7/12/99

IN RE: PETITION FOR VARIANCE
E/S Clearlake Court, 157.5' N of the c/l
Ridgely Road
(11 Clearlake Court)
11th Election District
6th Councilmanic District

Andrew P. Erdman and
Ruth A. Phillips, Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-279-A
*

* * * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Andrew P. Erdman and Ruth A. Phillips. The Petition was filed in response to a zoning violation notice they received from the Code Enforcement Division of the Department of Permits and Development Management (DPDM) as to the location of an existing shed. The Petitioners sought relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12'3" x 7' shed) to be located in the side yard in lieu of the required rear yard, and to amend the Final Development Plan for Upton Village North, Lot 6 thereof, in accordance with the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

At the public hearing held on April 9, 1999, Mr. Erdman and Ms. Phillips appeared and testified in support of their request. Mr. & Mrs. William L. Miller, Jr. appeared as Protestants on behalf of the Village of Clearlake Homeowners Association. The Protestants were represented by Jack R. Sturgill, Jr., Esquire.

Based upon the testimony and evidence presented from both sides of this issue, a modification of the relief requested was granted by my Order dated June 11, 1999. Specifically, I granted a variance to permit the shed to remain in the side yard; however, I required its relocation to maintain a 10-foot side yard setback. Subsequent to the issuance of this opinion, Mr. Erdman requested I reconsider my position in this matter, by his letter dated June 24, 1999. Mr. Erdman's

ORDER RECEIVED FOR FILING
Date 7/12/99
By

letter was accepted as a Motion for Reconsideration, which stays the appeal period while a decision on the requested modification/reconsideration is pending.

I have reviewed the contents of Mr. Erdman's letter and considered the prior testimony and evidence presented during the course of the proceedings in the matter. After due consideration of all of the facts and evidence presented in both instances, I am not persuaded to amend my ~~original~~ decision. I believe that there is sufficient area remaining in the side yard which would allow relocation of the subject shed to a location less visible to the neighbors and away from the County's drainage and utility easement.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1999 that the modified relief granted in my prior Order issued June 24, 1999 shall remain in full force and effect, and as such, the Motion for Reconsideration is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Andrew P. Erdman & Ms. Ruth A. Phillips
11 Clearlake Court, Parkville, Md. 21234
Jack R. Sturgill, Jr., Esquire
606 Baltimore Avenue, Suite 207, Towson, Md. 21204
Mr. & Mrs. William L. Miller, Jr.,
8 Woodcove Court, Baltimore, Md. 21234
Code Enforcement Division, DPDM; People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 7/22/99
By

Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Ave.
Towson, MD 21204

June 24, 1999

RE: Case No. **99-279-A**

Mr. Lawrence E. Schmidt,

I received a copy of your decision regarding my Petition For Administrative Variance. The petition was to allow an accessory structure (shed) in the side yard of my home.

Your decision was to "conditionally" grant the variance. However, upon your examination of the photographs submitted, you stated, "It appears that the shed may well fit under the deck." This led to the "condition" that I move the shed closer to the side of the house "to the greatest extent possible."

This condition is a physical impossibility. The shed cannot be moved further into the side yard due to a 30" retaining wall for a tiered garden. This wall runs up to the side of the house. In addition, the shed's size (12'3" x 7') makes it impossible to move closer to the house. There are deck supports that are 4 feet from the side of the house creating too narrow a width to place the shed. In this space is my heat pump. Beyond the above mentioned deck supports, out further from the side of the house, are my deck stairs supported by 4x4 timbers. The stairs descend to the rear yard creating both width and height restrictions to moving the shed closer to the house. The above mentioned conditions are shown on the attached drawing.

In your letter you required that, "the shed be moved to a location under the existing deck, to the greatest extent possible." I have met these conditions through the original placement of the shed and it is physically impossible to move the shed any closer to the side of the house. The photographs originally submitted may show this.

Because of these restricting conditions, is it possible for you to review your original decision?

If this is not appropriate, could you please let me know soon. Once I hear from you, I will be able to decide whether or not I should file an appeal. (30 days from June 11) I do believe the current location, partially into the side yard is the best location on my property. I look forward to hearing from you soon.

Sincerely,

Andrew P. Erdman
11 Clearlake Court
Parkville, MD 21234-3439
Home phone: 410-665-4529
Work phone: 410-273-2770

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
RUTH A. PHILLIPS & ANDREW P.	*	COUNTY BOARD OF APPEALS
ERDMAN -OWNERS /PETITIONERS		
FOR VARIANCE ON PROPERTY	*	OF
LOCATED ON THE E/S CLEARLAKE		
COURT, 157.5' N OF C/L RIDGELY	*	BALTIMORE COUNTY
ROAD (11 CLEARLAKE COURT)		
11TH ELECTION DISTRICT	*	CASE NO. 99-279-A
6TH COUNCILMANIC DISTRICT		

* * * * * * * * *

O P I N I O N

The case comes before the Board of Appeals of Baltimore County based on an appeal by the Petitioners of a decision of the Zoning Commissioner, Lawrence E. Schmidt, in which a Petition for Administrative Variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) was granted, subject to terms and conditions, by his Opinion and Order dated June 11, 1999.

A public hearing was held before this Board on December 21, 1999. A public deliberation was held following the conclusion of the hearing on December 21, 1999. Ruth A. Phillips and Andrew P. Erdman, the Petitioners, were represented by themselves. There were no other witnesses present even though an appearance on behalf of the Village of Clearlake Homeowners' Association was entered by Jack R. Sturgill, Jr., Esquire. Contact with Mr. Sturgill's office by the Board of Appeals administrative staff determined that he was no longer retained by the Village of Clearlake Homeowners' Association regarding this issue.

The Board proceeded in accepting an opening statement in which Andrew Erdman, the Petitioner, noted that the request for variance of a "shed" to be located in the side yard in lieu of the required rear yard was granted. As well, the Zoning Commissioner ordered

that the "shed shall be relocated to fit under the existing deck, to the greatest extent possible, with no less than a 10-foot setback from the shed to the side property line." Mr. Erdman noted that he did receive the variance as requested, but noted that the conditions of the variance are the subject of the appeal before the Board.

Mr. Erdman stated that the side yard is the best place for his shed as there are no drainage and utility easements or underground piping. He reported that the Zoning Commissioner modified the Order based on photographs submitted previously, and he entered additional photographs for the Board's review at this hearing. The previous photographs were reviewed as well as the new ones presented. Mr. Erdman indicated that these photographs were taken within the last two months by himself in early afternoon. He indicated that the shed is used for law, garden, and pool equipment. He reported that the Zoning Commissioner's reason for modification was that accessory structures are not allowed in the side yard. Mr. Erdman stated that, when he considered building a shed, he contacted the County and obtained the height and area restrictions but was not told about the side yard restriction. Additionally, he noted that he did not get his plans to the Community Association in a timely fashion, which precipitated their action.

Mr. Erdman testified that he is on the Board of the Community Association and indicated that the Association advised him that they would live with the decision if he was allowed to keep the

structure as it presently exists. There was no one from the Community Association present at the hearing to testify either to this statement or against the structure.

The co-Appellant, Ruth Phillips, testified that they are no longer in an adversarial position with the Community Association.

In conclusion, Mr. Erdman noted that, if the condition of the conditions of the variance were upheld, he would not change the deck structure. He indicated that he would demolish the shed and start over. He was concerned about repositioning the shed in the rear of the yard because of a road that runs along the rear of the property. He indicated that such a situation invited vandals.

Following a brief recess, the Board reconvened to deliberate this case publicly. The members concur that the decision before the Board in this matter involves only the conditions imposed by the Zoning Commissioner when he granted the variance for locating a shed in the side yard, the conditions being that the shed be allowed in the side yard but should be relocated to fit under the existing deck with no less than a 10-foot setback from the shed to the property line.

New evidence was presented to the Board by the Appellants (Petitioner's Exhibit #4) that shows that it would be impossible to move the shed due to a cascading set of step supports located under the deck. As well, the "shed unit" is not a pre-fabricated unit but a custom piece-by-piece construction erected on a leveling platform (Petitioner's Exhibit #1) not capable of being moved as a "whole" unit to a new location. Subsequent to the granting of the

variance by the Zoning Commissioner, the Petitioners met with homeowners association leaders, and it was agreed that the Association would not actively oppose the variance request on appeal before this Board.

