

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 NWC Kent Avenue and Hilltop \* ZONING COMMISSIONER  
 Avenue \*  
 1514 Kent Avenue \*  
 1st Election District \* OF BALTIMORE COUNTY  
 1st Councilmanic District \*  
 William C. Johnson, Jr., et ux \* Case No. 96-171-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 1514 Kent Avenue, in the Catonsville Gardens Subdivision of Baltimore County. The Petition is filed by William C. Johnson Jr., and Pauline J. Johnson, his wife, property owners. As filed, the Petition seeks two variances; namely, a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing shed to be located in the side yard and outside of the third of the lot farthest removed from any street, in lieu of the required rear yard and third of the lot farthest removed from any street and, secondly, a variance from Section 400.1 of the BCZR to permit a proposed detached carport to be located in the side and front yard of the property and outside of the third of the lot farthest removed from any street in lieu of the required rear yard and third of the lot farthest removed from any street. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the site plan.

Appearing at the public hearing held for this case were William C. Johnson and Pauline J. Johnson, Petitioners. There were no Protestants or any interested persons present.

At the onset of the hearing, Mr. and Mrs. Johnson amended the variance request to delete the carport from consideration. They apparently decided to attach the carport to their dwelling which will eliminate the need for the variance to permit same as is shown on the site plan. Thus,

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 12/14/96  
 M. Spauld

MICROFILMED

only the existing shed is under consideration.

Uncontradicted evidence and testimony presented was that the subject property is .2286 acres zoned D.R.5.5. The property is an irregularly shaped lot, located at the end of Kent Avenue. The irregular shape of the lot is caused, in part, by the location of the I-70 right-of-way which is located alongside and to the rear of the lot and dwelling thereof.

Mr. and Mrs. Johnson have owned the property since 1991. They testified that the existing shed along with a brick pad on which same is located was present on the site at the time of their acquisition. Apparently, the variance was necessitated by a complaint filed by a disgruntled neighbor, who filed numerous reports regarding violations in this neighborhood.

Based on the uncontradicted testimony and evidence presented, I am persuaded that the Petition for Variance should be granted. It is clear that the location of the shed will not adversely affect other properties particularly since it is located in that portion of the lot which abuts the I-70 right-of-way. Moreover, the uniqueness of the lot is caused by the fact that same is irregularly shaped as is clearly shown on the site plan. For these reasons, I am satisfied that the Petitioner has met the standards set forth in Section 307 of the BCZR and that the variance relief can be granted.

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.

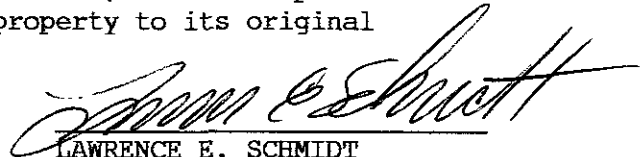
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5<sup>th</sup> day of December, 1995 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing shed to be located in the side yard and outside of the third of the lot farthest removed from any street, in lieu of the required rear yard and

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12/14/95  
Mr. Dorak

third of the lot farthest removed from any street, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the BCZR to permit a proposed detached carport to be located in the side and front yard of the property and outside of the third of the lot farthest removed from any street, in lieu of the required rear yard and third of the lot farthest removed from any street, be and is hereby DISMISSED, subject to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING

Date 12/14/11  
By M. Good

#168



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 1514 KENT AVENUE BALTIMORE MD 21207

96-171-A

which is presently zoned DR 5-5

This Petition shall be filed with the Department of Permits & 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) ACC. (BCCR) TO PERMIT

EXISTING (SHED) AND PROPOSED (CARPORT) ACCESSORY STRUCTURES TO BE LOCATED IN THE SIDE AND FRONT YARDS AND OUTSIDE OF THE THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET, IN LIEU OF THE REQUIRED REAR YARD AND THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET.

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

SEE "ATTACHMENT TO PETITION FOR VARIANCE"

AND TO BE FURTHER ESTABLISHED AT HEARING

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:

Legal Owner(s)

\_\_\_\_\_  
(Type or Print Name)

William C. Johnson, Jr  
(Type or Print Name)

\_\_\_\_\_  
Signature

William C. Johnson Jr  
Signature

\_\_\_\_\_  
Address

Pauline J. Johnson  
(Type or Print Name)

\_\_\_\_\_  
City State Zipcode

Pauline J. Johnson  
Signature

\_\_\_\_\_  
Attorney for Petitioner.

(home) 744-3987

\_\_\_\_\_  
(Type or Print Name)

1514 Kent Avenue (work) 486-4422  
Address Phone No

\_\_\_\_\_  
Signature

Baltimore MD 21207  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

\_\_\_\_\_  
Address Phone No.

\_\_\_\_\_  
Name

\_\_\_\_\_  
City State Zipcode

\_\_\_\_\_  
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_



Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

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ATTACHMENT TO PETITION FOR VARIANCE

96-171-A

Two Variances are requested:

(1) Case no. C-95-2224

Variance requested for the following reasons:

- A. Shed cannot practically be moved to back yard due to trees located between shed and back yard.
- B. There are no houses located near the shed.
- C. Shed existed at its present location prior to present owners purchase of property.

(2) REQUEST FOR 20' x 20' FREE STANDING CAR PORT ON SIDE PROPERTY

Variance requested for the following reasons:

- A. Car port is necessary due to emergency nature of owner's job (employed by Maryland Emergency Management Agency). Owner is always "on call" to assist in any disaster situation and cannot afford time to scrape ice and snow in winter.
- B. There are no houses located near the proposed car port.

168

ZONING DESCRIPTION

96-171-A

Zoning Description for 1514 Kent Avenue, Baltimore MD 21207

Beginning at a point on the north side of Kent Avenue which is 40 feet wide and located at the corner of Kent Avenue and Hilltop Avenue which is also 40 feet wide. Being Lot #48, Block 5, Section #C in the subdivision of Catonsville Gardens as recorded in the Baltimore County Plat Book #54, Folio #150, containing .2286 acres. Also known as 1514 Kent Avenue and located in the 1st Election District, 1st Councilmanic District.

