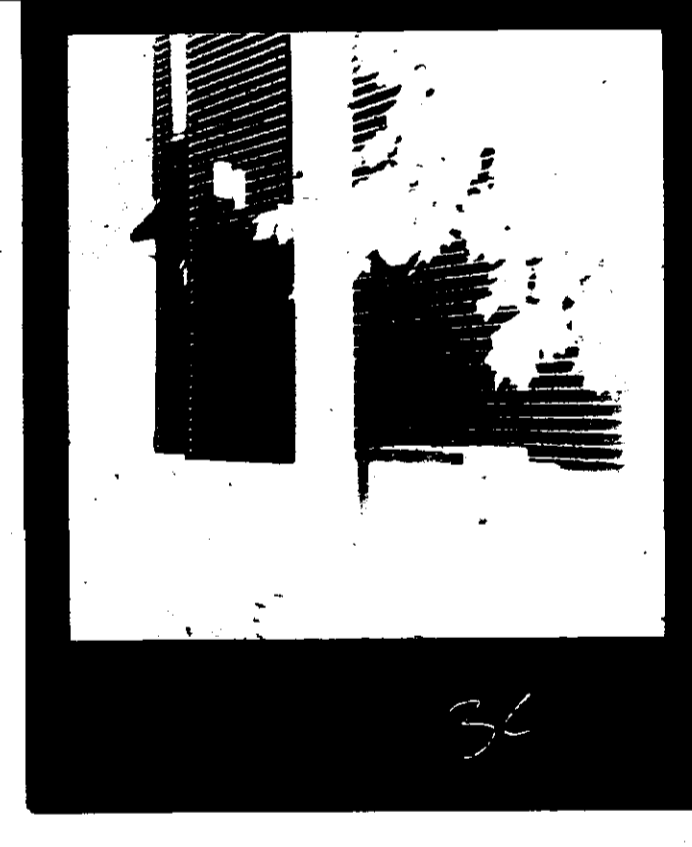
Peterson's
Exhibits 3A-5J
95-461-A



3A



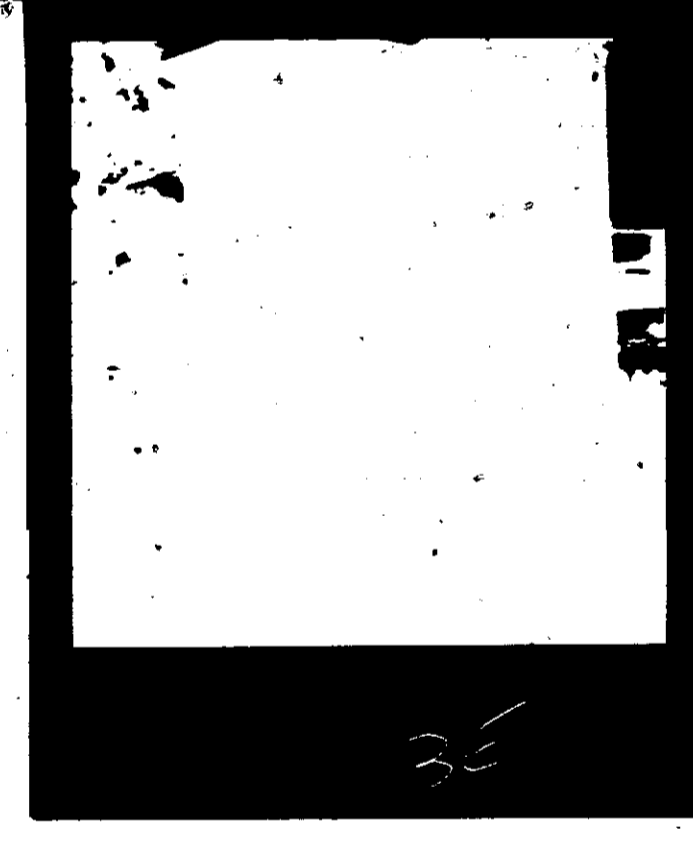
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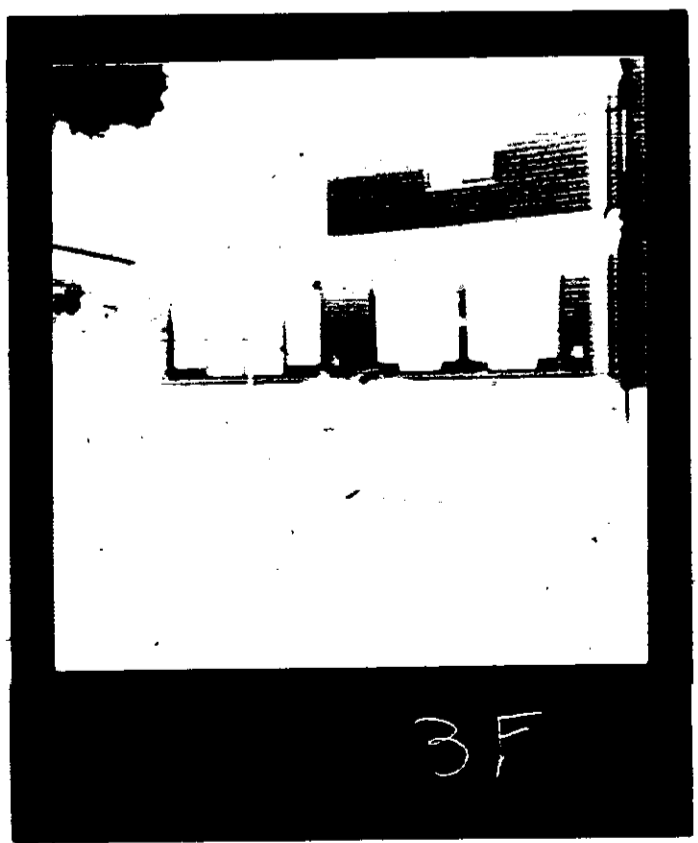
