12/10/98

IN RE: PETITION FOR ZONING VARIANCE SE/S Berk Lane, 450 ft. +/- SW of c/l Chesaco Avenue 7925 Berk Lane 15th Election District 7th Councilmanic District William J. Cockran, et ux Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 98-423-A

* * * * * * * * * * *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before the Zoning Commissioner on a Petition for a Variance for the property located at 7925 Berk Lane in Rosedale. Following the requisite public hearing conducted for this case, I issued Findings of Fact and Conclusions of Law, and an Order based thereon by which the Petition was granted, with restrictions, on July 2, 1998. Thereafter a timely appeal from that Order was taken to the County Board of Appeals of Baltimore County by the Office of Peoples Counsel.

Prior to the hearing of the case by the County Board of Appeals, a Joint Motion to Remand was filed by the Petitioners, William J. Cockran and Cora B. Cochran, and Peoples Counsel for Baltimore County. That Motion requested that the matter be remanded to this Zoning Commissioner and that an amended Order be issued. Further, it was requested that the amended Order retain conditions 1 thru 5 as set out in the July 2, 1998 Order and add 3 additional conditions/restrictions. The additional conditions/restrictions which are sought to be added are: (A) that the Petitioners shall utilize only their private driveway directly off Chesaco Avenue for commercial vehicle access and shall not utilize Berk Lane, and (B) that the Petitioners shall not further subdivide their property, with the exception that they may create one additional building lot presently intended to the Petitioner, William J. Cockran's father; and, (C) that any request for amendment of the Order shall be subject to a new Petition and public hearing, with an opportunity to be heard.

ORDER RECEIVED FOR FILING
Date
By

The Board of Appeals, by its Order dated November 27, 1998, granted the Joint Motion for Remand and ordered the case remanded to the Zoning Commissioner for further proceedings consistent with the Motion. Therefore, the Zoning Commissioner's Order, dated July 2, 1998, shall be amended as requested.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of Dec. 1998 that the Order issued herein on July 2, 1998 be and is hereby adopted and incorporated herein and that the following conditions/restrictions are added to the grant of variance relief:

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.

2. The Petitioners shall utilize only their private driveway directly off Chesaco Avenue for commercial vehicle access and shall not utilize Berk Lane.

3. The Petitioners shall not further subdivide their property, with the exception that they may create one additional building lot presently intended to the Petitioner, William J. Cockran's father.

4. That any request for amendment of the Order shall be subject to a new Petition and public hearing, with an opportunity to be heard.

5. That all further conditions and restrictions of the Order issued on July 2, 1998 are incorporated herein.

ORDER RECEIVED FOR FILING
Date 12/18/98
By

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

Baltimore County
Zoning Commissioner
Office of Planning

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

December 17, 1998

Mr. and Mrs. William J. Cochran
7925 Berk Lane
Baltimore, Maryland 21237

RE: Case No. 98-423-A-A
Amended Petition for Variance
Property: 7925 Berk Lane

Dear Mr. and Mrs. Cochran:

Enclosed please find the decision rendered in the above captioned case. The Amended 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 AC-410-887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
att.
c: Peoples Counsel

Printed with Soybean Ink
on Recycled Paper

11/27/98

RE: PETITION FOR ZONING VARIANCE 7925 Berk Lane, SE/S Berk Lane, 450 feet +/- SW of centerline Chesaco Avenue 15th Election District, 7th Councilmanic	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	FOR
WILLIAN J. COCHRAN, ET UX.	*	BALTIMORE COUNTY
Petitioners	*	Case No. 98-423-A

* * * * * * * * * * * * * *

REMAND ORDER

Upon review of the record, the evidence presented in open hearing on September 23, 1998, the Joint Motion to Remand filed by WILLIAM J. COCHRAN and CORA B. COCHRAN and PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, and upon open hearing held November, 18, 1998, the County Board of Appeals finds that the unusual circumstances of this case warrant a remand to place additional conditions upon the proposed parking of commercial vehicles.

ACCORDINGLY, the Joint Motion to Remand is hereby **GRANTED**. It is, this 27th day of November, 1998, by the County Board of Appeals for Baltimore County **ORDERED** that this case is hereby **REMANDED** to the Baltimore County Zoning Commissioner for review as follows:

1. The Zoning Commissioner shall review a request by Petitioners to amend the Order dated July 2, 1998.

2. The Commissioner shall consider issuance of an Amended Order which retains paragraphs One through Five (1 - 5) of the July 2, 1998 Order.

3. The Commissioner shall consider including in the Amended Order the following additional conditions:

A. That the Petitioners shall utilize only their private driveway directly off Chesaco Avenue for commercial vehicle access and shall not utilize Berk Lane.

B. That the Petitioners shall not further subdivide their property, with the exception that they may create one additional building lot presently intended for Petitioner WILLIAM J. COCHRAN'S father.

C. That any request for amendment of the Order shall be subject to a new petition and public hearing, with notice and opportunity to be heard.

The Board notes that Petitioners have requested the opportunity to present the above-proposed amendments to the Zoning Commissioner, and that PEOPLE'S COUNSEL does not oppose a remand to afford Petitioners this opportunity. The parties have also agreed that a Board panel of two (2) members may resolve this matter. The Board, therefore, **REMANDS** this case for further proceedings.

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Harry E. Buchheister, Jr.

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 18, 1998

98 NOV 18 PM 2:39

Lawrence M. Stahl, Esq., Panel Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Variance
7925 Berk Lane, SE/S Berk Lane,
450' +/- SW of c/l Chesaco Ave.,
15th Election District, 7th Councilmanic
WILLIAM J. AND CORA B. COCHRAN, Petitioner(s)
Case No.: 98-423-A

Dear Mr. Stahl:

Enclosed for your review please find proposed Remand Order in the above matter.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf
Enclosure

cc: William J. and Cora B. Cochran, 7925 Berk Lane, Baltimore, MD 21237, Petitioners

10/30/98

RE: PETITION FOR ZONING VARIANCE 7925 Berk Lane, SE/S Berk Lane, 450 feet +/- SW of centerline Chesaco Avenue 15th Election District, 7th Councilmanic	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	FOR
WILLIAN J. COCHRAN, ET UX.	*	BALTIMORE COUNTY
Petitioners	*	Case No. 98-423-A

* * * * * * * * * * * * * *

RECEIVED
98 OCT 30 PM 5:59
COUNTY BOARD OF APPEALS

JOINT MOTION TO REMAND

Upon review of the record, and in consideration of the evidence presented in open hearing on September 23, 1998, Petitioners, WILLIAM J. COCHRAN and CORA B. COCHRAN, and PEOPLE'S COUNSEL FOR BALTIMORE COUNTY move to remand this case to the Baltimore County Zoning Commissioner for further proceedings, consistent with and for the following purposes:

1. That the Zoning Commissioner shall review a request by Petitioners to amend the Order dated July 2, 1998.

2. That the Amended Order should retain paragraphs One through Five (1 - 5) of the July 2, 1998 Order.

3. That the Amended Order should include the following additional conditions:

A. That the Petitioners shall utilize only their private driveway directly off Chesaco Avenue for commercial vehicle access and shall not utilize Berk Lane.

B. That the Petitioners shall not further subdivide their property, with the exception that they may create one additional building lot presently intended for Petitioner WILLIAM J. COCHRAN'S father.

C. That any request for amendment of the Order shall be subject to a new petition and public hearing, with notice and opportunity to be heard.

4. Petitioners request the opportunity to present the above-proposed amendments to the Zoning Commissioner, and PEOPLE'S COUNSEL does not oppose a remand to afford Petitioners this opportunity.

WHEREFORE, Petitioners WILLIAM J. COCHRAN AND CORA B. COCHRAN, and PEOPLE'S COUNSEL FOR BALTIMORE COUNTY jointly move that the County Board of Appeals remand this case to the Zoning Commissioner for Baltimore County for further proceedings and review.

WILLIAM J. COCHRAN
7925 Berk Lane
Baltimore, MD 21237
(410) 391-4923

PETER MAX ZIMMERMAN
People's Counsel For Baltimore County

CORA B. COCHRAN
7925 Berk Lane
Baltimore, MD 21237
(410) 391-4923

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

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

November 27, 1998

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 98-423-A
William J. Cochran -Petitioners
Ruling on Joint Motion for Remand

Dear Mr. Zimmerman:

Enclosed please find a copy of the Ruling on Joint Motion for Remand issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Bianco
Administrator

encl.

cc: Mr. and Mrs. William Cochran
Pat Keller
Lawrence E. Schmidt, Zoning Commissioner
J. Thompson /Code Enforcement Supervisor
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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on Recycled Paper

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 30, 1998

Lawrence M. Stahl, Esq., Panel Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

98 OCT 30 PM 1:59
RECEIVED
COUNTY BOARD OF APPEALS

Hand-delivered

Re: **Petition for Variance**
7925 Berk Lane, SE/S Berk Lane,
450' +/- SW of c/l Chesaco Avenue
15th Election District, 7th Councilmanic
WILLIAM J. AND CORA B. COCHRAN,
Petitioner(s)
Case No.: 98-423-A

Dear Mr. Stahl:

Enclosed please find Joint Motion for Remand in the above matter. Please have a short hearing on same set in at the Board's earliest opportunity.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf
Enclosure

cc: William J. and Cora B. Cochran, 7925 Berk Lane, Baltimore, MD 21237, Petitioners

7/2/98

IN RE: PETITION FOR ZONING VARIANCE SE/S Berk Lane, 450 ft. +/- SW of c/l Chesaco Avenue 7925 Berk Lane 15th Election District 7th Councilmanic District William J. Cockran, et ux Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 98-423-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for a Variance for the property located at 7925 Berk Lane in Rosedale. The Petition was filed by William J. Cockran and Cora B. Cockran, his wife, property owners. Variance relief is requested from Section 431 of the Baltimore County Zoning Regulations (BCZR) to allow the parking of two commercial vehicles and trailers on the subject site, each with gross vehicle weights in excess of 10,000 pounds. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit #1.

Appearing at the public hearing held for this case were the Petitioners, William J. Cochran and Cora B. Cochran, his wife, property owners. Also present was Don Sachs, a neighbor, who appeared in support of the Petition. There were no Protestants or interested persons present.

Mr. Cochran testified that he and his wife have owned the property for approximately 1-1/2 years. The property is irregular in shape, with frontage on Chesaco Avenue and Berk Lane in the Rosedale Terrace subdivision of eastern Baltimore County. The property is a large site, approximately 5-1/2 acres, zoned D.R.5.5.

The property is improved with three separate dwellings. The main dwelling is located in the center of the property and is visible from

ORDER RECEIVED FOR FILING
Date 7/2/98
By M. Thomas

Chesaco Avenue. Photographs of that dwelling were submitted at the hearing and show same to be a large single family detached home with a garage. Mr. and Mrs. Cochran testified that since their acquisition of the property approximately 1-1/2 years ago, they have made massive renovations and improvements to that dwelling and the overall property.

In addition to the "main" house, the property is improved with two other residential structures. Apparently, these structures are quite old and have been on the property for many years. One such structure is a small building in which Mr. Cochran's parents reside. The second structure is a small building which is rented to a friend. In addition to these buildings, the Petitioners have recently constructed a large pole garage type building to the extreme rear of the property. The subject of the Petition for Variance relates to two tractor trailers which are parked in the rear of the property near the new pole garage. One of these trucks is owned by Mr. Cochran, who is a truck driver by occupation. The second truck is owned by Mr. Cochran's brother, who is in the same line of work.

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Mr. Cochran testified that he is an independent trucker and has been so employed for several years. He typically leaves the house in the early morning hours and leases his truck and services to companies in the area to haul freight. His brother operates a similar business. Mr. Cochran and his brother usually return late in the day and park the vehicles on the site overnight until the next business day when the cycle is repeated. It was indicated that freight is not kept on the property and that the vehicles are parked to the extreme rear of the site. Owing to the large area of the property, the vehicles are not visible to neighbors on Berk Lane, or Chesaco Avenue.

Mr. Sachs testified in support of the Petition. He lives immediately across Chesaco Avenue from the Cochran property. He indicated that Mr.

and Mrs. Cochran have made major improvements to the site since their acquisition. He described the property as being in a run down state prior to the Cochrans' purchase and applauds his neighbors efforts in improving the property. As to the trucks, he indicated that they are not a nuisance and he does not oppose the storage of the vehicles under the present arrangement. He testified that the trucks leave the property in the early morning hours and do not return until later in the day. He confirmed that freight is not stored on the property. He indicated that the trucks do not disrupt the community from either a visual or sound standpoint.

Mr. Sachs' testimony was corroborated by a Petition and several letters which were also offered at the hearing. The property owners offered a Petition signed by a number of neighbors indicating that the storage of the trucks is not problematic. The Petition indicates that the freight is not stored on the property, nor is any service/repair work performed. The Petition also indicates that the property owners have cleaned up the site of unnecessary debris and over growth over the years, and the property has been significantly improved.

In addition to the oral testimony presented, Mr. Cochran also produced an audio tape which was played at the hearing. That tape demonstrated that the trucks are not noisy and cause little harm to the surrounding area. Additionally, the tapes disclosed the existence of two railroad lines which are located near the property. Both Mr. Cochran and Mr. Sachs indicated that the trains, which regularly pass this site, create far more noise and disturbance than the Cochrans' trucks. It was also indicated that several major commercial roadways are located nearby which cause far more background noise in this neighborhood than do the trucks.

At first blush, it would seem that the storage of the two vehicles on this site is inappropriate. However, I was persuaded by the testimony and

ORDER RECEIVED FOR FILING
Date 7/29/98
By M. Grant

evidence offered to grant the variance. The particular factors which support a grant of the relief are that the property is quite large and the unique nature of the property and neighborhood. This is a large site and if the trucks are parked in the rear, they are not visible from any of the neighbors' homes. Additionally, the impact of the trucks on this community is negligible, particularly in view of the existing traffic conditions and the railroad lines nearby. For these reasons, the Petition for Variance will be granted, with restrictions.

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 2nd day of July 1998 that a variance from Section 431 of the Baltimore County Zoning Regulations (BCZR) to allow the parking of two commercial vehicles and trailers on the subject site, each with gross vehicle weights in excess of 10,000 pounds, be and is hereby GRANTED, subject, however, to the following restrictions:

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

2. The Petitioners may store no more than two tractor trailer vehicles on the subject site. Such vehicles must be substantially similar to those shown in the photographs submitted at the hearing.

3. The vehicles must be stored in the rear yard near the existing pole garage building, as is presently the arrangement.

4. There shall be no storage of freight or materials on the site.

CERTIFICATE OF POSTING
RECEIVED FOR FILING
Date 7/2/98
By

5. There shall be no major repair or service work on the trucks on the site.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

CERTIFICATE OF POSTING
Date 7/29/87
Mr. Thornton

VIOLATION

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7925 Berk Lane

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) 431; BCZR, TO PERMIT THE PARKING of TWO COMMERCIAL VEHICLES AND TRAILERS ON RESIDENTIAL PROPERTY WITH GROSS VEHICLE WEIGHTS IN EXCESS of 10,000 POUNDS.

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

See Attached

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

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

Legal Owner(s):

William J. Cochran
(Type or Print Name)

William J. Cochran
Signature

CORA B. COCHRAN
(Type or Print Name)

Cora B. Cochran
Signature

7925 Berk Lane (410) 391-4923
Address Phone No

Balto. MD 21237
City State Zipcode

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

Same
Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JCW DATE 5-7-98

423

Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

98-423-A

PETITION FOR VARIANCE

Attachment

IT IS NECESSARY TO PARK MY COMMERCIAL VEHICLE (GVW 26,000 LBS.) AT MY HOME 7925 BERK LANE, BECAUSE IT IS HOW I MAKE MY LIVING AND MY ONLY SOURCE OF INCOME. FURTHERMORE, IT WOULD CREATE A HARDSHIP TO PARK MY VEHICLE IN AN UNSECURED AREA DUE TO VANDALISM AND STEALING OF MY EQUIPMENT.

IF I HAD TO PARK MY TRUCK AT ANOTHER LOCATION I WOULD HAVE NO MEANS OF TRANSPORTATION TO AND FROM THE TRUCK, THUS CREATING A PRACTICAL DIFFICULTY. ALSO, MY DRIVEWAY ENTRANCE IS LOCATED DIRECTLY OFF OF CHESACO AVE. WHICH IS A COMMERCIAL RATE HIGHWAY DUE TO INDUSTRY WITHIN CHESACO PARK. THE FOLLOWING BUSINESS' IN CHESACO PARK THAT USE COMMERCIAL VEHICLES ARE CROWN SHADE CORP., MIDDLE RIVER MACHINE, DIETZ POULTRY AND ROSEDALE CARNIVAL ETC. AT NO TIME DO I TRAVEL ON A ROAD THAT'S NOT RATED FOR COMMERCIAL USE.

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 7925 BERK LANE BEGINNING AT A POINT ON THE South/East SIDE OF Berk Lane WHICH IS 12 feet WIDE AT THE DISTANCE OF 450 feet South/West OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET Chesaco Ave. WHICH IS 24 feet WIDE. *BEING LOT # 47½, BLOCK --, SECTION # C IN THE SUBDIVISION OF ROSEDALE TERRACE AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # W.P.C. 3, FOLIO # 90, CONTAINING 240,000 square feet. ALSO KNOWN AS 7925 BERK LANE AND LOCATED IN THE 15TH ELECTION DISTRICT, 7TH COUNCILMANIC DISTRICT.

423

98-423-A

BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

423

No. 053729

DATE 5.7.98 ACCOUNT 1001-6150

AMOUNT $ 50.00

RECEIVED FROM: W. Cochran 7925 Bost Co

FOR: UAZ (610)

98-423-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACCT# TIME
5/08/1998 5/07/1998 15:04:04
REG USER CASHIER 3RCC JMR DRAWER 2
5 MISCELLANEOUS CASH RECEIPT
RECEIPT # 044608 CLERK
CR NO. 053729
50.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

A-ESU.98

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 #98-423-A
7924 Berk Avenue
SE/S Berk Lane, 450' +/- SW of centerline Chesaco Avenue
15th Election District
7th Councilmanic District
Legal Owner(s): William J. Cochran & Cora B Cochran

Variance: to permit the parking of two commercial vehicles and trailers on residential property with gross vehicle weight in excess of 10,000 pounds

Hearing: Monday, June 22, 1998 at 2:00 p.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
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.

6/030 June 4 C233426

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/4, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/4, 1998.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 98-423-A
Petitioner/Developer:
(Cora Cochran)
Date of Hearing/~~Closing:~~
(June 22, 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_____

7925 Berk Lane Baltimore, Maryland 21237_____

The sign(s) were posted on_____June 5, 1998_____
(Month, Day, Year)

Sincerely,

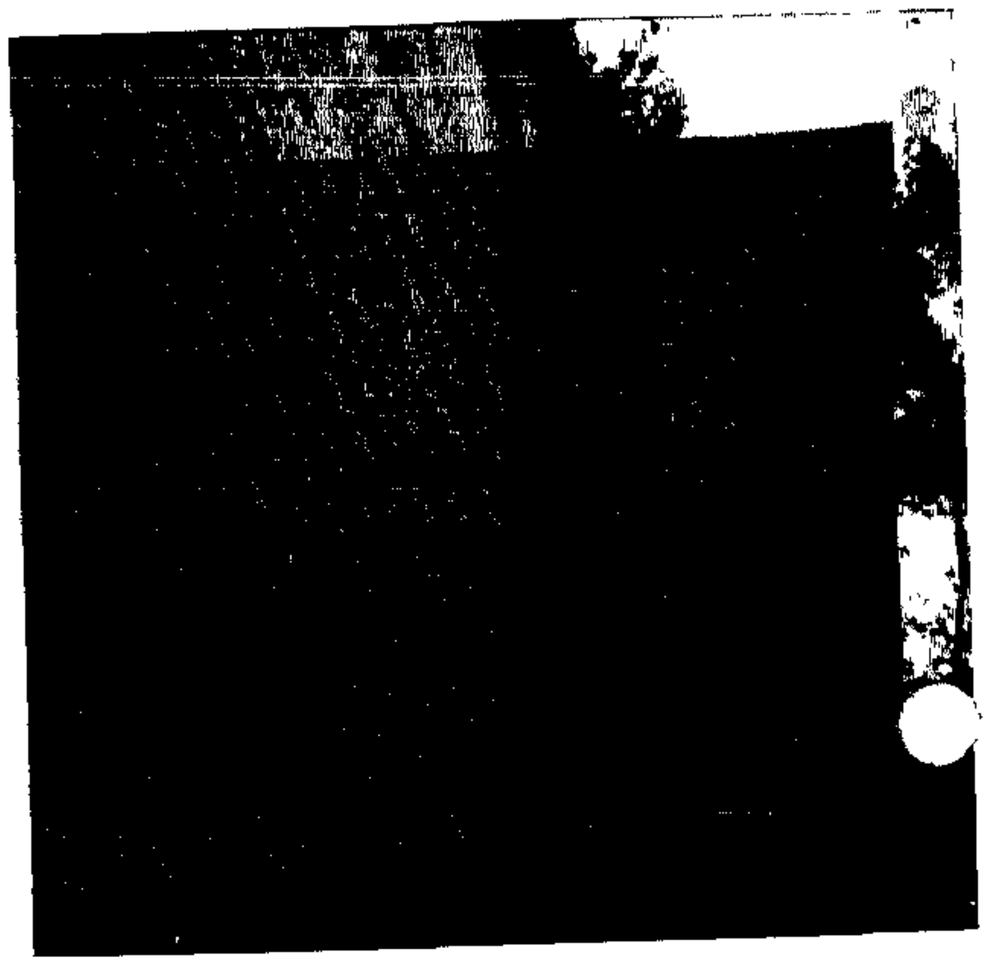
6/5/98
(Signature of Sign Poster & Date)

_____Thomas P. Ogle, Sr._____

_____325 Nicholson Road_____

_____Baltimore, Maryland 21221_____

_____(410)-687-8405_____
(Telephone Number)



CERTIFICATE OF POSTING

RE: Case No.: 98-423 A

Petitioner/Developer:

WM. J. COCHRAN

Date of Hearing/Closing:

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

[redacted]

Ladies and Gentlemen:

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 CORNER OF CHESACO & BERK AVE.