APR 15 1968

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-171-A

District: 15T Date of Posting: 11/9/95

Posted for: Lenox Co

Petitioner: West + Pauline Stork 4507

Location of property: 1314 N 27th Ave

Location of Signer: Frederic 2200 D Alley Ori Property 16084g 2042 D

Remarks: \_\_\_\_\_

Posted by: M. Kelly Date of return: 11/17/95

Number of Signs: 1



NOV 14 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 119, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #98-171-A  
(Item 168)

1514 Kent Avenue  
NW/C Kent Avenue and Hilltop  
Avenue  
1st Election District

1st Councilmanic  
Legal Owners(s):

William C. Johnson, Jr. and  
Pauline J. Johnson

Hearing: Thursday, November  
30, 1995 at 11:00 a.m. in Room  
118, Old Courthouse.

Variances, (e.g., parking, existing  
(zoned) and proposed (zoned)  
port necessary structures to  
be located in the side and front  
yards and outside of the third  
of the lot farthest removed  
from any street in lieu of the  
required rear yard and third of  
the lot farthest removed from  
any street.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible, for  
special accommodations  
space.

Please Call 887-3353.  
(2) For information concern-  
ing the file and/or hearing,  
Please Call 887-3331.

11/11/95 Nov. 9. c15991

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 11/10, 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 11/9, 1995.

**THE JEFFERSONIAN,**

*A. H. Amick*

LEGAL AD. - TOWSON



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 34 JLL  
#168

DATE 10/19/95 ACCOUNT R0016150

96-171-A

AMOUNT \$ 85.00

RECEIVED FROM: JOHANSON

FOR: RV FOR 1514 KENT AVE. 50.00  
+ 1 SIGN 35.00

MICROFILMED

01401#0239MICHRC  
BA COLL:ZDAM10-19-95

35.00  
\$85.00

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

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, DIRECTOR

-----  
For newspaper advertising:

Item No.: 168

Petitioner: Johnson

Location: 1514 Kent Ave Balto MD 21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William C. Johnson, Jr

ADDRESS: 1514 Kent Avenue Baltimore MD 21207

PHONE NUMBER: (410) 744-3987

AJ:ggs

MICROFILMEL

(Revised 04/09/93)



TO: PUTUMENT PUBLISHING COMPANY  
November 9, 1995 Issue - Jeffersonian

Please forward billing to:

William C. Johnson, Jr.  
1514 Kent Avenue  
Baltimore, MD 21207  
744-3987

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NOTICE OF HEARING

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

CASE NUMBER: 96-171-A (Item 168)  
1514 Kent Avenue  
NWC Kent Avenue and Hilltop Avenue  
1st Election District - 1st Councilmanic  
Legal Owner: William C. Johnson, Jr. and Pauline J. Johnson

Variance to permit existing (shed) and proposed (carport) accessory structures to be located in the side and front yards and outside of the third of the lot farthest removed from any street in lieu of the required rear yard and third of the lot farthest removed from any street.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

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.

11/10/95



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 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: 96-171-A (Item 168)  
1514 Kent Avenue  
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Variance to permit existing (shed) and proposed (carport) accessory structures to be located in the side and front yards and outside of the third of the lot farthest removed from any street in lieu of the required rear yard and third of the lot farthest removed from any street.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: William and Pauline Johnson

- 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.

4-20-1995





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 24, 1995

Mr. and Mrs. William C . Johnson, Jr.  
1514 Kent Avenue  
Baltimore, MD 21207

RE: Item No.: 168  
Case No.: 96-171-A  
Petitioner: W. C. Johnson, Jr.

Dear Mr. and Mrs. Johnson:

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 October 19, 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,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director           DATE: Nov. 6, 1995  
Zoning Administration and Development Management

FROM: *rw* Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for November 6, 1995  
Items 163, 165, 166, 167, 168, and 169 *s*

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw

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Baltimore County Government  
Fire Department



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

(410) 887-4500

DATE: 10/30/95

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 OCT. 30, 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: 161, 162, 163, 164, 166,  
167, 168, 169 & 171. *E.*

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: October 31, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 161, 162, 163, 164, 165, 167, 168, 169, and 171<sup>8</sup>

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:

Sam L. Kerns

PK/JL

NOV 1 1995





**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

10-25-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 168 (JLL)

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 affected by any State Highway Administration projects.

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/es

My telephone number is \_\_\_\_\_

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

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

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# PETITION PROBLEMS

## #162 --- MJK

1. Receipt was not given to petitioner or attorney; still in folder.

## #163 --- JRA

1. No zoning indicated on petition form.
2. No zip code for legal owner.

## #165 --- MJK

1. Henry & Elizabeth Lehmann are trustees for who?
2. Need documentation that Henry & Elizabeth are trustees for whoever.
3. No telephone number for legal owner.

## #168 --- JLL

1. No review information on bottom of petition form.

## #169 --- RT

1. No review information on bottom of petition form.
2. Need attorney - legal owner is incorporated.

## #170 --- MJK

1. No telephone number for legal owner.

## #171 --- MJK

1. Notary section is incomplete.

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DN 5.5.

12286

Existing SFD -

1991 - own property -

proposed -

undrawn variance for  
~~begin~~ carport - will  
be

Shed there as long as ~~could~~  
they've been there.

Deck in rear -

Buck pad -

no neighbor there.

By Berenick - across ~~street~~  
no problem

RE: PETITION FOR VARIANCE  
1514 Kent Avenue, NWC Kent Ave and  
Hilltop Avenue, 1st Election District,  
1st Councilmanic

William C. and Pauline J. Johnson, Jr.  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-171-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 20<sup>th</sup> day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to William C. and Pauline J. Johnson, Jr., 1514 Kent Avenue, Baltimore, MD 21207, Petitioners.

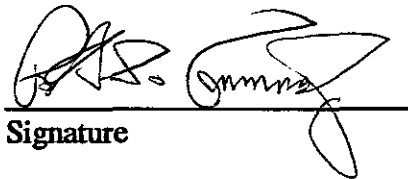
Peter Max Zimmerman  
PETER MAX ZIMMERMAN

MICROFILMED



TO: Zoning Commissioner of Baltimore County

I, ROBERT ARMSTRONG as owner and resident of 1512 KENT  
AVE., have no complaint with the shed which exists on the side  
property of 1514 Kent Avenue, Baltimore MD 21207 and owned by William and Pauline  
Johnson. I urge the County to grant a variance enabling the shed to remain at its present site.

