ORDER RECEIVED CON FILING
Date

Project

By

Character

IN RE: PETITION FOR ZONING VARIANCE

SW/S Tolson Avenue, 210 ft. NE

of c/l Brentwood
1906 Tolson Avenue

15th Election District

7th Councilmanic District

Shirley M. Coberly

Petitioner

BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 97-183-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1906 Tolson Avenue in the Dundalk section of Baltimore County. The Petition is filed by Shirley M. Coberly, property owner. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow accessory structures, (shed and swimming pool) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Shirley M. Coberly, property owner. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is .21 acres in area, zoned D.R.5.5. The property is a rectangularly shaped lot, approximately 75 ft. in width and 225 ft. in depth. Ms. Coberly indicated that she has owned the property for approximately 15 years. She further stated that she does not reside on the property, however, rents the apartments contained thereon.

In this regard, the property is actually improved with two structures, known as 1906 and 1906A Tolson Avenue. The building known as 1906 Tolson Avenue is towards the front of the property and contains a two

for many years and is rented by Ms. Coberly as an apartment. The other dwelling, known as 1906A Tolson Avenue is located in the rear of the property. This dwelling is also two stories in height and is also leased as an apartment. Ms. Coberly explained that both dwellings have been on the property for many years. She indicated that each of the houses is 50 to 60 years and she believes that the house to the rear of the lot was originally built as an in-law apartment unit. However, she further stated that each house has been separately rented by her during her ownership.

In any event, the subject variance is requested as a result of a complaint by a neighbor about a dog owned by one of Ms. Coberly's tenants. When the inspector visited the site in response to that complaint, the subject shed and pool were noted to be in violation.

As to the pool, it is located in the side yard, approximately 3 ft. from the property line. Ms. Coberly indicated that one of her tenants constructed this pool over the past Summer. That tenant has small children and the pool was built for the children's use. The pool is an above ground structure estimated to be 12 ft. wide.

The shed is a narrow building 6 ft. x 12 ft. in dimension. It is used by the tenants at 1906 Tolson Avenue to store a lawn mower, yard furniture and similar equipment. Ms. Coberly indicated that that tenant little storage within the dwelling and that the shed was constructed so as to provide additional home storage area.

Based upon the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the Petition for Variance. The unusual configuration of this property makes it unique. Specifically, there is no rear yard for the house known as 1906 Tolson Avenue. Rather

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Date
Date
And Andrew
By

that part of the open area between the dwellings is used more as a front yard for the building known as 1906 Tolson Avenue.

foreover, it is clear that there will be no detriment to the surrounding locale if variance relief was granted. Both of the accessory structures are incidental to the use of the premises for residential purposes. In my judgment, the Petitioner and her tenants would suffer a practical difficulty if variance relief were denied.

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 ______ day of December, 1996 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow accessory structures, (shed and swimming pool) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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/mmn



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

December 9, 1996

Ms. Shirley M. Coberly 7149 Onio Avenue Hanover, Maryland 21086

RE: Case No. 97-183-A
Petition for Zoning Variance
Property: 1906 Tolson Avenue

Dear Ms. Coberly:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmr

Petation for Variance to the Zoning Commissioner of Baltimore County

RYLAN	for the proper	rty located at	1906	Tolson	Ave	
	G	77-183-,	4	which is pre		PR 5.
hereto and m	shall be filed with the Offi gned, legal owner(s) of the ade a part hereof, hereby p	fice of Zoning Administra property situate in Baltim petition for a Variance from	ation & Developrore County and von Section(s)	which is described in BCZR	the description an	d plat attached
To allow	vaccessory struc rd in lieu of the	tures (shed & s required rear	wimming po yard,	ol) to be lo	cated on the	3
of the Zoning practical difficulties of the Zoning	Regulations of Baltimore Coulty) The house to CANA house -a for the	ounty, to the Zoning Law se has No Not store shed is	of Baltimore Cou DACK ANY YA Weede	unty; for the following YAYD, D YA + OOIS A - Also	reasons: (indicate Ny 9 5 NSide 0	hardship or side.
Pool	tor me	Gridgen	10436	10 The	Summe	27
Property is	to be posted and add to pay expenses of above the zoning regulations and r	vertised as prescribe	ed by Zoning	Regulations.		
Contract Purchaser	A enno		i/We do solemn legal owner(s) of	nly declare and affirm, under the property which is the s	er the penalties of perjury subject of this Petition.	r, that I/we are the
John Wall F Grenasa,	'L6230Q;	·	Legal Owner(s):	,	•	
(Type or Print Name)		(Type or Print Na	ine hey m	. Coberl	1
Signature			Signature	stig on	Cabel	7—
Address			(Type or Print Na	me)	·	·
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Attorney for Petitlone	ar:		M	10 06:	0 9	L10
Type or Print Name)			Address	19 Ohio	HVE Phone	96-0959
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		Jacker T. W.		unavailable	for Hearing	
Printed with So	ybean ink	Applied To the	the following	unavailable	•	t Two Months