The sign(s) were posted on 8/20/98
(Month, Day, Year)

Sincerely,

Gary C. Freund 8/20/98
(Signature of Sign Poster and Date)

GARY C. FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

Exhibit B

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

Date to be Posted: Anytime before but no later than 5-17-98

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-423-A

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

PLACE:

DATE AND TIME:

REQUEST: A VARIANCE TO PERMIT THE PARKING OF TWO COMMERCIAL VEHICLES AND TRAILERS ON RESIDENTIAL PROPERTY WITH GROSS VEHICLE WEIGHTS IN EXCESS OF 10,000 POUNDS.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

9/96
post.4.doc

Baltimore County
Department of Permits and
Development Management

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

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.: 423

Petitioner: William and Cora Cochran

Location: 7925 Berk Lane Baltimore, MD 21237

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William and Cora Cochran

ADDRESS: 7925 Berk Lane

Baltimore, MD 21237

PHONE NUMBER: (410) 391-4923

AJ:ggs

(Revised 09/24/96)

98-423-A

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
June 4, 1998 Issue - Jeffersonian

Please forward billing to:
William & Cora Cochran 410-391-4923
7925 Berk Lane
Baltimore, MD 21237

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: 98-423-A
7924 Berk Avenue
SE/S Berk Lane, 450' +/- SW of centerline Chesaco Avenue
15th Election District - 7th Councilmanic District
Legal Owner: William J. Cochran & Cora B. Cochran

Variance to permit the parking of two commercial vehicles and trailers on residential property with gross vehicle weight in excess of 10,000 pounds.

HEARING: Monday, June 22, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt
Lawrence E. Schmidt
54

LAWRENCE E. SCHMIDT
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.

Baltimore County
Department of Permits and
Development Management

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

May 18, 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: 98-423-A
~~7924~~ Berk ~~Avenue~~ Lane
SE/S Berk Lane, 450' +/- SW of centerline Chesaco Avenue
15th Election District - 7th Councilmanic District
Legal Owner: William J. Cochran & Cora B. Cochran

Variance to permit the parking of two commercial vehicles and trailers on residential property with gross vehicle weight in excess of 10,000 pounds.

HEARING: Monday, June 22, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Cora & William Cochran

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 7, 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.

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 17, 1998

NOTICE OF ASSIGNMENT

CASE #: 98-423-A

IN THE MATTER OF: WILLIAM J. COCHRAN, ET UX
7925 Berk Lane 15th E; 7th C

(Petition for Variance GRANTED by ZC 7/02/98.)

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 23, 1998 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Appellant

: Peter Max Zimmerman, People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel

Petitioner /Property Owner: Mr. and Mrs. William J. Cochran

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
J. Thompson /Code Enforcement Supervisor
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

October 30, 1998

NOTICE OF ASSIGNMENT /Joint Motion for Remand

CASE #: 98-423-A **IN THE MATTER OF: WILLIAM J. COCHRAN, ET UX**
7925 Berk Lane 15th E; 7th C

(Petition for Variance GRANTED by ZC 7/02/98.)

has been specially set for a hearing on the Joint Motion for Remand filed by Petitioners and the Office of People's Counsel for remand to the Zoning Commissioner; and has been

ASSIGNED FOR: WEDNESDAY, NOVEMBER 18, 1998 at 9:30 a.m.

NOTICE: **This matter has been scheduled for a hearing on the Joint MOtion for Remand only; no evidence or testimony to be received as to the merits of the variance request.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Appellant : Peter Max Zimmerman, People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel

Petitioner /Property Owner: Mr. and Mrs. William J. Cochran

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
J. Thompson /Code Enforcement Supervisor
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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Baltimore County
Department of Permits and
Development Management

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

June 15, 1998

Mr. & Mrs. William Cochran
7925 Berk Avenue
Baltimore, MD 21237

RE: Item No.: 423
Case No.: 98-423-A
Petitioner: William and
Cora Cochran
Location: 7925 Berk Lane

Dear Mr. & Mrs. Cochran:

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 May 7, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

pcj

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)

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on Recycled Paper

Baltimore County
Fire Department

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

June 2, 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 May 18, 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:

418, 419, 420, 421, 422, 423 and 424

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

cc: File

RECEIVED
9 1998

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on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: May 22, 1998

FROM: Robert W. Bowling, Chief RWB/DAK
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for May 26, 1998
Item Nos. 416, 417, 418, 419, 420,
421, 422, 423 and 424

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

RWB:HJO:jrb

cc: File

ZONE0526.NOC

Sent LDO 6/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: June 2, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 7925 Berk Lane

INFORMATION

Item Number: 423

Petitioner: Cochran Property

Zoning: DR 5.5

Requested Action: Variance

Summary of Recommendations:

The Office of Planning is opposed to the storage of any commercial vehicle in excess of 10,000 pounds gross vehicle weight on residential property.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\423.DOC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 5.15.98
Item No. 423 JCM

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 5/20/93

FROM: R. Bruce Seeley RBS
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: May 18, 93

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

Item #'s:

416 423
417 ~~424~~
419 425
420 426

RBS:sp

BRUCE2/DEPRM/TXTSBP

	*	BEFORE THE
RE: PETITION FOR VARIANCE 7925 Berk Lane, SE/S Berk Lane, 450' +/- SW of c/l Chesaco Ave., 15th Election District, 7th Councilmanic	* * *	ZONING COMMISSIONER FOR
Legal Owners: William J. and Cora B. Cochran	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 98-423-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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to William J. and Cora B. Cochran, 7925 Berk Lane, Baltimore, MD 21237, Petitioner(s).

PETER MAX ZIMMERMAN

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 22, 1998

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR VARIANCE
7925 Berk Lane, SE/S Berk Lane,
450' +/- SW of c/l Chesaco Ave.
WILLIAM AND CORA COCHRAN, Legal Owners/
Petitioners
Case No. 98-423-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated July 2, 1998 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: William J. and Cora B. Cochran
7925 Berk Lane, Baltimore, MD 21237

RECEIVED
JUL 22 1998
PDM

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

July 22, 1998

Mr. and Mrs. William J. Cochran
7925 Berk Lane
Baltimore, MD 21237

Dear Mr. and Mrs. Cochran:

RE: Petition for Zoning Variance, Case No.: 98-423-A, , District: 15c7,William J. Cochran, et ux - Petitioners

Please be advised that an appeal of the above referenced case was filed in this office on July 22, 1998 by Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: Mr. J. Thompson, Code Enforcement
People's Counsel

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on Recycled Paper

APPEAL

Petition for Zoning Variance
SE/S Berk Lane, 450' +/- SW of c/l Chesaco Avenue
(7925 Berk Lane)
15th Election District – 7th Councilmanic District
William J. Cochran, et ux- Petitioners
Case Number: 98-423-A

Petition for Variance

Description of Property

Certificate of Posting

Certification of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In Sheet

Petitioners' Exhibits: 1 – Plat to Accompany Petition for Zoning Variance

Seventeen Photographs not Marked as Exhibits

Four Letters in Support of Petitioner

Zoning Commissioner's Order dated July 2, 1998 (Granted)

Notice of Appeal received on July 22, 1998 from Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel

c: Mr. and Mrs. William J. Cochran, 7925 Berk Lane, Baltimore, MD 21237
Mr. J. Thompson, Code Enforcement Supervisor, County Office Building, Towson, Maryland 21204
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 98-423-A

VAR -To allow parking of 2 commercial vehicles and trailers on subject property, each with gw in excess of 10,000 lbs.; 5.5 acres zoned DR 5.5.

7/22/98 -Z.C.'s Order in which Petition for Variance was GRANTED.

8/17/98 -Notice of Assignment for hearing scheduled for Wednesday, September 23, 1998 at 10:00 a.m. sent to following:

Peter Max Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's
Counsel
Mr. and Mrs. William J. Cochran
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
J. Thompson /Code Enforcement Supervisor
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

9/23/98 -Hearing concluded; memos due in three weeks (10/14/98); to be scheduled for deliberation. L.W.B.

10/30/98 -Joint Motion to Remand filed by William J. Cochran and Cora B. Cochran and People's Counsel for Baltimore County; the parties move to remand this case to the Zoning Commissioner for further proceedings consistent with the Motion request. Pursuant to conversations with both Petitioner and People's Counsel, two Board members (L and B) will sit on this remand hearing (W out on medical). No objections.
- Notice of Assignment sent to parties; scheduled for hearing on the Motion for Wednesday, November 18, 1998 at 9:30 a.m.

11/18/98 -Board convened for hearing on joint motion as noted; motion granted; order to be issued by Board remanding this matter to the ZC; proposed order to be submitted by Mr. Zimmerman and Mr. Cochran for review /signature. (L.B.)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** April 6, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed Files on Remand:

98-423-A /William J. Cochran (ZC Order - 12/18/98)
98-483-SPH /Fitzpatrick Realty, Inc. (DZC Order - 3/5/99)
98-239-XA /Dr. Gulab Shah (ZC Order - 7/14/98)

Since the 30-day appellate period has expired with no further appeals having been taken in the above captioned cases, which were remanded to the Zoning Commissioner in 1998, we are hereby noting our records that these files are closed.

B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office Correspondence

TO: Arnold Jablon, Director
Office of Permits &
Development Management

DATE: December 1, 1998

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: William J. Cochran, et ux
Case No. 98-423-A

Pursuant to the Remand Order issued by the Board on November 27, 1998, we are hereby returning the subject file to you to be forwarded to the Zoning Commissioner for his further consideration as required.

Should you have any questions, please call me at ext. #3180.

Attachment (File and Exhibits - Case No. 98-423-A -- William J. Cochran, et ux)

c: Docket Clerk
William J. and Cora B. Cochran
Peter Max Zimmerman /People's Counsel
for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner

LES

BALTIMORE COUNTY ZONING
TOWSON, MD 21204

The following residence bordering 7925 Berk Lane owned by William and Cora Cochran express no concerns or complaints of my parking two commercial vehicles in the rear part of the property behind the house.

When the vehicles are in use they are driven in a quiet, considerate and safe manner, without an excess of noise or other disturbances. There is at no time freight hauled by these vehicles stored on this property, nor any service/repair work performed.

As home-owner and occupant over the past year this property has been cleaned-up of unnecessary trash, debris and over-growth. The property is now maintained and numerous trees have been planted to beautify the property.

The parking of these vehicles is necessary because this is my primary income.

Name	address
Mr. & Mrs. [illegible]	7921 Berk LA.
Mr & Mrs. Steve Garrison	7920 BERK LANE.
Jeanne Magee	7924 Berk Lane
Kim Blackburn	7930 Berk Ln
[illegible]	7938 Berk Lane
Paul Malbles	7940 BERK LANE
Doris France	7914 Elmhurst Ave.
Phil Koemer	7922 ELMHURST AVE.
Gertrude Roemer	7924 Elmhurst Ave
[illegible]	7932 ELMHURST AVE
Brenda Worrell	7932 Berk Lane
[illegible]	[illegible]
Amelia [illegible]	7939 Berk Lane
Don Sarlin	7928 BERK LANE.
Hildi Steck	907 Chesaco Ave

MAY 1ST 1998

ZONING BOARD,

SINCE BILL COCHRAN HAS MOVED ON TO BERK LANE THEY HAVE MADE A DRAMATIC DIFFERENCE TO THE APPEARANCE OF OUR STREET. THEY HAVE FIXED UP ALL THREE HOUSES ON THE ESTATE, AND MADE A TREMENDOUS EFFORT IN IMPROVING BERK LANE. WE NOW HAVE EXCELLENT NEIGHBORS ALSO, WHO CARE ABOUT THEIR PROPERTY AND THE NEIGHBORHOOD. AS FAR AS THE TRUCKS ON THE PROPERTY ARE CONCERNED, NOT ONLY ARE THEY PARKED WAY IN THE BACK AND OUT OF SIGHT, BUT THE COCHRAN'S ARE VERY CONSIDERATE AND QUIET WHEN THEY COME AND GO. I LIVE DIRECTLY ACROSS THE STREET FROM THEM AND THE TRUCKS HAVE NEVER BEEN A PROBLEM. IT'S A PLEASURE TO HAVE THEM AS NEIGHBORS.

I'M WRITING THIS LETTER OF MY OWN FREE WILL, AND WITHOUT ANY ENCOURAGEMENT.

SINCERELY,

DON SACHS
7928 BERK LANE
BALTO, MD. 21237
410-574-7764

P.S. I'D BE HAPPY TO TALK TO ANYONE REGARDING THIS MATTER!

Steven Glorioso
7920 Berk Lane
Baltimore, Maryland 21237

May 5, 1998

To whom it may concern:

I'm writing this letter on behalf of my neighbor, Bill Cochran who is meeting with you about a complaint filed against him regarding the use of his trucks.

I am one of his nearest neighbors, and have benefited from his families presence in our neighborhood. What was once a property in disrepair and the object of vandalism, is now the home Mr. Cochran and his family who have worked diligently and respectfully to restore it without a moments disturbance to anyone in the surrounding area.

In the same manner, Bill has taken care to avoid any inconvenience caused by traffic or noise while operating his trucks by installing a private driveway which runs along the rear of his property connecting to Chesaco Avenue which is used daily by commercial trucks that supply various industries located in the area.

In closing, I'd like to state that I never hear or see the trucks leave or return. If I can be of any assistance to your office regarding the outcome of this hearing in Bill's defense, feel free to contact me at 410-298-0390 during business hours.

Sincerely,

Steven Glorioso

Heldi Steck
907 Chesaco Avenue
Balto., Md. 21237-

To Whom It May Concern:

I reside at 907 Chesaco Avenue. I am writing to inform you that my neighbors who are on my right side are very hospitable people. Their driveway is parallel to my driveway and they do not cause any problems whatsoever. They use the driveway to get access to their house and are always very considerate. Thank you for your consideration.

Sincerely,

Heldi Steck

(Heldi Steck)

Thursday 7/27/98 JES

File

July 27, 1998

RECEIVED
JUL 29
ZONING COMMISSIONER

Mr. Lawrence E. Schmidt
401 Bosley Ave.
Suite 405, County Courts Bldg.
Towson, MD 21204

Re: Petition for Variance
Case No. 98-423-A
Property 7925 Berk Lane

Dear Mr. Schmidt:

I would like to point out a few facts about the variance on the above property. The first is the fact that the petition was signed by residents about the noise factor not the safety on the road which should take top priority. What will happen when school buses stop on this road?

The road leading in and out of this section of Rosedale is only two lanes wide with no sidewalks. Therefore anyone walking or riding bicycles must be very careful. We also must cross over the railroad bridge. This bridge was closed to traffic a few times because the structure could not carry a bus. Will this happen again?

Also we did not see a Variance Notice posted on the property. We pass by this way every day. We spoke with many other people in the community and they also say they did not see such notice.

The trucks are visible from Chesaco Ave. and surrounding neighbors homes. One garage on the premises looks large enough to house a trailer thus making it possible for repairs on vehicles. We have observed three trailers on this lot at times. The trailers are sometimes covered but there have been loads on these trailers. The neighbors most effected on Chesaco Ave. live between Berk Lane and Pulaski Highway. They were not asked to sign a petition for this variance.

My concern is that with so many commercial businesses coming into the area, what would it do to the residential area and the value of the homes? If this business gets an okay, the others will follow. I would not like to see this happen

Sincerely,

Joseph R. Saffran
Mary C. Saffran

Mr. & Mrs. Joseph Saffran
8108 Linden Ave.
Rosedale, MD 21237
410-687-2477

MARYLAND SECTION JULY 26 1988

SUNPAPERS

Landscape changing in Towson

Proposed law office upsets neighbors who fear influx of business

ADREES A. LATIF : SUN STAFF

Next door: Mike and Tara Faulkner, with their 6-week-old daughter, Emma, oppose the house next door in Towson becoming a law office.

By SUZANNE LOUDERMILK
SUN STAFF

When Mike and Tara Faulkner bought their turn-of-the-century Victorian home in West Towson 1½ years ago, they had no idea the bungalow next door could become a law office.

But after pouring thousands of dollars into their old, rambling farmhouse in the 500 block of W. Allegheny Ave., the couple learned that a proposed zoning exception could bring commercialism deep into the community.

It is a prospect that has others in the neighborhood — and those in many older residential areas of Baltimore County — worried as they try to prevent businesses from moving into their midst.

"I think we should keep the neighborhood residential in character, so it's a great place to raise a family," said Mike Faulkner, 29, whose first child, Emma, was born six weeks ago. "We're really afraid that if a couple of people [have businesses], there will be a change in zoning."

From Essex to Parkville to Timonium, residents have watched as homes on busy streets have been turned into professional offices, raising increasing concerns about encroachment. The property at 516 W. Allegheny Ave., which [See Towson, 6B]

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

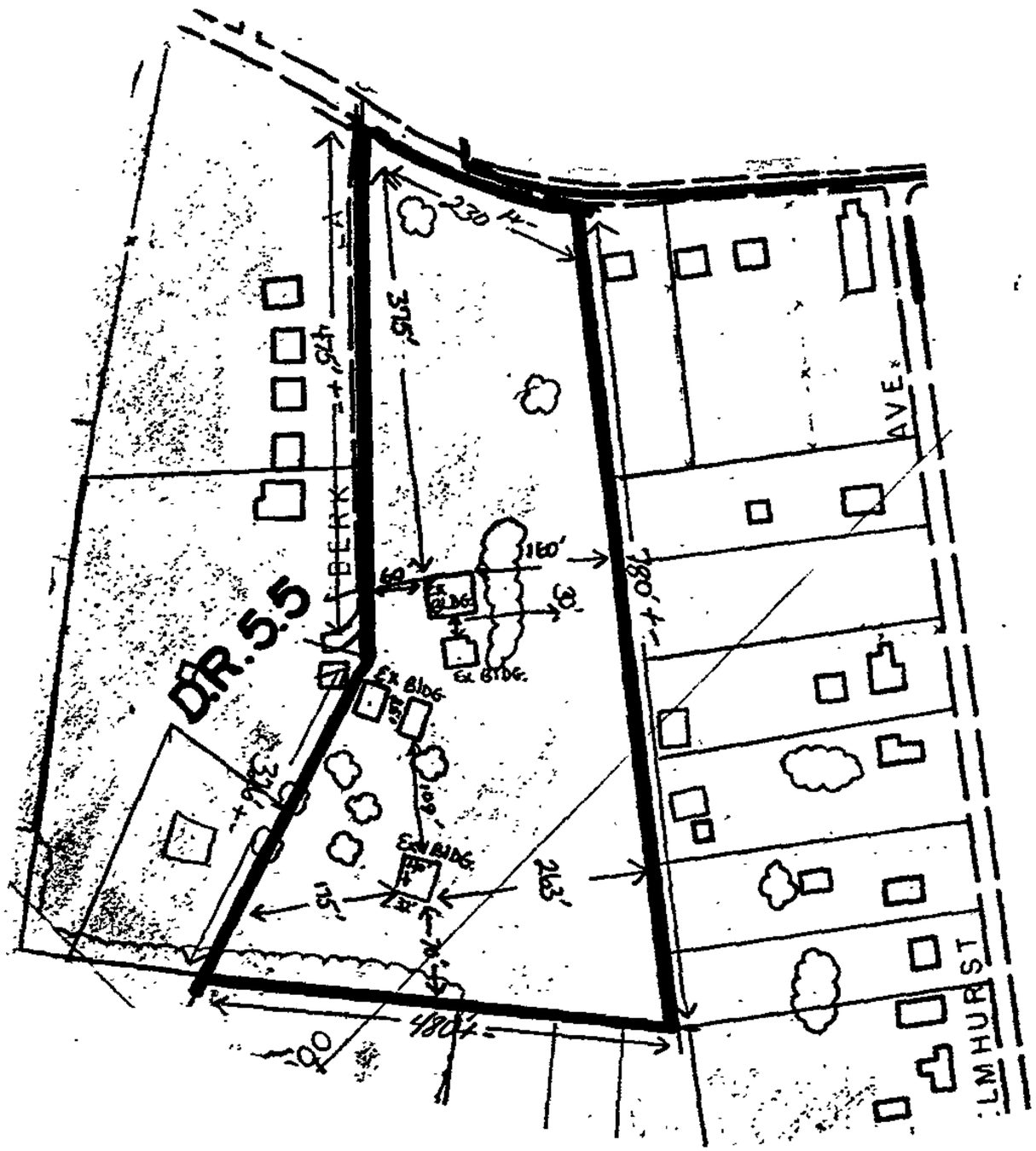
PROPERTY ADDRESS: 7925 Berk Lane

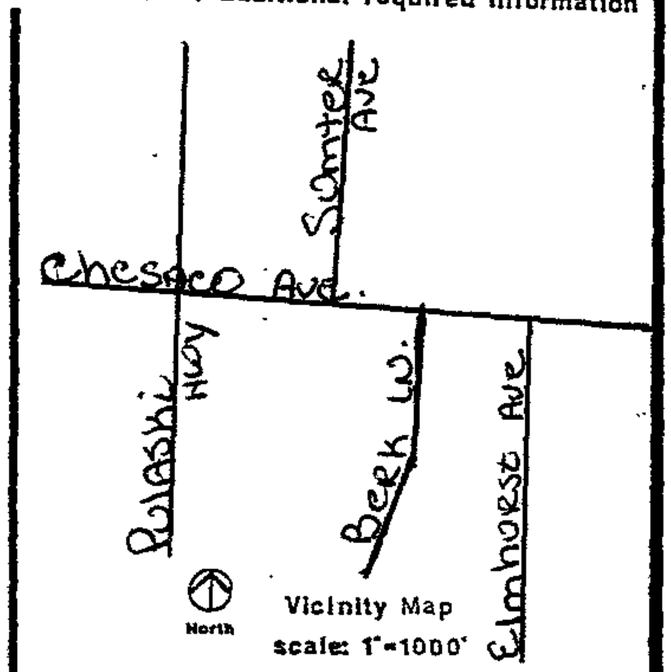
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Rosedale Terrace

plat book# W.P.C. 3, folio# 90, lot# 47½, section# _____

OWNER: Wm. + Cora Cochran





LOCATION INFORMATION

Election District: 15

Councilmanic District: 7

1"=200' scale map#: NE-2F

Zoning: DR 5.5

Lot size: 5.5 acreage 240,000 square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐

	yes	no
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

North

date: 5/1/98

prepared by: W.J.C.

Scale of Drawing: 1" = 200

Pet. Exh #1

-15-

BALTIMORE COUNTY ZONING
TOWSON, MD 21204

Cit. Exh #2

The following residence bordering 7925 Berk Lane owned by William and Cora Cochran express no concerns or complaints of my parking two commercial vehicles in the rear part of the property behind the house.

When the vehicles are in use they are driven in a quiet, considerate and safe manner, without an excess of noise or other disturbances. There is at no time freight hauled by these vehicles stored on this property, nor any service/repair work performed.

As home-owner and occupant over the past year this property has been cleaned-up of unnecessary trash, debris and over-growth. The property is now maintained and numerous trees have been planted to beautify the property.

The parking of these vehicles is necessary because this is my primary income.

