IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE

N/S St. Helena Ave., 515 ft.

+/- W of Willow Spring Ave. * ZONING COMMISSIONER

260 St. Helena Avenue 15th Election District

5th Election District * OF BALTIMORE COUNTY

7th Councilmanic District

Abby J. Smith, Petitioner * Case No. 98-345-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 260 St. Helena Avenue in Dundalk. The Petition was filed by Abby J. Smith, property owner. Variance relief is requested from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (BCZR) to permit a garage within 13 ft. of the centerline of an alley, in lieu of the required 15 ft., and with a side yard setback of 1 ft., in lieu of the required 2-1/2 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Abby

J. Smith, property owner/Petitioner. Also present was her son, Ralph A.

Smith, Jr. There were no Protestants or other interested persons present.

Testimony and evidence offered by the Petitioner was that the subject property is approximately 3359 sq. ft. in area zoned D.R.10.5. This is a rectangularly shaped lot, approximately 27 ft. in width and 125 ft. in depth. The property is improved with a two story stucco row house dwelling. The dwelling is an end-of-group unit.

Mrs. Smith indicated that she has owned the property since 1983.

Presently, she rents the house to her son, Ralph A. Smith, Jr. Mr. Smith resides on the property.

Recently. Mr. Smith commenced construction of a detached garage to the rear of the lot. The garage, as shown on the site plan, is 21 ft. in

ONDER RECEIVED FOR FAINE Dates
Onto width and 22 ft. in depth. It is a two car garage which will be used for storage. Shortly after construction was begun, a stop work Order was issued by the County and the subject variance requested.

At the hearing, Mr. Smith testified that he needs a garage of the proposed dimension to accommodate his storage needs. He indicated that he understood that the garage could not be used for commercial/business purposes nor contain any residential/apartment unit. He indicated that he is building the garage to store his motorcycle, an automobile and household storage items. He testified that the dwelling is small and has limited storage capacity. He also produced letters signed by many of the neighbors, including the two adjacent property owners, indicating support for the variance request.

Based upon the uncontradicted testimony and evidence offered, I am persuaded to grant the Petition. In my judgment, the Petitioner has offered sufficient testimony to comply with the requirements of Section 307 of the BCZR for variance relief to be granted. Moreover, I will restrict the relief granted herein by requiring that the garage cannot be used for commercial/business purposes, or as a residence.

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 May 1998, that a variance, from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (BCZR), to permit a garage within 13 ft. of the centerline of an alley in lieu of the required 15 ft. and with a side yard setback of 1 ft. in lieu of the required 2-1/2 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, 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.
- 2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3. There shall be no commercial/business operation of any nature conducted from the subject property.

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

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

May 12, 1998

Mrs. Abby J. Smith 3412 Woodcroft Road Baltimore, Maryland 21234

> RE: Case No. 98-345-A Petition for Variance Property: 260 St.Helena Avenue

Dear Mrs. Smith:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

att.

Ralph A. Smith, Jr. c: 260 St. Helena Avenue Dundalk, Md. 21222



etition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

me one brokerty meatest at	_ 260 St. Helena Ave.
	which is presently zoned DR 10
This Petition shall be filed with the Department of Perm. The undersigned, legal owner(s) of the property situate in Baltimo hereto and made a part hereof, hereby petition for a Variance from To permit A GARACE with in ALLEY IN LIEN OF the REGUIR Set back of 1ft. In LIEN OF THOSE OF THE OF THE PROPERTY.	its & Development Management
of the Zoning Regulations of Baltimore County, to the Zoning Law opractical difficulty)	of Baltimore County; for the following reasons: (indicate hardship or
Provide extra storage space Provide protection of auto Protect Personal Property	
Property is to be posted and advertised as prescribe I, or we, agree to pay expenses of above Variance advertising, posted bound by the zoning regulations and restrictions of Baltimore Co	thing also upon filling of this patition, and the state of the
Contract Purchaser/Lessee:	I/We do solemnly declare and affirm, under the penalties of penury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s).
(Type or Print Name)	Abby J. Smith (Type or Print Name)
Signature	Alely J. Dmith
Address	(Type or Print Name)
City State Zipcode	Signature
Attorney for Petitioner: (Type or Print Name)	(W) 410-887-7078 3412 Woodcroft Rd. (H) 410-668-1205 Address Phone No
Signature	Baltimore, MD 21234
Address	Name, Address and phone number of representative to be contacted. Abby J. Smith

on Recycled Paper Revised 9/5/95

City

Phone No.