  
Signature

11-22-85  
Date

11-22-85

TO: Zoning Commissioner of Baltimore County

I, JAMES C. WINTER, as owner and resident of 1510 KENT AVE

\_\_\_\_\_, have no complaint with the shed which exists on the side

property of 1514 Kent Avenue, Baltimore MD 21207 and owned by William and Pauline

Johnson. I urge the County to grant a variance enabling the shed to remain at its present site.

James C. Winter  
Signature

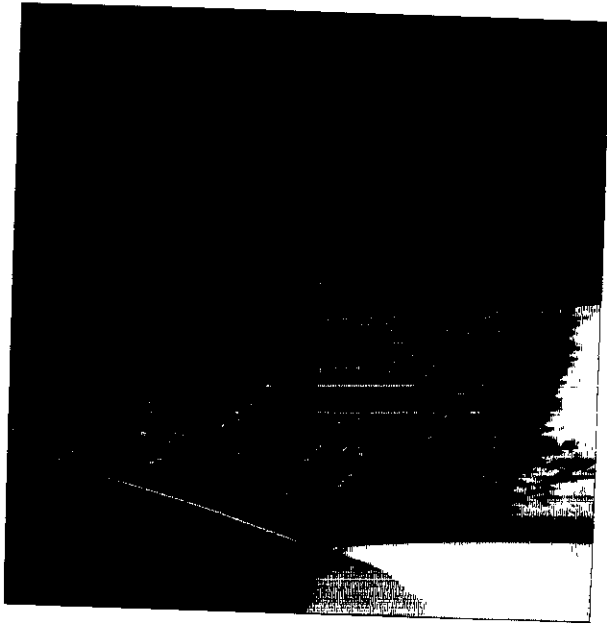
28 NOV 95  
Date

MICROFILMED





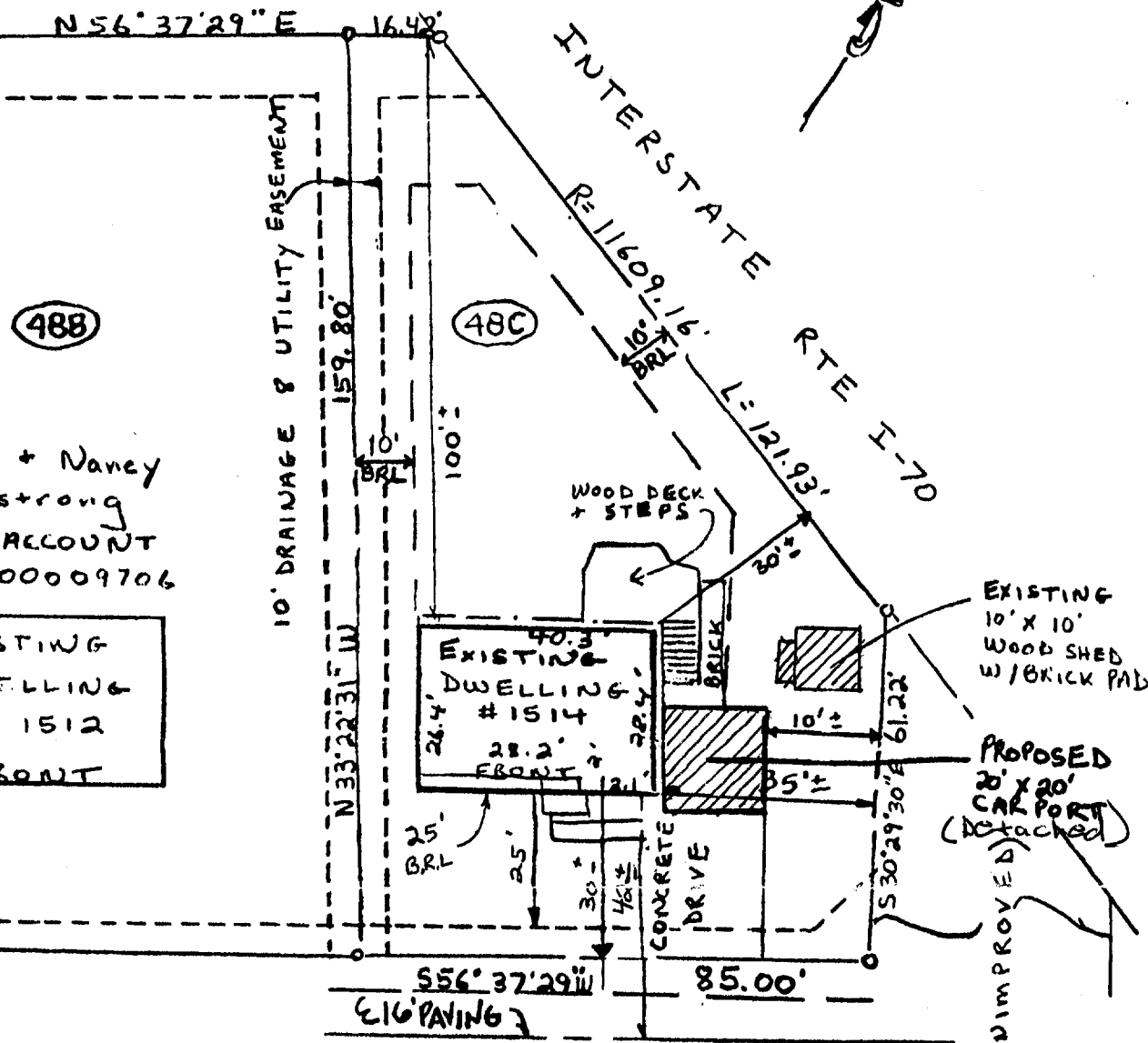




ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING

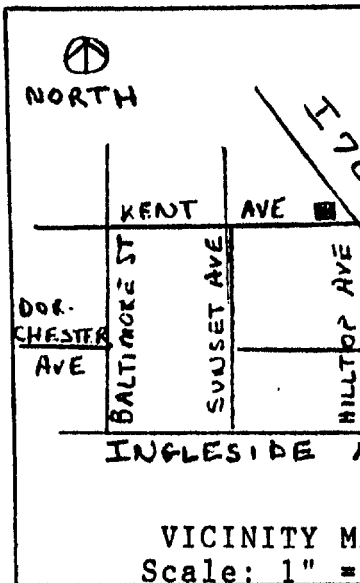
PROPERTY ADDRESS: 1514 KENT AVENUE

PROPOSITION NAME: CATONSVILLE GARDENS  
 BOOK #54, FOLIO #150, LOT #48, SECTION #C  
 WILLIAM & PAULINE JOHNSON



(488)  
 + Nancy Strong  
 ACCOUNT #00009706

EXISTING DWELLING #1514



VICINITY MAP  
 Scale: 1" = 200'