Name	address
Mr. & Mrs. Allred	7921 Berk Ln.
Mr & Mrs. Steve Harrison	7920 BERK LANE.
Jeanne Magee	7924 Berk Lane
Kim Blackburn	7930 Berk Ln
[illegible]	1938 Berk Lane
Paul Malden	7940 BERK LANE
Doris France	7914 Elmhurst Ave.
Phil Koerner	7922 ELMHURST AVE.
Gertrude Roerner	7924 Elmhurst Ave
[illegible]	7932 ELMHURST AVE
Brenda Wendt	7932 Berk Ln
[illegible]	7910 Elmhurst Ave
Amelia M. Hyne	7934 Berk Lane
Don Sorbe	7928 BERK LANE.
Hildi Steck	907 Chesaco Ave

Greater Chesaco Community Association

A "NON POLITICAL" association for the community

P. O. Box 70065 Baltimore, Maryland 21237

COPY

September 21, 1998

Pet-Exh # 3

To: Baltimore County Zoning Board

On September 14, 1998, the Greater Chesaco Community Association held its monthly meeting with forty members in attendance.

The attending members voted ~~38-2~~ 40-0 in favor to allow William Cochran of 7925 Berk Avenue, Baltimore, Maryland, 21237, to park his two trucks overnight on his property.

If there are any questions, please call me at 410-288-6464 or respond in writing at the address above.

Very truly yours,

Russ Mirabile
President
Greater Chesaco Community Association

gcccochran

Cet. Exh. 4 *

Read into record

September 16, 1998

Dear Mrs. + Mr. Cochran —

We recently became aware of the anonymous letter of complaint you received regarding your driving of a tractor/trailer. Our family lives three (3) houses down from the entrance of your driveway, on Chase Avenue. I supply transportation 90% of the time driving for my disabled mother-in-law and am constantly aware of the amount and type of traffic that drives along Chase Avenue. Being the parents of three children also heightens your awareness where safety issues are a concern. My husband and I can vouch for you, that since your family has arrived, along with your tractor/trailers, you have maintained a safe and considerate operation of your vehicle. Your leaving and entering has always been slow and safe, parking has always

Were a safe distance from other homes and the noise is minimal, almost non-existant compared to the other types of transportation surrounding us. We have no problems whatsoever with your driving or any other matters.

We welcome you to our "hood". Unfortunately, some people are not happy with hard working people and don't know how to mind their business. You've done an excellent job improving your home and property, looks great! Congratulations on the birth of your son and best of luck on the issue of the trucks.

Sincerely,

Jimmy & Cori Moore (and Mom)
Cristal, Candice & Charlie Moore too!
903 Chaco Ave.
391-1304

Steven Glorioso
7920 Berk Lane
Baltimore, Maryland 21237

May 5, 1998

To whom it may concern:

I'm writing this letter on behalf of my neighbor, Bill Cochran who is meeting with you about a complaint filed against him regarding the use of his trucks.

I am one of his nearest neighbors, and have benefited from his families presence in our neighborhood. What was once a property in disrepair and the object of vandalism, is now the home Mr. Cochran and his family who have worked diligently and respectfully to restore it without a moments disturbance to anyone in the surrounding area.

In the same manner, Bill has taken care to avoid any inconvenience caused by traffic or noise while operating his trucks by installing a private driveway which runs along the rear of his property connecting to Chesaco Avenue which is used daily by commercial trucks that supply various industries located in the area.

In closing, I'd like to state that I never hear or see the trucks leave or return. If I can be of any assistance to your office regarding the outcome of this hearing in Bill's defense, feel free to contact me at 410-298-0390 during business hours.

Sincerely,

Steven Glorioso

Steven Glorioso
7920 Berk Lane
Baltimore, Maryland 21237

September 22, 1998

To whom it may concern:

This is my second letter on behalf of my neighbor, Bill Cochran who is presenting his case against a complaint regarding the use of his trucks on his property. I sincerely regret not being able to attend this hearing in person because of pressing business matters, but hope you will accept this letter in my place.

In May, 1998, the occasion of Bill's first hearing, it seemed as if this matter would be resolved by a zoning variance which I, being one of Bill's nearest neighbors, am in favor of. However, an appeal by the complainant has caused another round of anxiety and inconvenience for the Cochran family as well as their many neighbors who have taken time to support him through personal appearance and letter writing.

I am pleased to report that since the time of his first hearing, Bill has continued to improve his property thus adding to the integrity of our neighborhood and our community at large. I feel it would be a great injustice in this case to hinder this mans efforts in the course of his livelihood by imposing an unreasonable demand regarding the use of his property to park his vehicles.

If I can be of any assistance to your office regarding the outcome of this hearing in Bill's defense, feel free to contact me at 410-298-0390 during business hours.

Sincerely,

Steven Glorioso

MAY 1ST 1998

ZONING BOARD,

SINCE BILL COCHRAN HAS MOVED ON TO BERK LANE THEY HAVE MADE A DRAMATIC DIFFERENCE TO THE APPEARANCE OF OUR STREET. THEY HAVE FIXED UP ALL THREE HOUSES ON THE ESTATE, AND MADE A TREMENDOUS EFFORT IN IMPROVING BERK LANE. WE NOW HAVE EXCELLENT NEIGHBORS ALSO, WHO CARE ABOUT THEIR PROPERTY AND THE NEIGHBORHOOD. AS FAR AS THE TRUCKS ON THE PROPERTY ARE CONCERNED, NOT ONLY ARE THEY PARKED WAY IN THE BACK AND OUT OF SIGHT, BUT THE COCHRAN'S ARE VERY CONSIDERATE AND QUIET WHEN THEY COME AND GO. I LIVE DIRECTLY ACROSS THE STREET FROM THEM AND THE TRUCKS HAVE NEVER BEEN A PROBLEM. IT'S A PLEASURE TO HAVE THEM AS NEIGHBORS.

I'M WRITING THIS LETTER OF MY OWN FREE WILL, AND WITHOUT ANY ENCOURAGEMENT

SINCERELY,

DON SACHS
7928 BERK LANE
BALTO, MD. 21237
410-574-7764

P.S. I'D BE HAPPY TO TALK TO ANYONE REGARDING THIS MATTER!

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

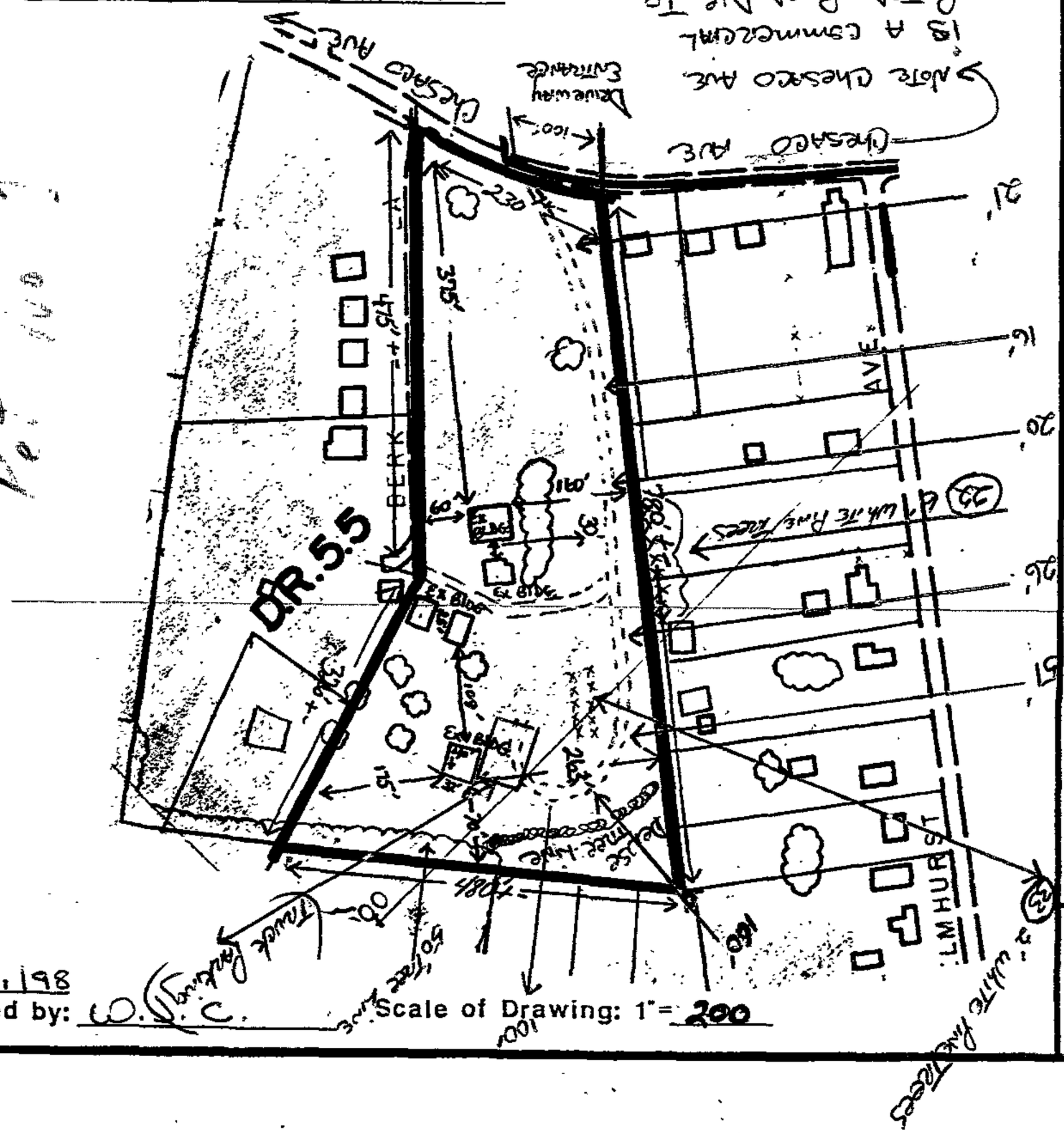
PROPERTY ADDRESS: 7925 BERK LANE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: ROSEDALE TERRACE

plat book# 3 ,folio# 90 ,lot# 47½ ,section# _____

OWNER: WM. + CORA COCHRAN


Note Chesaco Ave. is a commercial Rated Road Due To Industry located in Chesaco Park. My Driveway Entrance is on Chesaco Ave.
Chesaco Ave
Driveway Entrance
BERK
LM HUR ST
D.R. 5.5
Ex Bldg
Ex Bldg
Ex Bldg
Ex Bldg
Tree Line
Tree Line
Tree Line

Real Property Information

Maryland Department of Assessments and Taxation
Real Property System

[Go Back] [Start Over]

BALTIMORE COUNTY
District: 15 Acct No: 1502200360

Owner Information

Petr. Exh #5

Owner Name: COCHRAN WILLIAM J,JR
COCHRAN CORA B
Mailing Address: 7925 BERK LN
BALTIMORE, MD 21237-2733

Use: Residential
Principal Residence: YES

Transferred From: SEUBERT ANNA
Date: 04/14/97 Price: $180000

Deed Reference: 1) 1/2127/ 412
2) 0/ /

Potential Tax Liability:
* NONE *

Tax Exempt: NO
Class:

Location Information [View Map]

Premise Address: 7925 BERK LA
00000-0000

Legal Description:
5 AC

Zoning:

ROSEDALE TERRACE

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat Num: C
96	5	190				47H	82	Plat Ref: 3/90

Special Tax Areas Town:
Ad Valorem:

Primary Structure Data

Year Built	Enclosed Area	Property Land Area:	County Use
1919	1792 Sq Ft	5.000 acres	04

Value Information

	Base Value	Current Value As Of 01/01/97	Phase-In Value As Of 07/01/99	Phase-in Assessments As Of 07/01/98	Phase-in Assessments As Of 07/01/99
Land:	56000	56000			
Impts:	148460	152410			
Total:	204460	208410	208410	82830	83360
Pref Land:	0	0	0	0	0

Partial Exempt Assessments

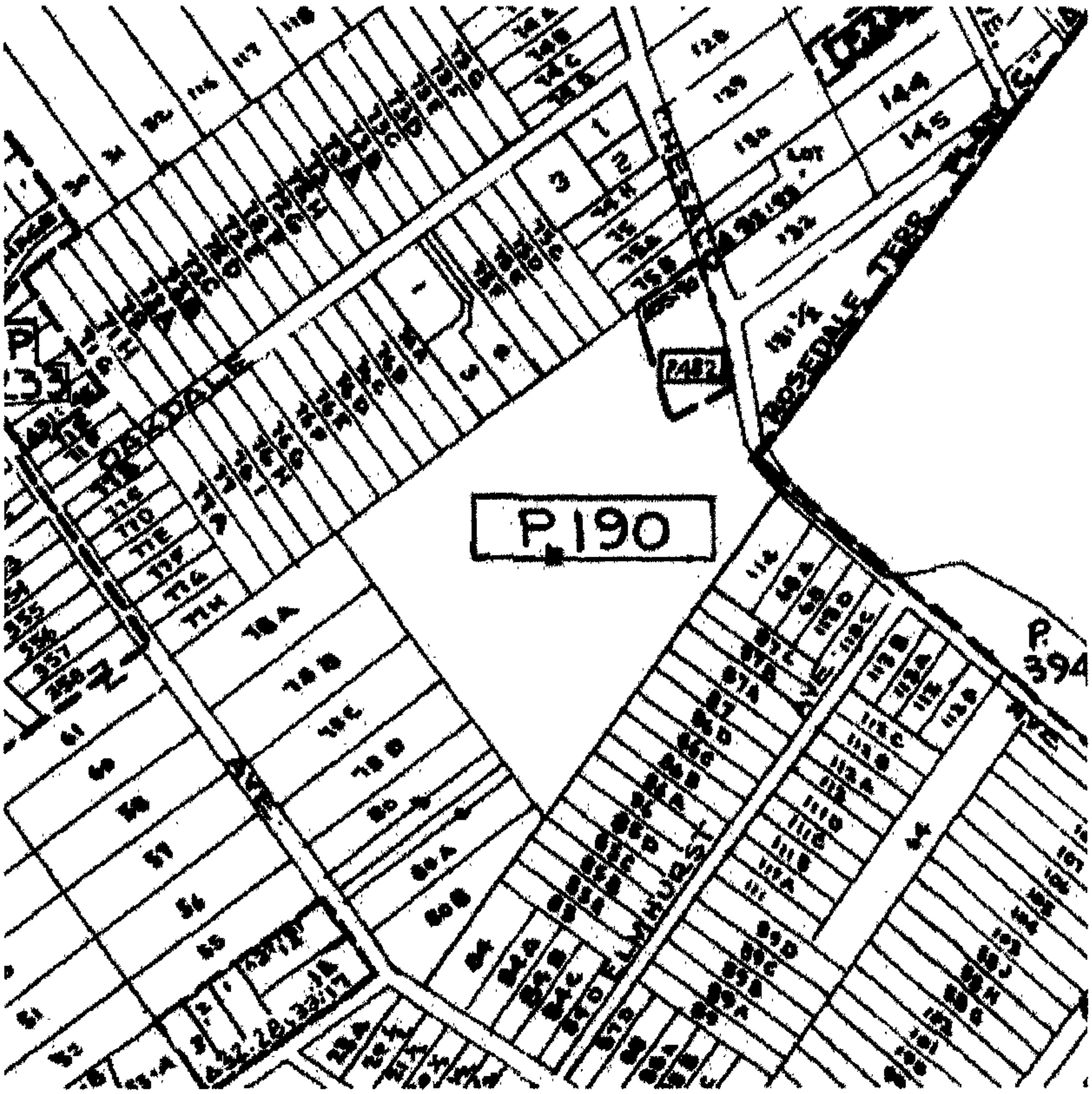
	Code	07/01/98	07/01/99
County	000	0	0
State	000	0	0
Municipal	000	0	0

[Go Back] [Start Over]

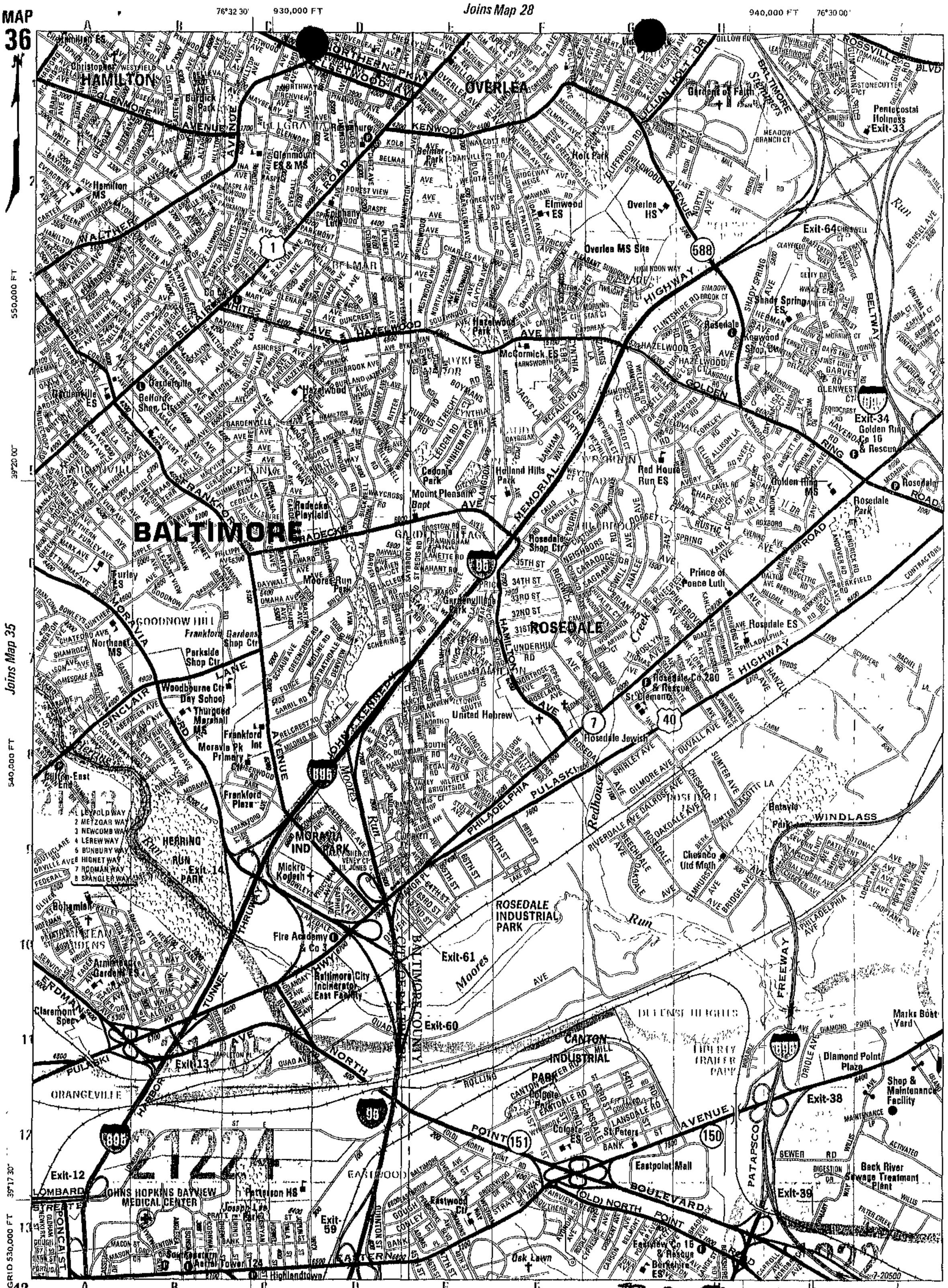
Real Property Information

Maryland Department of Assessments and Taxation
Real Property System

[Go Back] **Account ID : 04151502200360** [Zoom In]



Property maps provided courtesy of the Maryland Office of Planning © 1998.
For more information on electronic mapping applications, visit the Maryland Office of Planning web site at www.op.state.md.us.


MAP 36
Joins Map 28
Joins Map 35
Joins Map 44
76°32 30'
930,000 FT
940,000 FT
76°30 00'
550,000 FT
540,000 FT
530,000 FT
39°20 00"
39°17 30"
MD GRID 930,000FT
HAMILTON
GLENMORE
AVENUE
WALTHER
BELAIR
ROAD
HAZELWOOD
AVE
BALTIMORE
HIGHWAY
BELTWAY
GOLDEN
RING
ROSEDALE
ROAD
PULASKI
HIGHWAY
MORAVIA
LANE
SINCLAIR
LANE
JOHN
AVENUE
HARBOR
TUNNEL
THRUWAY
NORTH
AVE
BALTIMORE COUNTY
PATAPSCO
FREEWAY
POINT
AVENUE
BOULEVARD
(OLD) NORTH POINT
EASTERN
AVE
PONCA ST
LOMBARD
STREET
OVERLEA
KENWOOD
BELMAR
HAZELWOOD
McCormick ES
Hazelwood Park
Hazelwood ES
Gardenville ES
Belforde Shop Ctr
Cedonia Park
Holland Hills Park
Mount Pleasant Bapt
Radecke Playfield
Moore Run Park
Rosedale Shop Ctr
Rosedale Park
Rosedale ES
Rosedale Jewish
Rosedale Co 280 & Rescue
St Elements
Prince of Peace Luth
Red House Run ES
Golden Ring MS
Golden Ring Co 16 & Rescue
Exit-34
Exit-33
Exit-64
Shady Spring ES
Knowood Shop Ctr
Overlea HS
Overlea MS Site
Elmwood ES
Holt Park
Garden of Faith
Pentecostal Holiness
Hamilton MS
Burdick Park
Glenmount ES & MS
Epiphany Luth
Christopher
Northeast MS
Parkside Shop Ctr
Frankford Gardens Shop Ctr
Woodbourne Ctr Day School
Thurgood Marshall MS
Frankford Int
Moravia Pk Primary
Frankford Plaza
Fulton-East End
Hurley ES
Armistead Gardens ES
Claremont Spec
Bohemian
Moravia Ind Park
Mickro Kosher
Hearing Run Exit-14 Park
Fire Academy & Co 3
Baltimore City Incinerator East Facility
Exit-61
Exit-60
Exit-13
Exit-12
Exit-59
Exit-38
Exit-39
Rosedale Industrial Park
Canton Industrial Park
Colgate Park
Colgate ES
St Peters
Eastpoint Mall
Back River Sewage Treatment Plant
Shop & Maintenance Facility
Diamond Point Plaza
Marks Boat Yard
Chesaco Utd Meth
Batavia Park
Eastwood Ctr
Eastview Co 16 & Rescue
Berkshire ES
Oak Lawn
Johns Hopkins Bayview Medical Center
Patterson HS
Southeastern Aerial Tower 23
Highlandtown
United Hebrew
Mount Pleasant Bapt
Moores Run
Run
Redhouse Run
Creek
Joseph Lee
Prince of Peace Luth
Rosedale ES
Rosedale Jewish
Rosedale Co 280 & Rescue
Golden Ring MS
Golden Ring Co 16 & Rescue
Eastpoint Mall
Back River Sewage Treatment Plant
Shop & Maintenance Facility
Diamond Point Plaza
Marks Boat Yard
Exit-38
Exit-39
Exit-34
Exit-33
Exit-64
Exit-61
Exit-60
Exit-59
Exit-14
Exit-13
Exit-12
Pentecostal Holiness
Garden of Faith
Shady Spring ES
Knowood Shop Ctr
Overlea HS
Overlea MS Site
Elmwood ES
Holt Park
Belmar Park
Glenmount ES & MS
Hamilton MS
Burdick Park
Epiphany Luth
Christopher
Northeast MS
Parkside Shop Ctr
Frankford Gardens Shop Ctr
Woodbourne Ctr Day School
Thurgood Marshall MS
Frankford Int
Moravia Pk Primary
Frankford Plaza
Fulton-East End
Hurley ES
Armistead Gardens ES
Claremont Spec
Bohemian
Moravia Ind Park
Mickro Kosher
Hearing Run Exit-14 Park
Fire Academy & Co 3
Baltimore City Incinerator East Facility
Rosedale Shop Ctr
Rosedale Park
Rosedale ES
Rosedale Jewish
Rosedale Co 280 & Rescue
St Elements
Prince of Peace Luth
Red House Run ES
Golden Ring MS
Golden Ring Co 16 & Rescue
Eastpoint Mall
Back River Sewage Treatment Plant
Shop & Maintenance Facility
Diamond Point Plaza
Marks Boat Yard
Chesaco Utd Meth
Batavia Park
Eastwood Ctr
Eastview Co 16 & Rescue
Berkshire ES
Oak Lawn
Johns Hopkins Bayview Medical Center
Patterson HS
Southeastern Aerial Tower 23
Highlandtown
United Hebrew
Mount Pleasant Bapt
Moores Run
Run
Redhouse Run
Creek
Joseph Lee
Prince of Peace Luth
Rosedale ES
Rosedale Jewish
Rosedale Co 280 & Rescue

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 10

BILL NO. 70-88

C.C. Ext. #6

MESSRS. EVANS & HICKERNELL, COUNCILMEMBERS

BY THE COUNTY COUNCIL, May 16, 1988

A BILL ENTITLED

AN ACT concerning

Commercial Vehicles on Residential Property

FOR the purpose of amending the Baltimore County Zoning Regulations in order to define a commercial vehicle and to regulate the parking of such vehicles on residential property in Baltimore County.