Zipcode

410-668-1205 OFFICE USE ONLY ESTIMATED LENGTH OF HEARING OTHER

ZONING DESCRIPTION

Zoning description for 260 Saint Helena Avenue

BEGINNING for the same on the north side of Saint Helena Avenue at the distance of 515.415 feet westerly from the corner formed by the intersection of the north side of Saint Helena Avenue and the west side of Willow Spring Avenue or Road and running thence westerly binding on the north side of Saint Helena Avenue 26.875 feet to the line of the center of the partition wall there situate and thence northerly thru the center of said partition wall and parallel with Willow Spring Avenue 125 feet to the south side of an alley 10 feet wide thence easterly binding on said alley with the use thereof in common with others 26.875 feet thence southerly parallel with Willow Spring Avenue 125 feet to the place of beginning; the improvements thereon being known as No. 260 Saint Helena Avenue. The improvements formerly being known as No. 260 Saint Helena Road.

345

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Y, MARYI 'D) *) INANCE No. 6 1741 ECEIPT	Forr 6150	36.60	5412 Warnersty D		80	YELLOW - OUSTOMER
BALTIMORE COUNTY, MARY! 'D OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 3-19-98 ACCOUNT	AMOUNT \$	FROM: PS 3 SWITH	(OIC) UMP		DISTRIBUTION WHITE GASHIER PINK - AGENCY YELLOW - CUSTOMER

NOTICE OF ZONING

The Zoning Commissioner of Bathmore County, by authority of the Zoning Act and Regulations of Soning Act and Regulations of Soning Act and Regulations of Soning Act and Property I will be a public hearing in Towers of Manufand on the property identified hereing in Towers of Soning Manufand in the property identified hereing in Towers of Soning Manufand hereing in the property in the County of the County o

Case. ABS 345A 260 St. Helena Avenue NS of St. Helena Avenue NS of St. Helena Avenue NS of St. Helena Avenue 15th Electrion District 7th Councilinate District 7th Councilinate District 7th Councilinate District

Variance in participation of a radio and a standard of a standard

LAWPENDE E, SCHMIDT Zoning Commissioner for Baltimore Courn.
NOTES. (1) Hearings are Handicapped, Accessible; for spetial accommodations Please Call (410) 887-8383. (2) For information concerning the file artifor. Hearing, Please Call (410) 887-3391

4/391 April 23 C223029

CERTIFICATE OF PUBLICATION

TOWSON, MD., 423, 1998

THE JEFFERSONIAN,

· Henrigger

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

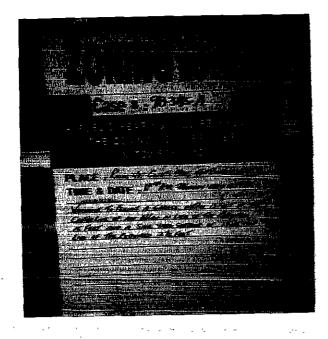
RE: Case No. 98-345-A
Petitioner/Developer:
(Abby J. Smith)
Date of Hearing/Clasing:
(May 11, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at
260 St. Helena Ave. Baltimore, Maryland 21222
The sign(s) were posted onApr. 24, 1998



Sincerely, One Defulze //2
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: <u>98-345-A</u>

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

PLACE:
DATE AND TIME:
REQUEST: A VARIANCE TO PERMIT A GARAGE
WITHIN 13ft of The CENTERLINE of AN
ALLEY AND WI IN LIEU of The REDVICED 15H
AND WITHIN Ift. of The SINGUARN IN
LIEU of THE REDVIRED 21/2 ft.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

TO CONFIRM HEARING CALL 887-3391.