EXAMPLE 3 -- Zoming Description

	97-183-A 3 COPIES
Three copie to help you BLANK". T CANNOT B following for	s of the zoning description of your property are required. This is a sample with the description - DO NOT USE THIS FORM FOR "FILL-IN THE ype or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS USED FOR THE DESCRIPTION. The zoning description must be in the m:
ZONING DE	SCRIPTION FOR 1906 TOLSON AV & (address)
Beginning at	t a point on the SOITH WEST side of (north, south, east or west)
name of str	which is 50 (number of feet of right-of-way width)
1	
wide at the	fistance of 210 NORTH EAST of the (number of feet) (north, south, east or west)
centerline of	tistance of ZIO NERTH EAST of the (number of feet) (north, south, east or west) the nearest improved intersecting street BRENTWOOD (name of street)
centerline of	the nearest improved intersecting street BRENTWOOD
centerline of	the nearest improved intersecting street BRENTWOOD
centerline of which is	the nearest improved intersecting street SRATWOOD (name of street)
centerline of which is	the nearest improved intersecting street SRATWOOD (name of street)
which is(r Block as recorded containing(s	the nearest improved intersecting street SRENTWOOD

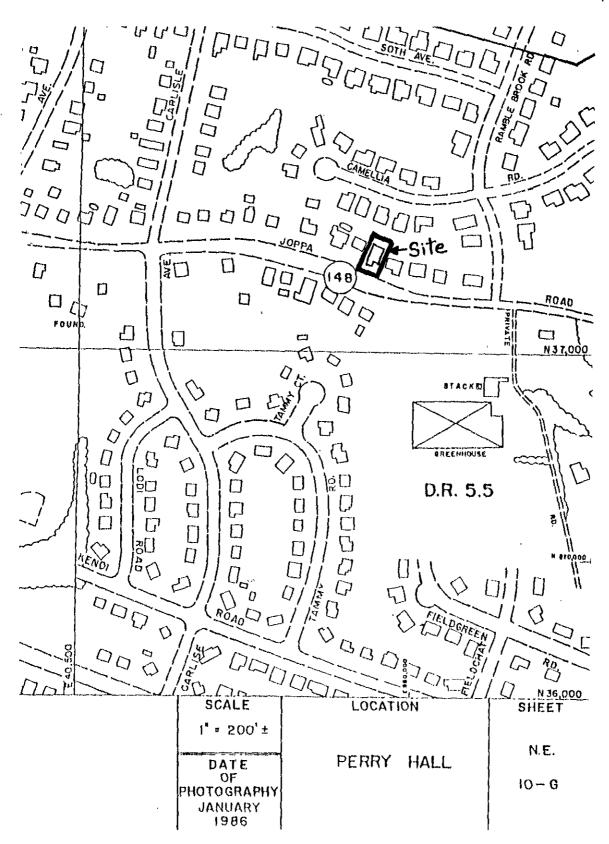
*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ___, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

183

EXAMPLE 4 -- Zoning Map

1 COPY





Baltimore County
Department of Permits and
Development Management

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

(Revised 09/24/96)

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 183
Petitioner: 5 hirley M. Coberly
Location: 1906 TUISON AU
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Shirley M. Coberly
ADDRESS: 7149 Ohio Aue
HANOVEY, Md. 21076
PHONE NUMBER: 410 - 796-0954
AJ ags

MICROFILMED.



CERTIFICATE POSTING

		RE: Case No.: 47-183-A
		Petitioner/Developer:
		SHIRLEY M. COLERLY
		Date of Hearing/Glosing: Nov. 25. 1996
Permits County (111 Wes	re County Department of and Development Management Office Building, Room 111 st Chesapeake Avenue MD 21204	· ·
Attentio	n: Ms. Gwendolyn Stephens	
Ladies a	nd Gentlemen:	
were pos	sted conspicuously on the propert	of perjury that the necessary sign(s) required by law by located at 1906 Tolson AVE.
The sign	(s) were posted on	Nov 7, 1996 (Month, Day, Year)
- 1		(Month, Day, Year)
		Sincerely,
A PROBER	NG NOTICE	(Signature of Sign Poster and Date)
	the newwork Min	THOMAS P. DOGE SE (Printed Name)
		325 Nicholson ROAD (Address)
		(Address) (Ballimore, Maryland 2122) (City, Staté, Zip Code) (410) 687-8405
	I grand of orace consumer and consumer	(410) 687-8405
		(Telephone Number)

97-183-A

Exhibit B		
ITE	M# 183	
Request for	Zoning: Variance, Special Exception, or Special Hearing	
Date to be I	Posted: Anytime before but no later than	
Format for	Sign Printing, Black Letters on White Background:	

ZONING NOTICE

Case No.:_____

A PUBLIC HEARING WILL HE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:	
DATE AND	TIME:
REQUEST:	TO ALLOW ACCESSORY STRUCTURES CSHED
\$ SW	IMMING POOL) TO BE LOCATED ON THE SIDE
YARD	IN LIEU OF THE REQUIRED REAR YARD.
POSTPONE	MENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.
DO N	OT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
	HANDICAPPED ACCESSIBLE

9/96 post.4.doc

MICROFILMED

deerbrna. doc.
deerbrna. doc.