LOCATION INFORMATION  
 COUNCILMANIC DISTRICT: ...  
 ELECTION DISTRICT: ...  
 1" = 200' SCALE  
 ZONING: D.R. -  
 LOT SIZE: .3286 acreage  
 SEWER: PUBLIC  
 WATER: PUBLIC  
 CHESAPEAKE BAY AREA: NO  
 PRIOR ZONING HISTORY: ...

(71) - A

KENT AVENUE  
 (40' EXISTING R/W)

John + Josephina Berezna  
 Tom + Lesa Berezna  
 Tax Account # 0106200830

EXISTING DWELLING  
 5959 HILLTOP AVE  
 FRONT

SCALE OF DRAWING: 1" = 30'

HILLTOP AVE  
 (40' R/W)

Note: Car Port to Exceed 15' height.

Distance between house and Car Port is

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
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 1514 Kent Avenue \* OF BALTIMORE COUNTY  
 1st Election District \*  
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 William C. Johnson, Jr., et ux \*  
 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 1514 Kent Avenue, in the Catonsville Gardens Subdivision of Baltimore County. The Petition is filed by William C. Johnson Jr., and Pauline J. Johnson, his wife, property owners. As filed, the Petition seeks two variances; namely, a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing shed to be located in the side yard and outside of the third of the lot farthest removed from any street, in lieu of the required rear yard and third of the lot farthest removed from any street and, secondly, a variance from Section 400.1 of the BCZR to permit a proposed detached carport to be located in the side and front yard of the property and outside of the third of the lot farthest removed from any street in lieu of the required rear yard and third of the lot farthest removed from any street. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the site plan.

Appearing at the public hearing held for this case were William C. Johnson and Pauline J. Johnson, Petitioners. There were no Protestants or any interested persons present.

At the onset of the hearing, Mr. and Mrs. Johnson amended the variance request to delete the carport from consideration. They apparently decided to attach the carport to their dwelling which will eliminate the need for the variance to permit same as is shown on the site plan. Thus,

only the existing shed is under consideration.

Uncontradicted evidence and testimony presented was that the subject property is .2286 acres zoned D.R.5.5. The property is an irregularly shaped lot, located at the end of Kent Avenue. The irregular shape of the lot is caused, in part, by the location of the I-70 right-of-way which is located alongside and to the rear of the lot and dwelling thereof.

Mr. and Mrs. Johnson have owned the property since 1991. They testified that the existing shed along with a brick pad on which same is located was present on the site at the time of their acquisition. Apparently, the variance was necessitated by a complaint filed by a disgruntled neighbor, who filed numerous reports regarding violations in this neighborhood.

Based on the uncontradicted testimony and evidence presented, I am persuaded that the Petition for Variance should be granted. It is clear that the location of the shed will not adversely affect other properties particularly since it is located in that portion of the lot which abuts the I-70 right-of-way. Moreover, the uniqueness of the lot is caused by the fact that same is irregularly shaped as is clearly shown on the site plan. For these reasons, I am satisfied that the Petitioner has met the standards set forth in Section 307 of the BCZR and that the variance relief can be granted.

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 5<sup>th</sup> day of December, 1995 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing shed to be located in the side yard and outside of the third of the lot farthest removed from any street, in lieu of the required rear yard and

third of the lot farthest removed from any street, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the BCZR to permit a proposed detached carport to be located in the side and front yard of the property and outside of the third of the lot farthest removed from any street, in lieu of the required rear yard and third of the lot farthest removed from any street, be and is hereby DISMISSED, subject to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

LES/mmm

RECEIVED FOR FILING  
 12/11/95  
 By: [Signature]



**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County

for the property located at 1514 KENT AVENUE BALTIMORE MD 21207  
 which is presently zoned DRS.5

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCZR) TO PERMIT EXISTING (SHED) AND PROPOSED (CARPORT) NECESSARY STRUCTURES TO BE LOCATED IN THE SIDE AND FRONT YARDS AND OUTSIDE OF THE THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET IN LIEU OF THE REQUIRED REAR YARD AND THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET.

SEE "ATTACHMENT TO PETITION FOR VARIANCE"  
 ADD TO BE FURTHER ESTABLISHED AT HEARING  
 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.

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):  
 Name: William C. Johnson, Jr.  
 Signature: *William C. Johnson, Jr.*  
 Address: Pauline J. Johnson  
 Signature: *Pauline J. Johnson*  
 City: Baltimore State: MD Zipcode: 21207  
 Name, Address and phone number of representative to be contacted:  
1514 Kent Avenue (work) 486-4422  
(home) 744-3987

Printed with Soy-based Ink and Recycled Paper  
 Revised 9/5/95

RECEIVED FOR FILING  
 12/11/95  
 By: [Signature]

ATTACHMENT TO PETITION FOR VARIANCE

- Two Variances are requested:
- Case no. C-95-2224  
 Variance requested for the following reasons:  
 A. Shed cannot practically be moved to back yard due to trees located between shed and back yard.  
 B. There are no houses located near the shed.  
 C. Shed existed at its present location prior to present owners purchase of property.

- REQUEST FOR 20' x 20' FREE STANDING CAR PORT ON SIDE PROPERTY  
 Variance requested for the following reasons:  
 A. Car port is necessary due to emergency nature of owner's job (employed by Maryland Emergency Management Agency). Owner is always "on call" to assist in any disaster situation and cannot afford time to scrape ice and snow in winter.  
 B. There are no houses located near the proposed car port.