BY adding

Section 101 - Definitions, the definition of "Commercial Vehicle"

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 101 - Definitions, the definition of "Garage, Residential"

Baltimore County Zoning Regulations, as amended

BY adding

Section 431

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now, therefore,

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the definition of "Commercial Vehicle" be and it is hereby added, alphabetically, to Section 101 - Definitions, of the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101 - DEFINITIONS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
<u>Underlining</u> indicates amendments to bill.

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these Regulations, certain terms and words are defined as follows:

COMMERCIAL VEHICLE - ANY VEHICLE WITH A GROSS VEHICLE WEIGHT OR GROSS COMBINATION WEIGHT OVER 10,000 POUNDS, OR ANY VEHICLE, REGARDLESS OF WEIGHT, WHICH: ~~(1) IS REGISTERED AS A TRUCK; OR~~ ~~(2)~~ (1) IS USED FOR THE TRANSPORTATION OF MATERIALS, PRODUCTS, FREIGHT, OTHER VEHICLES, OR EQUIPMENT IN FURTHERANCE OF ANY COMMERCIAL ACTIVITY; OR ~~(3)~~ (2) IS USED "FOR HIRE"; OR ~~(4)~~ (3) DISPLAYS ADVERTISING THEREON. IDENTIFICATION OF THE VEHICLE'S MANUFACTURER, MODEL OR DEALER SHALL NOT BE CONSIDERED AS ADVERTISING. COMMERCIAL VEHICLES SHALL NOT BE DEEMED TO INCLUDE ANY FARM VEHICLE OR FARM EQUIPMENT ACTUALLY AND REGULARLY USED ON A FARM, SATELLITE FARM, OR FARMETTE; SCHOOL OR CHURCH VEHICLE LOCATED AT A CIVIC, EDUCATIONAL, SOCIAL, RECREATIONAL OR RELIGIOUS INSTITUTION; RECREATIONAL VEHICLE AS DEFINED IN SECTION 101; TRAILER (OR MOBILE HOME) AS DEFINED IN SECTION 101; VANPOOL OR HISTORIC VEHICLE AS REGISTERED WITH THE STATE MOTOR VEHICLE ADMINISTRATION. AS USED HEREIN, GROSS VEHICLE WEIGHT OR GROSS COMBINATION WEIGHT MEANS THE WEIGHT RECORDED BY THE STATE MOTOR VEHICLE ADMINISTRATION ON THE VEHICLE'S REGISTRATION CERTIFICATE OR RECORDED BY THE MANUFACTURER ON THE CERTIFICATE OF ORIGIN IF NO SPECIFIC WEIGHT IS RECORDED ON THE REGISTRATION CERTIFICATE.

SECTION 2. And be it further enacted, that the definition of "Garage, Residential", in Section 101 - Definitions, of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

Garage, Residential: An accessory building, portion of a main building, or building attached thereto, used for storage of private motor vehicles (, only one of which may be a commercial vehicle).

SECTION 3. And be it further enacted that Section 431 be and it is hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 431 - PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY

(A) A COMMERCIAL VEHICLE EXCEEDING 10,000 POUNDS GROSS VEHICLE WEIGHT OR GROSS COMBINATION WEIGHT MAY NOT BE PARKED ON A RESIDENTIAL LOT FOR A PERIOD EXCEEDING THE TIME ESSENTIAL TO THE IMMEDIATE USE OF THE VEHICLE.

(B) ONE COMMERCIAL VEHICLE PER DWELLING UNIT MAY BE PARKED ON A RESIDENTIAL LOT FOR A PERIOD EXCEEDING THE TIME ESSENTIAL TO THE IMMEDIATE USE OF THE VEHICLE ~~IF THE GROSS VEHICLE WEIGHT OR GROSS~~ SUBJECT TO THE FOLLOWING CONDITIONS:

(1) THE GROSS VEHICLE WEIGHT OR GROSS COMBINATION WEIGHT SHALL NOT EXCEED 10,000 POUNDS.

(2) THE OWNER OR OPERATOR OF THE VEHICLE SHALL RESIDE ON THE LOT.

(3) THE VEHICLE SHALL BE PARKED WITHIN A FULLY ENCLOSED STRUCTURE OR, ALTERNATIVELY, IF NOT WITHIN A FULLY ENCLOSED STRUCTURE:

(a) NO MATERIALS, PRODUCTS, FREIGHT, OR EQUIPMENT SHALL BE VISIBLE;

(b) THE VEHICLE SHALL DISPLAY NO ADVERTISING OTHER THAN LETTERING, FIGURES OR DESIGNS LOCATED ON THE DRIVER'S DOOR OR FRONT SEAT PASSENGER'S DOOR; AND

(c) THE VEHICLE SHALL BE PARKED IN A SIDE OR REAR YARD.

~~COMBINATION WEIGHT EXCEEDS 7,000 POUNDS BUT DOES NOT EXCEED 10,000 POUNDS, OR IF THE VEHICLE DISPLAYS ADVERTISING OTHER THAN LETTERING, FIGURES OR DESIGNS ON THE DRIVER'S DOOR OR FRONT SEAT PASSENGER'S DOOR OF THE VEHICLE, AND~~

~~1) THE VEHICLE SHALL BE PARKED WITHIN A FULLY ENCLOSED STRUCTURE OR IN A REAR OR SIDE YARD FULLY SCREENED FROM PUBLIC VIEW; AND~~

~~2) THE OWNER OR OPERATOR OF THE VEHICLE SHALL RESIDE ON THE LOT.~~

~~C. TWO COMMERCIAL VEHICLES PER DWELLING UNIT MAY BE PARKED ON A RESIDENTIAL LOT FOR A PERIOD EXCEEDING THE TIME ESSENTIAL TO THE IMMEDIATE USE OF THE VEHICLE IF THE GROSS VEHICLE WEIGHT OR GROSS COMBINATION WEIGHT IS 7,000 POUNDS OR LESS, AND IF THE VEHICLE DISPLAYS NO ADVERTISING OTHER THAN LETTERING, FIGURES OR DESIGNS ON THE DRIVER'S DOOR OR FRONT SEAT PASSENGER'S DOOR OF THE VEHICLE, AND~~

~~1) THE VEHICLE SHALL BE PARKED WITHIN A FULLY ENCLOSED STRUCTURE OR IN A REAR OR SIDE YARD FULLY SCREENED FROM PUBLIC VIEW, OR ALTERNATIVELY, ALL MATERIALS, FREIGHT, PRODUCTS, OR EQUIPMENT MUST BE FULLY ENCLOSED WITHIN THE VEHICLE, AND~~

~~2) THE OWNER OR OPERATOR OF THE VEHICLE SHALL RESIDE ON THE LOT.~~

SECTION 4. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

3 1998

PDM

TO: Arnold Jablon, Director
and Development Management

DATE: June 2, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 7925 Berk Lane

C.C. Sq L# 7

INFORMATION

Item Number: 423

Petitioner: Cochran Property

Zoning: DR 5.5

Requested Action: Variance

Summary of Recommendations:

The Office of Planning is opposed to the storage of any commercial vehicle in excess of 10,000 pounds gross vehicle weight on residential property.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\423.DOC

P.C. Exh. #9A

IN THE MATTER OF THE APPLICATION OF JAKE RUBINSTEIN -Petitioner FOR A VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE WINDSOR ROAD, 75' NORTH OF THE CENTERLINE OF CARYSBROOK ROAD (902 WINDSOR ROAD) 2ND ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 97-52-A

* * * * * * * * *

OPINION

This case comes to the County Board of Appeals of Baltimore County based on an appeal by the Appellant whereby the Petitioner is seeking relief from Section 431 of the Baltimore County Zoning Regulations (BCZR) to permit a commercial vehicle of 15,000 lbs. to be parked in the front yard of his property in lieu of the maximum permitted 10,000 lbs. in the side or rear yard. The Deputy Zoning Commissioner for Baltimore County had denied the variance relief requested by Order dated September 17, 1996.

The Appellant, Mr. Jake Rubinstein, testified in support of the variance. He indicated that he owned a 14,500 lb. roll-back towing vehicle used in his business that he normally parks on his driveway at the subject property, 902 Windsor Road, which is situated in the Sudbrook Park area of Baltimore County. He indicated that he operates his business essentially from his home; and was required to respond to his clients' towing requests as soon as they are received on his pager. He stated that he had resided at the Windsor Road property for approximately 18 years, and has always had a commercial vehicle parked on the premises. The Petitioner explained that, while Sudbrook Park is located in the National Register of Historic Districts, his property was slightly

outside the boundaries of that District. Mr. Rubinstein indicated that he had always attempted to park the truck in the driveway as infrequently as possible, since he works 10 to 12 hours a day. He stated that there were two residences across the street from his property; and described other homes in proximity to his. Petitioner's Exhibits No. 1, 2 and 3 were admitted into evidence, detailing deed descriptions of 904 Windsor Road, 906 Windsor Road, and 908 Windsor Road. All of these properties reflected the original sale prices of the various properties and subsequent indications that the various properties had increased in value from the original dates of purchase.

The Appellant did not believe that the on-site parking of his truck had had any detrimental effect on the immediate neighborhood by reason of the appreciation on the houses recently sold in the area as reflected on the deeds. Appellant's Exhibits No. 4 and 5 were admitted into evidence, reflecting the Petitioner's truck and other commercial vehicles and Mr. Rubinstein related the various comparisons between the various commercial vehicles. The Petitioner stated that he had made extensive efforts to find another area in which to park the tow truck, but had not been successful. Those areas that he had searched were either not secure for his truck or in sections of the County that were not safe for him to travel at night, or were not accessible during the times that he might be required to tow a disabled vehicle. Petitioner's Exhibit No. 6 was admitted reflecting various newspaper articles outlining the Sudbrook area as a "good place to

live." The Petitioner stated that the presence of his one tow truck could not have any serious impact on the livability aspects of Sudbrook Park.

On cross-examination by Mr. Holzer, the Petitioner admitted that he was aware of the limitations imposed by Baltimore County relative to his tow truck; and the 10,000 lb. GVW imposed on such vehicles. He stated that in September 1995 he had received a letter from the Sudbrook Community Association relative to the tow truck parking, which first objection went back as far as 1982. He stated that he had met with an officer of the Association, Mr. Frank, and realized he was in violation of the parking restriction. He again restated that he only owned this one vehicle but did have a trailer parked at Liberty and Millford Road, but it was not the safest area to park the towing vehicle. The Petitioner further described his property as perpendicular to Windsor Road with a small garage used for limited storage. He was never aware that he could apply for a variance, but admitted that the other houses in the area were basically of the same configuration as his, and that some garages had been converted to smaller, private residences. He stated that the size of his lots were about 6 feet to 8 feet to the property line; and, while his home was not in the Historic District, it was immediately on the other side of the street delineating the District. He restated that the truck was only present on the property at night and on Sundays, and also that he frequently worked a full six days a week. The Petitioner indicated that he did not perform any work on the vehicle on the premises and

that he was a member of a local towing organization, but he was not aware of any formal areas that had been designated by the towing organization on which vehicles such as his could be stored when not in use.

In closing, Petitioner stated that the towing vehicle was needed to be parked on his property essentially to provide clients' service when he was called on his pager, and he also felt that the vehicle would be more secure if he could monitor its presence on the property. Petitioner's Exhibits 7, 8 and 9 were submitted to the Board for consideration and represented comments from local neighbors in which they did not register any specific complaint about the towing vehicle being parked on Petitioner's property.

Mr. Thomas A. Hayden, 1004 Kingston Road, Pikesville, also testified on behalf of the Petitioner and indicated that his property was outside the Historic District and that he had moved to the area in 1991. He stated that he had purchased his home in the Sudbrook area for $90,000 and was fully aware of the Petitioner's towing operation, and of the vehicle being parked on Petitioner's property. He indicated that he did not have any difficulty with the truck being there.

Mr. Brian H. Reynolds, 904 Windsor Road, the Petitioner's next-door neighbor also testified on behalf of the Petitioner and indicated he had purchased his home in the area because Sudbrook was fine residential area, and that he was aware of the commercial vehicle being parked on the premises, but that this did not affect his lifestyle.

Mr. Eddie James Jones, 7 Greenwood Road, also testified on behalf of the Appellant. He indicated he had purchased his home in 1980, was aware of the vehicle, and did not have any difficulty with it being parked in the residential area. On cross-examination, Mr. Jones indicated that he lived about 10 blocks away from the Petitioner's property, and that he uses the Petitioner's towing service.

That finalized the Appellant's case-in-chief, at which point in time Mr. Holzer moved for dismissal of the matter based on the fact that the Appellant had not produced any testimony or evidence that would enable this Board to grant the variance, in light of Section 301.7 of the Baltimore County Zoning Regulations; and also the variance guidelines that have been established by the Court of Special Appeals and the Court of Appeals in both Cromwell v. Ward and the Chesterhaven cases. The Board adjourned for approximately 15 minutes and reconvened, at which time the Motion to Dismiss was granted. Section 307.1 of the BCZR specifically states that a variance may only be granted in cases where special circumstances exist that are peculiar to the land or structure that is the subject of the variance request, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship; and, further, such a variance may be granted only if in strict harmony with the spirit and intent of the subject regulations, and only if it does not do injury to the public health, safety and general welfare.

In accordance with the decision rendered in the Cromwell v.

Ward case, it is first necessary that this Board establish that there are special circumstances that exist that are peculiar to the land or structure that is the subject of the variance request, and if that cannot be established by the testimony and evidence produced at the hearing, the Board is not required to probe any further relative to the practical difficulty or unreasonable hardship issue. It was very clear and conclusive to all the Board members that the Petitioner had failed to meet that burden and had not demonstrated in any way that either the land or structure was in any way different than any other dwelling or land areas in the immediate community; and, indeed, by the Petitioner's own admission, the housing in the general area of the subject property was basically the same configuration. Additionally, the Appellant indicated that the only reasons the vehicle was being parked on his property was essentially for his own convenience and security purposes, but there was no conclusive evidence that the vehicle could not be parked elsewhere.

For all of these reasons, the Board will deny the Appellant's Petition for Variance.

O R D E R

THEREFORE, IT IS THIS 17th day of April, 1997 by the County Board of Appeals of Baltimore County

ORDERED that the request for variance from Section 431 of the Baltimore County Zoning Regulations (BCZR) to permit a commercial vehicle of 15,000 lbs. to be parked in the front yard of the subject property in lieu of the maximum permitted 10,000 lbs. in

the side or rear yard be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Acting Chairman

Margaret Worrall

S. Diane Levero

P.C. Exh. # 9B

IN THE MATTER OF THE APPLICATION OF FRANCIS J. REINSFELDER FOR VARIANCE ON PROPERTY LOCATED ON THE SOUTH SIDE THIRD AVENUE, 400' +/- SOUTHEAST OF CENTERLINE HARFORD ROAD (3013 THIRD AVENUE) 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO: 94-176-A

* * * * * * * * * * * * * * * * *

O P I N I O N

This case comes before the Board on appeal from the Zoning Commissioner's Order dated November 30, 1993, denying Petitioner's request for a variance from Section 431 of the Baltimore County Zoning Regulations (BCZR), to permit one commercial vehicle (large step van) to be parked in his front yard rather than the required rear or side yard. Francis J. Reinsfelder appeared and testified on his own behalf. Robert Browning, Gloria L. Marken, Jerry Miller, and Catherine M. Tracey testified in opposition to the requested relief, and Carole S. Demilio, Deputy People's Counsel, also participated in the proceedings.

From the testimony, the Board finds that Mr. Francis J. Reinsfelder is the owner of 3013 Third Avenue. The subject property is located within an established community known as Thornwood. Mr. Reinsfelder operates a business known as Fire and Ice Heating and Air Conditioning. Mr. Reinsfelder uses a white step van in the pursuit of his business. The step van measures approximately 26 ft. in length, 7.5 ft. in width, and 9 ft. in height, and is frequently parked on the parking pad in front of Mr. Reinsfelder's residence at 3013 Third Avenue.

Case No. 94-176-A Francis J. Reinsfelder

From the evidence, the Board concludes that Mr. Reinsfelder has failed to meet his burden of proof in this case. Under McLean v. Soley, 270 Md. 208 (1973), the Petitioner has failed to prove practical difficulty or undue hardship. The Board further concludes that the requested relief would not be in harmony with the spirit of the BCZR nor in the best interests of securing the public's safety and welfare. The Board bases its conclusions on, among other things, the testimony of the protestants that the large commercial step van is out of character with the residential neighborhood which is over 50 years old. The Board also accepts the testimony of Catherine M. Tracey that the parking of the subject vehicle causes her difficulty in backing and pulling out of her driveway, which creates a safety hazard for her and other drivers in the neighborhood.

O R D E R

IT IS THEREFORE, this 10th day of May, 1994, by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Variance to permit one commercial vehicle to be parked in the front yard of a residential lot, in lieu of the required side or rear yard, be and is hereby DENIED.

1. The Petitioner shall be allowed thirty (30) days from the date of this Order to cease parking his commercial vehicle in the driveway of the front yard of his property at 3013 Third Avenue.

2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Judson H. Lipowitz, Acting Chairman

Harry E. Buchheister, Jr.

Robert O. Schuetz

1 Reinsfelder vs. Baltimore County Board of Appeals

2 Case Number 94-CV-5408

3 Before Honorable Robert E. Cadigan, Associate Judge

4 December 6, 1994

5

6 Opinion of the Court

7

8 My standard of review for this Court, as Ms.

9 Demilio pointed out and you have agreed, is very limited.

10 The Courts recognize that the zoning agency is

11 charged with the fact finding process and this process

12 involves the drawing of inferences. This Court cannot, as

13 pointed out in the Mangeone case, substitute its judgment on

14 the question as to whether the inference drawn is the right

15 one or whether a different inference would be better. The

16 test is reasonableness.

17 This Court has to give due deference to the rights

18 of an administrative agency, such as Baltimore County Board of

19 Appeals, to draw reasonable inferences from the facts and

20 circumstances presented before it.

21 This Court cannot conclude that the decision of

22 the County Board of Appeals was arbitrary and/or capricious

23 and, accordingly, will dismiss your appeal and affirm the

24 decision of the County Board of Appeals.

25 ***

P.C. Exh. #9C

IN THE MATTER OF THE APPLICATION OF DAVID RAY PICKLE, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTH SIDE OLIVER BEACH ROAD, 780 FT. EAST OF THE CENTERLINE OF GUNPOWDER ROAD (7222-A OLIVER BEACH ROAD) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 94-374-A

* * * * * * * * * * * * * * *

O P I N I O N

David R. and Elizabeth M. Pickle appeal from the Deputy Zoning Commissioner's Order dated May 17, 1994 denying their Petition for Variance to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use. The subject property and relief sought are more particularly described on the plat which accompanied the Petition filed in this matter and marked as Petitioner's Exhibit 2.

Petitioners David R. and Elizabeth M. Pickle appeared and testified, represented by T. Wray McCurdy, Esquire. Also appearing in support of the requested variance was Lacy Jones, next-door neighbor to Petitioners residing at 7224 Oliver Beach Road.

From the testimony and evidence, we find the facts as follows. The subject site consists of 9500 sq. ft., more or less, zoned D.R. 5.5 and is improved with a single-family dwelling and accessory shed. Mr. Pickle owns a 13,000 lb. truck which he uses in his business as a private owner/operator truck driver for the U.S. Postal Service. He has parked this vehicle in the crusher run driveway of his property for approximately the past 4 years. Mr. Pickle travels all over the East Coast, and the truck is parked on his property an average of 2 days every 2 weeks. The time varies as to when he must travel for the U.S. Postal Service. Mr. Pickle further testified that his daughter suffers from seizures and from

time to time, it has become necessary to take her to the hospital. Other than the tractor-trailer rig, the family owns only one other vehicle, a conversion van. Mr. Pickle contends that if the variance is denied and an emergency would occur, it would be difficult to transport his daughter to the hospital if he was using the van to drive to where his tractor-trailer rig was being stored.