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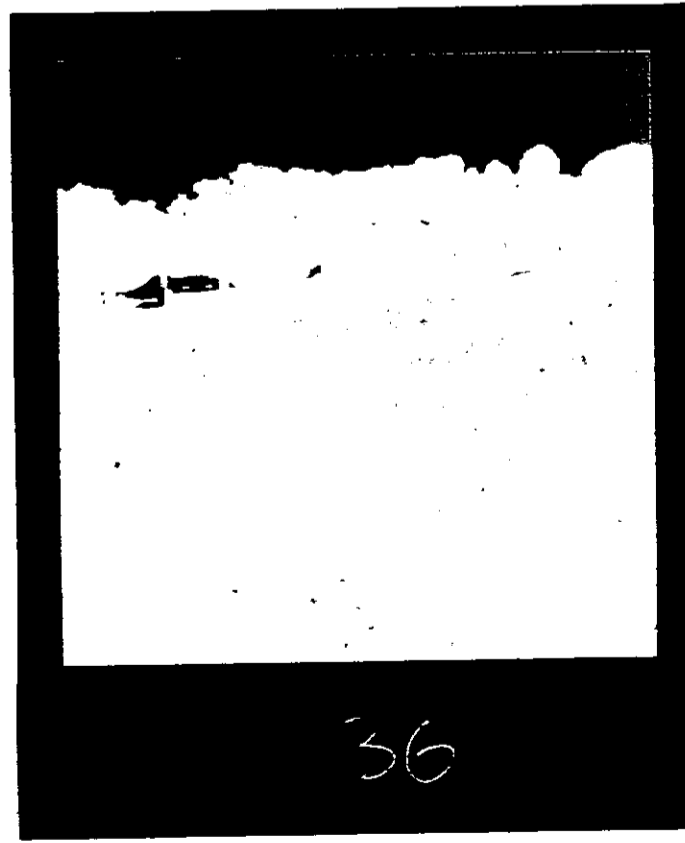
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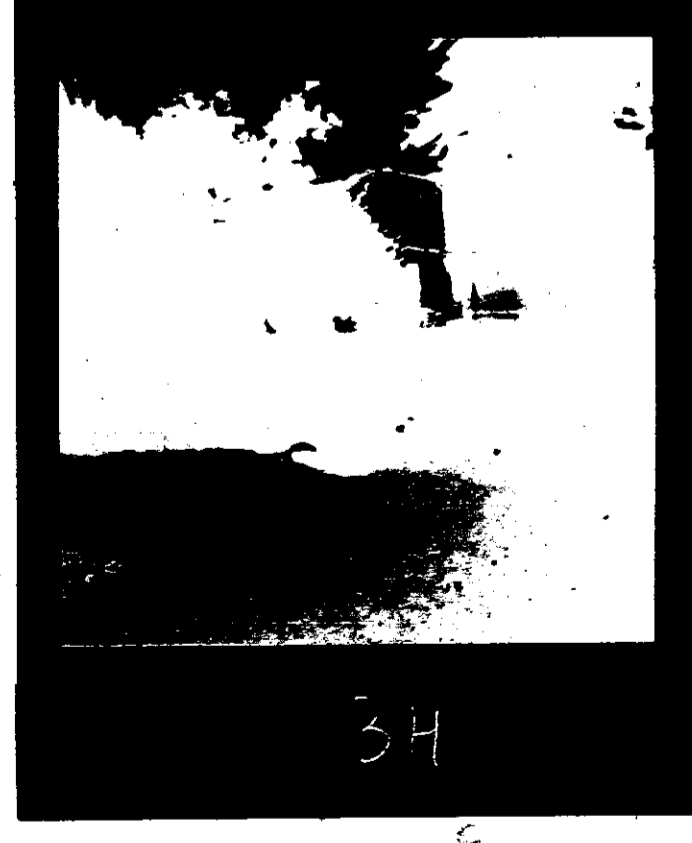
3E



