IN THE MATTER OF THE APPLICATION OF THE JEAN D. & CERMONTINE A. \* COUNTY BOARD OF APPEALS WEBSTER -PETITIONERS FOR ZONING VARIANCE ON PROPERTY LOCATED ON THE NE/S ARUNAH AVE, 60.9' SE OF C/L MARYLAND \* BALTIMORE COUNTY AVENUE (908 ARUNAH AVENUE) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

\* BEFORE THE

OF

\* CASE NO. 98-471-A

#### ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated May 18, 1999 in which the subject Petition for Variance was granted in part with restrictions and denied in part.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed by Richard L. Hauf, Appellant /Protestant, dated October 25, 1999 and received October 29, 1999 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal filed in this matter be withdrawn as of October 25, 1999;

IT IS HEREBY ORDERED this 3rd day of November , 1999 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

> > Q 11.

Awrence M. Stah

Lawrence S. Wescott



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

November 3, 1999

Mr. Richard L. Hauf 404 Lafayette Avenue Baltimore, MD 21228

RE: In the Matter of Jean D. and Cermontine A. Webster /Case No. 98-471-A

Dear Mr. Hauf:

Enclosed please find a copy of the Board's Order of Dismissal of Petition issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charles E Rodolff for Kathleen C. Bianco

Administrator

encl.

CC: Mr. & Mrs. Cermontine A. Webster
Joseph L. Larson
Arnold Fleischman, Esquire
Mr. & Mrs. A. Roy Stecher
Roderick Williams
Robert Wirth, P.E. /DEPRM
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR VARIANCE

NE/S Arunah Avenue, 60.90' SE of

the c/l Maryland Avenue (908 Arunah Avenue) 1<sup>st</sup> Election District

1<sup>st</sup> Councilmanic District

Cermontine A. Webster, et ux Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 98-471-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Cermontine A. and Jean D. Webster. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 0 feet in lieu of the required 2.5 feet for an existing accessory structure (pool house), and from Section 1B02.3.C.1 and 301.1.A of the B.C.Z.R. to allow a side yard setback of 0 feet in lieu of the required 7.5 feet for a proposed open carport. The subject property and relief sought are more particularly described on the site plan submitted at the public hearing which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Cermontine Webster, property owner, Joseph Larson, a principal with Spellman, Larson & Assoc., Inc., who prepared the site plan for this property, and Arnold Fleischmann, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Mr. and Mrs. A. Roy Stecher, adjacent property owners.

Testimony and evidence offered revealed that the subject property is a rectangularly shaped lot, containing a gross area of 7,358 sq.ft. (0.169 acres), more or less, zoned D.R.5.5. The property is improved with a single family dwelling, an in-ground swimming pool, pool house, and several other smaller accessory structures. The Petitioners purchased the property in January 1997 at which time only the dwelling and swimming pool existed thereon. However, since that time, the Petitioners have made numerous improvements to the site, including a one-story pool house, roughly 34' x 11' in dimension, along the rear property line. In addition, substantial improvements were made to other

portions of the rear and side yards. Specifically, a wood deck was added to the rear of the dwelling and a concrete pad, which serves as a basketball court, was installed in the rear of the property along the eastern side property line, immediately adjacent to Mr. & Mrs. Stecher's property. Subsequent to the addition of the basketball court, Mr. & Mrs. Stecher registered a complaint with the Code Enforcement Division of the Department of Permits and Development Management (DPDM). Following a site visit to the property by a Zoning Inspector in response to the complaint, the Petitioners were cited with a zoning violation notice and advised to file the instant Petition to legitimize existing conditions on the property. In addition to the relief sought to legitimize existing conditions on the property, the Petitioners also seek relief to permit the construction of a carport on the east side of their home, adjacent to the side property line adjoining the Stecher property. Numerous photographs of the property and the site plan submitted clearly show existing and proposed improvements.

In my judgment, the site has been overdeveloped. The rear yard is almost entirely of impermeable surface. Nonetheless, the scope of my inquiry is limited only to the Petition for Variance which is before me. In this regard, substantial testimony was received from Mr. Stecher in opposition to the request. He indicated that he resides next door and has been plagued with substantial storm water runoff problems as a result of the significant amount of construction which has taken place on the Webster property. Mr. Stecher is opposed to the construction of the carport which he believes will further exacerbate existing conditions. He is less affected by the pool house, which is already constructed and abuts the rear property line and not the common side property line shared by these two neighbors.

Subsequent to the hearing, my office received a telephone call from Katherine Hauf, who is apparently the co-property owner of a lot which abuts the Petitioners' rear property line. Ms. Hauf explained that she was unable to attend the hearing. During our brief telephone conversation, I indicated to her that I could not accept her testimony subsequent to the hearing. Nonetheless, a copy of this decision will be sent to her.

Turning to the respective variances, I am persuaded to grant the variance as it relates to the pool house. In my judgment, the location of the existing pool significantly limits the available space

for the pool house. Testimony indicated that the pool house was necessary to provide storage space for equipment and supplies related to the pool. The need for the pool house for storage purposes appears appropriate. The nature of the variance could be considered minor; that is, 0 feet from the property line in lieu of the required 2.5 feet. In sum, I am persuaded that the pool house can remain where it is and the granting of the variance will not detrimentally impact surrounding properties. Those same impacts would result if the pool house were located 2.5 feet from the rear property line.

As to the variance for the proposed carport, I am not persuaded that the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. Arguably, the concrete driveway over which the carport is proposed to be constructed will cause the same amount of storm water runoff from this site into the Stecher property. Nonetheless, that is not the question upon which this issue can be decided. Rather, I must consider whether the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. as construed in the case law. In this regard, I find no unique feature of the property that would justify variance relief for the carport. Moreover, its construction could result in adverse impacts on adjacent properties. For these reasons, the Petition for Variance shall be granted in part and denied in part. {See Cromwell vs. Ward, 102 Md. App. 691 (1995)}.

Additionally, in granting the variance for the pool house, I will require that the Petitioners contact the Department of Environmental Protection and Resource Management (DEPRM) to develop an appropriate storm water management plan for this site. Although this property is residential and the proposal before me does not require substantial new construction, it is clear that the Petitioners' improvements to this point have created an undesirable situation in the neighborhood. The site is nearly 75% covered by impervious surface which causes an adverse impact to all adjacent property owners. Thus, in order to remedy these difficulties I will require the Petitioners submit, as a condition to the granting of a variance for the pool house, a storm water management plan for review and approval by DEPRM. Although I will leave the specifics of the nature of this plan to the Petitioners and DEPRM, it is my intent that the Petitioners take some steps as are practical and necessary to prevent runoff of storm water from this site onto adjacent properties. I will leave it to the discretion of DEPRM to prescribe the necessary means to achieve this goal.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May, 1999 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 0 feet in lieu of the required 2.5 feet for the existing pool house, 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 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) Within thirty (30) days of the date of this Order, the Petitioners shall submit a storm water management plan for review and approval by the Department of Environmental Protection and Resource Management (DEPRM). Said plan shall incorporate those steps that are necessary and practical to prevent runoff of storm water from this property onto adjacent properties.
- 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 Petition for Variance seeking relief from Sections 1B02.3.C.1 and 301.1.A of the B.C.Z.R. to allow a side yard setback of 0 feet in lieu of the required 7.5 feet for an open carport, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

AWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



## Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

908 ARUNAH AVE

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) 400.1 OF THE BCZR TO ALLOW FOR A REAR YARD SETBACK OF O' IN LIEU OF THE REQUIRED 2.5' AND ALSO TO SECTION 1B02.3C.1 AND SECTION 301.1.A. OF THE BCZR TO ALLOW A SIDEYARD SETBACK FOR AN OPEN CARPORT OF O' IN LIEU OF THE REQUIRED 7.5'.

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

TO BE EXPLAINED AND DOCUMENTED AT THE ZONING HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	ر جوريش عال	//We do solemnly declare and affirm, under the penalties of perjury, to legal owner(s) of the property which is the subject of this Petition.	that I/we are th
Contract Purchaser/Lessee:	1000 1000 1000 1000 1000 1000 1000 100		'; '
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DNA Address		JEAN D. WEBSTER	
DNA		Type of Print Name)	
City State Attorney for Petitioner:	Zipcode	Signature	
		908 ARUNAH AVE 869-0169	
(Type or Print Name)	<del></del>	Address Phone N	٧o
		BALTO, MD, 21228-	3211
Signature		City  Name, Address and phone number of representative to be contacted.	Zipcode
Address Phone No.	<del></del>	Joseph L. Larson	
City	Zipcode	105 W. Chesapeake Ave 823-3535	
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98.471-A

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ROBERT E SPELLMAN, P.L.S JOSEPH L LARSON

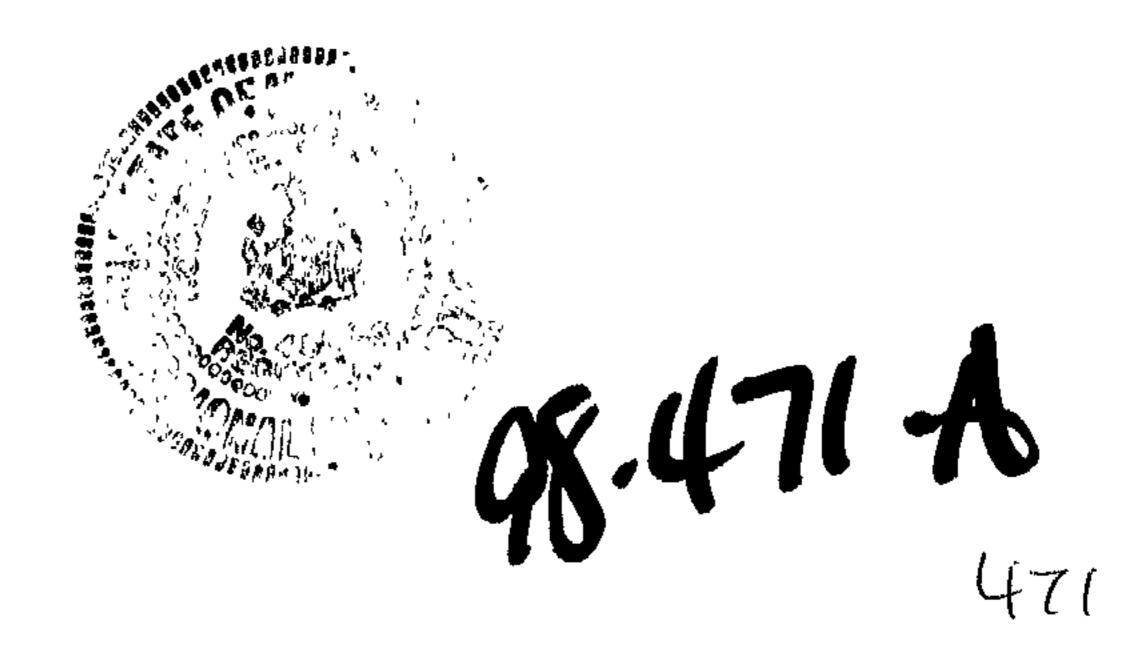
SUITE 109 — JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 FAX (410) 825-5215

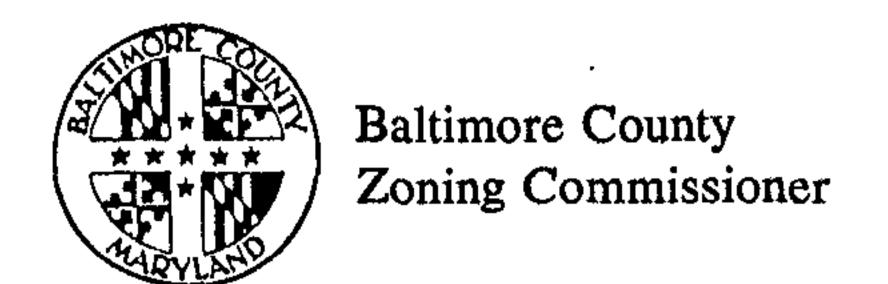
## DESCRIPTION FOR ZONING NO. 908 ARUNAH AVENUE FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point on the northeast side of Arunah Avenue, 40 feet wide, at the distance of 60.09 feet measured southeasterly along the northeast side of Arunah Avenue from the southeast side of Maryland Avenue, 40 feet wide, and running thence and binding on the northeast side of Arunah Avenue south 70 degrees 13 minutes east 60.09 feet thence leaving the northeast side of Arunah Avenue and running north 17 degrees 02 minutes east 123.99 feet north 72 degrees 58 minutes west 60.00 feet and south 17 degrees 02 minutes west 121.09 feet to the place of beginning.