Appearing and testifying in opposition to the relief requested were Michael Sudbrink, and Gary and Charlotte Cullings, the former and the adjoining property owners on the sides of the subject site. They are generally opposed to the tractor-trailer rig being stored on the property. The Protestants voiced concern over this large vehicle travelling up and down this dead-end road where small children in the neighborhood ride their bikes and play, as well as walk to the elementary school up the street. The Protestants fear for the safety of their children and others given the size of this vehicle. Further testimony revealed that the Petitioner performs maintenance on the vehicle in his driveway and has on occasion used floodlights to work on the vehicle at night. The Protestants testified that the vehicle is both noisy and unsightly, and that the Petitioner makes it a point to blow the air horn when he leaves his house in the morning and when he returns. Further testimony revealed that the Petitioner has caused damage to the sides of the road and drain pipes as a result of the maneuvering he must do to get his truck in the driveway.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner

must meet the following:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that special circumstances or conditions exist which are unique to the Petitioners' land or structure so that they would experience practical difficulty or unreasonable hardship if the requested variance were denied. Even if the Baltimore County Zoning Regulations (BCZR) would allow substituting the word "vehicle" for "land or structure," there are no special circumstances with regard to the particular vehicle which exist. It does not appear that IDM Trucking requires a vehicle of this size, nor does the evidence provide a factual understanding to make that finding. Certainly, if Petitioner gets a new truck 10,000 lbs or under, he is permitted by the zoning regulations to park in a residential area, and all concerned should be aware that this use is permitted by the BCZR. Furthermore, it is clear that the storage of a commercial truck of this size is inappropriate for the community, given the fact that this road is a dead-end street and is used as a play area by the children of this neighborhood. The testimony presented by

Petitioners was in support of a matter of convenience rather than of the necessity for the variance. The Petitioners have failed to show that relief can be granted in such a fashion that the spirit of the ordinance will be observed and the public safety and welfare of all the residents in this community secured. Therefore, the variance requested must be denied.

O R D E R

IT IS THEREFORE, this 11th day of January, 1995, by the County Board of Appeals of Baltimore County,

ORDERED that a variance from Section 431.A of the Baltimore County Zoning Regulations to permit a commercial vehicle of 13,000 lbs. in lieu of the maximum permitted 10,000 lbs. to be parked in a residential area for a period exceeding the time essential to its immediate use be and is hereby DENIED; and it is further

ORDERED that Petitioners shall remove this vehicle from the subject property no later than sixty (60) days from the date of this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

C. William Clark, Acting Chairman

Robert O. Schuetz

Harry E. Buchheister, Jr.

P.C. Exh #9D

IN THE MATTER OF THE APPLICATION OF STEPHEN R. MALLOY FOR VARIANCES ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF EASTERN AVENUE AND 47TH STREET (7103 EASTERN AVENUE) 12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 94-76-A

* * * * * * * * * * *

OPINION

This matter comes to the Board on appeal from a decision of the Zoning Commissioner dated October 7, 1993, denying the requested variances to permit a commercial vehicle in excess of 10,000 pounds to be parked on a residential lot, and to permit a garage height of 20 feet in lieu of 15 feet. The Appellant was not represented by counsel. The Protestants were represented by Carole Demilio, People's Counsel for Baltimore County.

According to testimony and evidence presented in the case, the Appellant, Stephen R. Malloy, is a self-employed hauler who has lived at the subject property for two years. The property, which consists of a detatched home on .22 acres of land, is located in the residential subdivision of Graceland and is zoned DR 5.5. The Appellant owns a dump truck that is 24 feet long and 10 feet high; it weighs 21,000 pounds unloaded and 42,000 pounds loaded. He hauls for Genstar and other contractors, generally leaving home early in the morning and returning early in the evening. On occasion he plows for the State Highway Administration, in which case he might work some nights and weekends. He usually parks the truck in his driveway, but sometimes parks it in the street.

The Appellant testified that he asked for the variance to allow him to park the truck on his property because he has no place else to park it. He testified that he didn't even want a garage, but he asked for the height variance to build one because neighbors have complained that the truck was an eyesore.

Mr. Malloy testified that he must plug in the truck and run it for 15 minutes to start it in cold weather, and then he is gone all day, while other trucks run up and down Eastern Avenue all day long. He submitted as evidence photos of numerous businesses in the neighborhood (Appellant's Exhibits 3-A through 3-K).

Under cross-examination he conceded that although his property fronts on Eastern Avenue, he must use an access road to get to his property, and he admitted to using roads in the area other than Eastern Avenue. He further testified that he has washed the truck on the subject property on occasion, but stopped doing so when a neighbor complained.

Roxanne Mitchell, who lives at the same address, testified that Mr. Malloy usually arrives home from work after the neighborhood children are home from school, and therefore his truck does not pose a danger in that respect. She testified that he has no other employees and that she never drives the dump truck.

The first witness for the Protestants was Richard Sause, who lives at 538 South 48th Street, a block from the subject property. Mr. Sause, a licensed residential and commercial appraiser, was accepted as an expert witness in real estate appraisal. Mr. Sause testified that the presence of the dump truck had a negative impact on the appearance and property values of the neighborhood.

Nancy Novak testified on behalf of the Graceland Park Improvement Association, of which she is president, stating that the neighborhood is an old, fairly stable residential area consisting primarily of single-family dwellings. She testified that access to the residential area streets is denied to trucks over three-quarters of a ton, and that in her opinion, the safety of the residents is compromised by the dump truck, which must make a sharp left-hand turn to get onto the access road from Eastern Avenue. She further testified that the neighborhood businesses referred to by the Appellant are grandfathered in and that the improvement association has fought long and hard to deny any additional variances. She objected to the construction of a 20-foot-high garage, saying that a garage that large would look like another home.

Maxine Geize, who has lived at 7111 Eastern Avenue for 47 years, testified that on one occasion, when the Appellant was changing a tire on the truck, the tire blew up, making a tremendous noise. She testified that when she was in the house next door to the subject property, the house vibrated when the truck was running its engine. She further testified that if a 20-foot-high garage were built on the Appellant's property, it would take away her view of the harbor.

Joseph Lamb, who resides three houses from the subject property, testified that his and his wife's sleep are interrupted by the noise of the truck.

The Appellant seeks relief from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.), which prohibits parking of commercial vehicles exceeding 10,000 pounds in vehicle weight on residential property, and from Section 400.2 of the B.C.Z.R., which limits garages on residential properties to a height of 15 feet.

Section 307.1 of the B.C.Z.R. states that a variance may be granted only in cases where special circumstances exist that are peculiar to the land or structure that is the subject of the variance request and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship; further, such a variance may be granted only if in strict harmony with the spirit and intent of the subject regulations and only if it does not do injury to the public health, safety and general welfare.

The Appellant stressed as a practical difficulty that he had been unable to find any other place to store his truck, which he needs to make a living. However, he presented no evidence to show that any special circumstances or conditions exist that are peculiar to the land or structure of the subject property and that would justifiy the granting of the requested variances.

Further, the Board finds that the requested variances would violate the spirit and intent of the cited regulations, which are aimed at preserving the character and quality of residential neighborhoods. The Board also finds that granting the variances would compromise the safety of the neighborhood, because the daily operation of the dump truck from the subject property poses a potential safety hazard to residents.

Regarding the request to build a garage 20 feet high in lieu of 15 feet, Section 101 of the B.C.Z.R. defines an accessory structure as one relating to the principal use of the property. The Board finds that a garage built of a size to store a commercial truck is not a proper accessory use for a residence.

For all these reasons, the Board will deny the Appellant's Petition for Variance.

ORDER

IT IS THEREFORE this 14th day of March, 1994, by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance to permit a commercial vehicle in excess of 10,000 pounds to be parked on a residential lot be and is hereby **DENIED**; and it is further

ORDERED that the Petition for Variance to permit a garage height of 20 feet in lieu of the required fifteen feet be and is hereby **DENIED**; and it is further

ORDERED that the Petitioner shall cease and desist the parking/storage of his truck and any vehicle in excess of 10,000 pounds on the subject property within 30 days from the date of this Opinion.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Michael B. Sauer

S. Diane Levero

P.C. Exh. #9E

IN THE MATTER OF THE APPLICATION OF KATHERINE A. GERRY FOR VARIANCE ON PROPERTY LOCATED ON THE SOUTH SIDE OF STEVENS ROAD, 120' WEST OF CENTERLINE CORELEY BEACH ROAD (5834 STEVENS ROAD) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 97-7-A

* * * * * * * * * * *

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner dated August 7, 1996, granting a Variance from Section 431.B.3.b.c of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle with advertising to be parked in the front yard of the subject property.

Appearing and testifying as a Protestant in the matter was Mark A. Guelta, who was represented by Francis X. Borgerding, Jr., Esquire. The Petitioner, Katherine A. Gerry, who was not represented by counsel, appeared and testified in her own behalf.

Based on the testimony and evidence presented as exhibits, the Board finds the following facts. The subject property, at 5834 Stevens Road in White Marsh, is a waterfront home located on Bird River and zoned R.C.2. Wayne Gerry, Jr., the son of the Petitioner, lives with her. He is employed by the Caplan Glass Company and parks a company truck, which he uses on the job, on the subject property, in the yard abutting the road, when he is not working.

Mr. Guelta, who lives next door to the Petitioner, opposes the granting of the Variance for safety reasons. He testified that children run and ride out into the narrow street from behind the truck without looking, and that he once nearly hit Mr. Gerry, Jr.'s young son when the boy ran out from behind the truck. He also objects to the Variance on the grounds that the truck may detract from property values if allowed to be parked near the street.

Bernie Steinharter, vice-president of Caplan Brothers, testified that Mr. Gerry, Jr., uses the truck for emergency repairs, which can occur at night and on weekends. However, Mr. Steinharter conceded on cross-examination that it is not a job requirement for Mr. Gerry to take the truck home, but more of a convenience, as the company has a commercial parking lot at 700 West Hamburg Street.

may not display any advertising except on the driver's door or front seat passenger's door (Section 431.B.3.b); and that the vehicle shall be parked in a side or rear yard (Section 431.B.3.c).

It is therefore necessary to determine what is the rear yard and what is the front yard of the subject property, which is a waterfront home. Baltimore County Zoning Regulations offer no definitions of front and rear yards in relation to the street, or, if a waterfront property, in relation to the water. However, this Board has found in past cases that waterfront homes are considered to have their front yards facing the water and their rear yards abutting the street, since people with homes on the water generally treat the yard facing the water as their front yard because of its view.

As an example, in Case No. 93-393-SPH, William P. Jordan, which concerned a property fronting on the Chesapeake Bay, the Board said that an enclosed structure in the yard facing the water was in the front yard.

The Zoning Commissioner, in Case No. 96-104-A, Joseph G. Bittle, Jr., et ux, stated: "This Zoning Commissioner, as well as the Board of Appeals, has consistently held that the front of waterfront property is that side of the site which faces the water."

In the instant case, the truck in question is being parked in the yard abutting the road. The Board finds that because the subject property is a waterfront property, the truck is being parked in the rear yard, and thus no variance is needed from Section 431.B.3.c.

The Petitioner does need a variance from Section 431.B.3.b, however. Photographs submitted by the Protestant show advertising across the entire side of the truck (Protestant's Exhibits 2A, 2B, 2D, 4 and 5E).

The Board finds that the Petitioner has failed to satisfy the requirements of Section 307.1 and will therefore deny her Petition for Variance from Section 431.B.3.b.

ORDER

IT IS THEREFORE this 11th day of April, 1997, by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance seeking relief from Section 431.B.3.b.c of

the Baltimore County Zoning Regulations to allow a commercial vehicle with advertising to be parked in the front yard of the subject property be and is hereby **DENIED**; and it is further

ORDERED that the subject commercial vehicle shall be removed within 30 days from the date of this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Kristine K. Howanski, Acting Chairman

Margaret Worrall

S. Diane Levero

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

Norman E. Gerber
Director

PETER M ZIMMERMAN
BALTO CO PEOPLE'S COUN
MS 2206

MAY 20 1987

April 30, 1987

Dennis F. Rasmussen
County Executive

Enclosed is a final report of the Baltimore County Planning Board. This report has been transmitted to the Baltimore County Council. The County Council will establish the date of any public hearing on this report.

Very truly yours,

Norman E. Gerber

Norman E. Gerber, AICP
Director

NEG:slb

Enclosure: Final report adopted April 16, 1987 containing possible amendments to the BCZR concerning Commercial Vehicles on Residential Property

C.C. Exh. #8

Dennis F. Rasmussen
County Executive

Published by the Baltimore County Office of Planning and Zoning
Towson, Maryland 21204

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FINAL REPORT of the
Baltimore County Planning Board
Adopted April 16, 1987

(No Public Hearing Held)

MAY 20 1987
COUNSEL

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS CONCERNING COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY

Office of Planning and Zoning
Baltimore County, Maryland

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS CONCERNING COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY

MAY 20 1987

A Final Report of the Baltimore County Planning Board
(Adopted April 16, 1987)

Project Description

County Council Resolution No. 47-86 (see Attachment) requests that the Planning Board consider proposing amendments to the Zoning Regulations in order to define commercial vehicles and regulate the placement of such vehicles on residential property.

Discussion

The Zoning Office frequently receives complaints about vehicles used for business purposes parked on residential property. The number of these complaints is proliferating as County residents increasingly turn to such occupations as light hauling, home repair, yard maintenance, etc., as primary or secondary sources of income. Other County residents drive vehicles belonging to the firm for which they work. These vehicles display advertising for the firm. When vehicles used for commercial purposes are regularly parked overnight and visible off-site, neighbors may find them unsightly and want them removed from the property.

County Council recently adopted amendments to the Zoning Regulations which prohibit outside storage of inoperative vehicles and limit outside storage of unlicensed vehicles to 15 days on residential property (Bill No. 135-86). Unlike inoperative and unlicensed vehicles, which merely require storage, commercial vehicles are licensed, operating vehicles which are used regularly. Regulating their placement on residential property in the same way as unlicensed and inoperative vehicles would not be appropriate.

The Zoning Regulations contain no explicit provisions regarding commercial vehicles parked on residential property. "Commercial vehicle" is referred to within the definition of residential garage in Section 101:

> Garage, Residential: An accessory building, portion of a main building, or building attached thereto, used for storage of private motor vehicles, only one of which may be a commericial vehicle.

Based on this definition, the Zoning Office interprets the Zoning Regulations to mean that one commercial vehicle is permitted on residential property, only if it is parked in a residential garage. The Zoning Office infers from the definition that commercial vehicles may not be parked outside. The Zoning Office considers any vehicle which is used for business purposes to be a commercial vehicle. A vehicle which displays advertising is considered by the Zoning Office to be a commercial vehicle.

Because the Zoning Regulations contain no definition of commercial vehicle, cases prohibiting their placement on residential property tend to be dismissed from Maryland District Court. A definition of commercial vehicle, accompanied by explicit regulations regarding their placement on residential property, would clarify under what circumstances these vehicles are in violation of the Zoning Regulations.

There are several categories of vehicles used for business purposes. Construction equipment, tractor-trailers, moving vans and large buses are heavy vehicles used exclusively for commercial activity. Heavy commercial vehicles are objectionable in residential communities because of their noise, weight and bulk. The County Code prohibits them from parking on public roads and streets in residential zones:

> Sec. 17-36. Parking commercial vehicles in residential zones.
>
> (a) It shall be unlawful for any person to park a commercial vehicle, other than automobiles, station wagons or pickup trucks and panel-body delivery trucks having not more than three-quarters of a ton manufacturer's rating capacity, used for commercial purposes, upon any public road, street or way within any residential zone in the county, such residential zones being those as now or hereafter provided for in the zoning regulations for the county, for any period longer than four (4) hours, unless such parking or standing is essential to the immediate use then being made of any such commercial vehicle. Any person violating the provisions of this section shall be guilty of a misdemeanor.
>
> (b) In the event the commercial vehicle referred to in subsection (a) of this section consists of a tractor, trailer or a combination tractor-trailer, the person violating the provisions of this section shall be subject to a fine of fifty dollars ($50.00) each or the tractor or trailer and one hundred dollars ($100.00) for a tractor and trailer, in combination, for each day the violation exists. (Bill No. 135, 1979, § 1)

The cut-off between light and heavy commercial vehicles is generally considered to be a carrying capacity of three-quarters of a ton. There are some one ton pickup trucks. A carrying capacity of one ton is equivalent to a gross vehicle weight (vehicle weight plus capacity) of 10,000 pounds. Light weight commercial vehicles include pickup trucks, vans and passenger cars which are used to carry goods or passengers. These vehicles can be identical to those used strictly for personal transportation.

Light commercial vehicles are sometimes considered undesirable by neighbors because of the equipment they carry or because of the lettering they display. However, these vehicles are often used by the occupant of the property for transportation to work or for family transportation in addition to being necessary for business purposes. Completely prohibiting outside parking of these vehicles could create undue hardship and deprive the occupant of a reasonable accessory use of the property.

Howard County, Prince George's County and Fairfax County, Virginia provide commercial vehicle regulations in their zoning ordinances. Fairfax and Prince George's Counties permit outside parking of one light commercial vehicle on a residential lot. Howard County permits two to three commercial vehicles to be parked on a residential lot, regardless of weight. Zoning administrators from these counties find the regulations easy to administer and enforce.

Comments/Recommendations

It is not always feasible for County residents who use a vehicle for business purposes to build a garage or leave the vehicle at a business location. In addressing the issue of permitting commercial vehicles to park overnight on residential property, it is necessary to balance preserving the character of residential neighborhoods with the need for some County residents to park commercial vehicles at home. Regulating overnight parking of commercial vehicles by the size of the vehicle and restricting the number per dwelling unit provides a way to achieve this balance.

Commercial vehicles should be considered those which are used for business purposes, that is, which carry goods, equipment or passengers for hire. Vehicles which display advertising (other than identification of the vehicle's manufacturer, make or dealer) should also be considered commercial vehicles.

Prohibiting heavy commercial vehicles from parking overnight on residential property would be consistent with County law which prohibits these vehicles from public streets and roads in residential neighborhoods. These vehicles should not be permitted even if parked in a garage, because of their bulk and noise.

Heavy vehicles should be considered those with a gross vehicle weight (or gross combination weight) over 10,000 pounds. Because this information is recorded by the Motor Vehicle Administration on the vehicle's registration form, it is easier to obtain than carrying capacity which requires correspondence with the manufacturer of the vehicle. For a few classes of vehicles, the Motor Vehicle Administration records the weight as more or less than a certain weight, rather than specifying a figure. For those cases, the Zoning Regulations should permit the manufacturer's certificate of origin to be used for verification.

Allowing up to two light commercial vehicles to be parked outside on residential property would be consistent with policy in other jurisdictions. This would permit the occupant of the property to park a vehicle which is necessary for transportation and business purposes outside the residence. The vehicle would be no larger than those used for personal transportation. Requiring that the owner or operator of the commercial vehicle reside on the lot would assure that the parked commercial vehicle is a use accessory to the dwelling unit. Limiting the number of commercial vehicles to two would prevent fleets of commercial vehicles from parking on residential property.

To control the appearance of commercial vehicles on residential property, the Planning Board recommends that any commercial vehicle parked outside be required to store all equipment and materials inside the vehicle so as not to be visible to neighbors. The Planning Board also recommends that advertising be limited to the front doors of the vehicle. If a vehicle weighs 10,000 pounds or less, displays no advertising, and has all materials and equipment stored completely inside the vehicle, it should not be considered a commercial vehicle.

The Planning Board recommends that the Baltimore County Zoning Regulations, 1955, as amended, be further amended as set forth below:

1) Add the following definition to Section 101:

COMMERCIAL VEHICLE - Any vehicle with a gross vehicle weight or gross combination weight over 10,000 pounds, or any vehicle, regardless of weight, which: (1) is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity; or (2) is used "for hire"; or (3) displays advertising thereon except as provided for in Section 431. Identification of the vehicle's manufacturer, model or dealer shall not be considered as advertising. Commercial vehicles shall not be deemed to include any vehicle with a gross vehicle weight of 10,000 pounds or less if the vehicle displays no advertising and all materials, products, freight, or equipment are fully enclosed within the vehicle; any farm vehicle or farm equipment actually and regularly used on a farm, satellite farm, or farmette; school or church vehicle located at a civic, educational, social, recreational, or religious institution; recreational vehicle as defined in Section 101, trailer (or mobile home) as defined in Section 101; vanpool or historic vehicle as registered with the State Motor Vehicle Administration. As used herein, gross vehicle weight and gross combination weight mean the weight recorded by the State Motor Vehicle Administration on the vehicle's registration certificate or recorded by the manufacturer on the certificate of origin if no specific weight is recorded on the registration certificate.

2) Modify the definition of residential garage in Section 101 as follows by deleting the material that is struck out:

<u>Garage, Residential</u>: An accessory building, portion of a main building, or building attached thereto, used for storage of private motor vehicles~~, only one of which may be a commercial vehicle~~.

3) Add a new Section 431 immediately following Section 430 (Unit Developments) as follows:
Section 431 -- Parking of Commercial Vehicles on Residential Property

Two commercial vehicles per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle, subject to the following conditions:

431.1 The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.

431.2 The owner or operator of the vehicles shall reside on the lot.

431.3 Any such vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed stucture:

a. All materials, products, freight, or equipment must be fully enclosed within the vehicle; and

b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door, except that advertising displayed on other parts of the vehicle shall be permitted until 365 days from the date of the enactment of this legislation..

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1986, LEGISLATIVE DAY NO. 18

RESOLUTION NO. 47-86

MR. EUGENE W. GALLAGHER, COUNCILMAN

BY THE COUNTY COUNCIL, OCTOBER 6, 1986

A RESOLUTION to request the Planning Board to consider proposing amendments to the Baltimore County Zoning Regulations in order to define commercial vehicle and to regulate the placement of such vehicles on residential property in Baltimore County.

WHEREAS, the Baltimore County Planning Board from time to time considers certain revisions to the Baltimore County Zoning Resolutions; and

WHEREAS, the Baltimore County Zoning Regulations do not define commercial vehicles, but attempt to regulate their placement on residential property through the definition of a residential garage; and

WHEREAS, the Baltimore County Council, by Resolution No. 44-85, had previously requested the Planning Board to propose amendments to the Zoning Regulations in order to regulate the placement of unlicensed motor vehicles on residential property; and

WHEREAS, the placement of commercial vehicles on residential property is a related problem that has yet to be addressed by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND that the Baltimore County Planning Board be and it is hereby requested to consider proposing amendments to the Baltimore County Zoning Regulations in order to define commercial motor vehicles and to regulate the placement of such vehicles on residential property in Baltimore County.