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY

April 23, 1998 Issue - Jeffersonian

Please forward billing to:

Abby J. Smith

410-887-7078 (work)

2412 Woodcroft Road

410-668-1205 (home)

Baltimore, MD 21234

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-345-A 260 St. Helena Avenue

N/S of St. Helena Avenue, 515' +/- W of Willow Spring Avenue

15th Election District - 7th Councilmanic District

Legal Owner: Abby J. Smith

<u>Variance</u> to permit a garage within 13 feet of the centerline of an alley in lieu of the required 15 feet and a side yard setback of 1 foot in lieu of the required 2-1/2 feet.

HEARING:

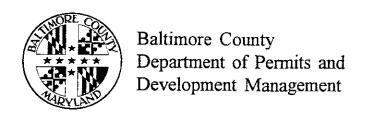
Monday, May 11, 1998 at 11:00 a.m. in Room 407, County Courts Building.

401 Bosley Avenue

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



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

March 25, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-345-A 260 St. Helena Avenue

N/S of St. Helena Avenue, 515' +/- W of Willow Spring Avenue

15th Election District - 7th Councilmanic District

Legal Owner: Abby J. Smith

<u>Variance</u> to permit a garage within 13 feet of the centerline of an alley in lieu of the required 15 feet and a side yard setback of 1 foot in lieu of the required 2-1/2 feet.

HEARING:

Monday, May 11, 1998 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon

Director

c: Abby J. Smith

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 26, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

April 13, 1998

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 MARCH 30, 1998

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.

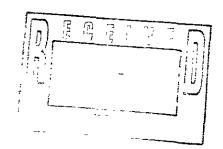
8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

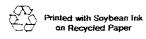
339, 340, 341, 342, 343, 344, 345 AND 346

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 387-4881, MS-1102F

cc: File





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 8, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for April 6, 1998

Item Nos. 339, 340, 341, 342, 343,

344, 345), and 346

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

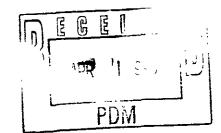
TO: Arnold Jablon, Director
Department of Permits

and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions



DATE: March 26, 1998

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

Item No. 337, 339, 340, 341, 343, 344, 345) and 346

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

They we Long

Prepared by:

Division Chief

AFK/JL



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 4.3. 5 8 RE:

Item No.

345

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours.

P. J. Gredle

Ronald Burns, Chief

Engineering Access Permits

Division

LG

ALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

MC9

FROM:

R. Bruce Seeley RISS

0EPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: Local 30

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

Item #'s:

337

338

339

341

342

RBS:sp

BRUCE2/DEPRM/TXTSBP



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 3/25/98 Item No. 345 RE:

Abbr Smith

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

LG

RE: PETITION FOR VARIANCE * BEFORE THE

260 St. Helena Avenue, N/S St. Helena Ave.,

515' ± W of Willow Spring Ave. * ZONING COMMISSIONER

15th Election District, 7th Councilmanic

* OF BALTIMORE COUNTY

Abby J. Smith

Petitioner * CASE NO. 98-345-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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

er Max linneinar

ule 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 <u>15</u> day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to Abby J. Smith, 2412 Woodcroft Road, Baltimore, MD 21234, Petitioner.

PETER MAX ZIMMERMAN

I Newly Scott own and reside at St. Helena

Avenue, Baltimore, MD 21222. My neighbor, Mr. Ralph Smith, has constructed a garage, and I have no objections to the construction of this garage.

Signature

Date

Hinry Scott 3/15/98

I PALMER	R.	Clemons	276 own and reside at 258 St. Helena
----------	----	---------	--

Avenue, Baltimore, MD 21222. My neighbor, Mr. Ralph Smith, has constructed a garage, and I have no objections to the construction of this garage.

Signature

Palmer R. Clamore 3/14/98

Date

Theresa M. Sm. th	own and reside at 253 Colgate Avenue,
Baltimore, MD 21222 which is across the alley from	my neighbor, Mr. Ralph Smith. He has
constructed a garage, and I have no objections to the	construction of this garage.

Signature

Date

Therese M. Smf 3-15, 1998

I John w. Forwood 3-13-98 own and reside at see Colgate Avenu	ıe,
Baltimore, MD 21222 which is across the alley from my neighbor, Mr. Ralph Smith. He has	

constructed a garage, and I have no objections to the construction of this garage.