Upon review of the evidence presented, the Board finds that compliance with the terms and conditions of the Zoning Commissioner's Order, as imposed, would be a difficult and expensive undertaking. The terms and conditions imposed by the Zoning Commissioner in the granting of the requested variance are therefore removed, and the Board shall so order.

O R D E R

THEREFORE, IT IS THIS 30th **day of** March, **2000 by** the County Board of Appeals of Baltimore County

ORDERED that the terms and conditions imposed by the Zoning Commissioner in his June 11, 1999 Opinion and Order be and the same are hereby **REMOVED and VACATED.**

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, Chairman

Donna M. Felling

Margaret Worrall

County Board of Appeals of Baltimore County

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

March 30, 2000

Mr. Andrew Erdman
11 Clearlake Court
Parkville, MD 21234

RE: In the Matter of Ruth A. Phillips and
Andrew P. Erdman -Legal Owners /Petitioners
Case No. 99-279-A

Dear Mr. Erdman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

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 and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe /ccw

Kathleen C. Bianco
Administrator

encl.

cc: Ms. Ruth A. Phillips
Mr. & Mrs. William Miller, Jr.
Scott Drummond, President, and
Ann J. Miller, Secretary
Village of Clearlake Homeowners' Assn.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Andrew P. [redacted]man
Ruth A Phillips
11 Clearlake Ct
Baltimore, MD 21234-3439

REF: CASE # [redacted]9-279-A

computer drawing 1 square = 3 inches

Perspective: Top Elevation (overhead)

11 Clearlake Court

Tiered Garden

Tiered Garden

Tiered Garden

Property line

Retaining wall 30" high

Deck support posts

Retaining wall 30" high

Retaining wall and fence line

Side of house

Heat Pump

Rear edge of house

SHED
12' 3"
X
7'

4'

2nd story overhang

roof eave

Railing below deck on ground level

Garden

Garden

6/1/19

IN RE: PETITION FOR VARIANCE
E/S Clearlake Court, 157.5' N of the c/l
Ridgely Road
(11 Clearlake Court)
11th Election District
6th Councilmanic District

Andrew P. Erdman and
Ruth A. Phillips, Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-279-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, Andrew P. Erdman and Ruth A. Phillips. The Petitioners filed the Petition in response to a zoning violation notice they received from the Code Enforcement Division of the Department of Permits and Development Management (DPDM) as to a shed on their property. The Petitioners were advised to file the instant Petition to legitimize existing conditions on their property. Specifically, the Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12'3" x 7" shed) to be located in the side yard in lieu of the required rear yard, and to amend the Final Development Plan for Upton Village North, Lot 6 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process which permits consideration by the Zoning Commissioner without a public hearing, unless a request for same is filed by a neighboring property owner. Inasmuch as the property was the subject of an active zoning violation, this Zoning Commissioner required that a public hearing be held to determine the appropriateness of the request, and to allow any neighboring property owners an opportunity to participate in the proceedings, should they wish to do so. A public hearing was subsequently held on April 9, 1999.

ORDER RECEIVED FOR FILING
Date 4/9/99
By

Appearing at the hearing in support of the request were Andrew P. Erdman and his wife, Ruth A. Phillips, owners of the subject property. Appearing as Protestants in the matter were William L. Miller, Jr., and his wife, Ann J. Miller, who appeared on behalf of the Village of Clearlake Homeowners Association. The Protestants were represented by Jack R. Sturgill, Jr., Esquire.

Testimony and evidence presented revealed that the subject property consists of a gross area of 7,139 sq.ft., more or less, zoned D.R.16, and is improved with an end-of-group, single family townhouse dwelling. The property is roughly rectangular in shape, approximately 40.5' wide by 200' deep. Mr. Erdman and Ms. Phillips own the subject property and reside thereon with their two sons. The site plan of the property and photographs submitted show that in addition to the dwelling, the property is improved with a wrap-around deck, which is attached to the side and rear of the dwelling, and an above-ground pool. The property also features a 12'3" x 7' shed, which is the subject of the instant Petition.

Mr. Erdman testified that the shed was built in the fall of 1998 and is used for storage purposes; specifically, to accommodate lawn and garden tools, pool supplies, and other similar items. Mr. Erdman testified that although he and his wife are not the original owners, there was a shed in the side yard of the property in approximately the same location when they purchased the lot. Mr. Erdman indicated that the subject shed was constructed to replace the older structure.

The Protestants object to the location of the shed. They believe the shed's location is inappropriate. It was also testified that the property abuts a drainage and utility easement, maintained by Baltimore County. That easement is located on the north side of the property and separates the Erdman/Phillips property from the next lot and row of townhouses. In this regard, a comment was received from the Bureau of Development Plans Review confirming that Baltimore County does maintain a 10-foot wide easement, which is centered on the common side property line between the subject lot and the adjoining lot. Their comment also indicates that there is no underground piping within the easement, and the Bureau of Development Plans Review does not object to the location of the shed, for so long as same is 5 feet from the property line.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance with a slight modification. Section 400.1 of the B.C.Z.R. requires that accessory structures such as sheds be located in the rear yard as opposed to the side yard. In this case, I believe that the more appropriate location is the side yard. The placement of the shed in the side yard will cause less impact on surrounding properties. Moreover, the existence of the swimming pool in the rear yard and the grade of the property as evidenced in the photographs submitted are factors which justify variance relief. However, in granting such relief, I will modify the precise location of the shed.

An examination of the photographs submitted shows that the shed could be located closer to the house. It appears that the shed may well fit under the deck. The location of the shed under the deck appears to be the most preferable alternative. If the shed were moved closer to the house and under the deck, it will be less visible to neighbors and will not infringe upon the County's drainage and utility easement. Thus, I will require that the shed be moved to a location under the existing deck, to the greatest extent possible. The site plan shows that the subject lot is 40.5 feet wide and that the house itself is 20.5 feet wide. Thus, 20 feet remains between the house and the side property line. In that the shed has a depth of 7 feet, it could therefore be located immediately adjacent to the side wall of the house, and 13 feet from the property line. In order to permit some tolerance of distance between the house and the shed, I will require no less than a 10-foot setback from the shed to the side property line.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth herein, the relief requested as modified above, shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of June, 1999 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (12'3" x 7' shed) to be located in the side yard in lieu of the required rear yard, and to amend the Final Development Plan for Upton Village North, Lot 6 thereof, accordingly, be and is hereby GRANTED, subject to the terms and conditions set forth hereinafter; and,

ORDER RECEIVED FOR FILING
Date 6/11/99
By

IT IS FURTHER ORDERED that within ninety (90) days of the date of this Order, the subject shed shall be relocated to fit under the existing deck, to the greatest extent possible. There shall be no less than a 10-foot setback from the shed to the side property line.

The Petitioners shall have thirty days from the date of this Order to file an appeal of this decision.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/11/99
By bjs

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 11, 1999

Mr. Andrew P. Erdman
Ms. Ruth A. Phillips
11 Clearlake Court
Parkville, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Clearlake Court, 157.5' N of the c/l Ridgely Road
(11 Clearlake Court)
11th Election District – 6th Councilmanic District
Andrew P. Erdman and Ruth A. Phillips – Petitioners
Case No. 99-279-A

Dear Mr. Erdman & Ms. Phillips:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, with modifications, 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

cc: Jack R. Sturgill, Jr., Esquire
606 Baltimore Avenue, Suite 207, Towson, Md. 21204
Mr. & Mrs. William L. Miller, Jr.,
8 Woodcove Court, Baltimore, Md. 21234
Code Enforcement Division, DPDM; People's Counsel; Case File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 CLEARLAKE COURT

which is presently zoned D.R. -16

This Petition shall be filed with the Department of Permits and 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 to permit an accessory structure in the side yard in lieu of the required rear yard, and to amend the FDP for lot #6 in Upton Village North.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signatu[re]

Compa[ny]

Addres[s] Telephone No.

City Zip Code

active violation letter in opposition - Set in for Hearing Feb

Legal Owner(s):

ANDREW P. ERDMAN

Name - Type or Print

[signature]

Signature

RUTH A. PHILLIPS

Name - Type or Print

Ruth A. Phillips

Signature

11 CLEARLAKE COURT — AE WK 4102732770 RP WK 4107807933 HOME 4106654529

Address Telephone No.