3F



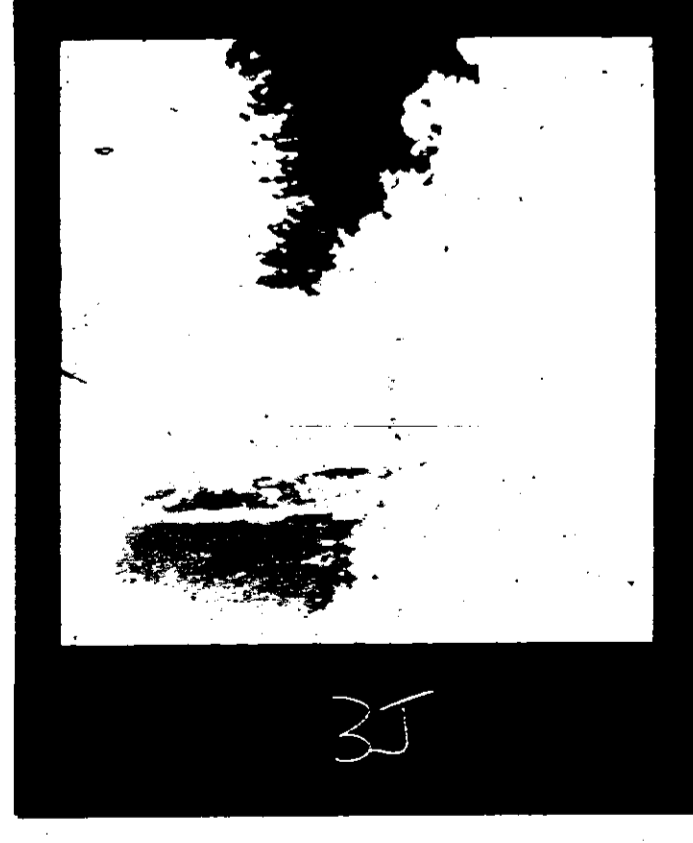
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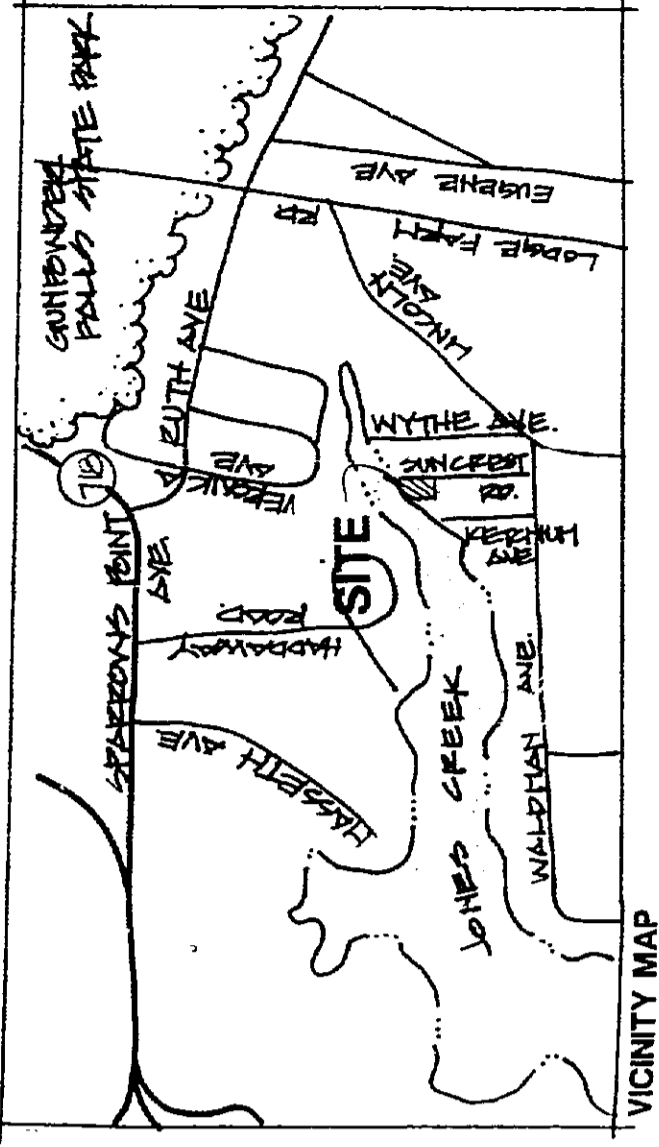
3H