Water Front Dark River
RCC
Zone DR.5.5

Var. approved
2 vehicles
No opposition

IN RE: PETITION FOR VARIANCE
E/S East Kingston Park Lane,
11' S of the c/l South Lane
(134 E. Kingston Park Lane)
15th Election District
5th Councilmanic District

Mary Ellen Shoemaker Trust
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-549-A
*

Pet. Exh #5

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, the Mary Ellen Shoemaker Qualified Personal Residence Trust, through Mark Weybright Shoemaker, Trustee, and their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners seek relief from Section 431.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two commercial vehicles to be parked on a residential lot in lieu of the permitted one; to permit the sum total weight of both vehicles, if the combined vehicle weight exceeds 10,000 pounds; and to permit parking in the front yard, if it has been determined that the front yard of the subject property faces the public street and not Dark Head Creek. The subject property, known as 134 East Kingston Park Lane, is located in the vicinity of Eastern Boulevard in Middle River, and is more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Mary Ellen Shoemaker, legal owner of the property, Mark W. Shoemaker, who resides thereon, Paul Lee, Professional Engineer who prepared the site plan for this property, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot fronting on Dark Head Creek in Middle River, and consists of a gross area of 0.44 acres, more or less, zoned D.R. 5.5. The property is improved with a one and two-story dwelling, bulkhead and pier, a shed, and a macadam paved parking area adjacent to Kingston Park Lane. The property is served by public water and sewer. The instant Petition was filed as a result of the Petitioner's storage of two small trucks on the property which are used in conjunction with Mr. Shoemaker's business. At the request of this Zoning Commissioner, photographs of the trucks which are the subject of this request were submitted subsequent to the hearing. As shown in these photographs, the trucks are medium in size and appear to be similar in dimension and weight to Ryder rental trucks.

Mr. Shoemaker testified and described his occupation, which is somewhat unique. He owns and operates a business which rents and services concert pianos. Typically, he will be retained by an artist, (e.g., Billy Joel, Frank Sinatra, etc.) to provide and service concert pianos during the artist's tour of the mid-Atlantic, East Coast region. Mr. Shoemaker owns several different types of pianos which are used in connection with his business and stored at a warehouse off-site. When his company is engaged by a particular artist, he will pick up the leased piano from his warehouse and drive same to the site of the concert. Therefore, it is often that one or both trucks are not on the property; however, are kept there when not in active use. Mr. Shoemaker testified that each truck weighs less than 10,000 pounds; however, their combined weight might exceed the 10,000 pound limit. Testimony indicated that Mr. Shoemaker has customized both of these trucks so as to accommodate his pianos.

Variance relief is sought to allow the continued storage of these trucks on the subject site. In addressing the variance, it is first to be observed that it is clear that the front of this property is that portion of the lot which abuts Dark Head Creek. Photographs of the property were persuasive to a finding that the dwelling is oriented towards the water. Thus, I easily find that the rear of the property abuts East Kingston Park Lane. Based on this finding, variance relief is not required to permit parking in the front yard, in that the vehicles are indeed stored in the rear yard. Secondly, variance relief is requested from Section 431.B of the B.C.Z.R. to permit two commercial vehicles, with a combined weight which may exceed 10,000 pounds, to be parked on the residential lot simultaneously. Due to the unusual nature of the Petitioner's business and the size of the two vehicles in question, I shall grant the relief requested. In this regard, Mr. Shoemaker presented a series of photographs which show that the property and the vehicles are well-maintained and are not an eyesore to the community. Additionally, photographs of the neighborhood were presented which show similar vehicles parked throughout. Specifically, it appears that other individuals residing in the neighborhood bring trucks home in the evening. These trucks appear to be similar in size and weight to the subject trucks.

An issue was raised at the hearing relative to the replacement of either of these vehicles. Mr. Shoemaker indicated that because the two trucks have been customized, he intends on keeping same for many years to accommodate his business. However, it is anticipated that eventually they will have to be replaced. In that event, the variance relief granted herein will allow a reasonable replacement of the vehicle with a similar size and weight vehicle. It is recommended that the Petitioner obtain a

spirit and intent letter from the Zoning Commissioner in office at that time to confirm that variance relief can be continued.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of August, 1997 that the Petition for Variance seeking relief from Section 431.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two commercial vehicles to be parked on a residential lot in lieu of the permitted one, and, to permit the sum total weight of both vehicles, if the combined vehicle weight exceeds 10,000 pounds, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
>
> 2) The relief granted herein is limited to the two commercial vehicles now owned by the Petitioner. In the event the Petitioner deems it necessary to replace either of the two vehicles, the replacement vehicle shall be of similar size and weight as the one replaced
>
> 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the front yard of the subject property faces Dark Head Creek, and as such, the variance to permit parking in the front yard, if it has been determined that the front yard of the subject property faces the public street, be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Var. Approved .149 Acre 6/9
Tow Truck
Comm. Assoc opposed Zone D.R. 5.5

IN RE: PETITION FOR ZONING VARIANCE NE/S North Ave., 470 ft. NW of c/l of Leeds Avenue 1220 North Avenue 13th Election District 1st Councilmanic District Frank D. Reitterer, et al Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 98-406-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for a Variance for the property located at 1220 North Avenue in the Arbutus community of western Baltimore County. The Petition was filed by Frank D. Reitterer and Frances M. Leonard, property owners. Variance relief is requested from Section 431 of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle (tow truck) with advertising to be parked daily on the subject property in the side driveway. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit #1.

Appearing at the public hearing held for this case were the Petitioners, Frank D. Reitterer and Frances M. Leonard. Also present in support of the Petition was Lorna Ochs, who resides immediately next door at 1222 North Avenue. Appearing in opposition to the Petition was Eleanor VanDevender, on behalf of Maiden Choice Community Association.

An examination of the site plan indicates that the subject property is roughly rectangular in shape, approximately .149 acres in area, zoned D.R.5.5. The lot abuts North Avenue in the Maiden Choice subdivision of Arbutus and is improved with a two story block and frame house known as 1220 North Avenue. To the rear of the property is a detached garage. The property also features a concrete driveway which runs from North Avenue towards the rear of the site, between the house and the eastern property

line. Ms. Ochs resides at the property immediately adjacent to that driveway and at 1222 North Avenue.

The subject case came about as a result of a zoning citation issued by Baltimore County. In this regard, Ms. VanDevender indicated that her Community Association had canvassed the neighborhood for zoning violations. They observed the parking of a commercial vehicle in excess of 10,000 pounds gross vehicle weight on the property. A complaint was registered with Baltimore County and a zoning inspector was dispatched. A citation was issued, however, action on same has been deferred pending this Petition for Variance. In order to legitimize the parking of the truck and avoid a zoning citation, the subject Petition was filed.

In this regard, Mr. Reitterer testified that he has owned the property for a number of years and maintained a tow truck on the site since 1989. Presently, a roll back tow truck is kept on the property which is shown in pictures contained within the case file. Mr. Reitterer further testified that he is employed by Varsity Auto Repair, Inc., and is an approved tower by Baltimore County. He tows for the Baltimore County Police Department. He indicated that he typically works Monday through Friday from 8:00 A.M. to 5:00 P.M. During those hours he is at work and the truck is not kept on the premises. However, he brings the truck at home during evenings and weekends because he is on call. In this regard, a letter was received from Dennis W. McElgunn, Manager of Varsity Auto Repair, Inc., indicating that Mr. Reitterer is on call 24 hours a day, 365 days per year. The Petitioner can be called by his employer and dispatched to an accident scene at any time. Thus, it is urged that the Petition be granted so that Mr. Reitterer will have immediate access to his tow truck. It was further indicated that many of the calls are emergency in nature and it would be inappropriate to require the Petitioner to

that

store the vehicle offsite. In such an event, Mr. Reitterer would have to travel from his house to the offsite location and then to the accident scene.

Ms. Ochs, the immediate next door neighbor, testified in support of the request. She observed that the common boundary line between her property and the Petitioner's lot is improved with an 8 ft. high hedge which screens the driveway and tow truck. She indicated that she has never experienced any problem with the storage of the tow truck and does not object to same. She further testified that Mr. Reitterer keeps the property clean and that the truck is well maintained. She also indicated that there was no problem with noise and corroborated Mr. Reitterer's testimony that he typically works during regular business hours; however, is on call for emergencies.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the Petition for Variance. I am appreciative of the fact that the storage of the tow truck is inherently incompatible with the residential neighborhood. However, in this case, there are compelling factors which justify the grant of the Petition. Specifically, the nature of Mr. Reitterer's job and the fact that he is on call 24 hours a day are persuasive considerations. As noted in Mr. McElgunn's letter, Varsity Towing is an approved tower with the Baltimore County Police Department and it is necessary that Mr. Reitterer and his tow truck be immediately available. The position of Ms. Ochs is also a significant factor. Obviously, she is the most impacted neighbor and voices no objection. She is in support of the request and indicates that the truck and property are kept clean, that no repairs are undertaken on the vehicle while it is on the site, and that the storage of the vehicle is not detrimental to the neighborhood.

Based on this testimony, I will grant the Petition for Variance with appropriate restrictions to provide a continued safeguard for the community.

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 19th day of August 1998 that a variance from Section 431 of the Baltimore County Zoning Regulations (BCZR) to allow the parking of a commercial vehicle (tow truck), with advertising, to be parked daily on the subject property in the side driveway, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
>
> 2. There shall be no vehicle maintenance work performed on the tow truck on the subject property at any time.
>
> 3. The tow truck shall be parked on the driveway in the side yard at a location behind the front building line; i.e., the line created by the front building wall. Parking at this location is required to decrease visibility of the vehicle from neighboring properties.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

VAR. IMPROVS NO OPPOSITION 5/2

1/3 ACRE Comm. vehicle FT YARD

IN RE: PETITION FOR ZONING VARIANCE S/S Stevens Road, 120 ft. W of c/l Coreley Beach Road 5834 Stevens Road 11th Election District 5th Councilmanic District Katherine A. Gerry Petitioner	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 97-7-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 5834 Stevens Road in White Marsh. The Petition is filed by Katherine A. Gerry, property owner. Variance relief is requested from Section 431.B.3.b.c. of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle with advertising to be parked in the front yard of the subject property. 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 Katherine A. Gerry, property owner, and her son, Wayne Gerry, Jr. There were no Protestants or other interested persons present.

Testimony and evidence offered was that the subject property is approximately 1/3 of an acre in area, zoned R.C.2. The property is located on Stevens Road in White Marsh, not far from Pulaski Highway (U.S.Route 40). Mrs. Gerry indicated that she has owned the subject property for many years and that the property has been in her family for several generations. Her son, Wayne Gerry, Jr., is employed by the Caplan Glass Company, and has so been employed for approximately 11 years. In fact, Mr. Gerry's father and grandfather have also worked for this company over the years.

In connection with that employment he drives a small step van vehicle. The vehicle advertises the Caplan Glass Company and is used to transport tools and glass products to various job locations. Mr. Gerry indicated that he drives this truck in connection with his employment and indicates that he leaves the house each day at approximately 6:00 A.M. to make service calls throughout the metropolitan area. Routinely, he arrives home at approximately 7:00 P.M. The truck is kept on site during his off hours and overnight. As shown on the driveway, a paved parking area is located at the front of the property adjacent to Stevens Road. The Petitioner also produced a signed statement from a number of neighbors of the locale indicating support for this long standing use.

Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Variance. I am convinced that the Petitioner has satisfied her burden under law. Moreover, the relief granted shall be restricted only to the subject truck now driven by Mr. Gerry, or similar replacement.

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 7th day of August, 1996 that a variance from Section 431.B.3.b.c. of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle with advertising to be parked in the front yard of the subject property, be and is hereby GRANTED, subject, however, to the following restrictions:

> 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.

2. The relief granted herein shall be restricted solely to the Caplan Glass Company step van vehicle presently kept on the premises by Wayne Gerry, Jr., or a similar replacement. The relief granted will not allow parking of a larger vehicle on the premises.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

2 vehicles VAR. APPROVED
Zoned DR 5.5 side & F+ yard

IN RE:	PETITION FOR ADMIN. VARIANCE N/S Patuxent Avenue, 175' W of Walnut Avenue (604 Patuxent Avenue) 15th Election District 7th Councilmanic District Mark T. Strucko Petitioner	* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 98-330-A *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Mark T. Strucko. The Petitioner seeks relief from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the storage of two (2) commercial vehicles, each weighing in excess of the 10,000 lbs. gross weight limit in the side and front yard of the subject property, zoned D.R.5.5, in lieu of the maximum permitted one (1) commercial vehicle of no more than 10,000 lbs. gross weight. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide

sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1998 that the Petition for Administrative Variance seeking relief from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the storage of two (2) commercial vehicles, each weighing in excess of the 10,000 lbs. gross weight limit in the side and front yard of the subject property, zoned D.R.5.5, in lieu of the maximum permitted one (1) commercial vehicle of no more than 10,000 lbs. gross weight, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ACRE
No additions
swimming pool for years

Above ground diesel tank
Veh. Appr[illegible]ds

IN RE: PETITION FOR VARIANCE
SE/Corner Old Washington Road
and Lincoln Avenue
(4019 Old Washington Road)
13th Election District
1st Councilmanic District

Joseph A. Vonella
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-443-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 4019 Old Washington Road, located in the vicinity of Washington Boulevard in Halethorpe. The Petition was filed by the owner of the property, Joseph A. Vonella. The Petitioner seeks relief from Section 431.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle exceeding 10,000 pounds in gross vehicle weight, to be parked on a residential lot in lieu of the permitted commercial vehicle weighing 10,000 pounds or less. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joseph A. Vonella, property owner, and Vincent J. Moskunas, a representative of M & H Development Engineers, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 0.304 acres, more or less, zoned D.R. 2, and is improved with a two-story frame dwelling and above-ground swimming pool in the front portion of the property. Two small storage sheds are located in the southeast (rear) corner of the site, along with an above-ground diesel

fuel tank, and in the southwest corner of the property is an area denoted on the site plan as a tractor trailer parking area. The entire rear portion of the site has a stone-paved surface. A board-on-board fence separates the rear portion of the site from the residential uses on the front of the property. Testimony indicated that the Petitioners were advised to file the instant Petition upon receipt of a zoning violation notice as to the parking of a commercial vehicle on their property.

Mr. Vonella testified that he purchased the subject property in 1945 and built the home that exists today in 1955. In 1965, Mr. Vonella began storing tractor trailers on the property in the parking area shown on the site plan. Mr. Vonella testified that he has stored tractor trailers on his property in that location since that time. Further testimony indicated that Mr. Vonella's son began working with him about 15 years ago. Mr. Vonella stated that as he has gotten older, he has turned the business over to his son, who now resides on the property with his wife and their two children. Mr. Vonella testified that his son owns a blue, 1988 International Cab over-tandem tractor which he stores on the property. Mr. Vonella's son would like to continue parking his tractor on the subject site as has been the case for the past 32 years. Testimony indicated that his son is a local truck driver and leaves the site each day to haul various items around the area. Further testimony revealed that as many as four tractor trailers have been stored on the site over the last 32 years, however, the Petitioner seeks relief only for his son to continue parking his truck on the property. Mr. Vonella testified that he has spoken with the adjoining property owners and all of his neighbors support his request.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. It was clear from the testimony that the Petitioners have used a portion of the rear of their property as a tractor trailer parking area for the past 32 years without any complaint. Furthermore, the Petitioners seek relief to continue to store only one tractor, and no trailers. To require strict compliance with the zoning regulations would result in a practical difficulty and unreasonablr hardship for the Petitioner and unduly restrict the use of his property, due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE. IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of June, 1997 that the Petition for Variance seeking relief from Section 431.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle exceeding 10,000 pounds gross vehicle weight, to be parked on a residential lot in lieu of the permitted commercial vehicle weighing 10,000 pounds or less, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the blue, 1988 International Cab over-tandem tractor which the Petitioner's son now owns. No other tractors are permitted to be stored on the property. The Petitioner's son shall be permitted to substitute or replace that particular truck with another vehicle similar in nature; however, there shall never be more than one tractor stored on the subject property.

3) In the event the subject property is sold and the Petitioner's son no longer resides on the property, the relief granted herein shall cease and the 12' x 3' above ground fuel tank removed from the premises. In the event the new owner wishes to continue such use of the property, a new hearing must be held to determine the appropriateness of same.

4) There shall be no trailers stored on the subject property.

5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Var. [illegible]
No opposition

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Rosewick Avenue, 41' NE
of the c/l of 31st Street
(1514 Rosewick Avenue)
14th Election District
6th Councilmanic District

Brian Singer
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-387-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Brian Singer, through his attorney, Nancy E. Paigo, Esquire. The Petitioner seeks relief from Section 431.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit short term parking of one commercial vehicle weighing in excess of 10,000 pounds gross vehicle weight on the subject residential property. The subject property and relief requested are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of May, 1998 that the Petition for Administrative Variance seeking relief from Section 431.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit short term parking of one commercial vehicle weighing in excess of 10,000 pounds gross vehicle weight on the subject residential property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Vare. approved
1 acre
Dump Truck 65,000 lbs.

No opposition
Routine maint. ok's

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE	*	BEFORE THE
S/S Monkton Road, 570 ft. E of c/l of Big Falls Road	*	ZONING COMMISSIONER
811 Monkton Road	*	OF BALTIMORE COUNTY
7th Election District		
3rd Councilmanic District	*	CASE # 90-459-SPHA
Francis William Durbin, Jr., et ux	*	
Petitioners	*	

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for Special Hearing, a finding that the garaging of one commercial vehicle (a 25,000 lbs. unloaded dump truck) in the requested accessory structure does not constitute a contractor's storage yard or service garage with only light, routine maintenance ; and a Petition for Zoning Variance from Section 431 to permit one commercial vehicle of 25,000 lbs. unloaded gross combination weight 65,000 lbs. loaded in lieu of the permitted 10,000 lbs. to be garaged in an accessory building, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Francis William Durbin, Jr., appeared and testified on behalf of the Petition. There were no Protestants.

Testimony indicated that the subject property known as 811 Monkton Road consists of 2.142 acres +/- zoned R.C.5 and is currently improved with a single family dwelling. The Petitioner testified that he is an independent dump truck operator and desires to store the truck on the subject site. The Petitioner testified that he desires to construct a garage to store the vehicle, as indicated on Petitioner's Exhibit No. 1. He testified that he does no maintenance work on the vehicle at his home, but merely stores it

there in view of the lack of available commercial vehicle parking lots in his area. In addition, the Petitioner submitted letters from his neighbors including one from Paul Fabiszak, Chief of the Hereford Volunteer Ambulance Association, in support of Petitioner's request.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 and Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that indicates that the requested relief, if granted, would adversely affect the health, safety and/or general welfare of the public based on the specific facts presented in this case. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested, pursuant to the Petitions for Special Hearing and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of October, 1990 that, pursuant to the Petition for Special Hearing, a finding that the garaging of one commercial vehicle (a 25,000 lbs. unloaded dump truck) in the requested accessory structure does not constitute a contractor's storage yard or service garage with only light, routine maintenance is hereby GRANTED; and,

IT IS FURTHER ORDERED that a Petition for Zoning Variance from Section 431 to permit one commercial vehicle of 25,000 lbs. unloaded gross combination weight 65,000 lbs. loaded in lieu of the permitted 10,000 lbs. to be

garaged in an accessory building is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 perform no body, fender or major mechanical repairs on any commercial vehicle on the subject site.
>
> 3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

70,000 lbs WAS OPPOSED 9/16
.17 ACRE DR 5.5 one yard
50 x 150

IN RE:	PETITION FOR ZONING VARIANCE N/S 31st Street, 445 ft. E. Hamilton Avenue 7912 31st Street 14th Election District 5th Councilmanic District John H. Shirey, et ux Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 98-51-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for a Zoning Variance for the property located at 7910 31st. Street in the Rosedale Farms subdivision of Baltimore County. The Petition was filed by John H. Shirey and Marlene L. Shirey, his wife, property owners. Variance relief is requested from Section 431.1.1 of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle with a gross vehicle weight of 70,000 lbs. to be parked on the subject property, in lieu of the requirement that only a vehicle weighing 10,000 lbs. or less may be so parked. Variance relief is also requested from Section 431.B.3.c. of the BCZR to allow the said vehicle to be parked in the side and front yard of the property in lieu of the required rear yard. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were John H. Shirley and Marlene L. Shirey, Petitioners. Appearing in opposition to the request were Franklin A. Addicks and David Evans, neighbors.

Testimony and evidence presented was that the subject property is rectangular in shape, approximately 50 ft. in width and 150 ft. in depth. The property is .1722 acres in area, zoned D.R.5.5. The property is located in the residential community known as Rosedale Farms. The property is improved with an existing single family dwelling approximately 31 ft. in width and 36 ft. in depth. Mr. and Mrs. Shirey and their children

have resided there for approximately 10 years.

Mr. Shirey testified that he is self employed and owns the subject vehicle, which is described as a dump truck with a gross vehicle weight of approximately 70,000 pounds. Mr. Shirey leases his vehicle and his services as driver to a number of area businesses, most notably the Genstar Company. He testified that he leaves his house at approximately 6:30 A.M. and, pursuant to his contract with Genstar, hauls building materials and other items from the Church Lane quarry. He hauls for Genstar approximately 5 days a week, plus 1/2 a day on Sunday. He also indicated that when he returns home in the evening, approximately 5:00 P.M., he parks his vehicle on the property. He testified that he does not perform any repairs or other maintenance to the vehicle on the property. Moreover, he testified that he has owned this vehicle and parked same on the property for approximately 2-1/2 years. Prior to that time, he was employed by a trucking company and frequently brought home the truck assigned to him by that employer. All told, he has parked the subject vehicle or a similar vehicle on the site for nearly ten years.

Mr. and Mrs. Shirey also produced a Petition which was signed by many neighbors in the community in support of the request. Among the neighbors who signed the Petition was that individual most immediately affected by the property. Specifically, the adjacent neighbor at 7914 31st St., Sandra Diaz, signed the Petition as did other neighbors in the immediate vicinity. Additionally, Mr. Shirey testified that the inability to park his truck on the property would cause a severe hardship upon him.

Testimony was received in opposition to the request from Franklin A. Addicks and David Evans. Mr. Addicks lives down the street from the Petitioners, while Mr. Evans lives elsewhere in the community. Mr. Addicks admitted that Mr. and Mrs. Shirey keep their property neat and

orderly and have improved the appearance of the dwelling. However, he expressed safety concerns and whether the granting of the variance would lead to a commercialization of the area. As I noted at the hearing, any decision on this case does not affect the applicability of the appropriate traffic laws. That is, the Petitioners will be required to comply with all speed limits and road restrictions.

Based upon the testimony and evidence presented, I am persuaded that the variance should be granted with restrictions. In my judgment, the Petitioner presented sufficient evidence to meet the standard set forth in Section 307 of the BCZR. I am persuaded that the Petitioners have presented sufficient evidence to support a finding that the property is unique and that practical difficulty would result upon the Petitioner if relief were denied. Moreover, properly restricted, I do not believe that the grant of the relief would cause detrimental impact on the neighborhood.

As to restrictions, I will limit the grant of the variance to permit only the parking (i.e. storage) of the vehicle on the property. The Petitioner shall not perform any maintenance of the vehicle on this site. Any oil changes, tire repairs or other mechanical or body work on the vehicle shall be prohibited on the premises. Only parking of the vehicle shall be allowed.