PARKVILLE MD. 21234-3439

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ________________, _______ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-279-A

Reviewed By BR **Date** 1/26/99

Estimated Posting Date 2/7/99

REV 9/15/98

ORDER RECEIVED FOR FILING
Date
By

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 11 CLEARLAKE COURT
Address

PARKVILLE MD. 21234-3439
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

PRACTICAL DIFFICULTY:

i) The shed has already been constructed. To move the shed would require that it be taken apart and rebuilt. The shed cost $800 to build. There is no other practical area to rebuild the shed. The previous shed, when we bought the house, was entirely into the side yard.

ii) ~~Other homeowners in our community have also constructed their sheds in their side yards.~~ Relaxing the zoning regulation by 3½ feet would resolve the issue.

iii) The current placement of the shed does not impede any neighbors view. The shed has been constructed on the safest place of our property. Placed at the rear of the back yard would invite vandalism. Placed under the wood porch the shed would hide the basement entrance and therefore provide cover for break-ins.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

ANDREW P. ERDMAN
Name - Type or Print

Ruth A. Phillips
Signature

RUTH A. PHILLIPS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of December, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Andrew P. Erdman and Ruth A. Phillips

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

12/30/98
Date

Deborah Rochell
Notary Public

My Commission Expires 8/1/02

REV 09/15/98

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 11 CLEARLAKE COURT
Address

PARKVILLE MD 21234-3439
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

PRACTICAL DIFFICULTY:

i) The shed has already been constructed. To move the shed would require that it be taken apart and rebuilt. The shed cost $800 to build. There is no other practical area to rebuild the shed. The previous shed, when we bought the house, was entirely into the side yard.

ii) Other homeowners in our community have also constructed their sheds in their sideyards. Relaxing the zoning regulation by 3½ feet would resolve the issue.

iii) The current placement of the shed does not impede any neighbors view. The shed has been constructed on the safest place of our property. Placed at the rear of the back yard would invite vandalism. Placed under the wood porch the shed would hide the basement entrance and therefore provide cover for break-ins.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

ANDREW P. ERDMAN
Name - Type or Print

Signature

RUTH A. PHILLIPS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of December, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Andrew P. Erdman and Ruth A. Phillips

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

12/30/98
Date

Deborah Rachuk
Notary Public

My Commission Expires 8/2/02

REV 09/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 CLEARLAKE COURT

which is presently zoned D.R. -16

This Petition shall be filed with the Department of Permits and 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 to permit an accessory structure in the side yard in lieu of the required rear yard, and to amend the FDP for lot #6 in Upton Village North.

~~of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back~~ of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

ANDREW P. ERDMAN
Name - Type or Print

Signature

RUTH A. PHILLIPS
Name - Type or Print

Ruth A. Phillips
Signature

AE WK 4102732770
RP WK 410 780 7933
HOME 410 665 4529

11 CLEARLAKE COURT
Address Telephone No.

PARKVILLE MD 21234-3439
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-279-A

Reviewed By BR **Date** 1/26/99

Estimated Posting Date 2/7/99

REV 9/15/98

ZONING DESCRIPTION FOR ***11 Clearlake Court***

Beginning at a point on the ***East*** side of ***Clearlake Court*** which is ***40.5 feet*** wide at the distance of ***157.5 feet*** ***North*** of the centerline of the nearest improved intersecting street ***Ridgely*** which is ***30 feet*** wide.

Being Lot # ***6*** , Block ***J*** , Section # ***2*** in the subdivision of ***Upton Village North*** as recorded in Baltimore County Plat Book # ***E.H.K., Jr., No. 60*** , Folio # ***109*** , containing ***7139 square feet*** . Also known as ***11 Clearlake Court*** and located in the ***11th*** Election District, ***6th*** Councilmanic District.

99-279-A

#279

BALTIMORE COUNTY, MA .AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 063075

DATE 1/26/99 ACCOUNT R001-6150

AMOUNT $ 50.00

RECEIVED FROM: Andrew Tillman

FOR: Code 010 Administrative Variance

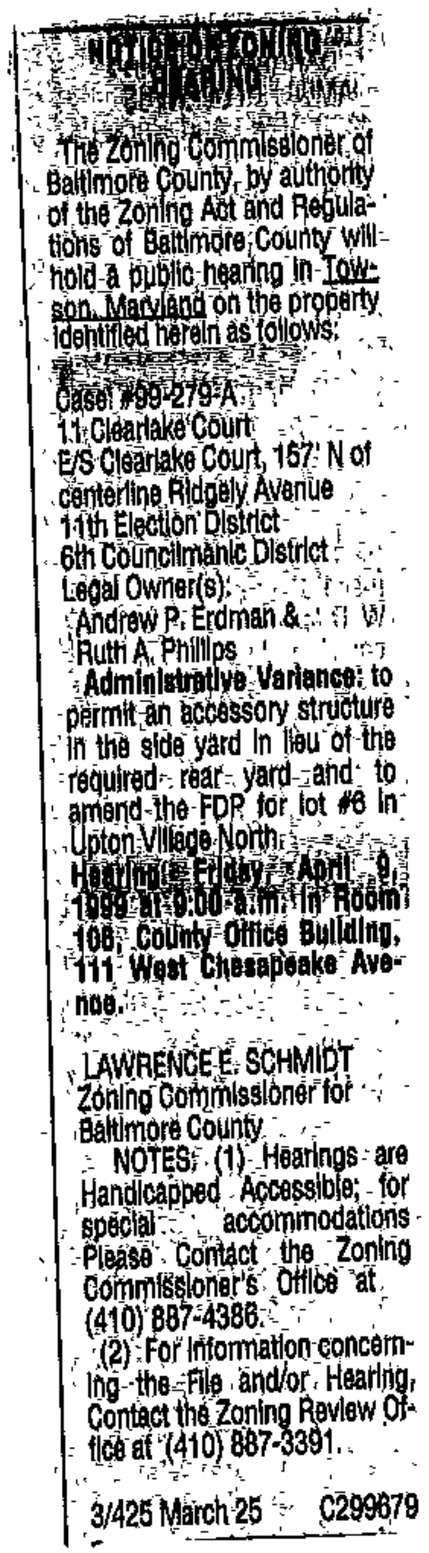
99-279-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Ticket 279

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
1/27/1999 1/26/1999 14:17:44
REG WS05 CASHIER LSMI LXS DRAWER 1
5 MISCELLANOUS CASH RECEIPT
Receipt # 092706
CK NO. 063075
50.00 CHECK
Baltimore County, Maryland



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 #99-279-A
11 Clearlake Court
E/S Clearlake Court, 157' N of centerline Ridgely Avenue
11th Election District
6th Councilmanic District
Legal Owner(s):
Andrew P. Erdman & Ruth A. Phillips

Administrative Variance: to permit an accessory structure in the side yard in lieu of the required rear yard and to amend the FDP for lot #6 in Upton Village North.

Hearing: Friday, April 9, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/425 March 25 C299679

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 25, 19 99

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 March 25, 19 99.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-279-A
PETITIONER/DEVELOPER:
(Andrew P. Erdman)
DATE OF Hearng
(APR. 9, 1999)