Containing 0.169 acres of land, more or less.

5/20/98





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

Fax: 410-887-3468

May 17, 1999

Mr. & Mrs. Cermontine A. Webster 908 Arunah Avenue Baltimore, Maryland 21228-3211

RE: PETITION FOR VARIANCEDEVELOPMENT PLAN HEARING NE/S Arunah Avenue, 60.90' SE of the c/l Maryland Avenue (908 Arunah Avenue)

1st Election District – 1st Councilmanic District
Cermontine A. Webster, et ux – Petitioners
Case No. 98-471-A

Dear Mr. & Mrs. Webster:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs for B

cc: Mr. & Mrs. A. Roy Stecher

402 Lafayette Avenue, Baltimore, Md. 21228

Ms. Catherine Hauf

404 Lafayette Avenue, Baltimore, Md. 21228

Mr. Joseph Larson, Spellman, Larson & Assoc., Inc.

105 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel; Case File

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: #98-471-A Vase: #95-4/1-A
908 Arunah Avenue
NE/S Arunah Avenue
1 from Maryland Avenue
1 1st Election District
1 st Councilmanic District
Legal Owner(s): Cermontine
A. Webster & Jean D. Webster

Variance: to allow for a rear yard setback of zero feet in lieu of the required 2.5 feet and also to allow a side yard setback for an open carport of zero feet in lieu of the required 7.5 feet.

Hearing: Tuesday, July 14, 1998 at 10:00 a.m., in Room 407, Chunty Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings and Handicapped Accessible; for special accommodations
Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing.
Please Call (410) 887-3391.

6/475 June 25 C239128

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 625, 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 successive
weeks, the first publication appearing on $625$ , $1998$ .
THE JEFFERSONIAN,
a. Hemileson

LEGAL AD. - TOWSON

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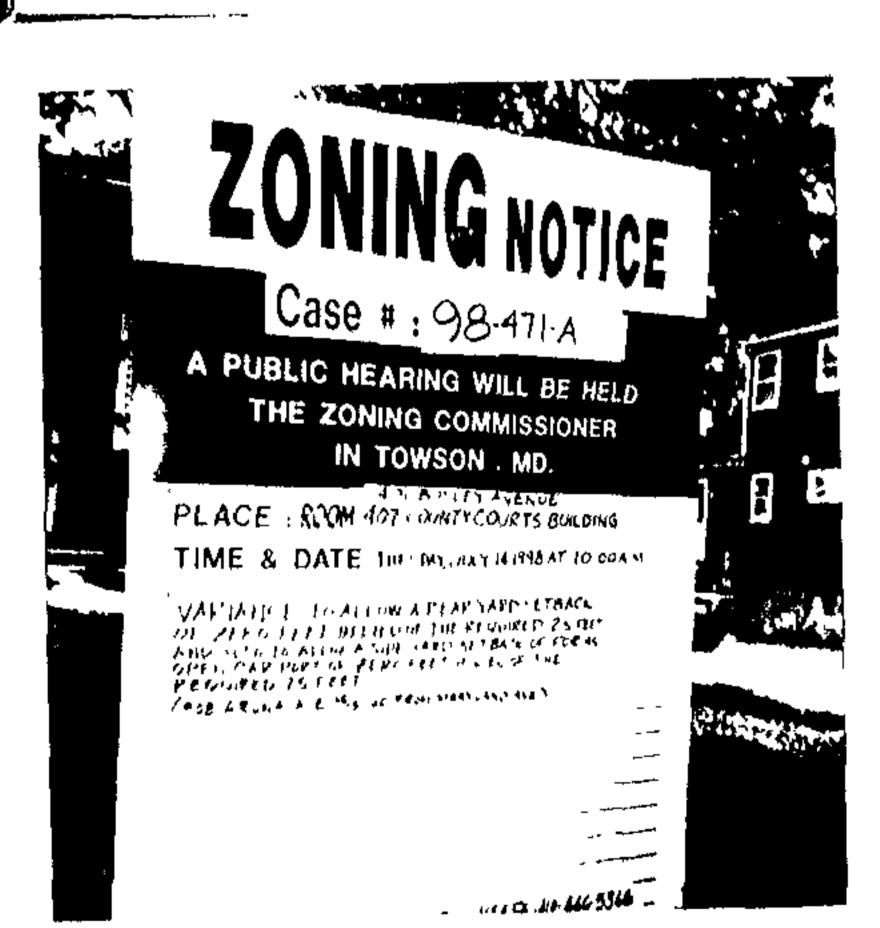
Baltimore County Department of Permits and Development Management County Office Building, Room 11. 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalt es of permity that the necessary, singles) required by law were posted conspicuously on the mappets located at #908 ARUNAH AUE

The sign(s) were posted on  $\frac{6/25/98}{6 \text{ Month. Day, Year}}$ 



98-471-A #908 ARUNAH AVE.

H-7/14/98

Sincerely.

Sincerely.

Party M. M. M. Older 2/28/96

Sphartre of Sign Poster and Date)

PATRICK M. O'KEEFE

Printed Name)

DOWN COMMY LANE

 $(\mathcal{M}dicss)$ 

HUNT VALLEY, MD. 21030

(Code)

410-6-62-13-66 1. CELL-110-905-8571

(Telephone Number)



•	RE: Case No.: 98-47-A
	Petitioner/Developer:
	CERMONTINE WEBSTER
	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	•
Ladies and Gentlemen:	
were posted conspicuously on the property lo	perjury that the necessary sign(s) required by law ocated at 908 AKUNAH AVE.
The sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
	GARY FREUNO
•	(Printed Name)
· · ,	(Address)
•	(City, State, Zip Code)
•	(Telephone Number)

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

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 98-471-A.

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

PLACE:
DATE AND TIME:
REQUEST: TO PERMIT A VANIANCE FOR ROOM (GUISTING)  \$ SIDE LAND SETBILLES OF OFT Whow OF ROOMINGS 25 FT  \$ 7.5 FT.
OSTPONEMENTS 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

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 98 - 47(-6),
Petitioner: (2)6357660
Address or Location: 908 (-) Tuna (-) &
PLEASE FORWARD ADVERTISING BILL TO:  Name: Corumontine ( Wessign).  Address: 908 (Agreed) (4 Aug. 321).
Telephone Number: 410-869-0169,

TO: PATUXENT PUBLISHING COMPANY June 25, 1998 Issue - Jeffersonian

Please forward billing to:

Jean & Cermontine Webster

410-869-0169

908 Arunah Avenue

Baltimore, MD 21228-3211

### 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: 98-471-A
908 Arunah Avenue
NE/S Arunah Avenue, 60' from Maryland Avenue
1st Election District - 1st Councilmanic District
Legal Owner: Cermontine A. Webster & Jean D. Webster

Variance to allow for a rear yard setback of zero feet in lieu of the required 2.5 feet and also to allow a side yard setback for an open carport of zero feet in lieu of the required 7.5 feet.

HEARING: Monday, July 14, 1998 at 10:00 a.m. in Room 407, County Courts Building,

>

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

June 15, 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: 98-471-A

908 Arunah Avenue

NE/S Arunah Avenue, 60' from Maryland Avenue 1st Election District - 1st Councilmanic District

Legal Owner: Cermontine A. Webster & Jean D. Webster

Variance to allow for a rear yard setback of zero feet in lieu of the required 2.5 feet and also to allow a side yard setback for an open carport of zero feet in lieu of the required 7.5 feet.

TUESDAY

**HEARING:** 

Monday, July 14, 1998 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Jean & Cermontine Webster Joseph Larson

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 29, 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.



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

410-887-3180

Hearing Room - Room 48

FAX: 410-887-3182

Old Courthouse, 400 Washington Avenue

October 12, 1999

#### NOTICE OF ASSIGNMENT

CASE #: 98-471-A

IN THE MATTER OF: JEAN D. & CERMONTINE A. WEBSTER Legal Owners 908 Arunah Avenue
1st Election District; 1st Councilmanic

als been 19199 Oppulation

(5/18/99 -Decision of the Z.C. in which Petition for Variance was GRANTED in part with restrictions and DENIED in part.)

ASSIGNED FOR:

TUESDAY NOVEMBER 30, 1999 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

: Richard L. Hauf

Counsel for Petitioners

: Arnold Fleischmann, Esquire

Petitioners

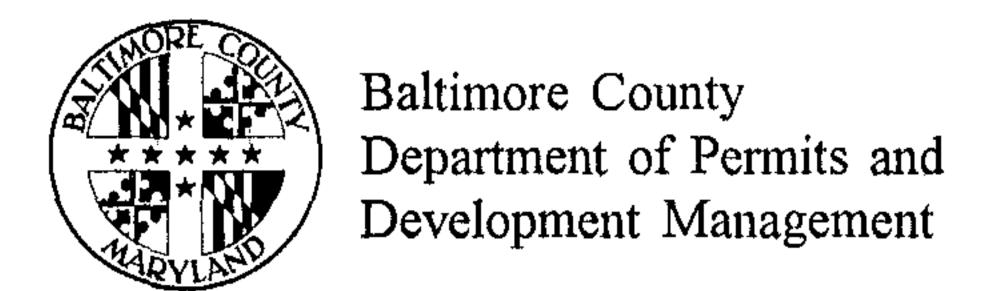
: Jean D. & Cermontine A. Webster

Joseph L. Larson /Spellman, Larson & Assoc., Inc.

Roderick Williams

Mr. & Mrs. A. Roy Stecher

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Robert Wirth, P.E. /DEPRM Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



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

July 7, 1998

Mr. Joseph L. Larson 105 W. Chesapeake Avenue Towson, MD 21204

RE: Item No.: 471

Case No.: 98-471-A

Petitioner: Cermontine and

Jean Webster

Location: 908 Arunah Avenue

Dear Mr. Larson:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 3, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) aremade aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

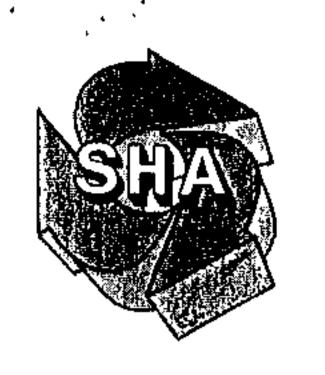
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:ggs
Attachment(s)





## 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

6.12.51

Item No.