3I



3J



GENERAL NOTES:

1. DEVELOPMENT NAME: 2424 SUN CREST ROAD
OWNER: Richard and Bonnie Armacost
2424 Sun Crest Road
Baltimore, MD 21244
Tel: (410) 477-2170
2. CGO PLAN PREPARED BY: Stacey A. McArthur, R.L.A.
3. GENERAL DATA: Election District: 15
Councilmanic District: 7
4. SITE INFORMATION:
A. Gross acreage = 0.47
Net acreage = 0.47
B. Zoning: Existing Zoning = DR-5.5
C. Density Calculations:
Existing = 1.5 Dwelling Units
Proposed = 2 Dwelling Units
D. Parking: Required: 2 spaces/unit
Proposed: 2 spaces
5. UTILITIES: Public water and sewer are provided.
6. USE: The existing use is residential. The proposed use is residential.
7. EXISTING: There are no known historic buildings, archaeological sites, endangered species, or hazardous materials on the site.
8. REFERENCES: Topography: Baltimore County 200 scale SE-7R
Boundary: D.S. Thaler & Associates, Inc. (12/94)
9. ZONING PERMIT: Baltimore County 1992 200 scale SE-7R
SITE HISTORY: Addition: #807308
Detached Garage: #818440

PETITIONER'S EXHIBIT NO. 1

REVISIONS:

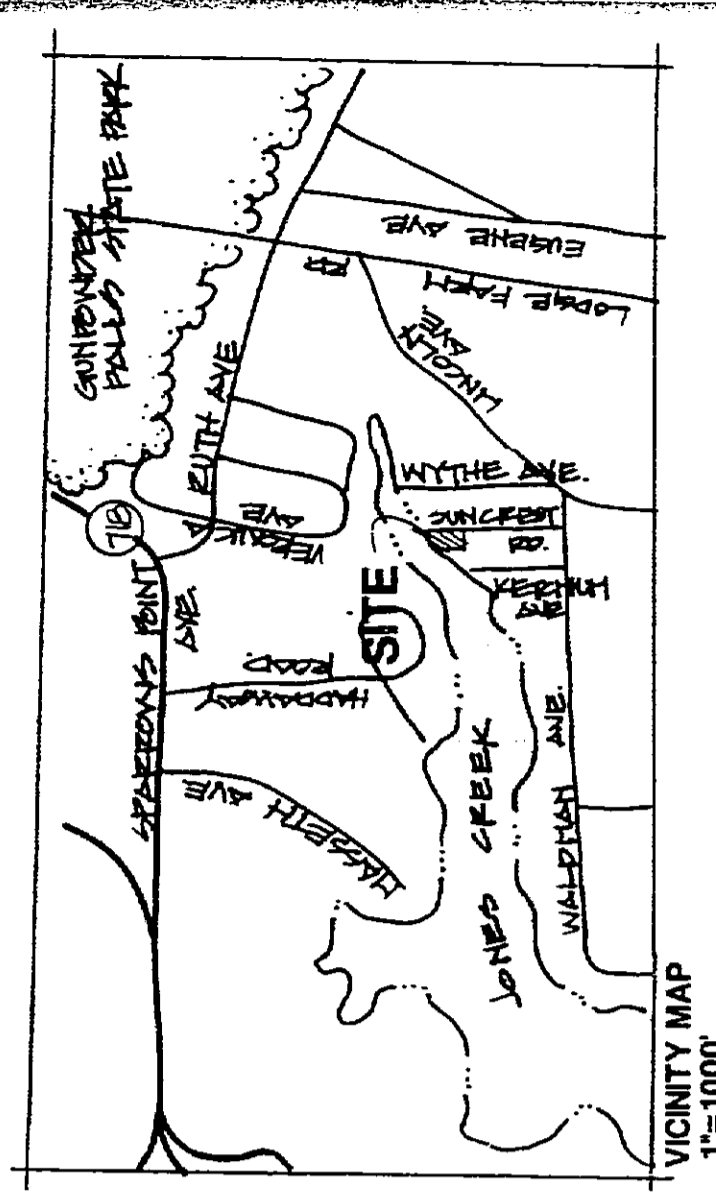
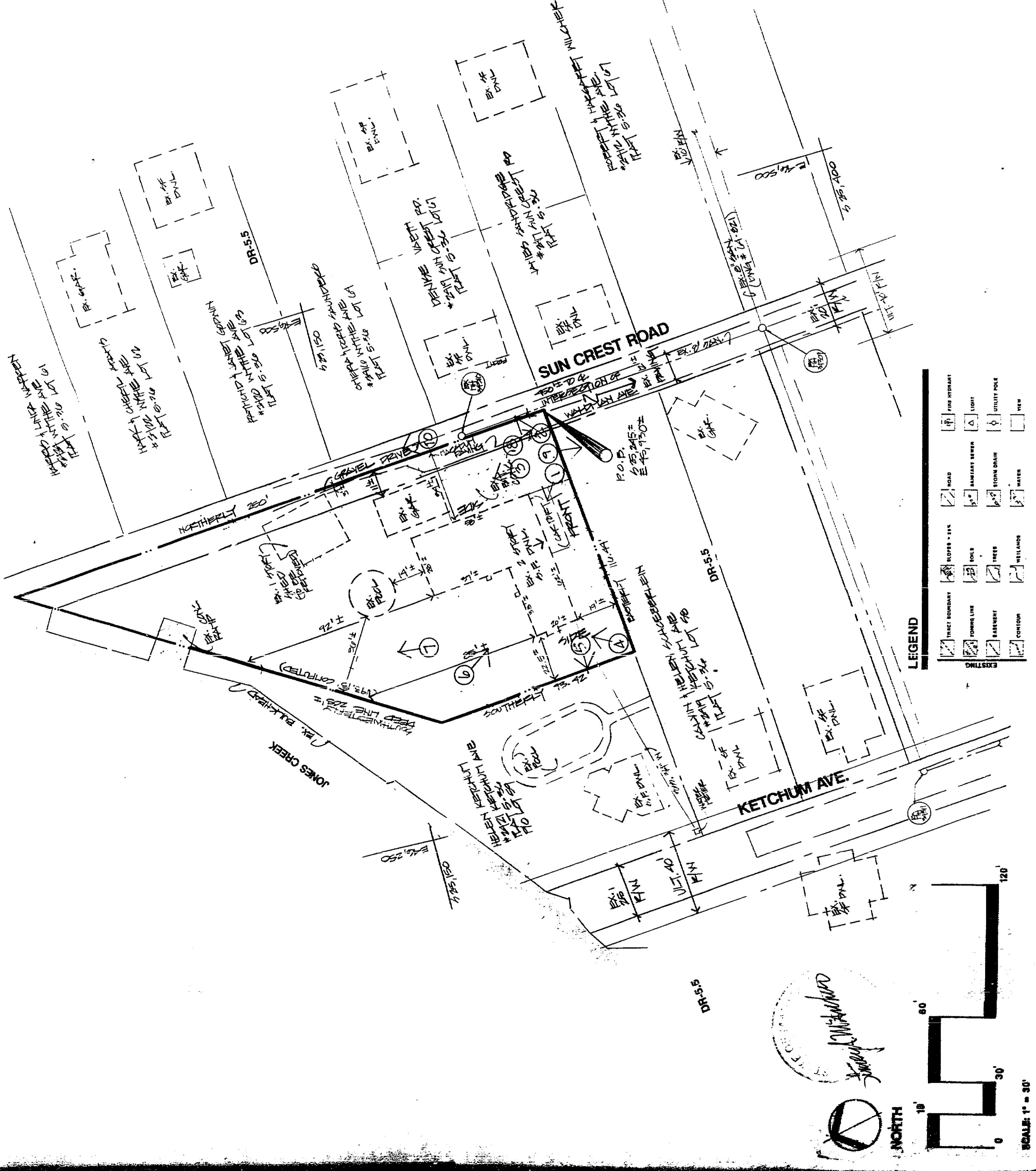
OWNER: Richard and Bonnie Armacost
2424 Sun Crest Road
Baltimore, MD 21244
(410) 477-2170