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

ATTENTION : MS. GWENDOLYN STEPHENS

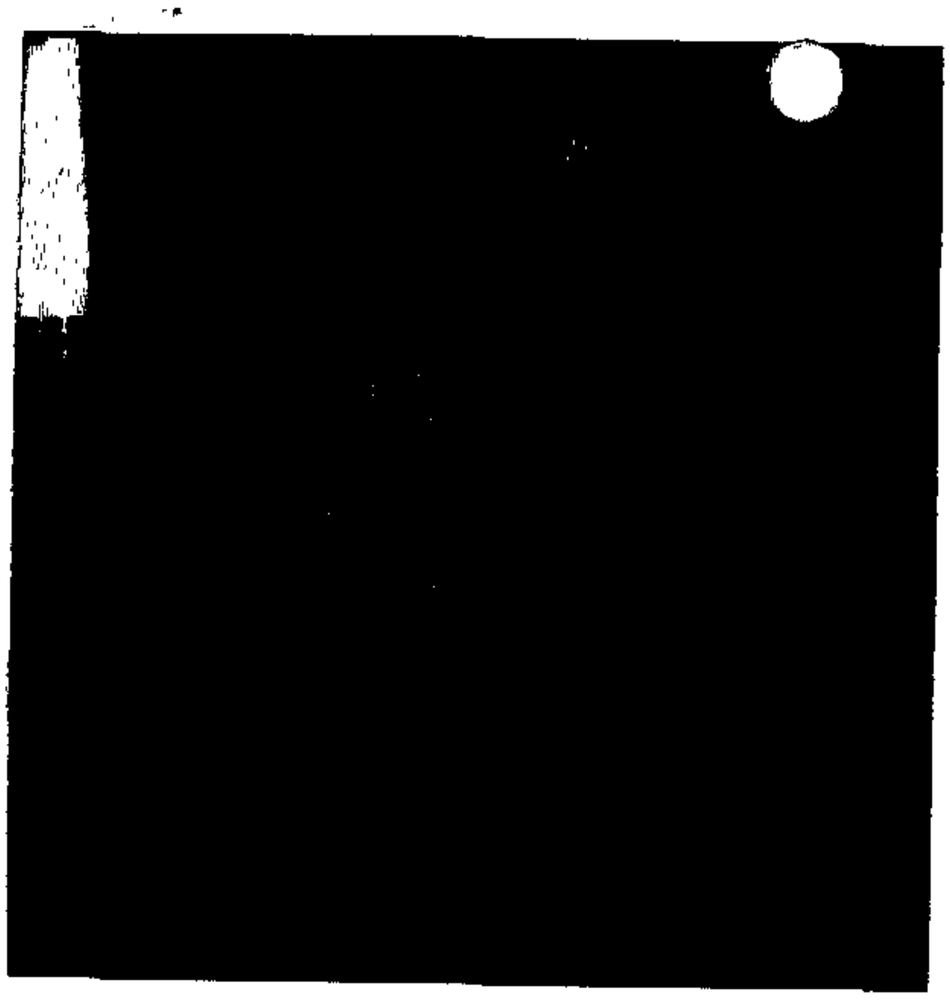
LADIES AND GENTLEMEN:

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

11 Clearlake Court Baltimore, Maryland 21234_____

_____

The sign(s) were posted on_____ 3-25-99 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle 3/25/99
(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 # 99-279-A
PETITIONER/DEVELOPER:
(Andrew Erdman)
DATE OF CLOSING
(Feb. 22. 1999)

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

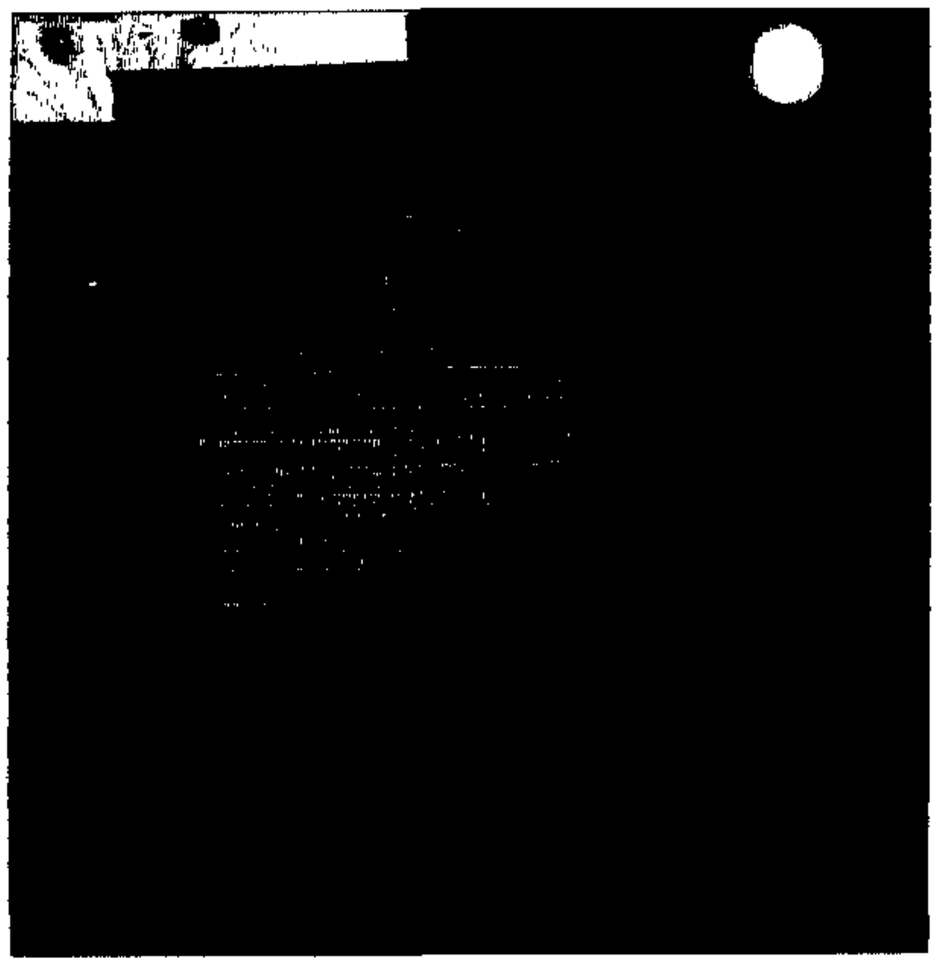
ATTENTION : MS. GWENDOLYN STEPHENS

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 11 Clearlake Court Baltimore, Maryland 21234_____

_____

The sign(s) were posted on_____ 2-5-99 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle 2/5/99
(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.: 99-279-A

Petitioner/Developer:
RUTH PHILLIPS
ANDREW ERDMAN

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:

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 11 CLEARLAKE CT.

The sign(s) were posted on 7/26/99
(Month, Day, Year)

Sincerely,

Gary Freund 7/24/99
(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99-279 -A Address 11 Clearlake Court

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/26/99 **Posting Date:** 2/7/99 **Closing Date:** 2/22/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99-279 -A Address 11 Clearlake Court

Petitioner's Name Andrew & Ruth Erdman Telephone 410-665-4529 H
410-273-2770 W

Posting Date: 2/2/99 **Closing Date:** 2/22/99

Wording for Sign: To Permit an accessory structure in the side yard in lieu of the required rear yard and to amend the FDP for lot #6 in Upton Village North.

WCR - Revised 7/2/98

#279

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: #279

Petitioner: ANDREW P. ERDMAN & RUTH A. PHILLIPS

Address or Location: 11 CLEARLAKE COURT PARKVILLE MD 21234-3439

PLEASE FORWARD ADVERTISING BILL TO:

Name: ANDREW P. ERDMAN

Address: 11 CLEARLAKE CT.
PARKVILLE MD. 21234-3439

Telephone Number: (H) 4106654529 (W) 4102732770

Revised 2/20/98 - SCJ

99-279-A

#279

TO: PATUXENT PUBLISHING COMPANY
March 25, 1999 Issue – Jeffersonian

Please forward billing to:
Andrew P. Erdman
11 Clearlake Court
Parkville, MD 21234-3439

410-665-4529 (home)
410-273-2770 (work)

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: 99-279-A
11 Clearlake Court
E/S Clearlake Court, 157' N of centerline Ridgely Avenue
11th Election District – 6th Councilmanic District
Legal Owner: Andrew P. Erdman & Ruth A. Phillips

Administrative Variance to permit an accessory structure in the side yard in lieu of the required rear yard and to amend the FDP for lot #6 in Upton Village North.

HEARING: Friday, April 9, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

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

March 9, 1999

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: 99-279-A
11 Clearlake Court
E/S Clearlake Court, 157' N of centerline Ridgely Avenue
11th Election District – 6th Councilmanic District
Legal Owner: Andrew P. Erdman & Ruth A. Phillips

Administrative Variance to permit an accessory structure in the side yard in lieu of the required rear yard and to amend the FDP for lot #6 in Upton Village North.

HEARING: Friday, April 9, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Arnold Jablon
Director

c: Andrew Erdman & Ruth Phillips
Village of Clearlake Homeowners Association, Inc.

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 25, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW 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
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

October 12, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-279-A

IN THE MATTER OF: RUTH A. PHILLIPS & ANDREW P. ERDMAN - Legal Owners 11 Clearlake Court
11th Election District; 6th Councilmanic

(6/11/99 -Decision of the Z.C. in which Petition for Variance was GRANTED with conditions.)

ASSIGNED FOR: **TUESDAY, DECEMBER 21, 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: Appellants /Petitioners : Ruth Phillips & Andrew Erdman

Counsel for Protestants : Jack Sturgill, Jr., Esquire
Protestants : Mr. & Mrs. William Miller
Scott Drummond, President
Village of Clearlake HOA

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

Baltimore County
Department of Permits and
Development Management

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

February 22, 1999

Mr. Andrew P. Erdman and Ms. Ruth A. Phillips
11 Clearlake Court
Parkville, MD 21234-3439

RE: Item No.: 279
Case No.: 99-279-A
Location: 11 Clearlake Court

Dear Petitioners:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on January 26, 1999.