JRA

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, P. J. Shoulle

Low Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

# LTIMORE COUN

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

## INTER-OFFICE CORRESPONDENCE

TO:

MOP

DATE:

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee,

Meeting Date:

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

Item #'s:

466

RBS:sp

BRUCE2/DEPRM/TXTSBP

## BALTIMORE COUNTY, MARYLAND ...

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

June 23, 1998 Date:

Department of Permits & Development

Management

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for June 22, 1998

Item Nos. 466, 467, 468, 469, 470,

and (471)

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

RWB:HJO:jrb

cc: File



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

July 10, 1998

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

Property Owner: BARBARA R. JUNG RE:

CERMONTINE A. WEBSTER AND JEAN D. WEBSTER

Location: DISTRIBUTION MEETING OF JUNE 15, 1998

Item No.: 470 AND (471

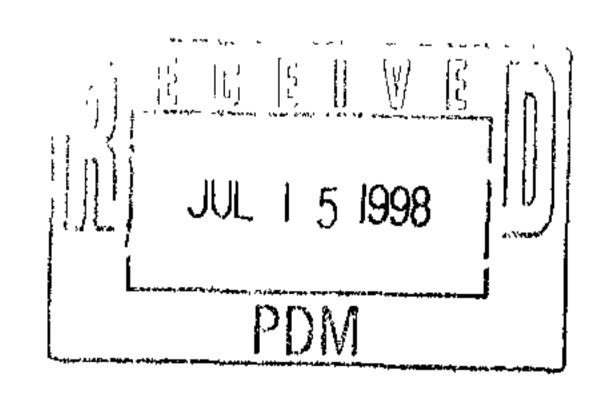
Gentlemen:

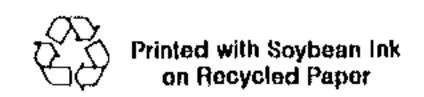
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the 5. site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

cc: File





RE: PETITION FOR VARIANCE 908 Arunah Avenue, NES Arunah Ave, 60' from	*	BEFORE THE
Maryland Ave, 1st Election District,  1st Councilmanic	*	ZONING COMMISSIONER
	*	FOR
Legal Owners: Cermontine and Jean Webster	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 98-471-A
and allo allo allo and		

### 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 day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., Inc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioner(s).

PETER MAX ZIMMERMAN

John 18

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

DATE:

TO: Larry Schmidt

Zoning Commissioner

FROM: John M. Altmeyer-lm

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 471

PETITIONER: Cermontine & Jean Webster

VIOLATION CASE NO.: 106696

DEFENDANTS: Cermontine & Jean Webster

Please be advised that the aforementioned petition is the subject of an active Violation case. When the petition is scheduled for a public hearing, please notify the Following person(s):

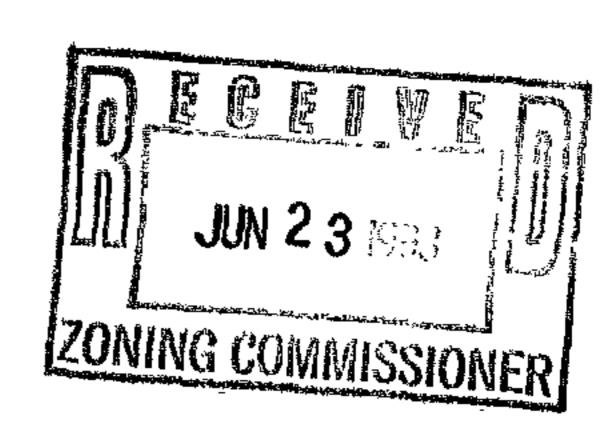
<u>NAME</u>

**ADDRESS** 

Michael Cassidy

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

JMA/lm





# Baltimore County Zoning Commissioner Office of Planning

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

October 29, 1998

Arnold Fleishmann, Esquire Suite 100, ITC Building 405 E. Joppa Road Towson, Maryland 21286-5487

> RE: Petition for Variance 908 Arunah Avenue Case No. 98-471-A

Dear Mr. Fleishmann:

This is in regard to the above captioned matter and a follow up of the public hearing conducted on same on October 22, 1998.

As you may recall, Mr. and Mrs. A. Roy Stecher appeared at that hearing in opposition to the request and expressed concerns about storm water runoff from your client's property. Photographs were presented at the hearing which show that your clients (Cermontine A. Webster and Jean D. Webster) made substantial improvements to the site which have greatly increased the amount of impervious surface. Subsequent to the hearing, I contacted Robert Alexander Wirth, a supervisor in the Storm Water Engineering section of the Department of Environmental Protection and Resource Management. I briefly discussed the case with Mr. Wirth and asked if he had any recommendations which could mitigate the volume and flow of storm water management from your clients' property to the Stecher property. It was my thought that, perhaps, any such recommendations could be imposed as a condition to the grant of any variance relief in this case.

Mr. Wirth advised that he would be willing to conduct a site inspection to observe the conditions. He suggested that we visit the site on a rainy day to watch first-hand the storm water situation.

Under the circumstances, I am going to defer a decision on this case until such time as Mr. Wirth and I visit the site. Obviously, we are at the mercy of the weather for the next viable rainstorm. Both Mr. Stecher and your client indicated they would have no objection to a County representative entering their property and I assume that will not be an issue.

I will advise you accordingly.

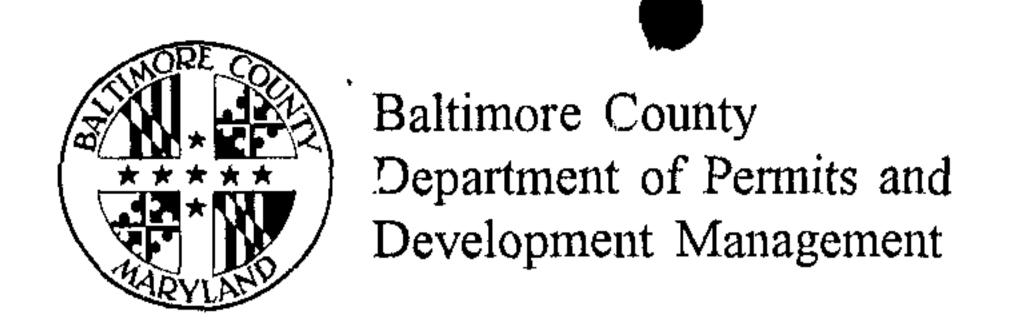
Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

c: Mr. and Mrs. A. Roy Stecher 402 Lafayette Avenue Catonsville, Maryland 21228

Printed with Soyboan Ink on Recycled Paper



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 15, 1999

Jean D. & Cermontine A. Webster 908 Arunah Avenue Baltimore, MD 21228-3211

Dear Petitioners:

RE: Petition for Variance, Case No. 98-471-A, 908 Arunah Avenue, District: 1c1

Please be advised that an appeal of the above referenced case was filed in this office on June 14, 1999 by Richard L. Hauf. 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:scj

c: People's Counsel Richard L. Hauf, 404 Lafayette Avenue, Baltimore 21228 Joseph L. Larson, 105 W. Chesapeake Avenue, Towson 21204 Arnold Fleischmann, Esquire, 405 E. Joppa Road, Towson 21286 Mr. & Mrs. A. Roy Stecher, 402 Lafayette Avenue, Catonsville 21228 Roderick Williams, 908 Arunah Avenue, Baltimore 21228 Robert Wirth, P.E., Baltimore County DEPRM

#### **APPEAL**

Petition for Variance
908 Arunah Avenue
NE/S Arunah Avenue, 60.9' SE of centerline Maryland Avenue
1st Election District – 1st Councilmanic District
Jean D. & Cermontine A Webster - Legal Owners
Case Number: 98-471-A

Petition for Variance

**Description of Property** 

Certificate of Posting (Patrick M. O'Keefe 6/25/98)

Certification of Publication (Jeffersonian 6/25/98)

Entry of Appearance by People's Counsel

Petitioner(s) Sign-In Sheet (2)

Protestant(s) Sign-In Sheet (1)

**Zoning Advisory Committee Comments** 

#### Petitioners' Exhibits:

- 1. Plat to Accompany Petition for Zoning Variance
- One Photograph

Memo to Larry Schmidt, Zoning Commissioner, from John M. Altmeyer, Code Enforcement Supervisor

Twelve Color Reprints of Photos and Descriptions (not marked as exhibits)

Note to File from Zoning Commissioner dated July 14, 1998

Letter to The Honorable Lawrence E. Schmidt from Arnold Fleischmann, Esquire, dated August 14, 1998

Note to File from Zoning Commissioner dated August 14, 1998

Letter to Arnold Fleishmann, Esquire from Lawrence E. Schmidt, Zoning Commissioner, dated October 29, 1998

Letter to The Honorable Lawrence E. Schmidt from Arnold Fleischmann, Esquire, dated January 15, 1999

Reasons for Request of Denial of Variance, Testimony of A. Roy Stecher

Letter to Mr. Cermontine A. Webster from Lawrence E. Schmidt, Zoning Commissioner, dated June 11, 1999

Zoning Commissioner's Order dated May 18, 1999 (Granted in Part with Restrictions and Denied in Part)

Notice of Appeal received on June 14, 1999 by Richard L. Hauf

C: Richard L. Hauf People's Counsel of Baltimore County, MS #2010 Lawrence Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM

#### APPEAL

Petition for Variance 908 Arunah Avenue NE/S Arunah Avenue, 60.9' SE of centerline Maryland Avenue 1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District Jean D. & Cermontine A Webster - Legal Owners Case Number: 98-471-A

Petition for Variance

✓ Description of Property

Certificate of Posting (Patrick M. O'Keefe 6/25/98)

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At ntry of Appearance by People's Counsel

Petitioner(s) Sign-In Sheet (2)

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Letter to Mr. Cermontine A. Webster from Lawrence E. Schmidt, Zoning Commissioner, dated June 11, 1999

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Notice of Appeal received on June 14, 1999 by Richard L. Hauf

People's Counsel Richard L. Hauf, 404 Lafayette Avenue, Baltimore 21228 Joseph L. Larson, 105 W. Chesapeake Avenue, Towson 21204 Arnold Fleischmann, Esquire, 405 E. Joppa Road, Towson 21286 Mr. & Mrs. A. Roy Stecher, 402 Lafayette Avenue, Catonsville 21228 Roderick Williams, 908 Arunah Avenue, Baltimore 21228 Robert Wirth, P.E., Baltimore County DEPRM

Lawrence Schmidt, Zoning Commissioner Arnold Jablon, Director /PDM

Mr. & Mrs. Cermontine A. Webster, 908 Arunah Ave., Balto., MD 21228-3211

Case No. 98-471-A

VAR -To permit rear yd setback of 0' ilo required 2.5' for existing accessory structure (pool house) and side yd setback of 0' ilo required 7.5' for proposed open carport.

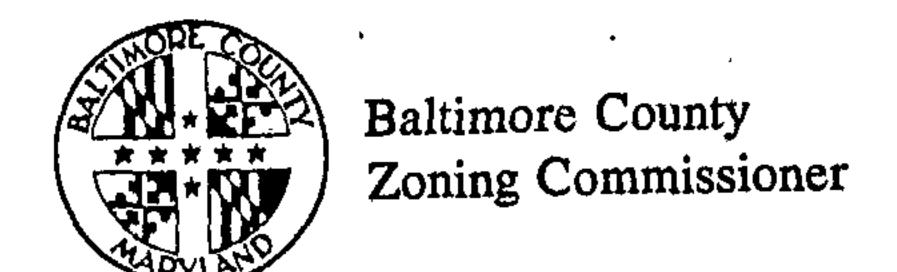
5/18/99 -Z.C.'s decision in which Petition for Variance as to rear yd setback for existing pool house was GRANTED with restrictions; Variance as to side yd setback for proposed carport was DENIED.

10/12/99 -Notice of Assignment for hearing scheduled for Tuesday, November 30, 1999 at 10:00 a.m. sent to the following:

Richard L. Hauf
Arnold Fleischmann, Esquire
Jean D. & Cermontine A. Webster
Joseph L. Larson /Spellman, Larson & Assoc., Inc.
Roderick Williams
Mr. & Mrs. A. Roy Stecher
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Robert Wirth, P.E. /DEPRM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

10/18/99 -T/C from Mr. Hauf, Appellant - indicating that he will be withdrawing appeal as structure has been moved.

<sup>10/29/99 -</sup>Letter from Richard L. Hauf, Appellant - withdrew appeal; structure located required distance from property line. Order of Dismissal to be issued.