ZONING DESCRIPTION

Zoning Description for 1514 Kent Avenue, Baltimore MD 21207  
 Beginning at a point on the north side of Kent Avenue which is 40 feet wide and located at the corner of Kent Avenue and Hilltop Avenue which is also 40 feet wide. Being Lot #48, Block 5, Section #C in the subdivision of Catonsville Gardens as recorded in the Baltimore County Plat Book #54, Folio #150, containing .2286 acres. Also known as 1514 Kent Avenue and located in the 1st Election District, 1st Councilmanic District.

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 1A Date of Posting: 11/9/95  
 Posted for: Variance  
 Petitioner: William C. Johnson, Pauline J. Johnson  
 Location of property: 1514 Kent Ave  
 Location of Sign: Facing road way on property between road &  
 Remarks:  
 Posted by: *[Signature]* Date of return: 11/17/95  
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/10, 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 11/9, 1995.

THE JEFFERSONIAN,  
*A. Henricson*  
 LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

DATE: 10/19/95 ACCOUNT: R006150  
 96-171-A AMOUNT: \$ 85.00

RECEIVED FROM: JOHNSON  
 FOR: PV FOR 1514 KENT AVE. 50.00  
+ 1516N 33.00  
 01A01#0239M10RC \$85.00  
 B# C011:20AM10-19-95

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21284

(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.: 168

Petitioner: Johnson

Location: 1514 Kent Ave Balto MD 21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William C. Johnson, Jr

ADDRESS: 1514 Kent Avenue Baltimore MD 21207

PHONE NUMBER: (410) 744-3887

AJ:ggg

(Revised 04/09/93)

TO: PUPPETEER PUBLISHING COMPANY  
November 9, 1995 Issue - Jeffersonian

Please forward billing to:

William C. Johnson, Jr.  
1514 Kent Avenue  
Baltimore, MD 21207  
744-3887

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: 96-171-A (Item 168)

1514 Kent Avenue  
1514 Kent Avenue and Hilltop Avenue  
1st Election District - 1st Councilmanic  
Legal Owner: William C. Johnson, Jr. and Pauline J. Johnson

Variance to permit existing (shed) and proposed (carport) accessory structures to be located in the side and front yards and outside of the third of the lot farthest removed from any street in lieu of the required rear yard and third of the lot farthest removed from any street.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

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  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 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: 96-171-A (Item 168)

1514 Kent Avenue  
1514 Kent Avenue and Hilltop Avenue  
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HEARING: THURSDAY, NOVEMBER 30, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: William and Pauline Johnson

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  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 24, 1995

Mr. and Mrs. William C. Johnson, Jr.  
1514 Kent Avenue  
Baltimore, MD 21207

RE: Item No.: 168  
Case No.: 96-171-A  
Petitioner: W. C. Johnson, Jr.

Dear Mr. and Mrs. Johnson:

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 October 19, 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,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 6, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for November 6, 1995  
Items 163, 165, 166, 167, 168, and 169

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department

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

(410) 887-4500

DATE: 10/30/95

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 OCT. 30, 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: 161, 162, 163, 167, 168, 169, 168, & 171.

REVIEWER: LT. ROBERT P. SAUERHALD  
Fire Marshal's Office, PHONE 887-4500

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: October 31, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 161, 162, 163, 164, 165, 167, 168, 169, and 171

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: *Carol L. Kline*

PK/JL



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 168 (JLL)

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 affected by any State Highway Administration projects.

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/es

My telephone number is \_\_\_\_\_

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

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

**PETITION PROBLEMS**

#162 --- MJK

- 1. Receipt was not given to petitioner or attorney; still in folder.

#163 --- JRA

- 1. No zoning indicated on petition form.
- 2. No zip code for legal owner.

#165 --- MJK

- 1. Henry & Elizabeth Lehmann are trustees for who?
- 2. Need documentation that Henry & Elizabeth are trustees for whoever.
- 3. No telephone number for legal owner.

#168 --- JLL

- 1. No review information on bottom of petition form.

#169 --- RT

- 1. No review information on bottom of petition form.
- 2. Need attorney - legal owner is incorporated.

#170 --- MJK

- 1. No telephone number for legal owner.

#171 --- MJK

- 1. Notary section is incomplete.

DN S.S.  
12286

Existing SFD -  
1971 - own property -  
proposed -  
w/drawn variance for  
~~begin~~ carport - will  
be

Shed there as long as ~~could~~  
they have been there

deck on rear -  
buck pad -  
no neighbor there.

By Berenmuck - all over shed that  
no problem

AS: PETITION FOR VARIANCE \* BEFORE THE \*  
1514 Kent Avenue, NMC Kent Ave and \* ZONING COMMISSIONER \*  
Hilltop Avenue, 1st Election District, \* OF BALTIMORE COUNTY \*  
1st Councilmanic \* CASE NO. 96-171-A \*  
William C. and Pauline J. Johnson, Jr. \*  
Petitioners \* \*

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 24<sup>th</sup> day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to William C. and Pauline J. Johnson, Jr., 1514 Kent Avenue, Baltimore, MD 21207, Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>William C. Johnson Jr</i>	<i>1514 Kent Ave Balto Md 21207</i>
<i>Pauline J. Johnson</i>	<i>Same as above</i>