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.) are made 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

Enclosures

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F Williams
Administrator

Date: 2.9.55

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

RE: Baltimore County
Item No. 275 BR

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. J. Gredlein

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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

INTER-OFFICE CORRESPONDENCE

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

Date: February 5, 1999

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 279, 281, 285, and 288

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffrey W. Long

AFK/JL

C:\JEFF_L\279.doc

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: February 17, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for February 16, 1999
Item No. 279

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Baltimore County does maintain the 10-foot-wide easement shown centered on the property line between lot numbers 11 and 13, but there is no underground piping within this easement.

Therefore, we have no objection to the location of the shed, as shown, 5 feet from the property line.

RWB:HJO:jrb

cc: File

ZONE0216.279

AV.
2122

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: February 5, 1999

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 279, 281, 285, and 288

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffrey W. Long

AFK/JL

C:\JEFF_L\279.doc

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

February 23, 1999

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 February 8, 1999

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.

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

278, (279) 281, 284, 285, and 286

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

cc: File

Come visit the County's Website at **www.co.ba.md.us**

11/30/99
TO WCR
7
8

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

DATE: November 29, 1999

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case Nos. 99-297-SPH, Hunters Mill, LLC
PDM#VII-342

I am in receipt of a letter dated November 19, 1999 from J. Carroll Holzer, Esquire, concerning the above-captioned matter(s). I note that a copy of his letter was forwarded to you. Inasmuch as the subject of his letter is under the jurisdiction of your office, I trust that you have issued, or are in the process of issuing, a response to his inquiry.

LES:bjs

cc: J. Carroll Holzer, Esquire
508 Fairmount Avenue, Towson, Md. 21204
Case File(s)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

DATE: November 29, 1999

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case Nos. 99-297-SPH, Hunters Mill, LLC
PDM#VII-342

I am in receipt of a letter dated November 19, 1999 from J. Carroll Holzer, Esquire, concerning the above-captioned matter(s). I note that a copy of his letter was forwarded to you. Inasmuch as the subject of his letter is under the jurisdiction of your office, I trust that you have issued, or are in the process of issuing, a response to his inquiry.

LES:bjs

cc: J. Carroll Holzer, Esquire
508 Fairmount Avenue, Towson, Md. 21204
Case File(s)

File missing
Help!

5/8/00
I understand this file has been missing for some time.

Baltimore County
Department of Permits and
Development Management

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

July 8, 1999

Jack R. Sturgill, Jr., Esquire
606 Baltimore Avenue
Suite 207
Towson, MD 21204

Dear Mr. Sturgill:

RE: Petition for Administrative Variance, 11 Clearlake Court, 11th Election District

Please be advised that an appeal of the above referenced case was filed in this office on July 7, 1999 by Ruth Phillips and Andrew Erdman, Legal Owners. 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: Ruth Phillips & Andrew Erdman
Mr. & Mrs. William Miller, Jr.
People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
99 JUL -8 AM 10: 15

Case No. 99-279-A

VAR -To permit accessory structure (12'3" x 7' shed) in side yd ilo required rear yd; to amend FDP for Upton Village North accordingly.

6/11/99 -Z.C.'s decision in which Petition for Variance was GRANTED; shed to be relocated within 90 days of ZC Order to fit under existing deck to greatest extent possible; no less than a 10-foot setback from shed to side property line.

10/12/99 -Notice of Assignment for hearing scheduled for Tuesday, December 21, 1999 at 10:00 a.m. sent to the following:

Ruth Phillips & Andrew Erdman
Jack Sturgill, Jr., Esquire
Mr. & Mrs. William Miller
Scott Drummond, President
Village of Clearlake HOA
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

12/21/99 -Hearing concluded; deliberated at conclusion of same; appealed as to condition requiring shed to fit under existing deck; this restriction to be removed; cannot be met based on conditions of property and evidence /exhibits as presented at hearing. Written Opinion and Order to be issued; appellate period to run from date of written Order. (Marks, Felling, Worrall)

APPEAL

Petition for Administrative Variance
11 Clearlake Court
E/S Clearlake Court, 157.5' N of centerline Ridgely Road
11th Election District – 6th Councilmanic District
Ruth A. Phillips & Andrew P. Erdman- Legal Owner
Case Number: 99-279-A

Petition for Administrative Variance (ZC Required a public hearing since active violation)

Description of Property

Certificate of Posting (Thomas P. Ogle, Sr. – 2/5/99 & 3/25/99)

Certification of Publication (Jeffersonian – 3/25/99)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:
- 1 Plat to Accompany Petition for Zoning Variance
- 2 Folder with 8 Photographs
- 3A Letter from Victoria Price
- 3B Letter from Frank Reidy
- 3C Letter from Richard Bruner
- 3D Petition of Support for Accessory Structure (2 pages)

Protestants' Exhibits:
- 1 Letter from Village of Clearlake HOA

Misc. Not Marked Exhibits:
- Administrative Variance Information Sheet and Dates
- Letter from Village of Clearlake Homeowners Association, Inc. (dated 2/10/99)
- Notice of Zoning Hearing (dated 3/9/99)
- Letter from Jack R. Sturgill, Jr., Esquire (dated 3/22/99) (ENTRY OF APPEARANCE)
- Letter from Andrew Erdman (dated 4/27/99)

Zoning Commissioner's Order dated June 11, 1999 (Granted, with Conditions) /E

Notice of Appeal received on July 7, 1999 by Ruth A. Phillips & Andrew P. Erdman

C: Jack Sturgill, Jr., Esquire, 606 Baltimore Avenue, Suite 207, Towson, MD 21204
*Ruth Phillips & Andrew Erdman, 11 Clearlake Court, Parkville, MD 21234
Mr. & Mrs. William Miller, Jr., 8 Woodcove Court, Baltimore, MD 21234
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

SCOTT DRUMMOND PRESIDENT
ANN J MILLER SECRETARY
VILLAGE OF CLEARLAKE HOA
PO BOX 8483
BALTIMORE MD 21234-0483

RECEIVED
COUNTY BOARD OF APPEALS
99 JUL -8 AM 10: 15

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Ruth A. Phillips and Andrew P. Erdman - Petitioners /Case No. 99-279-A

DATE : Tuesday, December 21, 1999

BOARD /PANEL : Charles L. Marks (CLM)
Donna M. Felling (DMF)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 99-279-A /Petition for Variance (appealed by Petitioners only as to condition requiring relocation of shed to under existing deck).

The Board, having convened for public deliberation after the conclusion of the hearing scheduled this date, and upon deliberation between panel members, reached the following conclusions and rendered the following decision:

Only question before the Board: Conditions imposed by Zoning Commissioner.

In reviewing ZC's Order, he states that he his persuaded to grant with modifications. The swimming pool is evidenced in the photographs submitted; modified the shed's location to closer to the house and that it would fit under the deck and be invisible to neighbors.

The Board at its 12/21/99 hearing received additional photos -- not visible in ZC photos -- tiered area under the deck; not shown on ZC photos was the tiered wall effect in place; drainage purposes, run off and to hold back dirt on sloping property.

If moved to fit under deck, all would be torn out; question resulting problems if that were done.

Inclined to allow it to remain, since the variance was granted -- will stay granted but without the condition imposed to move it to a location under the deck.

Shed would not fit under deck -- must have space behind it to access. With new evidence submitted at this de novo hearing, condition should be removed; not practical.

The only question is condition imposed. No one appeared in opposition.

In view of total circumstances and new evidence, shed to remain as

is; amend plat to reflect shed's proper and remove condition.

Written Opinion and Order to be issued by the Board as required by statute. Appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.

NOTE: This document confirms for the file that public deliberation was held this date in the subject matter and a final decision rendered in which the requested relief was granted; variance to remain as granted by Zoning Commissioner with condition (subject of appeal herein) to be removed.