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

Fax: 410-887-3468

June 11, 1999

Mr. Cermontine A. Webster 908 Arunah Avenue Baltimore, Maryland 21228-3211

RE: PETITION FOR VARIANCEDEVELOPMENT PLAN HEARING NE/S Arunah Avenue, 60.90' SE of the c/l Maryland Avenue (908 Arunah Avenue)
1st Election District – 1st Councilmanic District
Cermontine A. Webster, et ux – Petitioners
Case No. 98-471-A

Dear Mr. & Mrs. Webster:

This letter is in response to your recent telephone inquiry concerning the required storm water management plan for your property, pursuant to the Order issued by me in the above-captioned matter on May 18, 1999. Moreover, I have received several telephone calls concerning my decision in this matter. In an effort to clarify the intent of my Order, I offer the following response.

By way of background, you Petitioned for two separate variances. One was to permit the existing pool house to remain 0 feet from the property line in lieu of the required 2.5 feet, and the other, to allow a side yard setback of 0 feet in lieu of the required 7.5 feet for a proposed open carport. By my Order dated May 18, 1999, I denied the variance for the proposed carport, but granted the variance for the existing pool house, subject to certain terms and restrictions. Restriction No. 2 required that you submit a storm water management plan for review and approval by the Department of Environmental Protection and Resource Management (DEPRM). I imposed that restriction because of the existing state of your property. The testimony and evidence presented at the hearing indicated that your property contains a significant amount of impervious surface, which apparently causes runoff and adverse impact on neighboring properties. Thus, Restriction No. 2 was imposed so that appropriate steps would be taken to remedy this problem.

I understand that you have spoken with Mr. Lee Dregier in DEPRM and that he has advised you that his Department's regulations do not require a storm water management plan for a single family lot. Although that is indeed the case, the authority for the imposition of that restriction is not a DEPRM regulation; rather, it springs from my jurisdiction as Zoning Commissioner. The Baltimore County Zoning Regulations and the Baltimore County Code enable me to impose such restrictions as are deemed appropriate and necessary upon the grant of

Mr. Cermontine Webster June 11, 1999 Page 2

any variance relief. Thus, although DEPRM cannot require you to implement a storm water management plan under their regulations, I can, and did, pursuant to the granting of the variance for the existing pool house.

Under the circumstances, it is suggested that you again contact Mr. Dreiger or Mr. Al Worth, both of DEPRM, at 887-3768, to seek their assistance in the formulation of a storm water management plan for your property. Failure to do so could render you liable for prosecution under a zoning violation for failure to comply with the terms and conditions of my Order.

I should also note that I understand that one or more of your neighbors may consider an appeal of my decision. In the event of an appeal, my decision is rendered moot, based upon further proceedings before the County Board of Appeals. That is, the Board will conduct its own hearing and may, or may not, grant/deny variance relief and impose similar conditions. If an appeal is filed, you need not undertake the implementation of a storm water management plan until, and unless the Board renders a similar decision.

I trust that the above has clarified the intent and meaning of my Order. Should you have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Mr. & Mrs. A. Roy Stecher cc:

402 Lafayette Avenue, Baltimore, Md. 21228

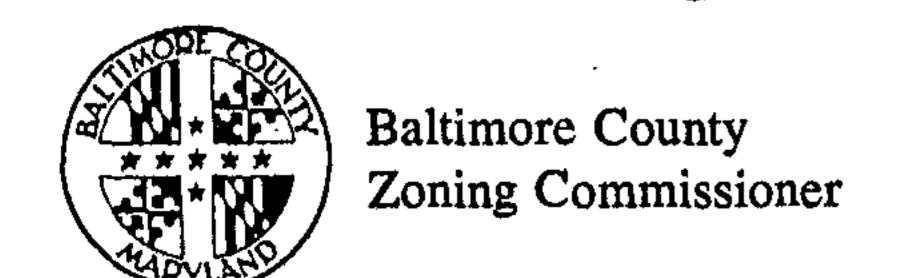
Mr. Hauf

404 Lafayette Avenue, Baltimore, Md. 21228

Mr. Joseph Larson, Spellman, Larson & Assoc., Inc.

105 W. Chesapeake Avenue, Towson, Md. 21204

Al Wirth and Lee Dreiger, DEPRM; People's Counsel; Case File



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

Fax: 410-887-3468
November 29, 1999

Mr. A. Roy Stecher 402 Lafayette Avenue Baltimore, Maryland 21228

RE: PETITION FOR VARIANCE
(908 Arunah Avenue)
Cermontine A. Webster, et ux - Petitioners
Case No. 98-471-A

Dear Mr. Stecher:

In response to your letter of November 15, 1999 concerning the above-captioned matter, the following comments are offered in order of each issue raised.

Under law, I cannot offer legal advice regarding an interpretation of the impact of an Order issued by the County Board of Appeals. In this regard, I recommend that you retain Counsel. In any event, by my decision dated May 18, 1999, I granted, in part, and denied, in part, the Petition for Variance filed by Mr. Webster. That Petition sought two variances; one, to allow a reduced rear yard setback for a pool house, and a second, to allow a reduced side yard setback for an open carport. The variance for the carport was denied, whereas, the variance for the pool house was granted.

Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 26-127(c) of the Baltimore County Code empower the Zoning Commissioner to impose restrictions and conditions upon the grant of any variance. That is, if and only if variance relief is granted, can I impose a condition or restriction to that approval.

According to the case file, a timely appeal of my decision was made by Richard L. Hauf, adjacent property owner. This apparently was the only appeal taken. The file further reflects that Mr. Hauf withdrew his appeal on or about October 25, 1999. In a letter to the County Board of Appeals on that date, Mr. Hauf wrote, in part, "This is to inform you that I will not be appealing Case No. 98-471-A. Mr. Webster has moved the structure the required distant (sic) off the property line. A qualified builder completed the work. Mr. Webster has also taken steps to prevent drainage from his pool onto my property." Upon the receipt of this letter, the County Board of Appeals issued a dismissal of the appeal by their Order dated November 3, 1999. Any appeal of that decision must be filed within thirty (30) days of the date thereof.

I do not know if the representations made by Mr. Hauf are accurate. However, if so, it could be argued that the variance I granted is no longer necessary, and is therefore, moot. That is,

Mr. A. Roy Stecher November 29, 1999 Page 2

if Mr. Webster's building was indeed moved, the variance that was granted to permit a 0-foot rear yard setback in lieu of the required 2½ feet is not necessary and is therefore moot. Moreover, as noted above, I denied the other variance that was requested. The restrictions/conditions imposed were attached to the variance that was approved. I cannot attach restrictions when a variance is denied.

Under the circumstances, it is possible that the restrictions in my Order could now be read to be of no effect. That is, although my Order would be the last issued decision and would normally be expected to be enforceable and controlling, the granted variance is most and restrictions cannot be attached to a denied variance. This is not to say that there might not be other regulations that are involved. The case before me relates only to the application of the B.C.Z.R. There may very well be certain environmental regulations which would be enforced by the Department of Environmental Protection and Resource Management (DEPRM). In that regard, you may wish to contact Mr. Al Wirth of that Department regarding those matters.

Finally, I again draw your attention to the fact that any appeal or request for reconsideration of a Court decision must be made within thirty (30) days of the date of its Order.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs/

cc:, Case File

Mr. A. Roy Stecher November 29, 1999 Page 2

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Under the circumstances, it is possible that the restrictions in my Order could now be read to be of no effect. That is, although my Order would be the last issued decision and would normally be expected to be enforceable and controlling, the granted variance is moot and restrictions cannot be attached to a denied variance. This is not to say that there might not be other regulations that are involved. The case before me relates only to the application of the B.C.Z.R. There may very well be certain environmental regulations which would be enforced by the Department of Environmental Protection and Resource Management (DEPRM). In that regard, you may wish to contact Mr. Al Wirth of that Department regarding those matters.

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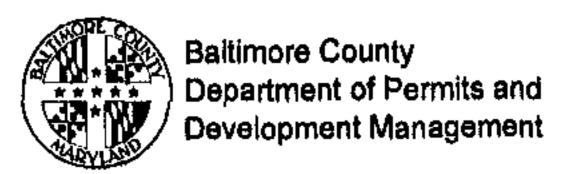
Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs/

cc: Gase File



PLEASE READ CAREFULLY.

Code Enforcement: 410-887-3351 Extension\_\_\_\_\_\_Building Inspection: 410-887-3953

Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Plumbing Inspection: 410-887-3620 Electrical Inspection: 410-887-3960

AGENCY

1		BALTIMORE COUNTY UNIFOR	RM CODE VIOLATION NOTICE
		VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF T BALTIMORE COUNTY CODE, ZONING, OR OTHI CODES, REGULATIONS, AND POLICIES AS INDICATED BELOW:	HE Violation Notice No.
		Election District Permit No	78-311
		Name (s) CERMONTINE WEB	5 5 7 ce
!		Address	
,		Location of Violation (if different than address)	908 ARUNAH Ave
		Vehicle License No.:	Vehicle ID:
	_	DID UNLAWFULLY VIOLATE THE FOL	LOWING BALTIMORE COUNTY LAWS:
		County Code:	Zoning Regulations:
, , , , , , , , , , , , , , , , , , ,	,	§§ §§	§§
•	•	Building Code (BOCA):	Livability Code ( 18-66):
•		§§_ <u>4++1/0</u> §§	§§
		Investment Property Act ( 7-66):	Electrical Code (NEC):
		Plumbing Code (NSPC):	<u>Dwelling (</u> CABO):  §§
•	,	Other: §§ COMMENTS OR O	THER VIOLATIONS:
-		POOL Fence HAS BO	en Removed
	•		MPLIANT Ferre
			eDIATELY - Fence To
· ·			BeSelf CLOSIM + Secr
		LATCHING	<u> </u>
		ton to a like and	CT THESE VIOLATION(S) ON OR BEFORE LL RESULT IN THE PENALTIES DESCRIBED ON
! ! !			INSPECTOR: MAYER
! !		· · · · · · · · · · · · · · · · · · ·	RK NOTICE
			CATION OF THE FOREGOING VIOLATIONS, OLATIONS ARE CORRECTED AND/OR PROPER
		PERMITS OBTAINED. WORK CAN RESUME WI	TH THE APPROVAL OF THE DIVISION OF CODE
		INSPECTIONS AND ENFORCEMENT.  THESE CONDITIONS MUST BE CORRECTED N	OT LATER THAN:
•		DATE ISSUED:	
		IMPORTANT INFORMATION ON FINES AND	DENALTIES PRINTED ON REVERSE SIDE

#### BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE:

June 5, 2000

TO:

Arnold Jablon, Director

Permits & Development Management

FROM:

Charlotte E. Radcliffe

Board of Appeals

SUBJECT:

**CLOSED FILES:** 

97-127-SPHX – Mt. Vista Golf Course, Ltd. 98-3-SPH – Robert Poleski & Michael Poleski

98-235-A -Evelyn Sims

98-471-A - Jean D. & Cermontine A. Webster

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 97-127-SPHX; 98-3-SPH; 98-235-A; & 98-471-A;

LAW OFFICES

#### ARNOLD FLEISCHMANN, P.A.

SUITE 100, ITC BUILDING 405 EAST JOPPA ROAD TOWSON, MARYLAND 21286-5487

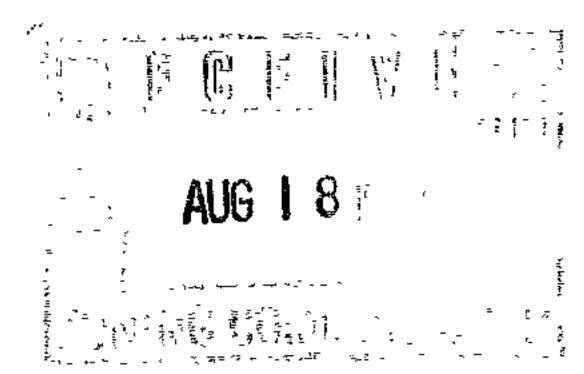
(410) 337-7600 ◆ FAX (410) 337-7661

PHILIP J SHAFER

OF COUNSEL TO MARGOLIS, PRITZKER & EPSTEIN, P.A

August 14, 1998

The Honerable Lawrence E. Schmidt Zoning Commissoner M.S. 3401 401 Bosley Avenue Towson, Maryland 21204



Re: Petition for Variance, 908 Arunah Avenue Baltimore, Maryland Case Number 98-471-A

Dear Mr. Schmidt:

In accordance with our telephone conversation, please enter my appearance in the above entitled case. Please note that I expect to be unavailable on the following dates, August 20, 21, September 10, 11, 21, 22, 29, 30, October 2nd through the 17th, October 21, and November 2.