Secondly, the Petitioners indicated that their driveway had been extended towards the rear of the lot so that the vehicle could be parked farther from the street. In this regard, I shall require that the truck be parked in the side or rear yard and not in the front yard. That is, the front of the vehicle cannot be located any closer to 31st Street than the front wall of the dwelling. In my judgment, parking the vehicle farther towards the rear of the lot will diminish the view and presence of same from other houses in the community.

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.

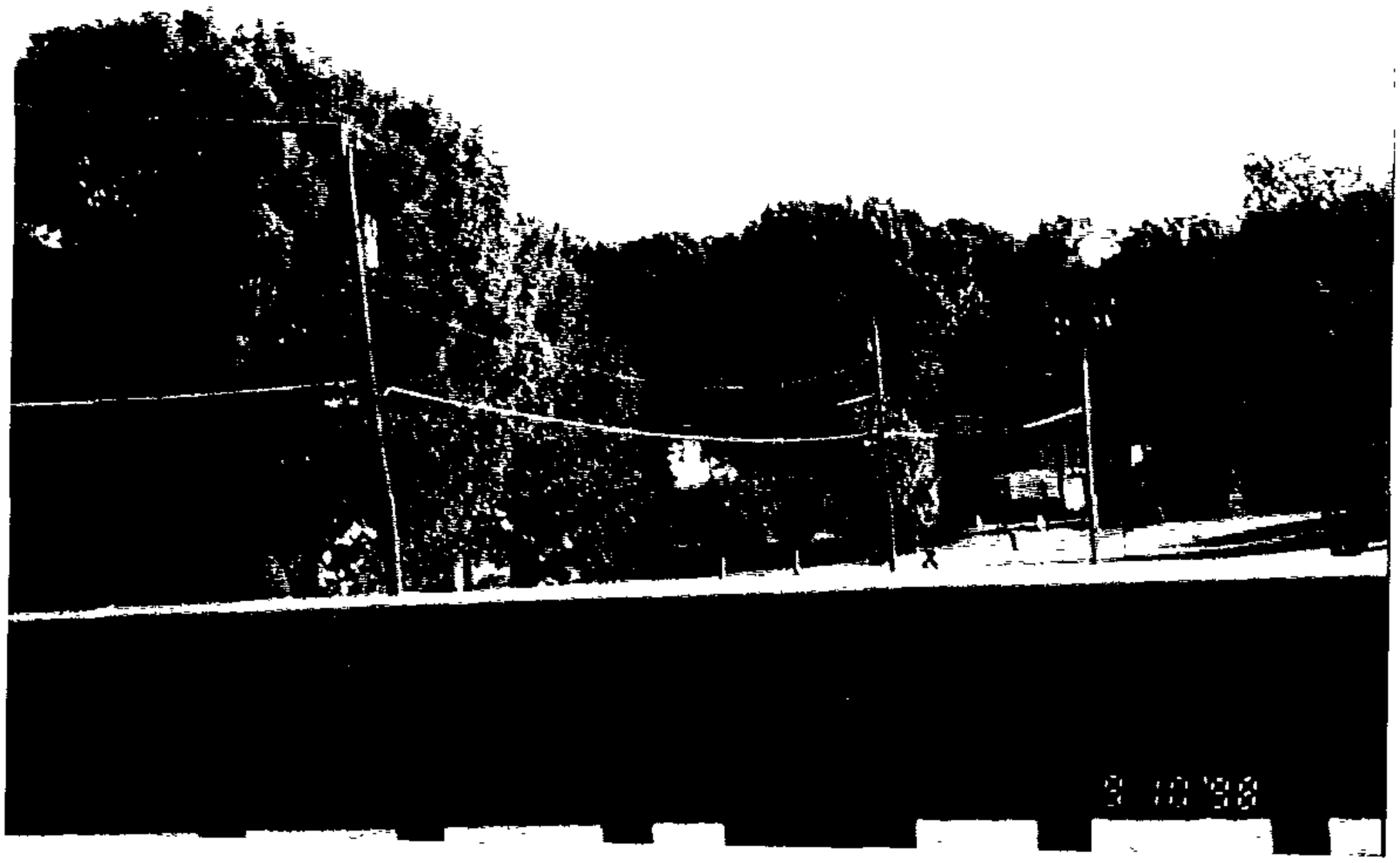
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of September 1997 that a variance from Section 431.1.1 of the Baltimore County Zoning Regulations (BCZR) to allow a commercial vehicle with a gross vehicle weight of 70,000 lbs. to be parked on the subject property, in lieu of the allowed requirement that only a vehicle weighing 10,000 lbs. or less may be so parked, be and is hereby GRANTED; and,

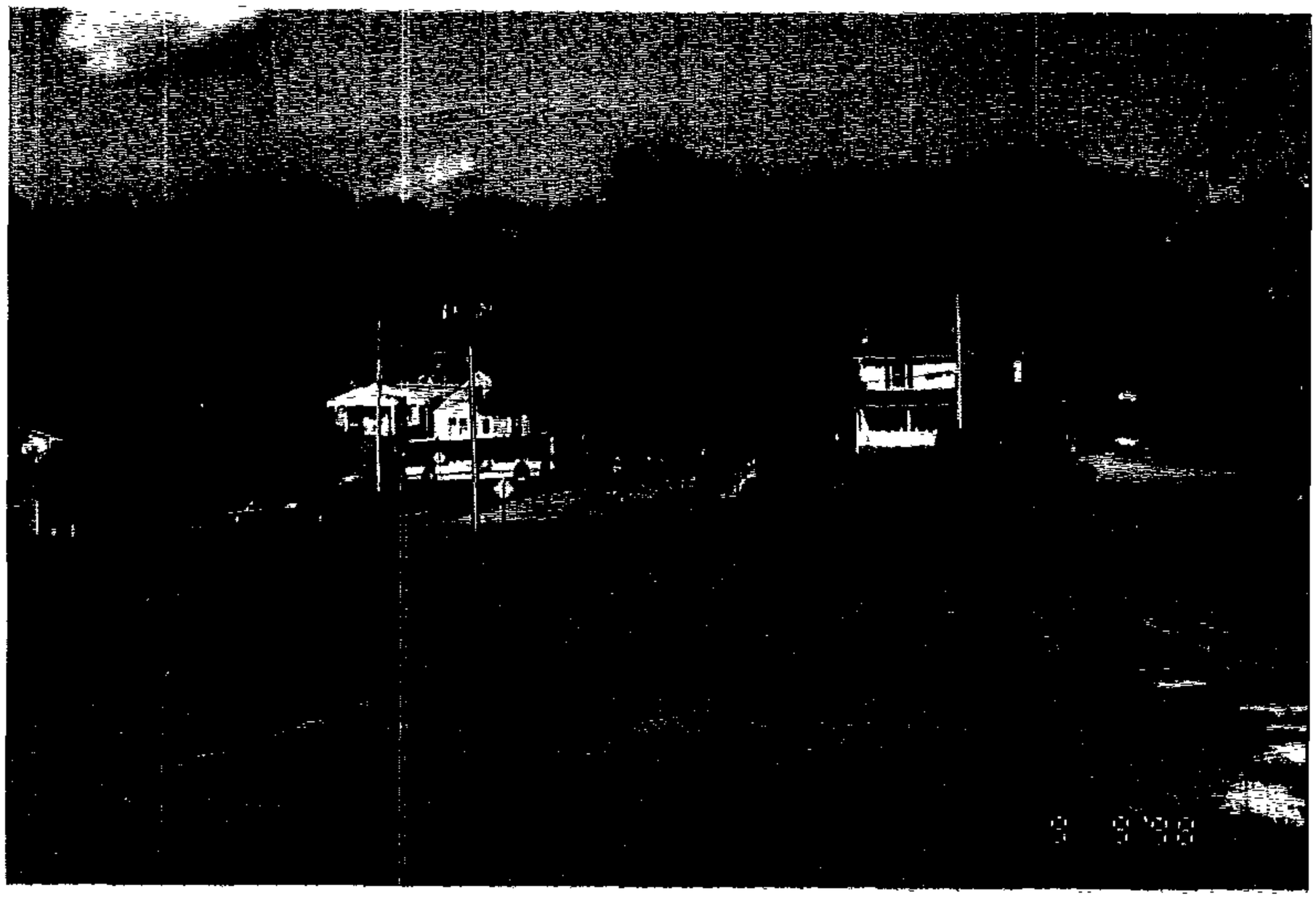
IT IS FURTHER ORDERED that a variance from Section 431.B.3.c. of the BCZR to allow the said vehicle to be parked in the side and front yard of the property, in lieu of the required rear yard, be and is hereby GRANTED, IN PART, AND DENIED, IN PART, so as to allow the parking of the subject vehicle in the side yard of the property, only, not the front yard, subject, however, to the following restrictions:

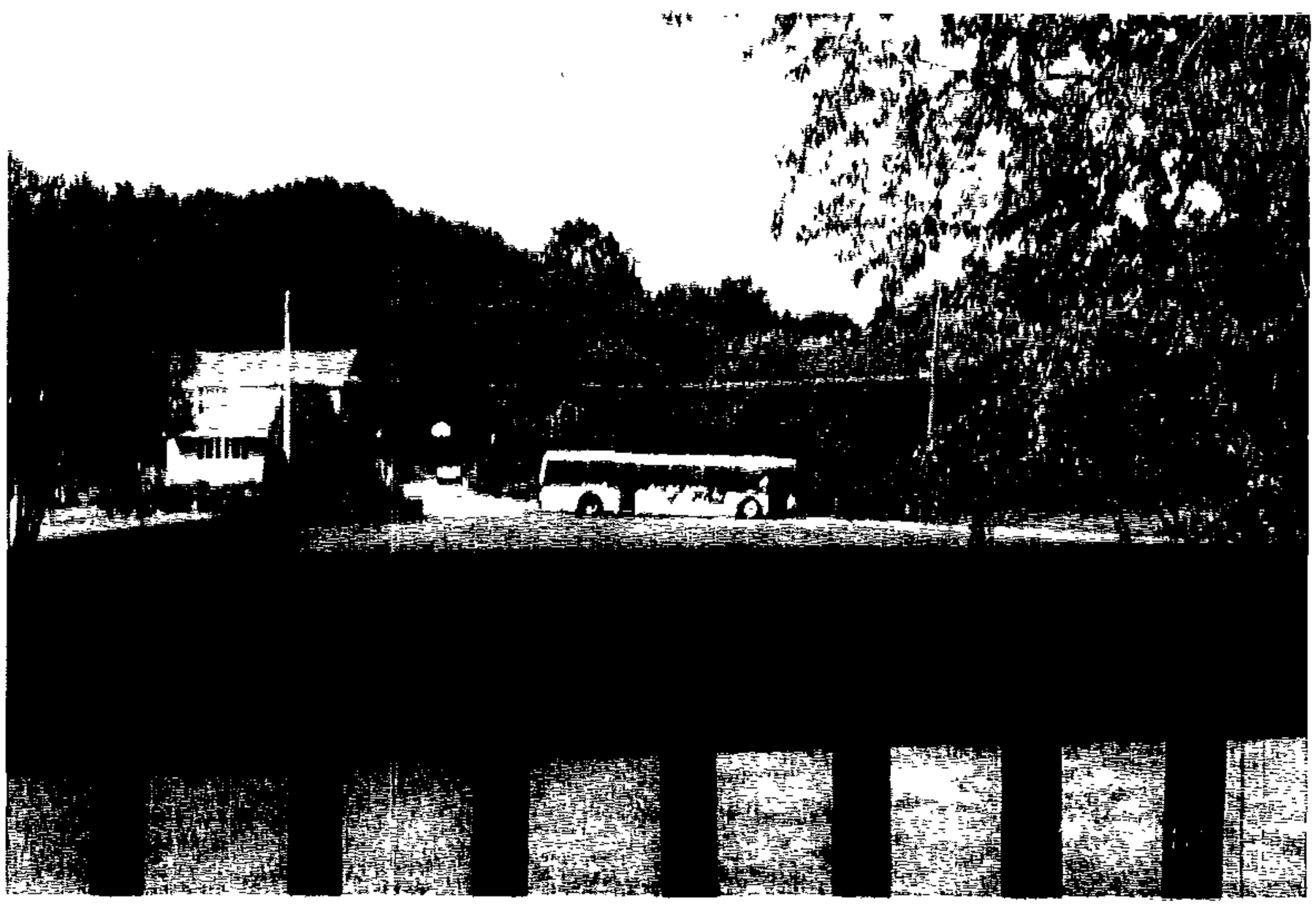
> 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
>
> 2. The Petitioner shall not perform any maintenance of the truck on this site. Any oil changes, tire repairs or other mechanical or body work on the truck shall be prohibited on the premises.
>
> 3. The truck shall only be parked in the side or rear yard and not in the front yard. That is, the front of the vehicle cannot be located any closer to 31st Street than the front wall of the dwelling.

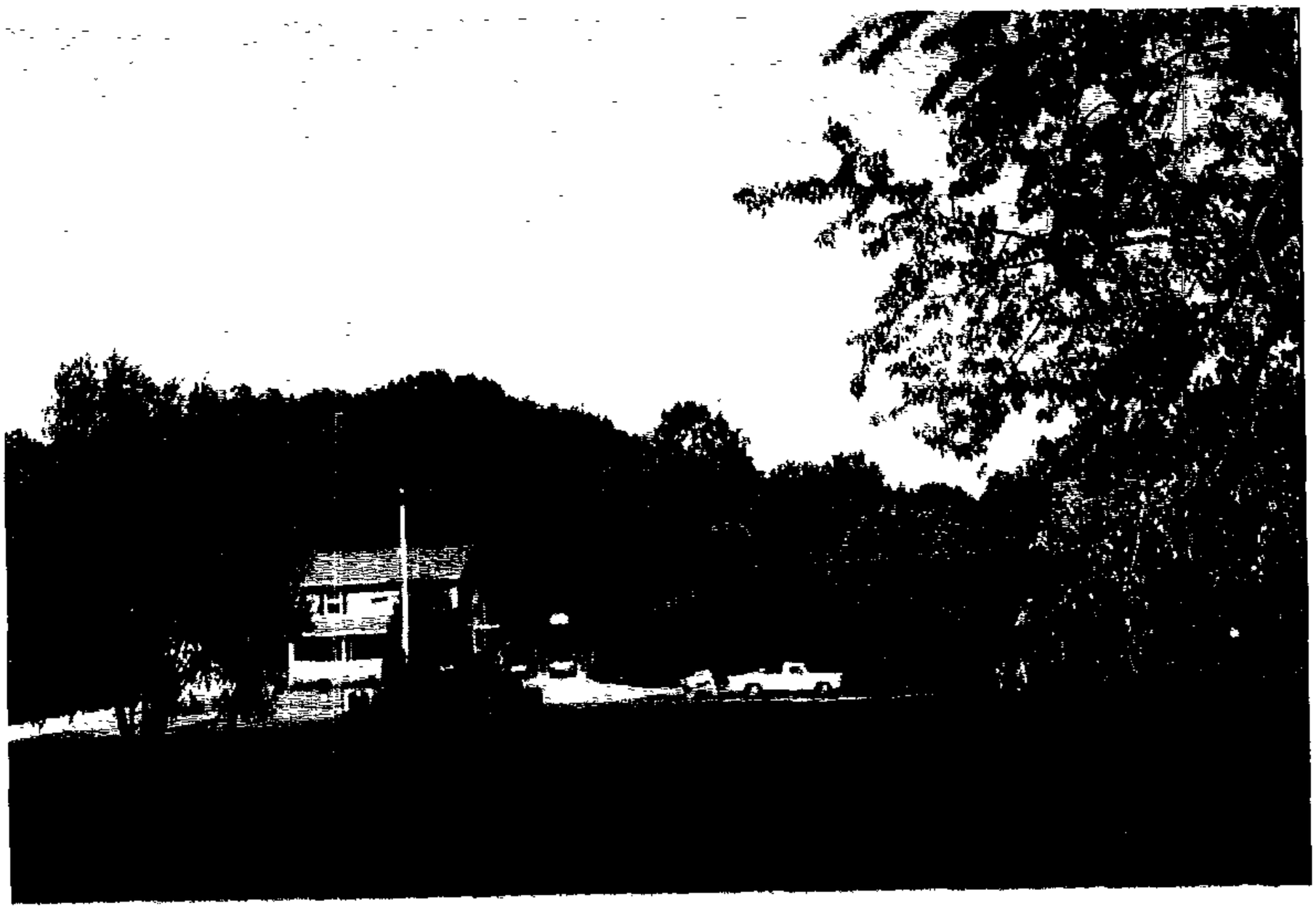
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