Respectfully submitted,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

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:**

99-11-SPH –Robert F. Webbert, et ux
99-54-SPHXA –David M. Coleman-LO; Francis Honeywell-CP
99-57-A –Stamatios Papastefanou, et ux
99-73-SPHXA –Donald E. Warrener, Jr.
99-113-A – Emil A. Budnitz, Jr. –LO;Jeff Budnitz-CP
99-215-SPH – Ida A & Benjamin A. Petrilli
99-242-XA –Ernest Diegert-LO; Eller Media Co.-CP
99-279-A – Ruth Phillips & Andrew Erdman
99-291-SPH –Schoolden's Automotive Repair, Inc.
99-310-X – Eastern Boulevard Center, Inc. (Famous Pawn, Inc.)
99-318-X –Rodick Realty Partnership I-LO;
and Cloverland Farms Dairy, Inc.-CP
99-347-SPH –Estate of Aimee B. Foard-LO;
and Beachmont Christian Ministries-CP
99-359-A –Shirley & David Morrison-LO; David Waldhauser-CP
99-492-SPH –William A. and Mary H. Kraft
99-504-SPHXA –Estate of Sol Goldman-LO; Eller Media-CP

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.: 99-11-SPH; 99-54-SPHXA; 99-57-A; 99-73-SPHXA w/ large exhibit box; 99-113-A; 99-215-SPH w/ large exhibit; 99-242-XA; 99-279-A; 99-291-SPH; 99-310-X; 99-318-X; 99-347-SPH; 99-359-A; 99-492-SPH; and 99-504-SPHX

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

19

November 19, 1999
7166

sent to AJ for response, he did get PDM responsible cc. / fee filing + the requirements in connection therewith! LES 11/29/99

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

Re: Case No. 99-297-SPH, Hunters Mill, LLC
PDM # VII-342
Owner: Blackstrap Development Corp.

Dear Mr. Schmidt:

Yesterday afternoon I attempted to file three originals of the attached Petition for Special Hearing with the Department of Permits and Development Management. I was told by PDM that the Petitions would not be accepted because the Petition form was not exactly the same as the one provided by PDM. Since my office no longer uses a typewriter, I scanned many forms, including all the Petition forms that PDM uses, putting them on a disk and, when needed, I simply use the word processor to complete the form. I do not want to present a form or document that is hand written. PDM's rejection of my scanned form of a County document placed, I believe, an unnecessary obstacle in the way of my presenting a Petition on behalf of my clients.

Another reason for the rejection of my Petitions for Special Hearing was that PDM required original signatures of my clients and phone numbers which you will see is absent on Attachment "A" included herein. This also is hard to understand because appeals to the County Board of Appeals and Petitions for Judicial Review in the Circuit Courts in which I have practiced do not require original signatures of appellants or petitioners. However, you will note that I signed on behalf of all my clients. This requirement seems arbitrary because in many of my cases, I may represent as many as 10 to 15 protestants. Getting seven, ten or 20 original signatures in triplicate (Petitions have to filed in triplicate) takes a long time and often presents logistical problems.

A third reason for the rejection of the Petitions was that I did not file with our Petition, 12 copies of the plats that had already been filed by Mike Moran and McKee and Associates when they filed their own Petition for Special Hearing in Case No. 99-297-SPH. Instead, I inserted a reference that our Petition adopts by reference the plats filed by McKee and Associates because they are the same property. Reviewing file number 99-297-SPH for the plat and then making 12 more copies seemed like an unnecessary expenditure of money and additional time for no legitimate reason.

In my attached cover letter to Mr. Jablon, I requested that my petition and the petition previously filed by McKee and Associates be "consolidated and joined together" further obviating the need for 12 additional plats.

As a fourth reason in rejecting our petition, PDM said that we should have attached a 200' scaled zoning map of the subject area. But again, I attached an inserted page that adopted by reference the zoning map filed in case No. 99-297-SPH, which I believe is sufficient.

Consequently, this letter places in the record the attempt by my clients Cary Jackson, McCullogh Steen, Sam Lumpkin, Kate Tyrrell, Karen Miller, Anne Bricker and Charles Conklin to file a Petition for Special Hearing with PDM for the same property described in the "Airey" Property Petition which you heard on October 1, 1999.

I will, this time, attempt to comply with PDM's requests; however, at the same time, I wish to inform the Zoning Commissioner that if a hearing is set for Case No. 99-297 SPH and VII-342, the attached original Petition for Special Hearing should be consolidated to ensure all issues are tried together.

Very truly yours,

J. Carroll Holzer

cc: Arnold Jablon, Director
Mike Moran, Esq.
Cary Jackson, et al.

c:letters\schmidt.2-AireyProperty

HOLZER
&
LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

9

November 18, 1999
#7166

HAND DELIVERED
Arnold Jablon
Director of Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: Petition for Special Hearing
Property located at 18414 Vernon Road
Known as "Airey Property," P.D.M. # VII-342

Dear Mr. Jablon:

Please be advised that I am filing herewith a Petition for Special Hearing on behalf of several adjacent and adjoining property owners to the "Airey" property which is also subject to a Petition for Special Hearing filed by Michael Moran, Esquire for McKee and Associates in the above captioned matter.

I respectfully request that my Petition for Special Hearing be consolidated and joined together with Case No. 99-297-SPH previously filed by McKee and Associates. Thank you very much for your attention in this matter. If you have any questions, please call me at 410-825-6961.

Very Truly Yours,

J. Carroll Holzer

cc: Cary Jackson

C:\My Documents\Letters\Arnold Jablon - AireyProperty.doc

Petition for Special Hearing

VII-342

to the Zoning Commissioner of Baltimore County

for the property located at 18414 Vernon Rd., 3600' South of White Hall Rd. 88.2 Ac. +/- Known as Airey Property which is presently zoned RC-4/RC-2

This Petition shall be filed with the Department of Permits and 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(See Attached)

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Hunter Mill, LLC
Name - Type or Print

Signature

5 Shawan Road — 410-527-1555
Address — Telephone No.

Cockeysville — MD — 21030
City — State — Zip Code

Legal Owner(s):

Blackstrap Development Co.
Name - Type or Print

Signature

Name - Type or Print

Signature

4530 Hollins Ferry Rd.
Address — Telephone No.

Baltimore — MD — 21227
City — State — Zip Code

Attorney For Petitioner:

J. Carroll Helzer
Name - Type or Print

Signature

See Attachment "A"
Company

508 Fairmount Ave. — 410-825-6961
Address — Telephone No.

Towson — MD — 21286
City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No.

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. _____ UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

RBP 9/15/93

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _____

which is presently zoned _____

This Petition shall be filed with the Department of Permits and 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. _____

Reviewed By _____ Date _____

REV 9/15/98

ATTACHMENT "A"

Names and addresses of Petitioners in the matter of the Airey Property:

1. Mr. Carey Jackson
   2919 Hunter Mill Road
   White Hall, MD 21161
2. Mr. McCullogh Steen
   2003 Hunter Mill Road
   White Hall, MD 21161
3. Sam Lumpkin
   1900 Block Hunter Mill Road
   White Hall, MD 21161
4. Kate Tyrrell
   1926 Hunter Mill Road
   White Hall, MD 21161
5. Karen Miller
   White Hall Road
   White Hall, MD 21161
6. Anne Bricker
   White Hall Road
   White Hall, MD 21161
7. Charles Conklin
   4601 Copperwood Lane
   Glen Arm, MD

C:Petitions/Greystone-Names

ATTACHMENT "B"

Blackstrap Development Company, Owners/Hunter Mill LLC, Contract Purchaser, filed a Petition for Special Hearing in Case No. 99-297-SPH posing two questions for relief and interpretation, namely:

1. The residential development of the property known as "Plat 2-Parcel 'A'-Blackstrap Development Company." Recorded in Baltimore County Plat Book S.M. 67 Folio 1138 as a permitted use as set forth in the Baltimore County Zoning Regulations. This request is made in accordance with the conditions set forth on C.R.G. Plan #90-3532 of "Greystone Planning No. VII-246 which was approved on August 30, 1990; and

2. An amendment to Special Exception Case No. 90-19-SPHX by reducing the area of the "Greystone Golf Course" by 16 acres and utilizing that acreage for the density of 3 single family building lots (conveyed to the Blackstrap Development Company).

At the hearing on October 1, 1999, Petitioners Blackstrap and Hunter Mill LLC dismissed Question #2 above.

The Petitioners have reason to believe, upon review of the Amended Development Plan, dated October 7, 1999 showing a 17-lot site plan, that the Developer intends to request in the future the transfer of 3 density units for the purpose of adding 3 single family building lots by amending the proposed Site Development Plan in PDM #VII-342.