With Kind regards, I am,

Very truly yours,

Arnold Fleischmann

AF:me

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LAW OFFICES

#### ARNOLD FLEISCHMANN, P.A.

405 EAST JOPPA ROAD
SUITE 100
TOWSON, MARYLAND 21286-5487
(410) 337-7600 ◆ FAX (410) 337-7661

OF COUNSEL TO MARGOLIS, PRITZKER & EPSTEIN, PA

January 15, 1999

The Honorable Lawrence E. Schmidt Zoning Commissioner M.S. 3401 401 Bosley Avenue Towson, Maryland 21204

> Re: Petition for Variance, Cermontine Webster 908 Arunah Avenue Baltimore, Maryland Case Number 98-471-A

Dear Mr. Commissioner Schmidt:

As you will recall the public hearing of this case was conducted on October 22, 1998. The case involves two setback variances.

Your decision in Mr. Webster's Petition for a Side Yard Variance to build an Open Carport was contested at the hearing by Mr. Roy Stecher, the next door neighbor. Your decision was delayed pending your visit to the property with Mr. Wirth. (Please see attached copy of your letter to me dated October 29, 1998).

However, the Rear Setback Variance for an Accessory Building was uncontested. We would very much appreciate it, if you would render your opinion to grant that variance at this time, so that Mr. Webster can use that part of his property. Thanking you in advance, and

With best wishes for a healthy and a happy New Year, I am,

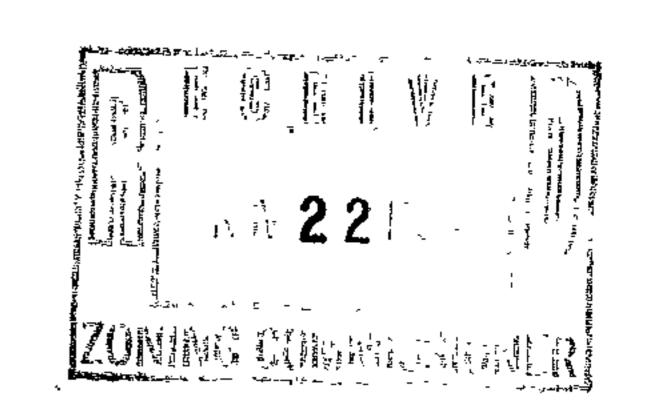
Very truly yours,

Arnold Fleischmann

AF:me

cc: Cermontine Webster
C.\MyFiles\RP\Webster\Web-lt-commiss1-14-99,wpd

# A. Roy & Olinda Stecher 402 Lafayette Avenue Catonsville, Maryland 21228



November 15, 1999

Mr. Lawrence E. Schmidt Baltimore County Zoning Commissioner Suite 405 County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Dear Commissioner Schmidt,

On November 3, 1999 I was made aware by copy of the Order that the Appeal of your ruling in Case Number 98-471-A has been dismissed by request of the Appellant.

I telephoned your office to determine if this action would result in a reinstatement of your ruling and requirement for a Storm Water management study before Mr. Webster would be eligible for a permit for the 'pool house' he had constructed at the rear of his property, in addition to the denial of his request for a variance to erect a carport. Your office was unable to verify whether your original Decision would be enforced, so I thought it best to write.

Had the Appeal not been dismissed, I was prepared to testify that Mr. Webster has continued to raise the level of his property. The neighbor on the opposite side of Mr. Webster, Mr. Louis Lang of 410 Arunah Avenue, was also prepared to testify that his property is also now receiving runoff from the Webster lot. Please see the attached photographs showing the Lang property line with Webster at the top, and mine with Webster at the bottom.

If at all possible, please advise me if your May 17, 1999 Decision will be reinstated in full, or if I have to take some other action to get its terms enforced. I am available during regular business hours at (410)313-2044.

Sincerely yours,

A. Roy Stecher

c: Louis Lang

404 Lafayette Ave. Baltimore, MD 21228 June 12,1999

Mr. Arnold Jablon 111 W. Chesapeake Ave. Room 111 Towson, MD 21204

Dear Mr. Jablon:

I am requesting an appeal hearing for Case Number 90-471-A.

Enclosed is a check for \$211.00 as required. Thank you for your cooperation in this matter.

Sincerely,

Richard L. Hauf

RECEIVED

JUN 1 4 1999

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

#### Zoning Hearing 10/22/98

Reasons for Request of Denial of Variance for Car Port at 908 Arunah Testimony of A. Roy Stecher, Owner of Adjacent Property at 402 Lafayette

#### 1. Water Runoff on my property.

- a. The Petitioner's property at 908 Arunah originally contained a split foyer house, an in-ground pool, an 8' x 10' storage shed, an open deck and a single lane asphalt driveway from the road to the front of the house.
- b. Since it has been occupied by the petitioner, they have added a concrete two lane driveway from the road to the front of the house and then extending single width from the front to the rear of the house along my property line; an estimated 50' x 10' "Pool House" across their back property line; a concrete basketball court along the remainder of my property line; a flagstone walkway from the driveway to the front of the house; enclosed and concrete floored under the deck; connected drain lines to the downspouts and discharged the lines right on my property line; flagstone planters and a fish pond; and installed patio block with flagstones covering the balance of the back yard. Overall, I would estimate that over 75% of the lot is covered with impervious materials, in each case grading the surface higher than adjacent properties.
- c. The additional water runoff from this construction has been substantial, costing \$300 so far to backfill with 6 loads of dirt and topsoil along my property line, and associated reseeding. Chemicals from the pool are constantly now draining into my yard killing the grass.
- d. If the "Car Port" is approved, the additional roofed structure along my line can only increase the direct water runoff, costing even more in corrective measures and property value.

### 2. Encroachment on my property.

- a. Over the last year there have been multiple incidents of encroachment on adjacent properties by construction crews working on the various projects at 908 Arunah, including unauthorized removal of trees, constant passage of crews and equipment, as well as unauthorized excavations. As a result of the continued activity, I have had to invest \$1700 to erect a fence along the shared property line.
- b. Observation of the location of the concrete driveway, directly on the property line, indicates to me that if this construction is permitted, I will again have unauthorized construction crews and activity on my property. The added expense of legal action to preserve my property rights will be substantial.

- c. The placement and width of the driveway leads me to believe that a "Car Port" would not be usable for automobiles, if constructed, as the car doors could not be opened against either the house or my fence. I believe have some reason to question what kind of building the "Car Port" will be.
- d. The quality of the structure I will be constantly seeing along the property line represents another encroachment issue. The crooked siding, dangling downspouts, missing trim, loose lattice and other unsightly details demonstrated in the "Pool House" will detrimentally affect my property value.
- 3. Lack of unique reason for the variance.
  - a. The property at 908 Arunah is not unique in any way in this neighborhood, either as to the size and configuration of the house, or the size and configuration of the lot.
  - b. Photographs show the exact same house throughout the surrounding two blocks, which were even constructed by the same builder at the same time.
  - c. The average lot size is identical to 908 Arunah, and other properties have been able to construct two car garages within the existing set back requirements on lots with houses of the same general size.
  - d. What causes the petitioner to request this variance is the excess of construction on their property, not any unique condition of lot size or configuration that prevented the erection of a reasonable automobile enclosure. Approval of the variance will detrimentally affect all of the surrounding properties and is in conflict with the character of the neighborhood.

For these reasons, it is respectfully requested that the Petition for a Variance at 908 Arunah be denied, and that any further construction on that property be in compliance with existing Zoning set back requirements and appropriate Building Codes.

### Zoning Hearing 10/22/98

#### Reasons for Request of Denial of Variance for Car Port at 908 Arunah Photograph Captions

Testimony of A. Roy Stecher, Owner of Adjacent Property at 402 Lafayette

- 1) Photograph taken from the front yard of 906 Arunah Avenue. Shows front of 908 Arunah and the back of my property at 402 Lafayette Avenue (Brown Cape Cod House).
- 2) Photograph taken from the second floor of my house at 402 Lafayette Avenue. Shows the property line at the edge of the concrete driveway.
- 3) Photograph taken from the second floor of my house at 402 Lafayette Avenue. Shows the pool, pool house, basketball court, enclosed deck, patio, and drainage lines along the edge of the property line next to the basketball court.
- 4) Photograph taken from the back yard of 906 Arunah Avenue. Shows the side of the pool house and construction details.
- 5) Photograph taken from my left side yard at 402 Lafayette avenue. Shows the backfill needed to divert some of the water runoff and the difference in elevation between the two properties after driveway construction at 908 Arunah Avenue.
- 6) Photograph taken from my right side yard at 402 Lafayette avenue. Shows the chlorine and chemical runoff from the pool at 908 Arunah Avenue, as well as the difference in elevation between the two properties after patio and basketball court construction at 908 Arunah Avenue.
- 7) Photograph taken from my left side yard at 402 Lafayette avenue. Shows the width of the driveway at 908 Arunah Avenue.
- 8) Photograph taken from the back yard of 906 Arunah Avenue. Shows the side of the pool house with the property line at the rear, and construction details.
- 9) Photograph taken from Maryland Avenue. Shows the back of the pool house with loose siding and latticework.
- 10) Photograph of an identical property to 908 Arunah on Maryland Avenue, one block down from the corner of Arunah Avenue.
- 11) Photograph of an identical property to 908 Arunah on Arunah Avenue, one half block down from 908.
- 12) Photograph of an identical size property to 908 Arunah on Lafayette Avenue, one block down from Arunah Avenue. Shows two car garage adjacent to an above ground pool behind the house.

404 Lafayette Ave. Baltimore, Md. 21228 October 25,1999

County Board of Appeals Old Court House Room 49 400 Washington Ave. Towson, Maryland 21204

#### Dear Ms Bianco:

This is to inform you that I will not be appealing case number 98-471-A. Mr. Webster has moved his structure the required distant off the property line. A qualified builder completed the work. Mr. Webster has also taken steps to prevent drainage from his pool onto my property.

It is sad that it had to get to this point. If the county had enforced their zoning codes when Mr. Webster first started his structure this would have never happen in the first place.

Sincerely,

Dichard I Hand

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COUNTY BOARD OF APPEALS

To: File

From: Lawrence E. Schmidt

Re: 98-471-A

This matter came before me for a hearing on July 14, 1998. The case was called and the record of the hearing opened. On behalf of the Petitioner, Joe Larson preliminarily asked for a postponement in order to obtain counsel. I granted same and told him to contact me when the matter was ready for hearing.

Today I received a call from attorney Arnold Fleishmann. He has been retained by the Petitioner. I told him to send me a letter entering his appearance and requesting a new hearing date. I will then reset. The property does not have to be reposted or readvertised in that the hearing was already opened, however notice by mail should be given to all present at the initial hearing.

A/14/98

404 Lafayette Ave. Baltimore, MD 21228 June 12,1999

Mr. Arnold Jablon 111 W. Chesapeake Ave. Room 111 Towson, MD 21204

Dear Mr. Jablon:

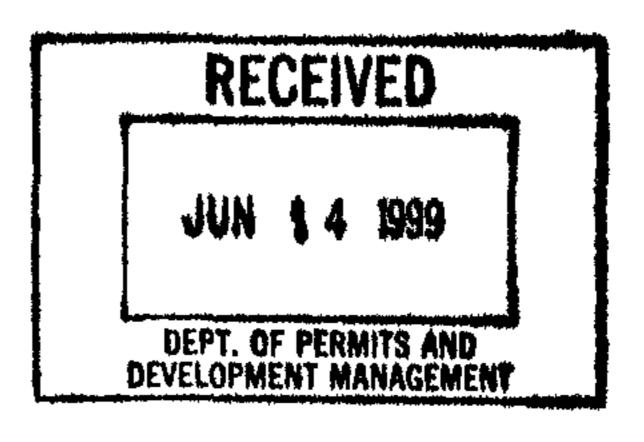
I am requesting an appeal hearing for Case Number 98-471-A.