ELECTION DISTRICT: 15 SCALE: 1"=30'
PN: 190A

EXHIBIT TO ACCOMPANY PETITIONER'S PLAT TO ACCOMPANY ZONING PETITION
*2424 SUN CREST ROAD

D.S. THALER AND ASSOCIATES
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 844-3647 12-18-84
REVISIONS: 12-18-84
D.S. Thaler & Associates, Inc.

SMALL LOT TABLE - SETBACKS
FRONT YARD: 25'
SIDE YARD: 10'
REAR YARD: 20'



GENERAL NOTES:

1. DEVELOPMENT NAME: 2424 SUN CREST ROAD
OWNER: Richard and Bonnie Armacost
2424 Sun Crest Road
Baltimore, MD 21244
Tel: (410) 477-2170
2. CGO PLAN PREPARED BY: Stacey A. McArthur, R.L.A.
3. GENERAL DATA: Election District: 15
Councilmanic District: 7
4. SITE INFORMATION:
A. Gross acreage = 0.47
Net acreage = 0.47
B. Zoning: Existing Zoning = DR-5.5
C. Density Calculations:
Existing = 1.5 Dwelling Units
Proposed = 2 spaces
5. UTILITIES: Public water and sewer are provided.
6. USE: The existing use is residential. The proposed use is residential.
7. EXISTING: There are no known historic buildings, archaeological sites, endangered species, or hazardous materials on the site.
8. REFERENCES: Topography: Baltimore County 200 scale SE-7R
Boundary: D.S. Thaler & Associates, Inc. (12/94)
9. ZONING PERMIT: Baltimore County 1992 200 scale SE-7R
SITE HISTORY: Addition: #807308
Detached Garage: #818440

PETITIONER'S EXHIBIT NO. 3

REVISIONS:

OWNER: Richard and Bonnie Armacost
2424 Sun Crest Road
Baltimore, MD 21244
(410) 477-2170

ELECTION DISTRICT: 15 SCALE: 1"=30'
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EXHIBIT TO ACCOMPANY ZONING PETITION
*2424 SUN CREST ROAD

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95-461-A

SMALL LOT TABLE - SETBACKS
FRONT YARD: 25'
SIDE YARD: 10'
REAR YARD: 20'