Wherefore, your Petitioners pose the following Questions to the Zoning Commissioner for determination under BCZR, Sec. 500.7:

1. Whether, pursuant to the previous zoning history of the site, the Zoning Commissioner's decision in Case 90-19-SPHX, and CBA decision of February 28, 1992 in Cases 90-19-SPHX and CBA 90-65, and other documentation, there is density left on the subject site to permit any development to occur?

2. Whether it is lawful, at any time, to transfer 3 density units from the 16 acres to the subject site for the purpose of developing 3 additional single family residences on the subject site proposed for development in Case VII-342?

C:Petitions/Greystone

Zoning Description for 18414 Vernon Road (also known as "Airey Property")

Beginning at a point on the South Side of Vernon Road which has a paving width of 20' +/-, at a distance of 80' +/-, east of the centerline of the nearest improved intersection street Hunter Mill Road which has a paving width of 20' +/-, being Parcel "A" of Plat 2 Blackstrap Developmenyt Co." as recorded in Baltimore County Plat Book S.M. 67 folio 138 containing 88.213 acres +/-. Also known as 18414 Vernon Road and located in the 7th and 10th Election Districts, 6th Councilmatic District.

Zoning Description for Area of Special Exception Refinement being a portion of 2115 Whitehall Road

Commencing at a point on the West Side of Vernon Road which has a paving width of 20' +/-, at a distance of 1009' +/- , south of the centerline of the nearest improved intersecting street White Hall Road, which has a paving width of 20' +/-, being a portion of Plat 1 "Lot One" Blackstrap Development Co. as recorded in Baltimore County Plat Book S.M. 67 folio 137 containing 217.248 acres+/-. The subject portion of Plat 1 "Lot One" Blackstrap Development Co., being described herein as the "Area of Special Exception Refinement" , is located distant from the commecing point the five following courses and distances along the property lines of said plat: 1. S 43 ° 04'00" W 225.65', 2. S 71 ° 58' 00" W 667.74', 3. S 31 ° 24' 00" E 697.13', 4. S 55 ° 54'00"W 1,313.23', 5. S17 ° 00 ' 49" W 170.41' to the true point of beginning for the Area of Special Exception Refinement. Said Area of Special Exception Refinement thence continuing along the property lines of Plat 1 "Lot One" Blackstrap Development Co. the six following courses and distances viz:1.S 17 ° 00' 49" W 686.86',2. S 43 ° 12' 29" W 399.92',3. N 75 ° 22' 17" W 123.38', 4. S 59 ° 54' 42" W 193.72', 5. S 71 ° 30' 29" W 200.05', 6. N 73 ° 15' 00" W 237.82' thence leaving said property lines and running the four following courses and distances viz: 1. N 30 ° 08' 43" E 820.12', 2. N 05 ° 05' 25" E 323.36', 3. S 76 ° 48' 08" E 438.42', 4. N 75 ° 57' 43" E 321.44' to the true point of beginning for the Area of Special Exception Refinement.Containing 16.000 acres +/-.
Also known as 2115 White Hall Road, and located in the 7th Election District, 6th Councilmatic District.

INSTANT PETITIONER ADOPTS BY REFERENCE

12 COPIES OF PLATS FILED IN CASE NO. 99-297-SPH

AND P.D.M. # VII-342 BY McKEE AND ASSOCIATES

BECAUSE THE SUBJECT PROPERTY IS THE SAME

INSTANT PETITIONER ADOPTS BY REFERENCE

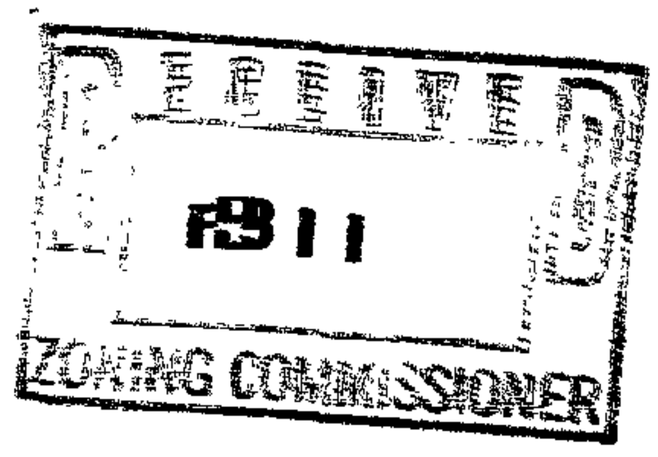
COPY OF 200' SCALE ZONING MAP FILED IN

CASE NO. 99-297-SPH AND P.D.M. # VII-342 BY

McKEE AND ASSOCIATES

BECAUSE THE SUBJECT PROPERTY IS THE SAME

TRENTON PROPERTY SERVICES, INC.



February 10, 1999

Lawrence Schmidt, Zoning Commissioner
Baltimore County Zoning
401 Bosley Avenue
Towson, MD 21204

Dear Mr. Schmidt:

This letter is written on behalf of the Board of Directors for the Village of Clearlake Homeowners Association, Inc., and per their direction.

The Board would like to inform you that they are *against* the variance that is being requested in Case # 99-279-A, concerning 11 Clearlake Court in Baltimore, Maryland, 21234. We hope this letter is sufficient in expressing our view.

Your attention to this matter is appreciated. If you need additional information, please contact me at the number listed below.

Sincerely,

R. Nicholls

Richard Nicholls, Property Manager
Village of Clearlake Homeowners Association, Inc.

cc: Board of Directors
Unit file

126 S. Main Street • P.O. Box 767 • Bel Air, Maryland 21014 • 410-838-4600 • 410-879-8333

March 29, 1999

Baltimore County Zoning Commission
401 Bosley Ave.
Towson, MD 21204

RE: Case # 99 279 A
11 Clearlake Court

TO WHOM IT MAY CONCERN:

Please be advised that Lynn VanSweden and or Ann Miller will represent the Village of Clearlake Homeowners Association Board of Directors for the above case. They are authorized to present the Board's opinion concerning this matter.

Very truly yours

Scott Drummond, President
Village of Clearlake HOA

Ann J. Miller, Secretary
Village of Clearlake HOA

EXHIBIT
Prot No 1

JACK R. STURGILL, JR.
ATTORNEY AT LAW

606 Baltimore Avenue, Suite 207
Towson, Maryland 21204

(410) 296-6485
FAX (410) 832-2903

4/9 (P.V. 2/22

March 22, 1999

MAR 2 3

Lawrence Schmidt, Zoning Commissioner
Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 99-279-A

Dear Commissioner Schmidt:

Please enter my appearance on behalf of the Village of Clearlake Homeowners Association in the above-captioned matter.

Very truly yours,

Jack R. Sturgill, Jr.

JRS/jd

CC:
Ms. Lynn Van-Sweeden
Mrs. Ann Miller
Mr. Richard Nicholls

JACK R. STURGILL, JR.
ATTORNEY AT LAW

606 Baltimore Avenue, Suite 207
Towson, Maryland 21204

(410) 296-6485
FAX (410) 832-2903

July 19, 1999

Baltimore County Board of Appeals
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Appeal of Petition For Administrative Variance
11 Clearlake Court
Property of Ruth A. Phillips and Andrew P. Erdman
Case No. 99-279-A

Dear Sir/Madam:

Please enter my appearance in the above-captioned case on behalf of the Village of Clearlake Homeowners' Association.

Very truly yours,

Jack R. Sturgill, Jr.

JRS/bd

CC:
Mrs. Ann Miller

Baltimore County Zoning Office
111 W. Chesapeake Ave., Rm. 111
Towson, MD 21204

July 07, 1999

ok
4 cm

RE: **NOTICE OF APPEAL**
E/S Clearlake Court, 157.5' N of the c/l Ridgely Rd
(11 Clearlake Court)
11th Election District - 6th Councilmanic District
Andrew P. Erdman and Ruth A. Phillips - Petitioners
Case No. 99-279-A

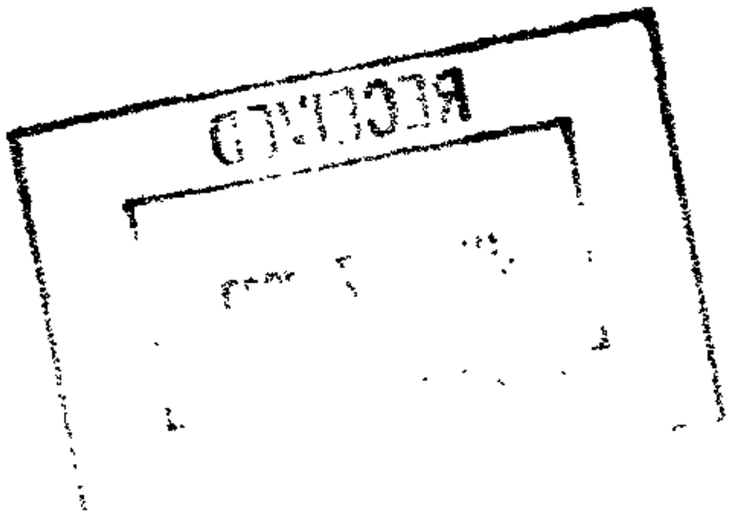
We are hereby appealing the decision rendered, June 11, 1999, by Zoning Commissioner, Lawrence E. Schmidt, in the case No. 99-279-A..