Signature

Date

Jan a Forma 3-15-94

I_ Jay L. Turansky	own and reside at 255 Colgate Avenue,
Baltimore, MD 21222 which is across the alley from my	y neighbor, Mr. Ralph Smith. He has
constructed a garage, and I have no objections to the con	nstruction of this garage.

Signature

Date

PLEASE PRINT CLEARLY

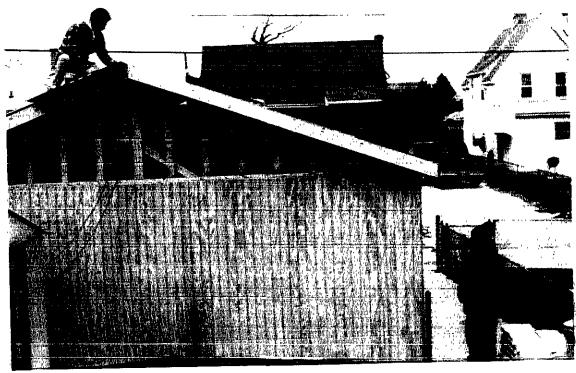
PETITIONER(S) SIGN-IN SHEET

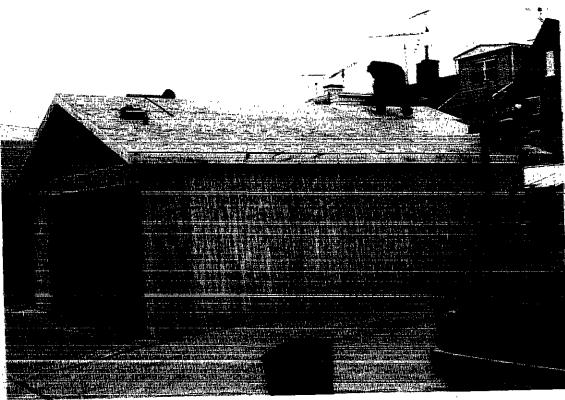
NAME	ADDRESS
Appu Smith	2412 Wood CROFT. RN 2123
Abby Smith BAIDH A. Smith JR.	2412 Wood CROFT. RD 2123 260 St. Helena Ave 212
	-16-



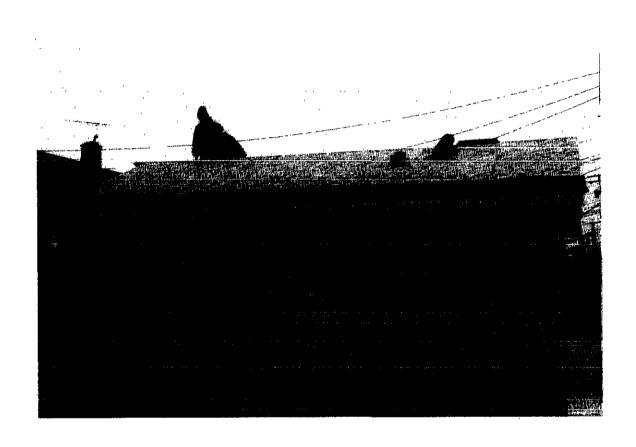
SUM 345	Sc
Zoning Office USE ONLY!	7
Chasapeake Bay Critical Area:	O THE STATE OF THE
SEWER:	A TATAL STATE OF THE STATE OF T
Lot size: 3359.3 Lot size: acreage square teet	3,703
1'=200' scale map#; SE -4E	in the second
Election District: /2 Councilmanic District: 7	35.63
LOCATION INFORMATION	
House Ballan DRE Ballan	The state of the s
THE THE STATE OF T	OWNER: Abby J. Smith
see pages 5 & 6 of the CHECKLIST for additional required information	Subulivision name: Saint Helena-Colgate
e Special Hearing	Plat to accompany Petition for Zoning X Variance