October 3, 1996

Bob Barkell :OT

G. W. Stephens, Jr., and Assocaline.

Deerborne Section 2B KE:

Contract No. 96248 RS0

PDM # XIV-111

Having reviewed this book, the following comments apply:

Insert the developer's name into the top of page CD-1.

amendment to the L/C was requested on October 3.

- Please submit original plus 2 copies, of book, all stapled or bound.
- Please submit 8 sets of prints, all properly folded.
- Security is required in the amount of \$146,773.00. A letter of credit has been submitted. An
- A certified/cashiers check in the amount of \$13,343.00 to cover inspection fees has been

submitted.

If you have any questions or if I can be of additional assistance, please do not hesitate to contact

me at 887-3321.

deerbrn, doc

Return all of the above required documents to room 125 to my attention.

CHISLINE BORKE

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W

7 : 3

(i))

TO: PUTUXENT PUBLISHING COMPANY
November 7, 1996 Issue - Jeffersonian

Please foward billing to:

Shirley M. doberly 7149 Ohio Avenue Hanover, Maryland 21076 796-0954

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 100 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: 97-183-A (Item 183)

1906 Tolson Avenue

SW/S Tolson Avenue, 210' NE of c/l Brentwood 15th Election District - 7th Councilmanic Legal Owner(s): Shirley M. Coberly

}

Variance to allow accessory structures (shed and swimming pool) to be located on the side yard in lieu of the required rear yard.

HEARING: NONDAY, NOVEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (A) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

10/31/96

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

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

CASE NUMBER: 97-183-A (Item 183)

1906 Tolson Avenue

SW/S Tolson Avenue, 210' NE of c/l Brentwood

15th Election District - 7th Councilmanic

Legal Owner(s): Shirley M. Coberly

Variance to allow accessory structures (shed and swimming pool) to be located on the side yard in lieu of the required rear yard.

HEARING: MONDAY, NOVEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jabloh-

Director

cc: Shirley M. Coberly

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 10, 1996.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING 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, Marvland 21204

November 20, 1996

Ms. Shirley M. Coberly 7749 Ohio Avenue Hanover, MD 21076

RE: Item No.: 183

Case No.: 97-183-A

Petitioner: Shirley M. Coberly

Dear Ms. Coberly:

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 21, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

D. Cont Richard St.

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



Baltimore County Government Fire Department



700 East Jorpa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 11/14/96

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 NOV. 04, 1996.

Item No.: \$EE 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: 183,184,186,189,190,191, 194 AND 195.

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

cc: File

Printed with Soybean link on Recycled Paper

PLESANDER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director Date: November 14, 1996

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for November 12, 1996

Item Nos. 183, 186, 189, 190, 191, 192 and 195

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

RWB:HJØ:jrb

cc: File

ZONE36

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 4, 1996

TO:

Arrold Jablon, Director

Permits and Development

Management

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. 17, (183,) 184, 186, 189, 190, 191, 192, 194, and 195

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 887-3495.

Dayl Cens

Prepared by:

Division Chief:

PK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

T0:

MQq

DATE: 100.1.96

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee
Meeting Date: 200.4 1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

RBS:sp

BRUCE2/DEPRM/TXTSBP

ENGROPH MED



Maryland Department of Transportation State Highway Administration

David L. Winstead Secretary Parker F. Williams Administrator

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

Baltimore County 11.1.94 RE: Item No.

183 (JRF)

Dear Ms. Eubanks:

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 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Gredlen. 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

MICROFILMED



Enforcement

Baltimore County
Department of Permits & Development Management
III West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards

October 21, 1996

Zoning Coordinator

FROM: James H. Thompson -LJW

Zoning Enforcement Coordinator

RE: Item No. 183

5722

VIOLATION CASE # C-96-7522

CITATION CASE # C-97-91

LOCATION OF VIOLATION 1906 TOLSON AVENUE, 21222

DEFENDANT SHIRLEY M. COBERLY

ADDRESS 7149 OHIO AVENUE

HANOVER, MD. 21076

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

C/d LOU DEPAZZO

MRS. KING

1910 TOLSON AVE.21222

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 * BEFORE THE

1906 Tolson Avenue, SW/S Tolson Avenue,
210' NE of c/l Brentwood, 15th Election * ZONING COMMISSIONER

District, 7th Councilmanic * OF BALTIMORE COUNTY

Shirley M. Coberly
Petitioner * CASE NO. 97-183-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
People's Counsel for Baltimore County

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 26 day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to Shirley M. Coberly, 7149 Ohio Avenue, Hanover, MD 21076, Petitioner.

Peter Max Zimmerman