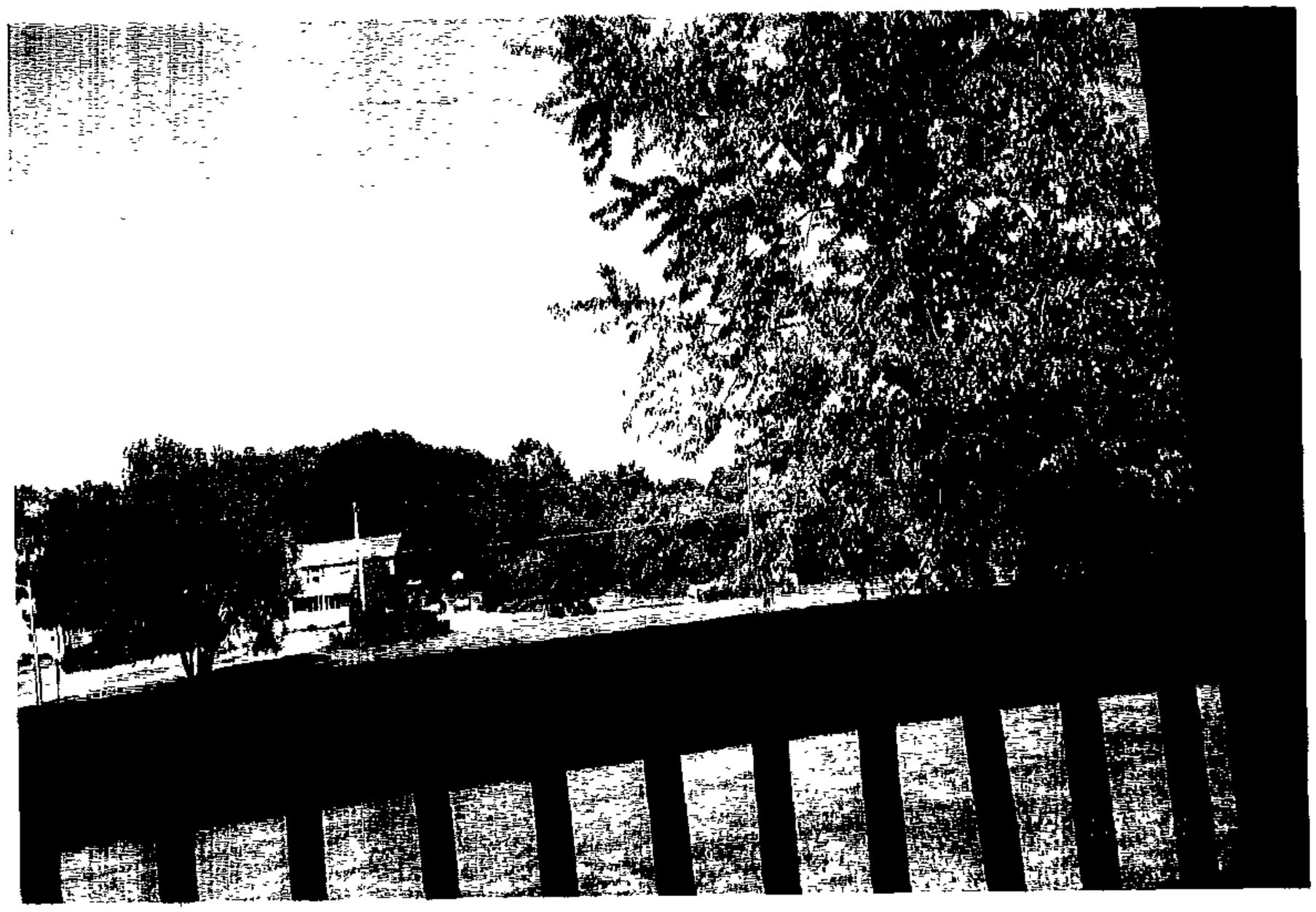
LES/mmn

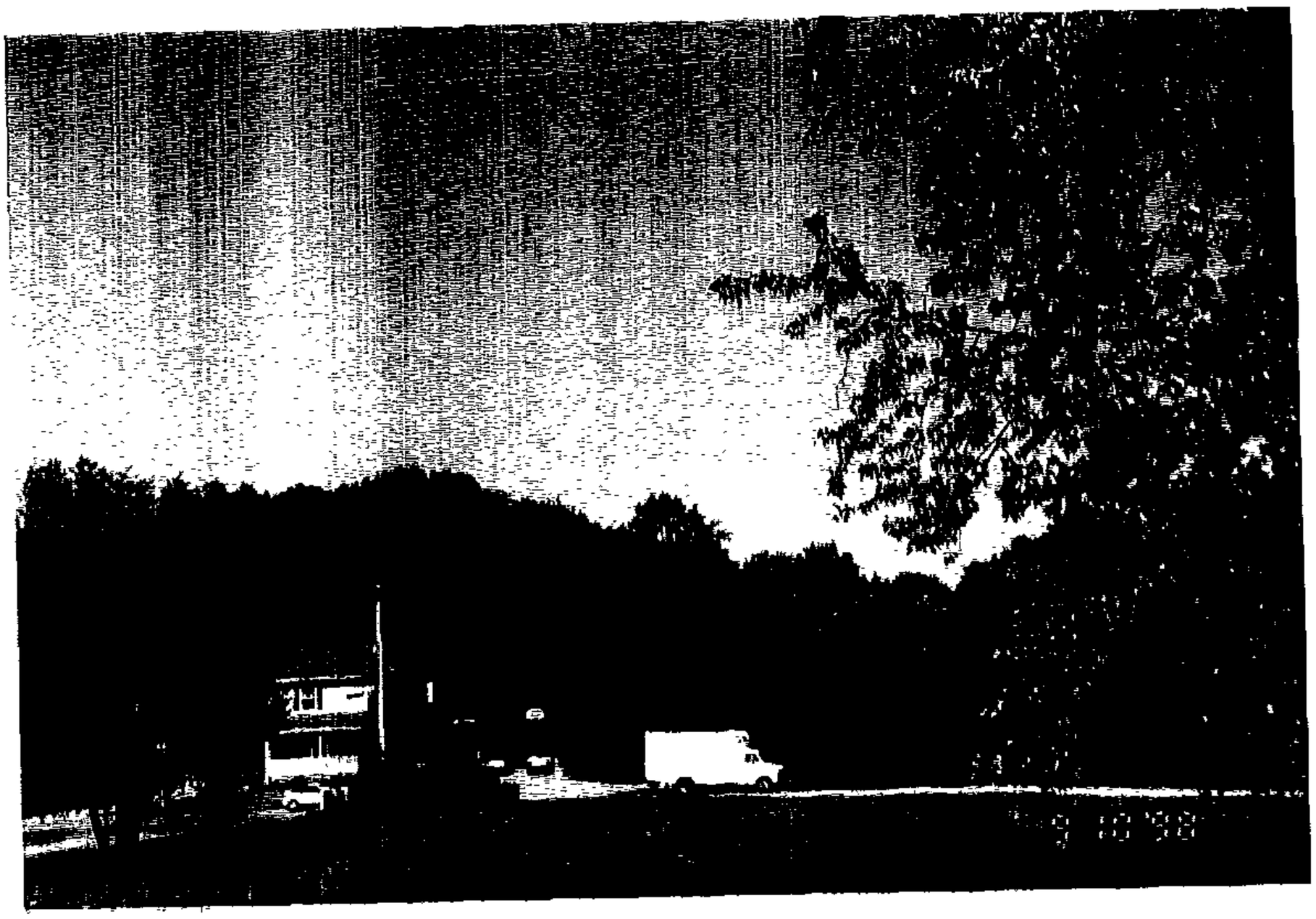


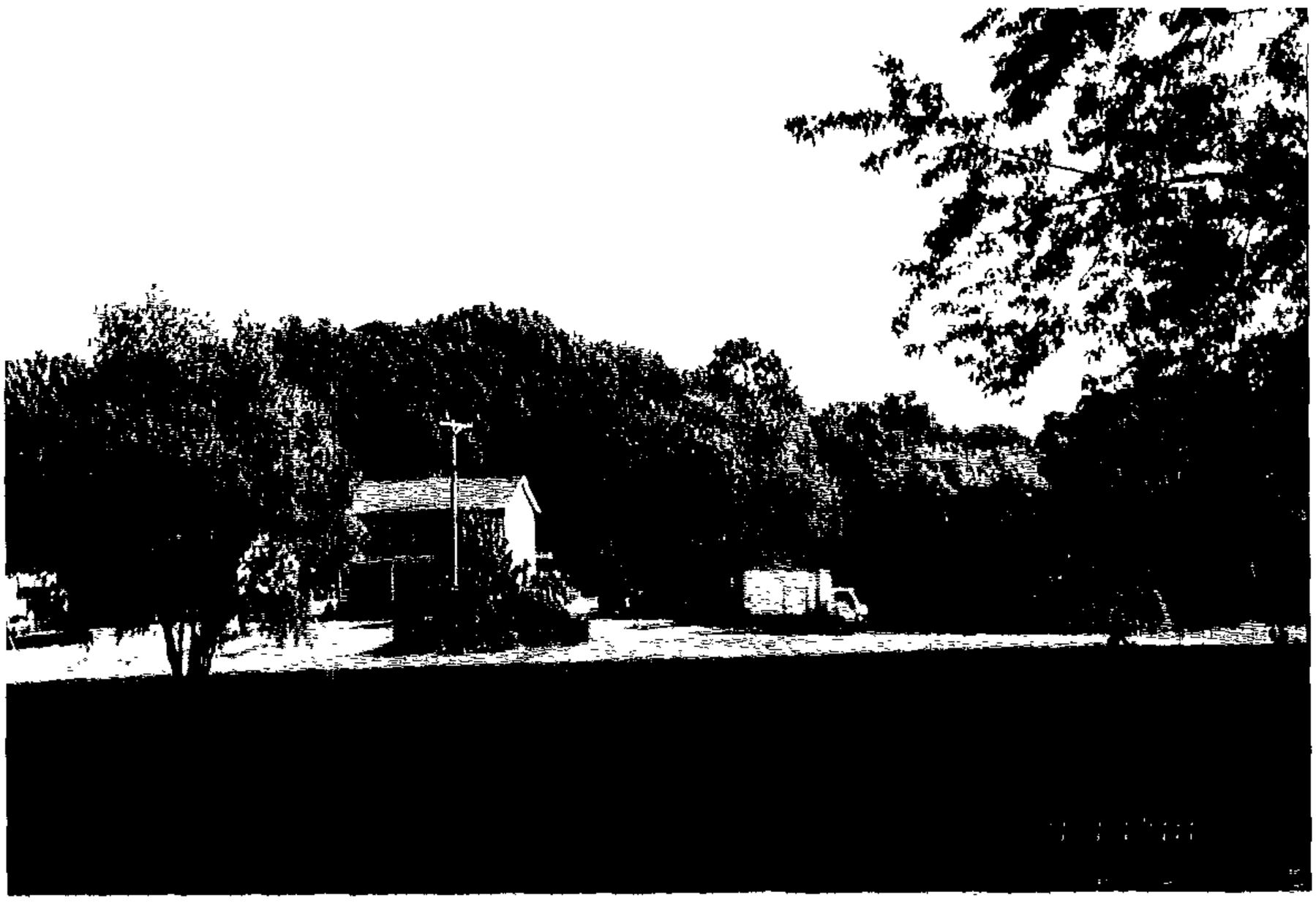


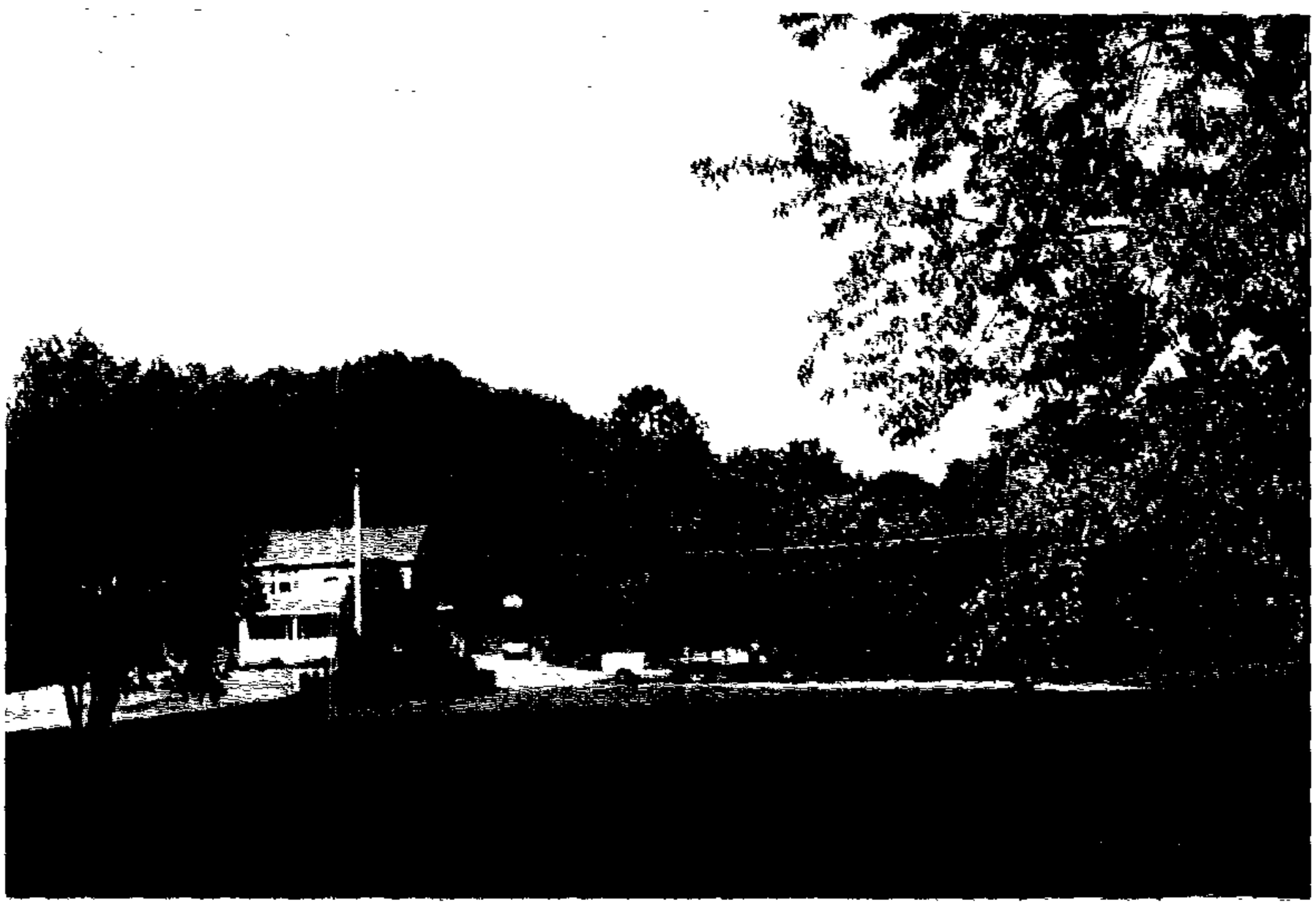












County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

98-423-A
Pet's #7

Case # 98-423-A

William Cochran

Petitioners # 6A-2
(26 photos)

Petitioners # 7 (micro cassette Tape)

P.C. Exh 3A & 3B

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

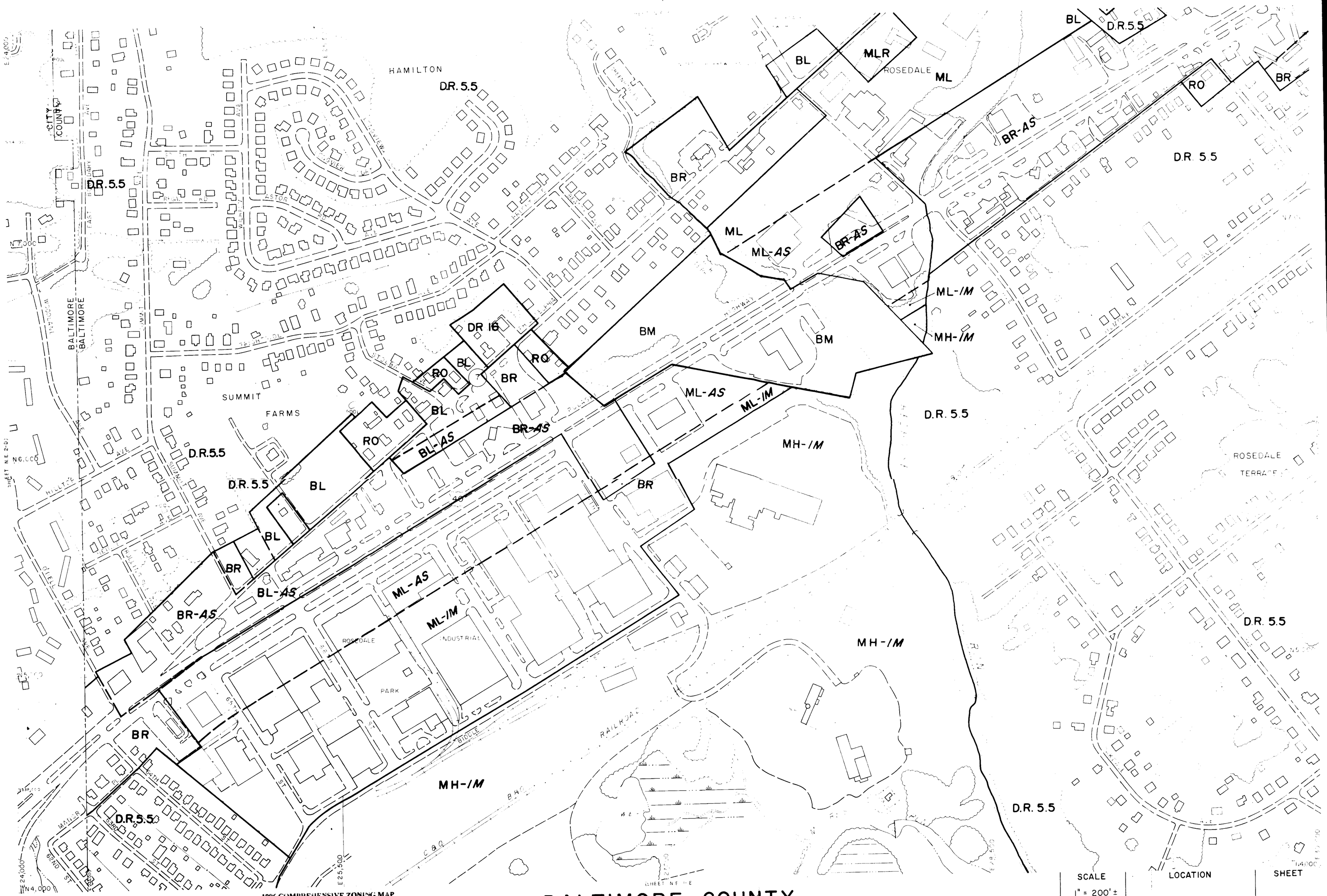
Kevin Kamenetz
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	CHESACO PARK	N.E. 2-F
DATE OF PHOTOGRAPHY JANUARY 1986		

P.C. Exh 3A



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BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

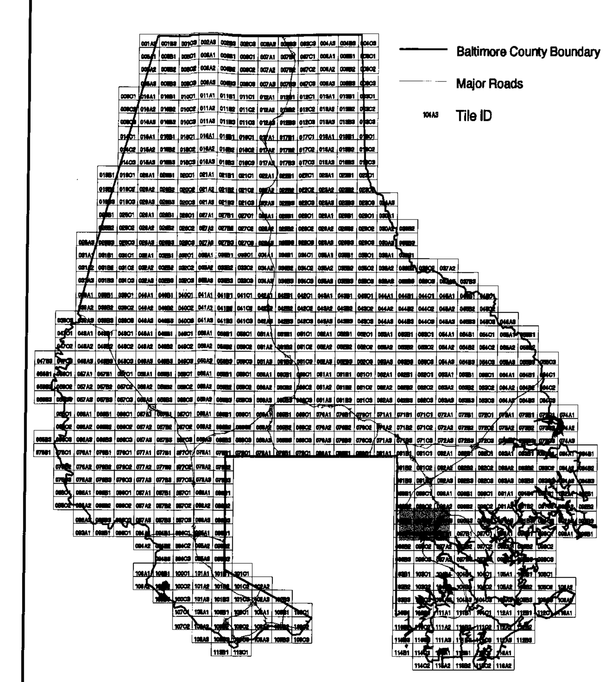
SCALE	LOCATION	SHEET
1" = 200' ±	ROSEDALE	N E 2-E
DATE OF PHOTOGRAPHY JANUARY 1986		

P.C. Exh 3B

PLANIMETRICS WITH ORTHOPHOTO PLOT

Legend

- Mapsheet Index
- Residential Buildings
- Commercial Buildings
- Institutional Buildings
- Garages and Other Structures
- Buildings Under Construction
- Toll Booths and Rail Stations
- Water Towers and Storage Tanks
- Curbs
- Paved Roads
- Unpaved Roads
- Paved Alleys
- Unnamed Roads
- Hidden Roads, Roads Under Construction
- Road Intersections
- Paved Parking Lots, Driveways, Runways, Taxiways
- Bridges and Overpasses
- Tunnel Portal
- Rail Line
- Hidden Rail Line
- Abandoned Rail
- Metro Rail
- Light Rail
- Transmission Line
- Pipeline
- Junkyards, Landfills, Quarries, Gravel and Sand Pits
- Areas Under Construction, Power Stations
- Race Tracks, Cemeteries
- Wooded Areas, Orchards/Nurseries
- Tree Rows
- Wetlands/Swamps
- State Plane Grid Lines
- Street Centerlines
- Alley Centerlines
- Ramp Centerlines
- Recreational Areas, Golf Courses
- Commercial Pools
- Bike/Hike Areas
- Athletic Fields, Tennis Courts, Playgrounds
- Natural Hydrography
  Reserviors
  SW Retention Ponds
- Bay Area
- Boat Ramps, Piers, Dams, and Bulkheads
- Drainage Connector
- Culverts
- Headwall/Floodwall
- Hidden Hydrography
- Index Contour
- Intermediate Contour
- Index Depression Contour
- Intermediate Depression Contour
- Obscured Index Contour
- Obscured Intermediate Contour
- Obscured Index Depression Contour
- Obscured Intermediate Depression Contour
- Hidden Contour
- Neatline
- Radio Towers
- Transmission Towers
- Microwave Transmitters
- Spot Elevations
- Water Elevations
- Bridge Elevations
- Rooftop Elevations



1:6000

0ft 1000ft 2000ft

0m 100m 200m 300m 400m 500m 600m 700m

N

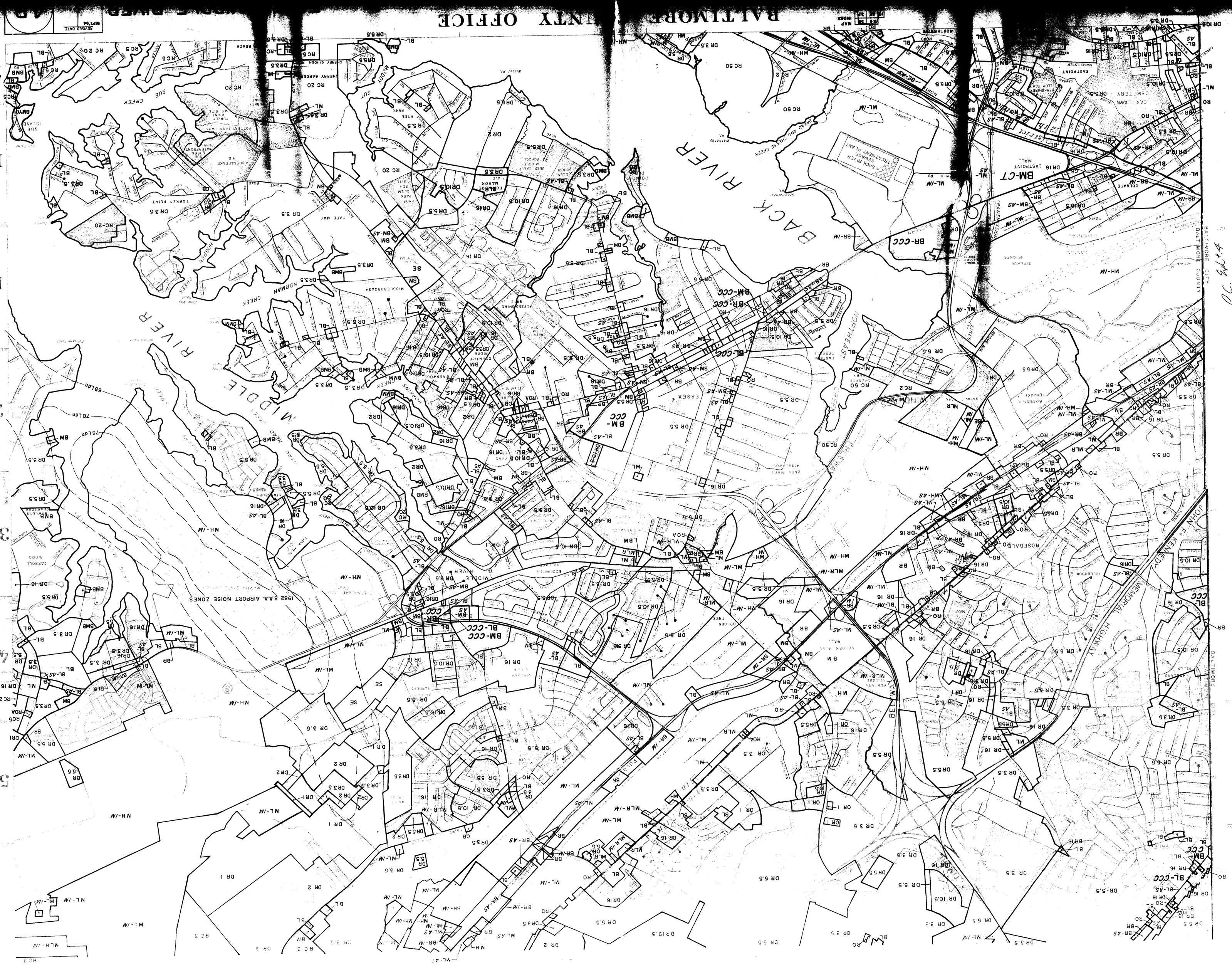
Baltimore County - OIT GIS Services Unit

Layers:
INDEX, BLDG, ROADS, CLINE, TRANS
CULT, VEG, REC, HYDROL, HYDROP
COMM, SPOT, TOPO, ORTHO

Coordinate System:
Maryland State Plane: NAD83/91 Horiz. Datum
Elevations in Feet: NAVD88 Verticle Datum

Date of Data Capture: March 1995

People's Counsel
Exh #1


BALTIMORE COUNTY OFFICE
REVISED DATE
SEPT 94
BACK RIVER
MIDDLE RIVER
BACK RIVER TREATMENT PLANT
EASTPOINT MALL
EASTPOINT
MIDDLEBOROUGH
ESSEX
NORTHEAST
BELT LINE
JOHN F. KENNEDY MEMORIAL HIGHWAY
BALTIMORE COUNTY
BALTIMORE CITY
1982 S.A.A. AIRPORT NOISE ZONES
BM-CCC
BL-CCC
BR-CCC
BM-CT
MH-IM
ML-IM
MLR-IM
BR-IM
BL-AS
BM-AS
BR-AS
ML-AS
MH-AS
DR 5.5
DR 3.5
DR 16
DR 10.5
RC 50
RC 2
RC 20
RC-20
RC 3
RO
RA
SE
75Ldn
70Ldn
65Ldn

The granting of variances is governed by Section 307.1 of the BCZR which provides, in relevant part, that variances may be granted

> only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance . . . would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals, in Cromwell v. Ward, 102 Md. App. 691 (1995), has construed this regulation to mean that obtaining a variance is basically a two-step process. The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship.

Cromwell v. Ward states that "Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

The Petitioner failed to present any testimony or evidence to this Board showing that the subject site possessed any peculiar, unusual or unique factors when compared to other properties in the neighborhood such that the requirements of Section 431 of the BCZR, governing the parking of commercial vehicles on residential property, would impact disproportionately upon her property.

Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirement cannot be properly considered.

However, even assuming, for the sake of argument, that the property meets the requirement of uniqueness, the Petitioner failed to produce convincing evidence of practical difficulty or unreasonable hardship.

The Petitioner's son uses the truck on his job, which sometimes includes night or weekend work. But the company has a parking lot for its vehicles, and the testimony of Mr. Steinharter shows that Mr. Gerry takes the truck home as a matter of convenience.

The Petitioner is seeking relief from Section 431.B.3, which requires that any commercial vehicle parked on residential property must be parked within a fully enclosed structure; if not, it

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
William J. Cochran JR	7925 Berk Lane 21237
- Cora B Cochran	
- Don Sachs	

Printed with Soybean Ink
on Recycled Paper