Enclosed is a check for \$211.00 as required. Thank you for your cooperation in this matter.

Sincerely,

Richard L. Hauf

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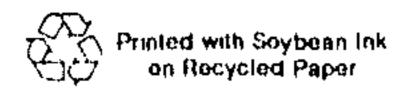


## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Arnold Fleisch maun Cemantre Webster	405 E Joppa Rd ally fwTT
R	908 Armah Aleman
JOSEPH LARSON	908 Armah Menn. 105 W. Chesapeale Ave.
MR &MRS A ROY STECHER	402 LAFMETTE ADE. CHTOWSULLE, LIZZE
Callen	
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#### PETITIONER(S) SIGN-IN SHEET

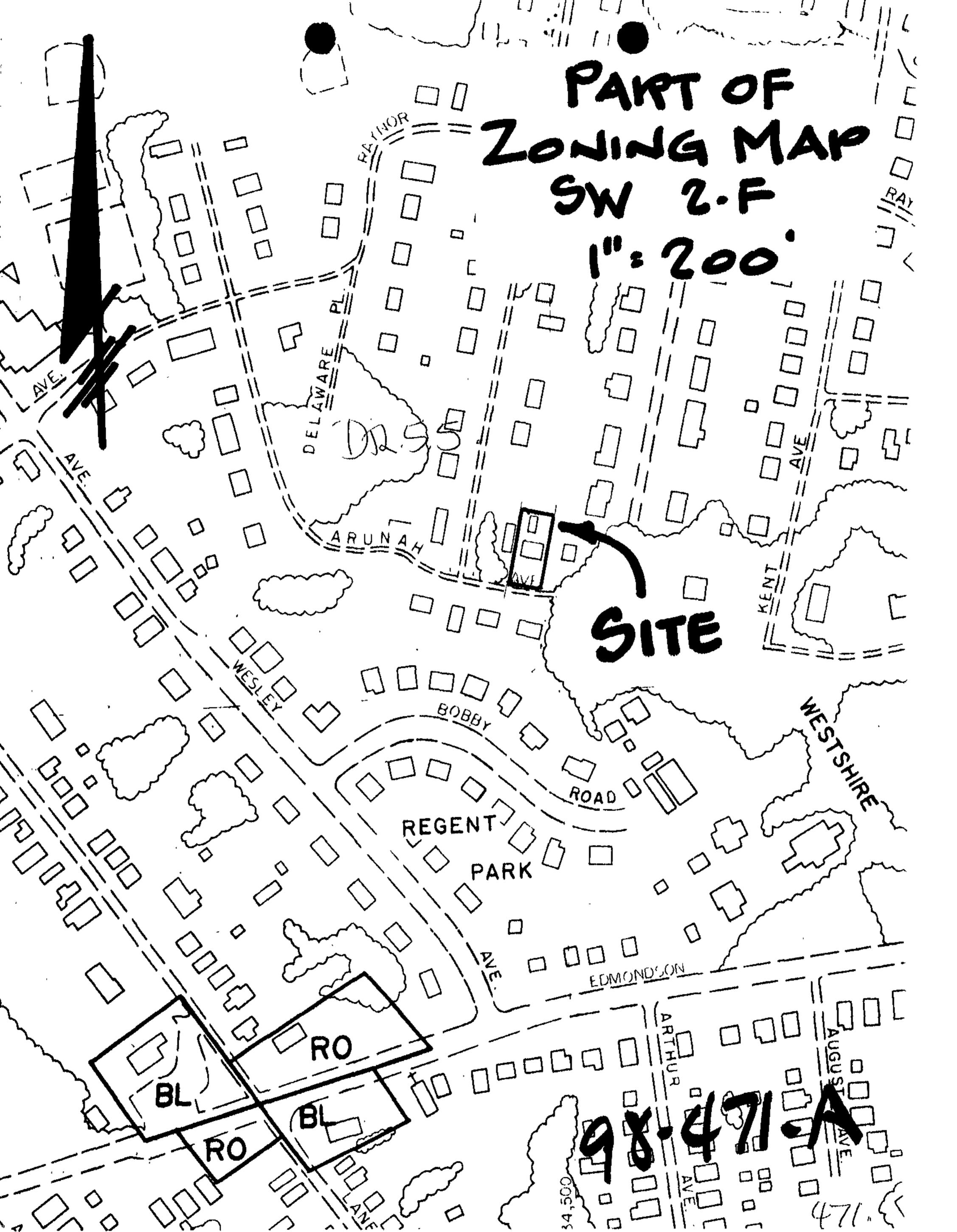
NAME	ADDRESS
SOSEPH LARSON	105 41- Chesapeake Sue.
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Jemontal Webster	408 Arman The
Boderick Williams	908 Arunah AUE
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Robert Alexander Wirth, P.E. Supervisor	**************************************
Storm Water Engineering	!   ————————————————————————————————————
Baltimore County Department of Environmental Protection	
& Resource Management (2/ NN * 25 (2)	·
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410-887-3768, Fax: 410-887-4804	
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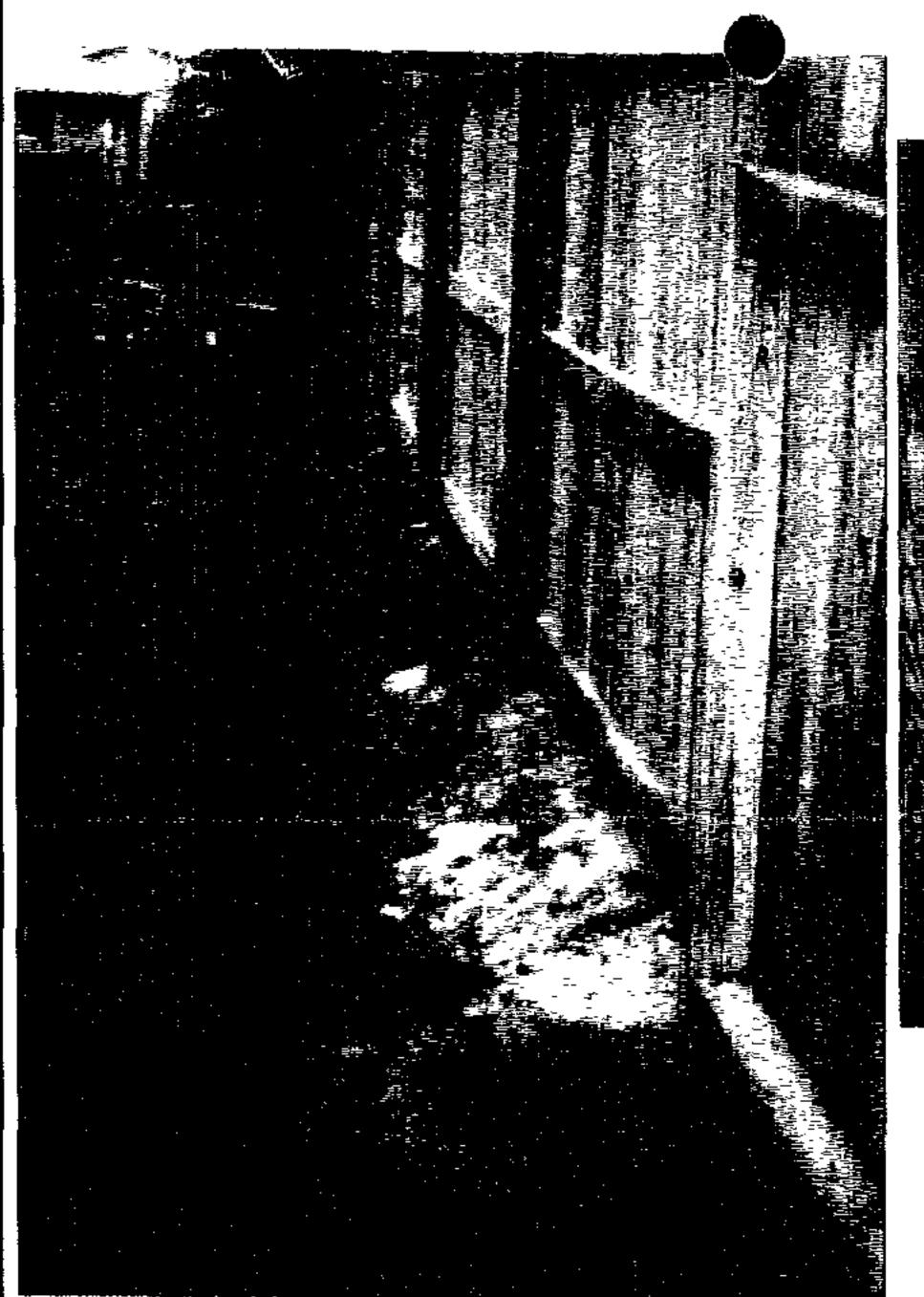


## PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
A.Roy Stecher	402 LAFAYESTE AUE, CATONSULLE, MG
OWNBA STECHER	402 horavette Ave., GATOMOVILLE, MD
A. Roy Stecher Chief	· <del>************************************</del>
(410) 313-2044  Bureau of Central Services 3430 Courthouse Drive	
Ellicott City, Maryland 21043	
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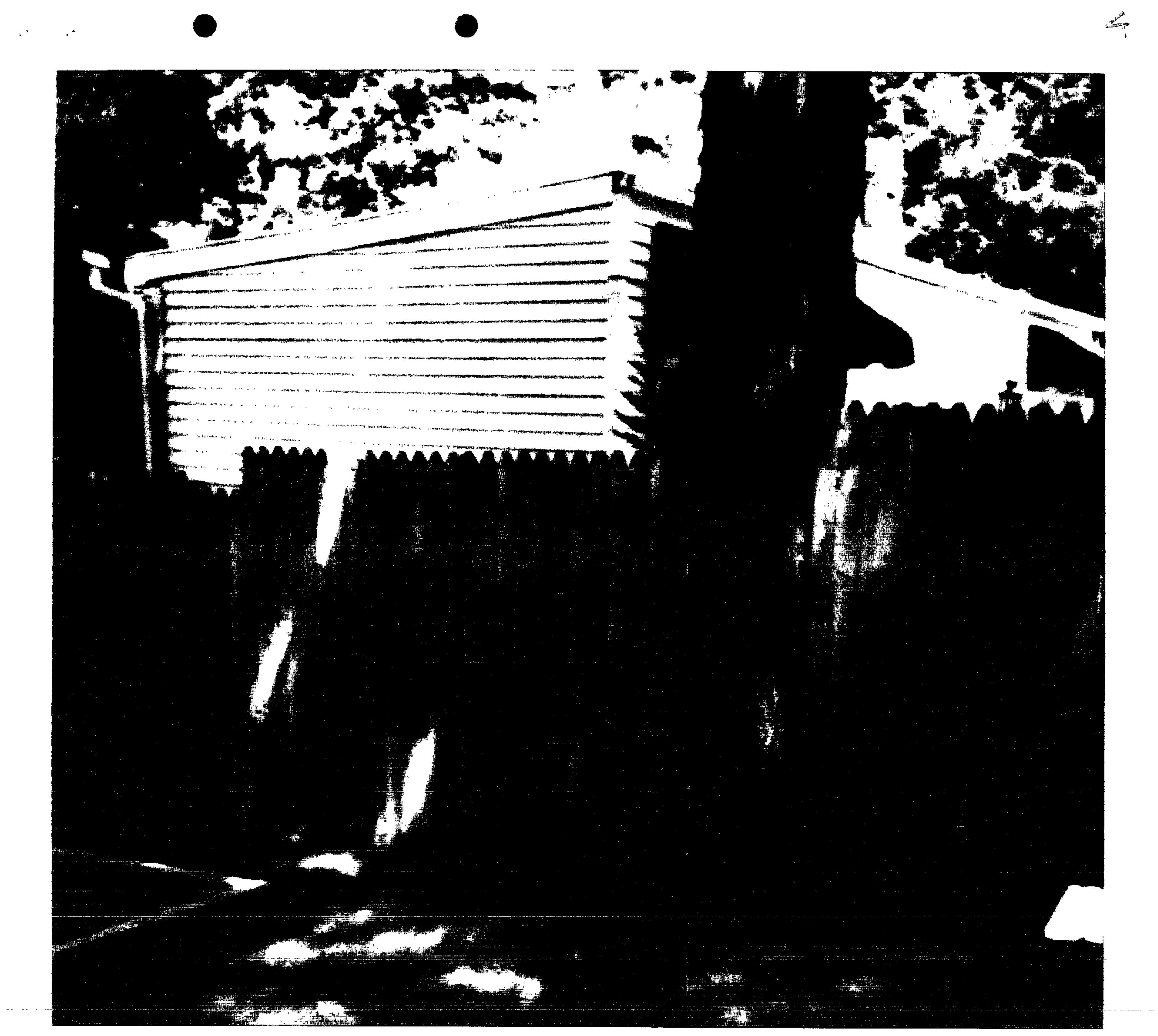
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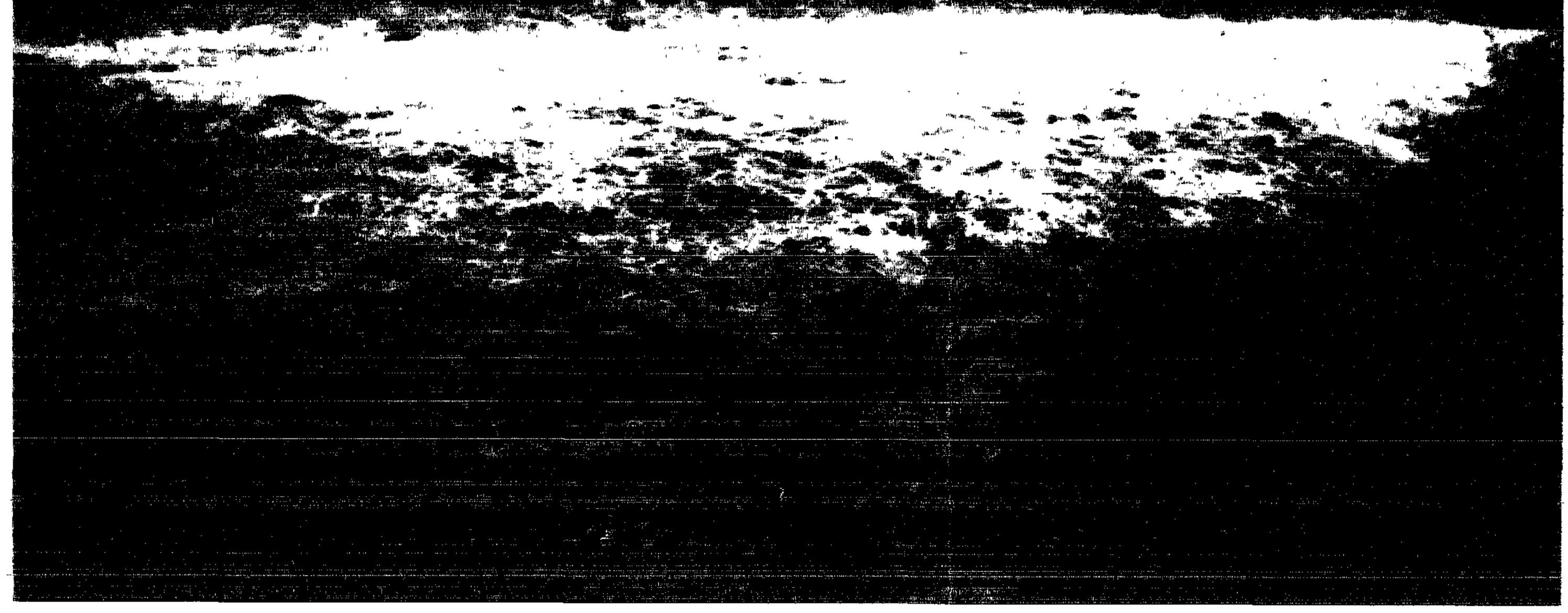