TO: Zoning Commissioner of Baltimore County

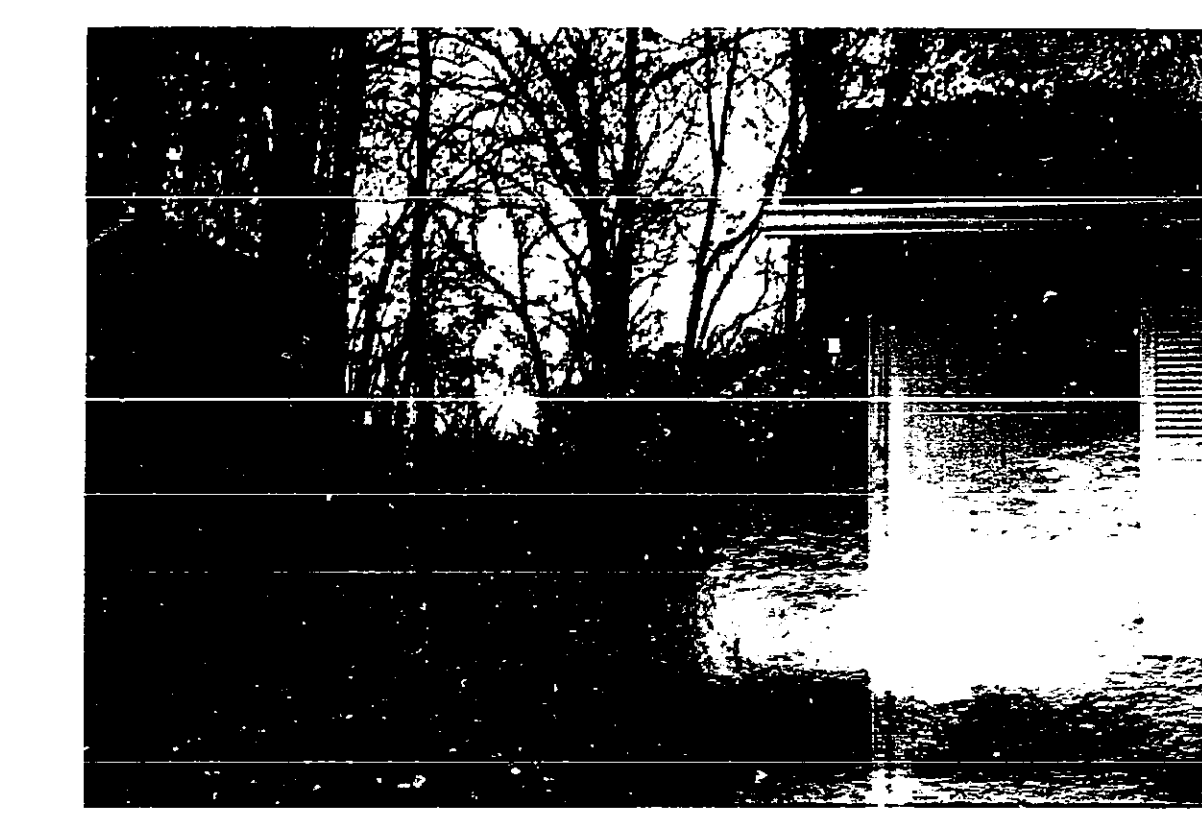
I, ROBERT ARMSTRONGS as owner and resident of 1512 KENT AVE., have no complaint with the shed which exists on the side property of 1514 Kent Avenue, Baltimore MD 21207 and owned by William and Pauline Johnson. I urge the County to grant a variance enabling the shed to remain at its present site.

*[Signature]*  
Date 11-23-95

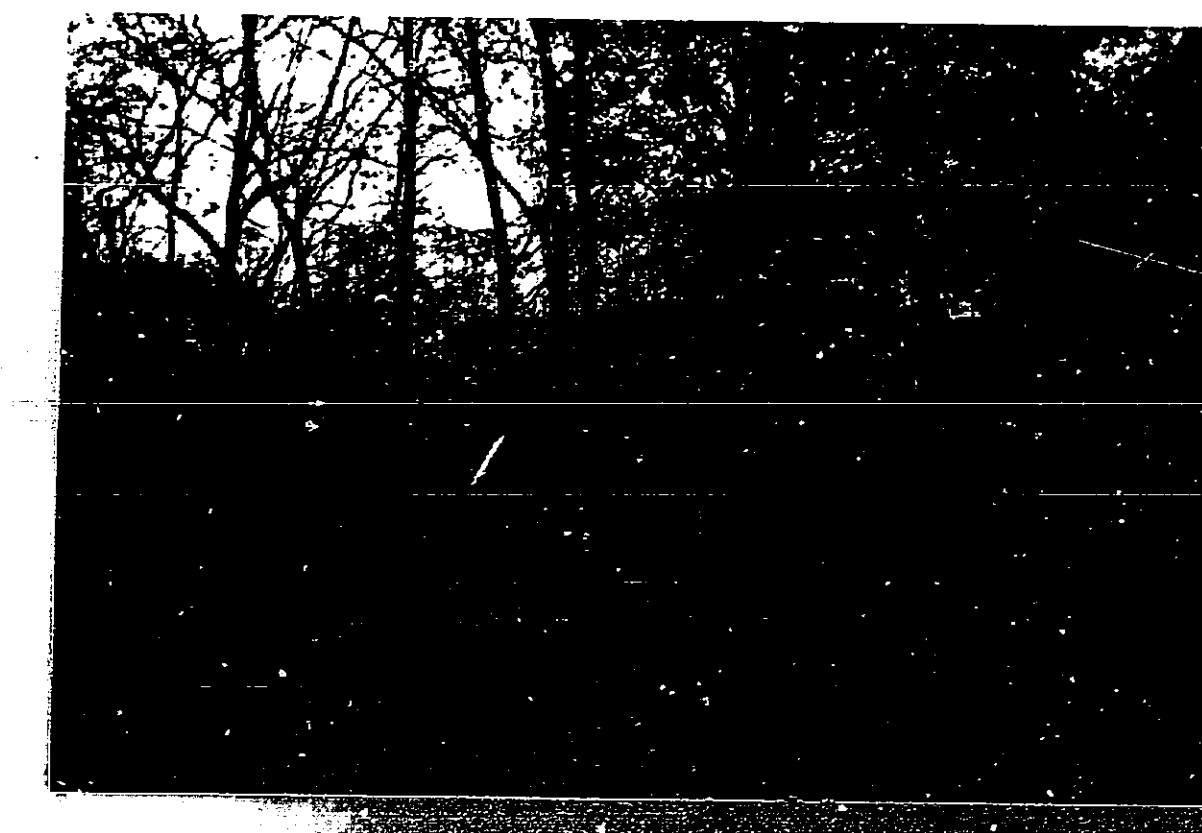
TO: Zoning Commissioner of Baltimore County

I, JAMES C. WINTER, as owner and resident of 1510 KENT AVE have no complaint with the shed which exists on the side property of 1514 Kent Avenue, Baltimore MD 21207 and owned by William and Pauline Johnson. I urge the County to grant a variance enabling the shed to remain at its present site.