98.345.A

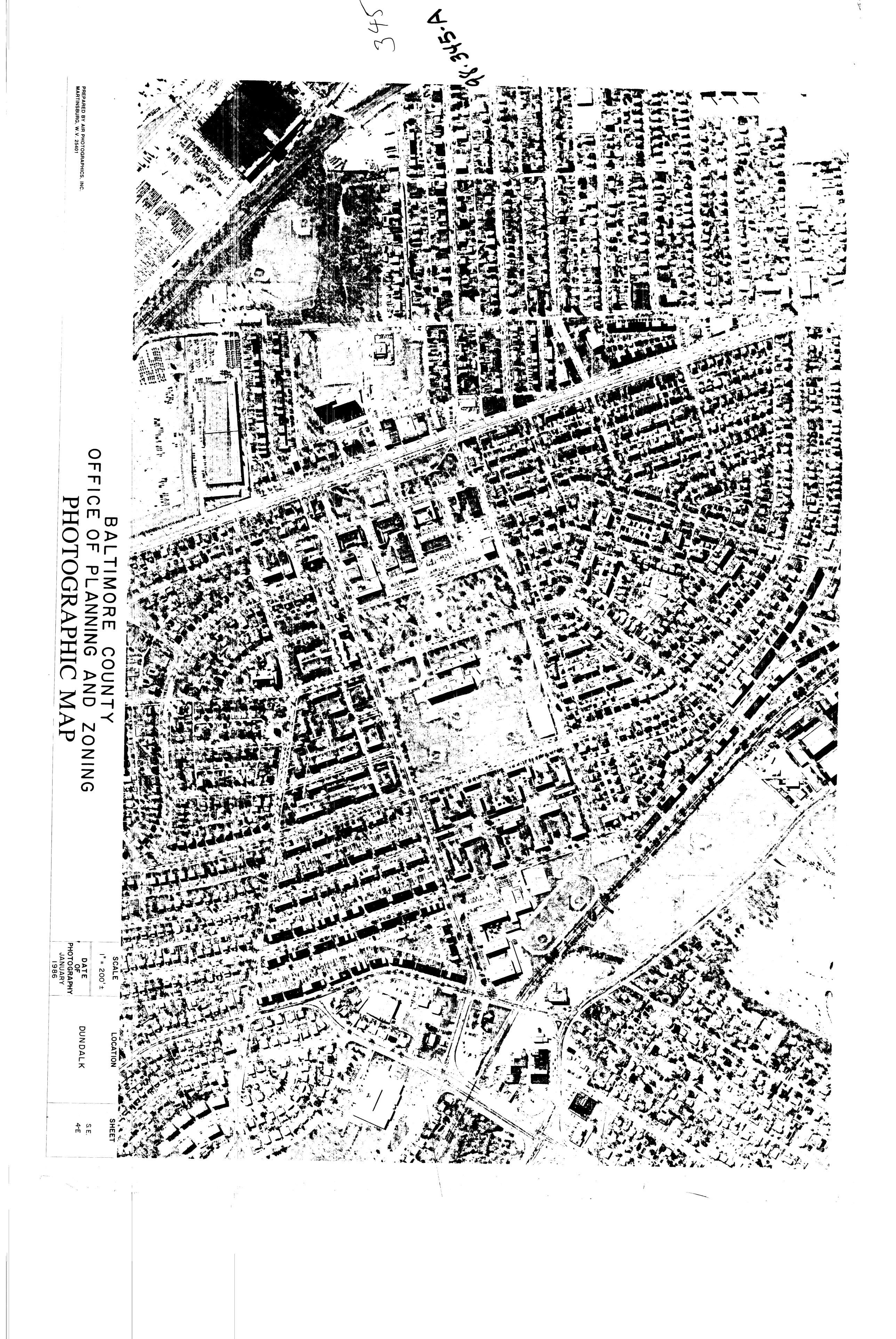




98.345-A



98.345.4



I FAY S. SEIWELL	own and reside at 262 St. Helena
Avenue, Baltimore, MD 21222. My neighbor, Mr. Ral	ph Smith, has constructed a garage, and I
have no objections to the construction of this garage.	
Rogh Sew	4/24/98

Signature

Date

$\langle () \rangle$	\	
1 Donas	Muse	own and reside at 258 St. Helena

Avenue, Baltimore, MD 21222. My neighbor, Mr. Ralph Smith, has constructed a garage, and I have no objections to the construction of this garage.

Signature

Date

meso 3/17/98