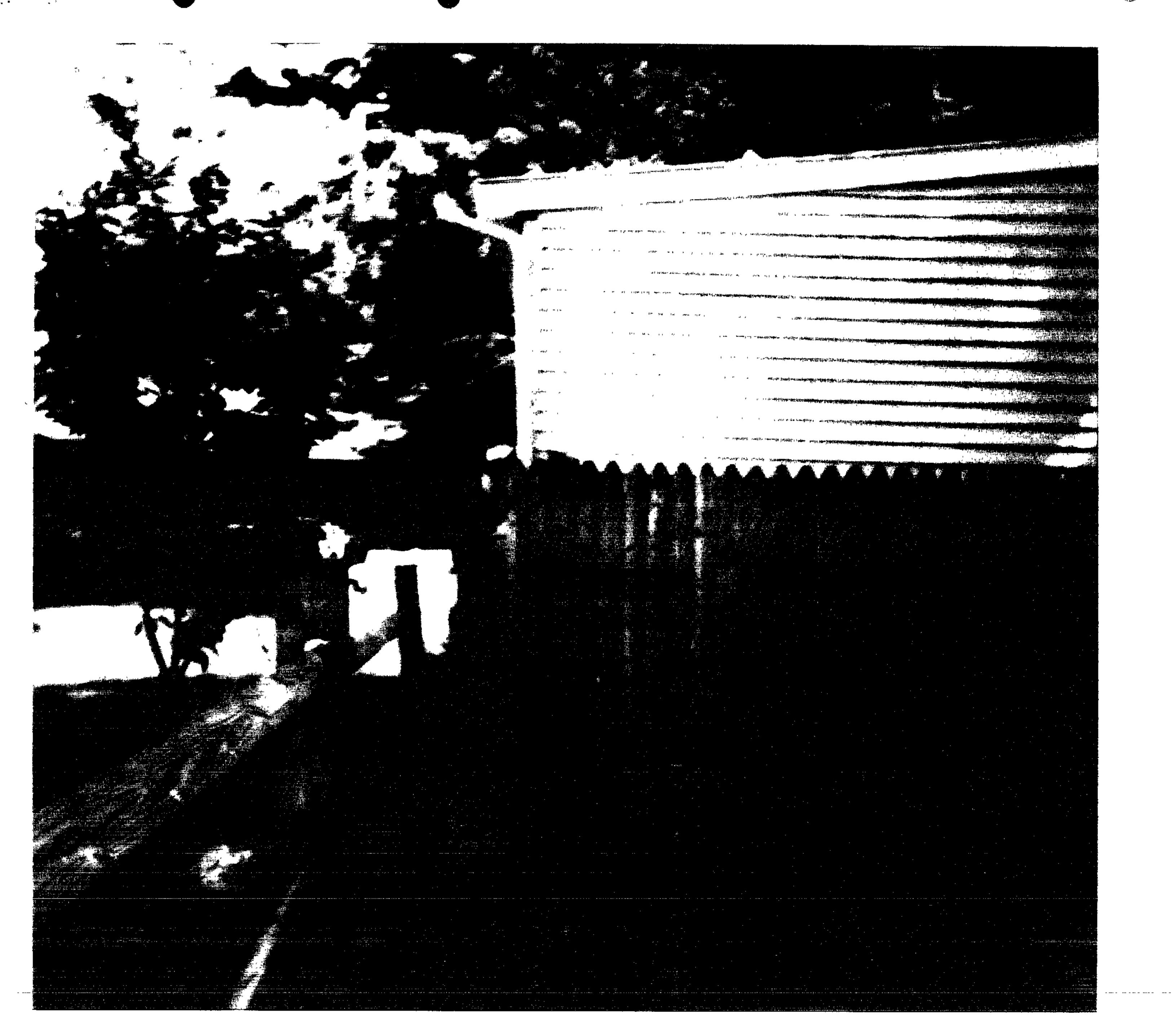


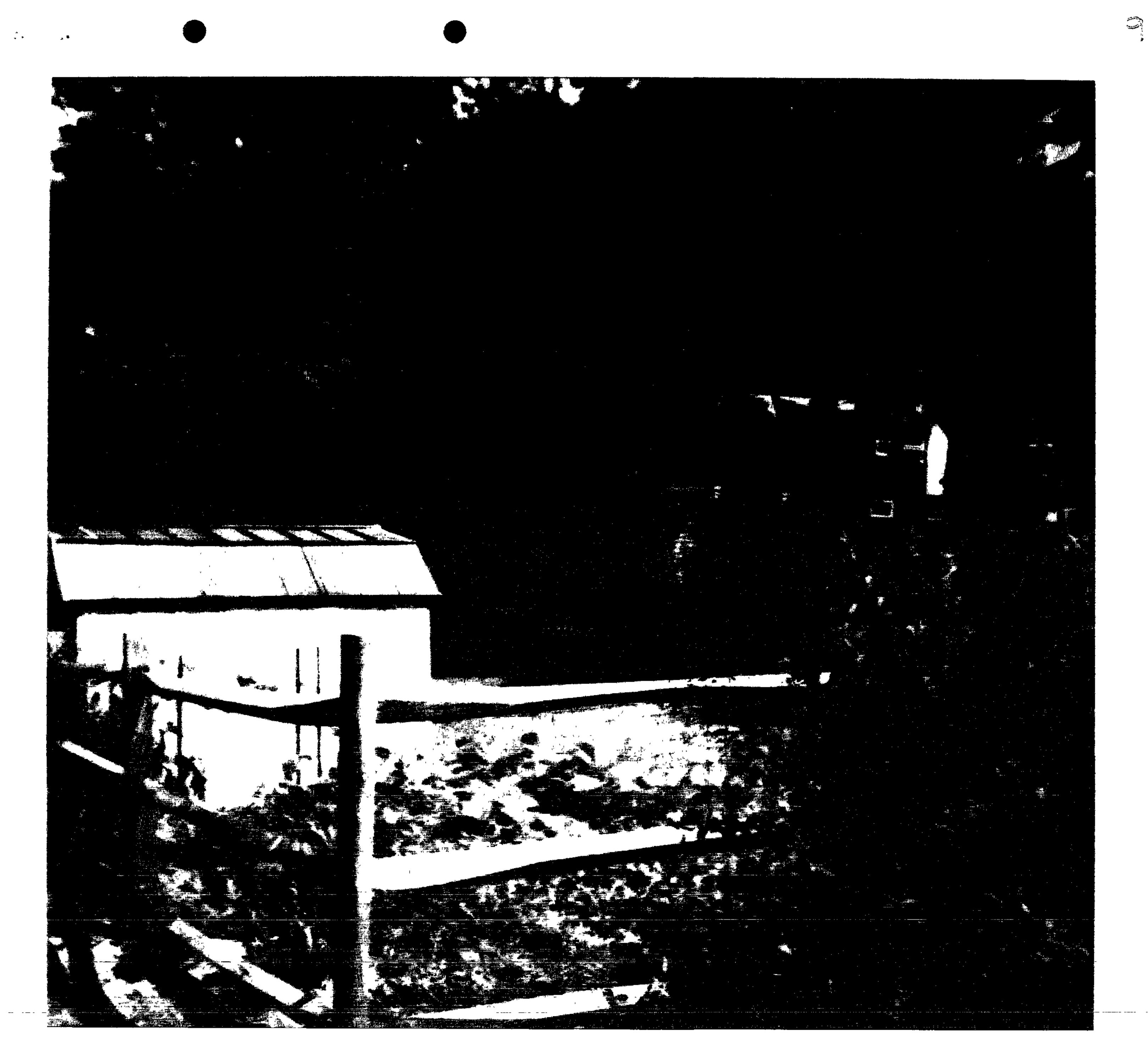


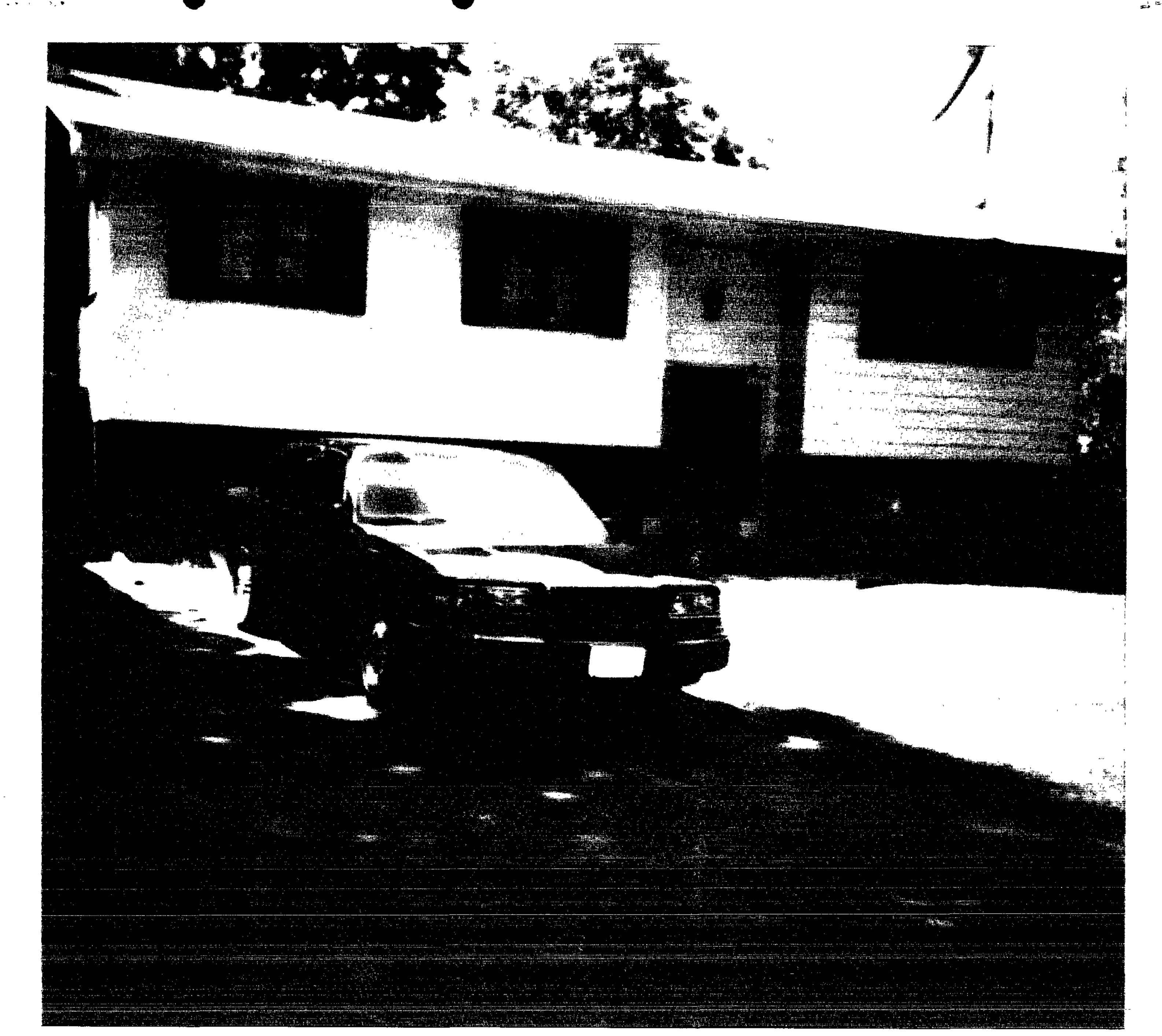




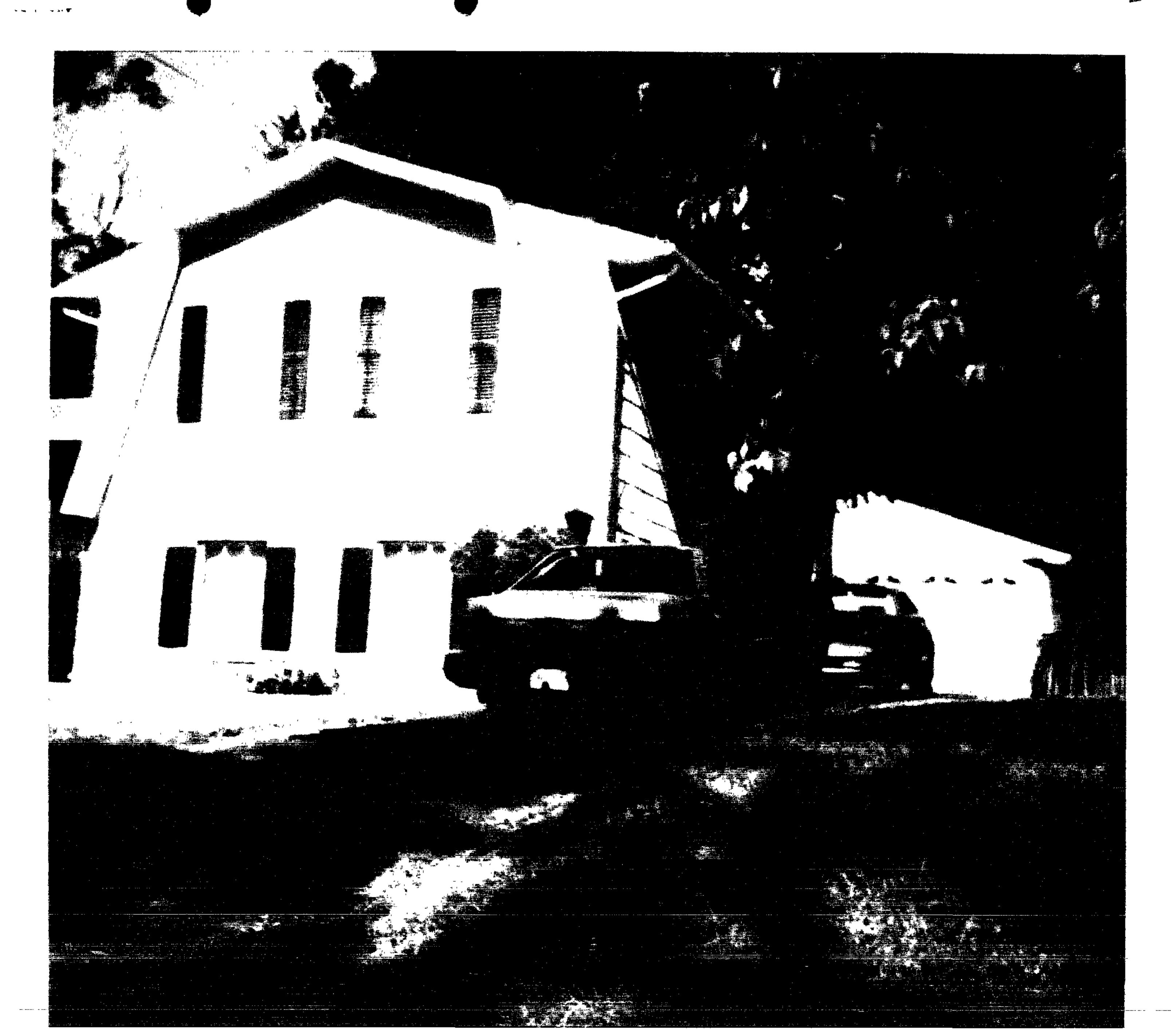


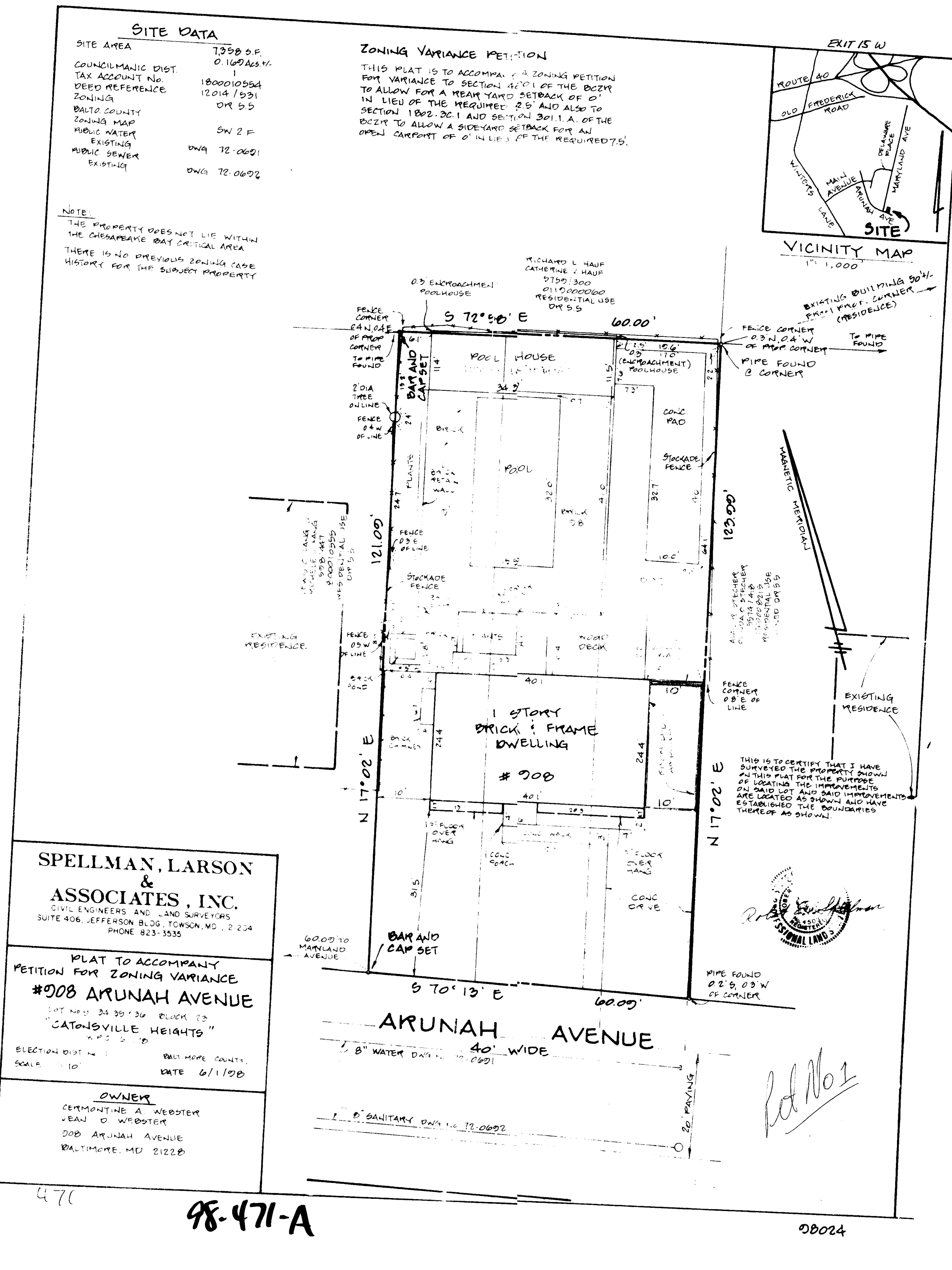












# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE**: June 22, 1998

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

SUBJECT: Zoning Advisory Petitions

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

Item No. 451, 459, 466, 470, and (471)

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

Division Chief: John M-Long

AFK/JL