*[Signature]*  
Date 28 Nov 95



#1



#2



#3

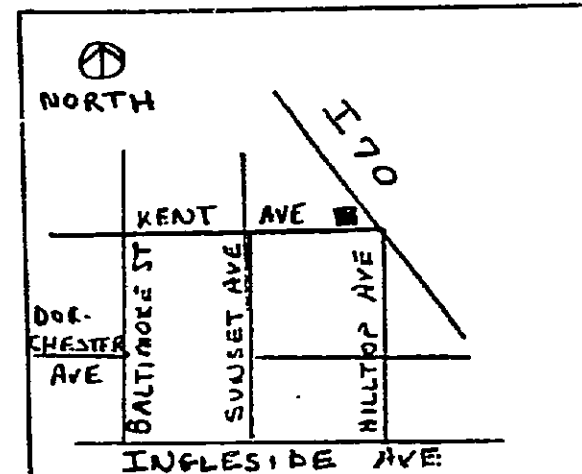
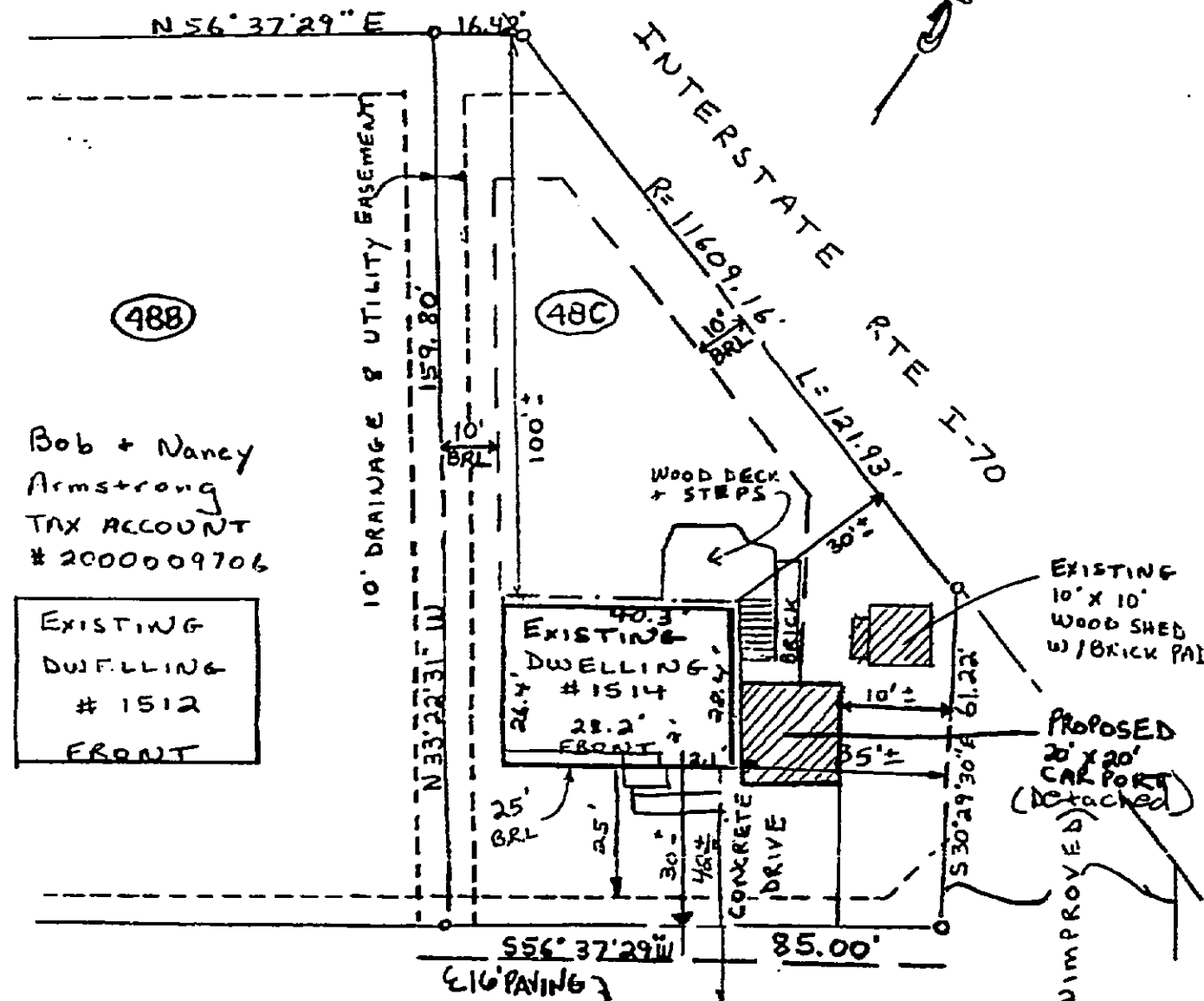


#4

PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING

PROPERTY ADDRESS: 1514 KENT AVENUE

SUBDIVISION NAME: CATONSVILLE GARDENS  
PLAT BOOK #54, FOLIO #150, LOT #48, SECTION #C  
OWNER: WILLIAM & PAULINE JOHNSON



VICINITY MAP  
Scale: 1" = 1000'

LOCATION INFORMATION  
COUNCILMANIC DISTRICT: 1  
ELECTION DISTRICT: 1  
1" = 200' SCALE MAP#: NW1F  
ZONING: D.R.- 5.5  
LOT SIZE: 2096 9958  
acres sq feet

SEWER: PUBLIC  
WATER: PUBLIC  
CHESAPEAKE BAY CRITICAL  
AREA: NO  
PRIOR ZONING HEARINGS: NONE

Note: Car Port Not  
to Exceed 15' in  
height.

Distance between  
house and Proposed  
Car Port is 2'.

Bob + Nancy  
Armstrong  
TAX ACCOUNT  
# 200009706

EXISTING  
DWELLING  
# 1512  
FRONT

John + Josephine  
Berezny  
TAX ACCOUNT  
# 0106200830

EXISTING  
DWELLING  
5959 HILLTOP  
AVE  
FRONT

SCALE OF DRAWING: 1" = 30'

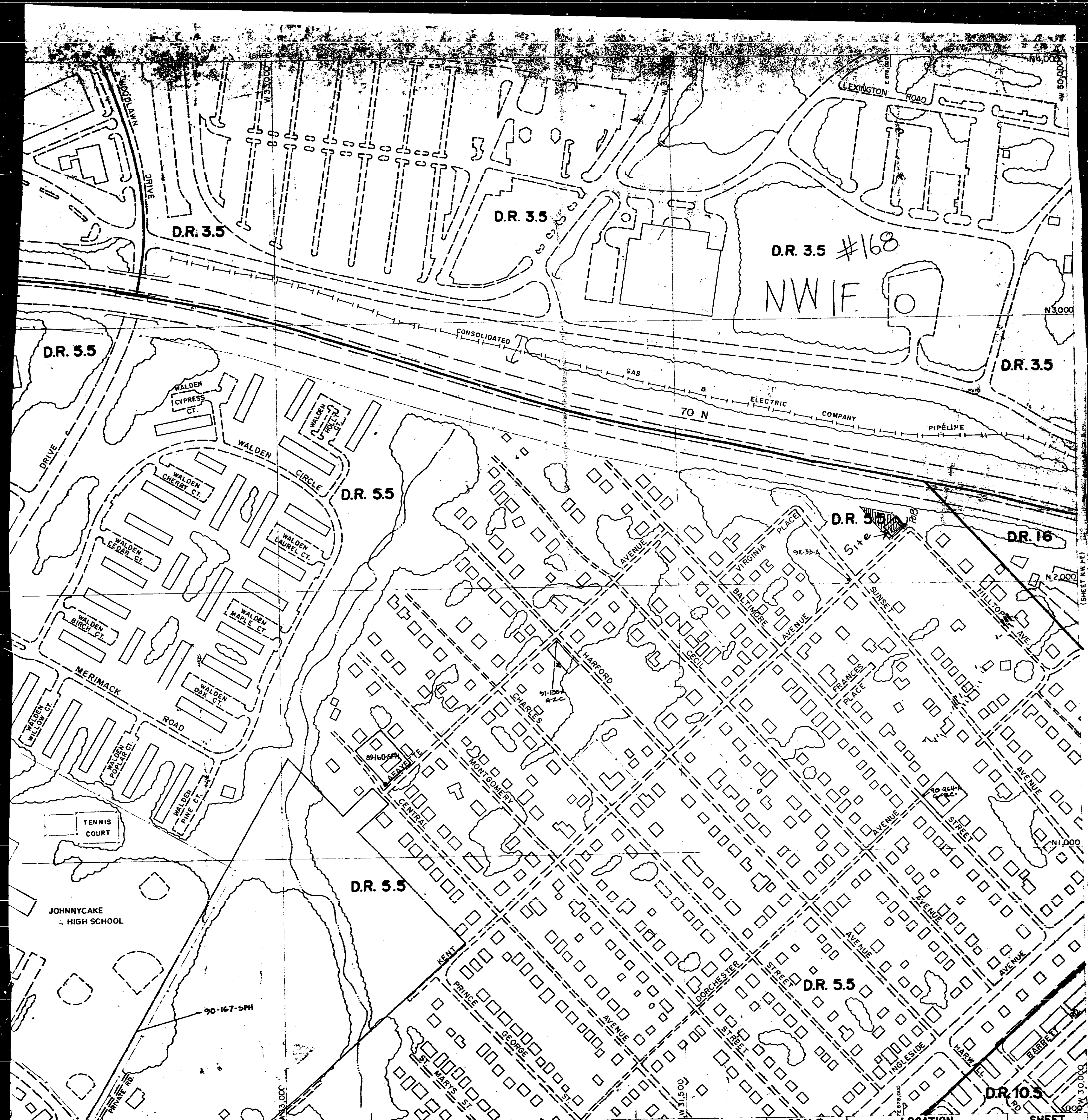
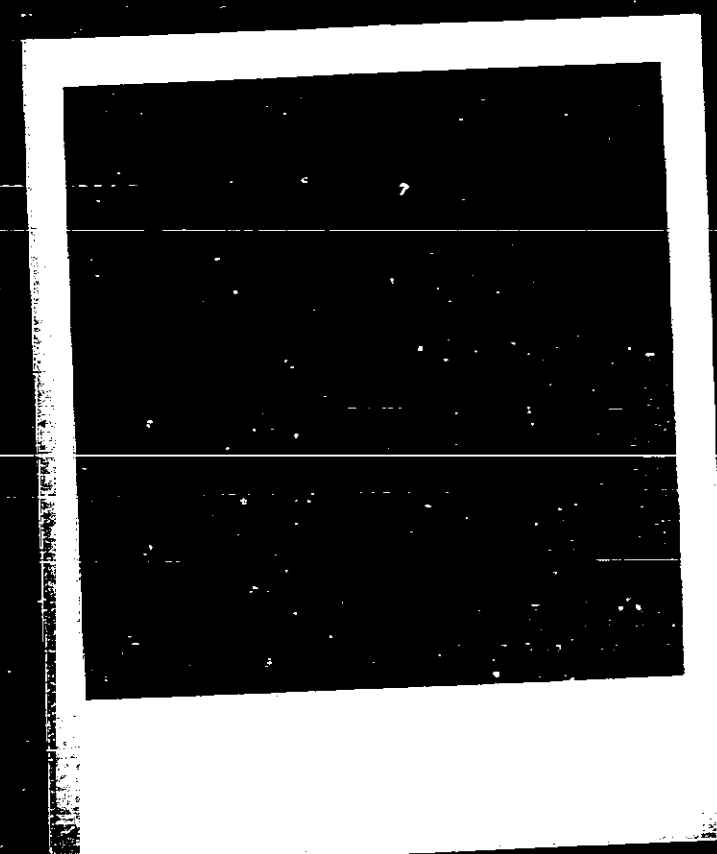
96-171-A

KENT AVENUE  
(40' EXISTING R/W)

HILLTOP  
AVE  
(40' R/W)

Ret No 1

# 168



**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

SCALE  
1" = 200'±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1988

LOCATION  
CATONSVILLE

SHEET  
N.W.  
1-F

OFFICIAL ZONING MAP