Mr. Schmidt's decision was to grant the variance to permit an accessory structure (shed) in the side yard of our property. He agreed that this was the more appropriate location for the shed. However, the granting of the variance was conditional. The conditions were to move the shed closer to the side of our house. This condition is a physical impossibility. Support posts for the existing deck and a set of steps completely inhibit the condition that the shed be moved under the existing deck. In addition, the shed is not one that is easily movable. It was not purchased as a whole unit from a retailer. Rather it was custom "stick built" to fit into the current location. It was erected on a leveling platform with small buried posts.

We understand that a new hearing may be called. It is our request that, if possible, it will not be scheduled for the second week of August (Aug, 08 - Aug. 14). We have a family vacation arranged for this week. Thank you very much.

Sincerely,

Andrew P. Erdman
Ruth A. Phillips
11 Clearlake Court
Parkville, Maryland 21234



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

April 27, 1999

Mr. Schmidt,

I called your office on April 27, 1999 to inquire about your decision regarding case **#99-279-A**. You presided over a public hearing on Friday April 09, 1999 that was about my accessory structure (shed) currently located a few feet into my side yard.

The Thursday after that hearing, I met with the Village of Clearlake Home Owners Association to find out their intent if you made the decision to grant my request for a variance. They indicated to me that they would approve my shed if the variance was granted.

I am hoping that your decision will also allow me to keep my shed where it is.

However your decision may be to require my sheds removal or repositioning. If this is so, then I would ask that I be given 90 days to comply. I am having hernia surgery this Friday, April 30th. The surgeon has told me that it will be approximately two months before I will be able to do any "vigorous" activity. I would prefer to save the expense of hiring someone else to move the shed.

Sincerely,

Andrew P. Erdman
11 Clearlake Court
Parkville, MD 21234-3439
phone: 410-665-4529

PETITION OF SUPPORT FOR ACCESSORY STRUCTURE (SHED) LOCATED ON THE PROPERTY OF 11 CLEARLAKE COURT

We, Andrew P. Erdman and Ruth A. Phillips, (owners of 11 Clearlake Court) are requesting your support and approval for the shed located on our property.
Baltimore County Department of Permits and Development Management has cited us with a zoning code violation. This violation is for having an accessory structure (shed) in the side yard. We are petitioning the above named department, to be granted a variance to the current regulations. This requires a public hearing which we must attend.

I/We the undersigned have seen the accessory structure and/or photographs of it's location and design on the property of 11 Clearlake Court. I/We have no objection to it's remaining where it is currently located.

NAME	ADDRESS
[signature]	5 CLEARLAKE CT

PLEASE PRINT CLEARLY

Petitioner's

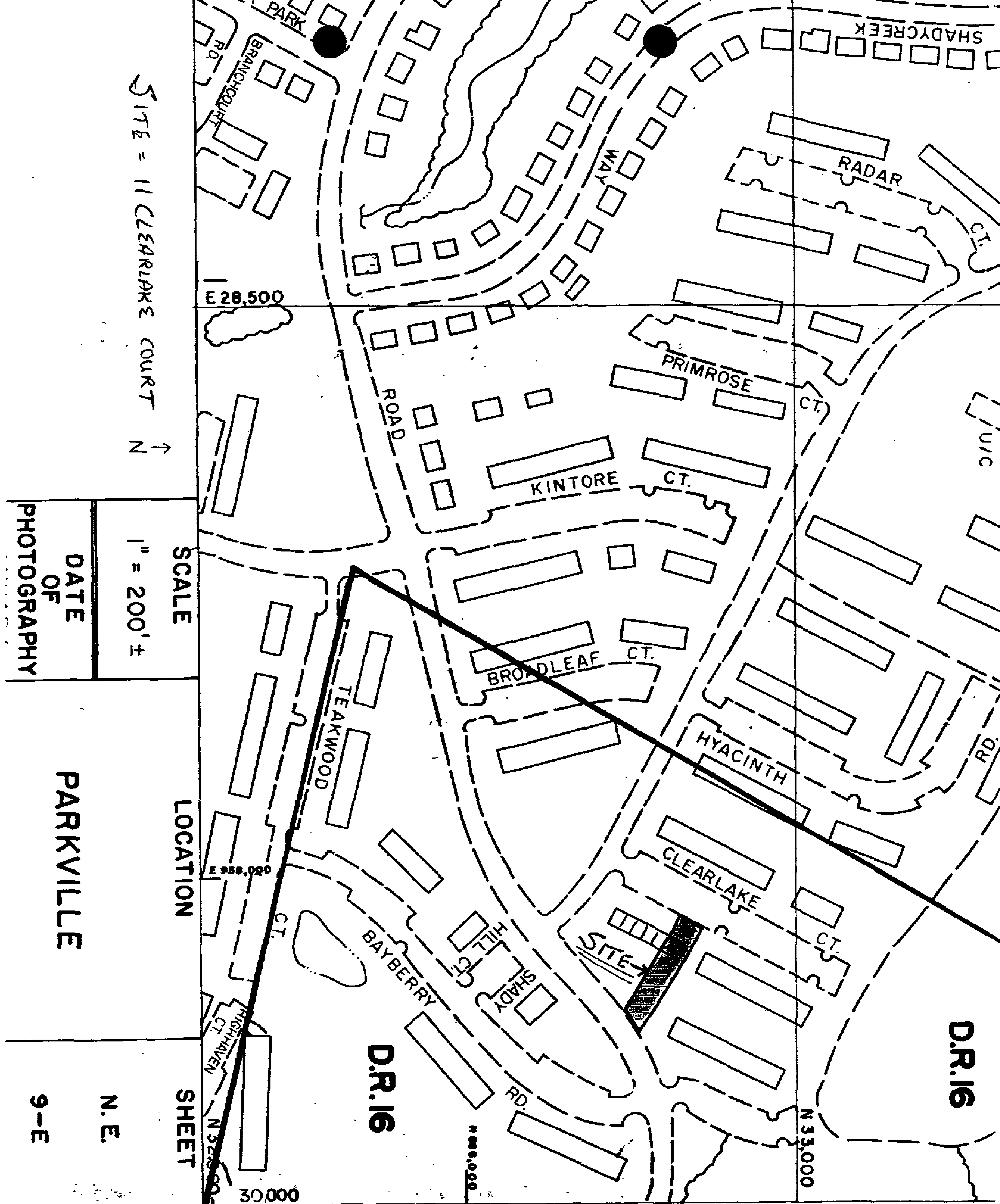
~~PROTESTANT~~(S) SIGN-IN SHEET

NAME	ADDRESS
ANDREW P. ERDMAN	11 CLEARLAKE CT.
RUTH A. PHILLIPS	11 CLEARLAKE TT,

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Ann J. Miller	Representing Village of Glen Lake HOA
Wm L. Miller Jr	8 Woodcove Ct Balto MD 21234


SITE = 11 CLEARLAKE COURT
N →
SCALE
1" = 200' ±
DATE OF PHOTOGRAPHY
LOCATION
PARKVILLE
SHEET
N.E.
9-E
PARK
RD.
BRANCHCOURT
WAY
SHADYCREEK
RADAR
CT.
E 28,500
ROAD
PRIMROSE
CT.
KINTORE
CT.
U/C
BROADLEAF
CT.
TEAKWOOD
HYACINTH
RD.
CLEARLAKE
CT.
E 938,020
CT.
BAYBERRY
HILL
CT.
SHADY
RD.
SITE
HIGHHAVEN
CT.
D.R.16
D.R.16
N 33,000
30,000

99-279-A

#279

Plat to accompany Petition for Zoning [X] Variance [ ] Special Hearing

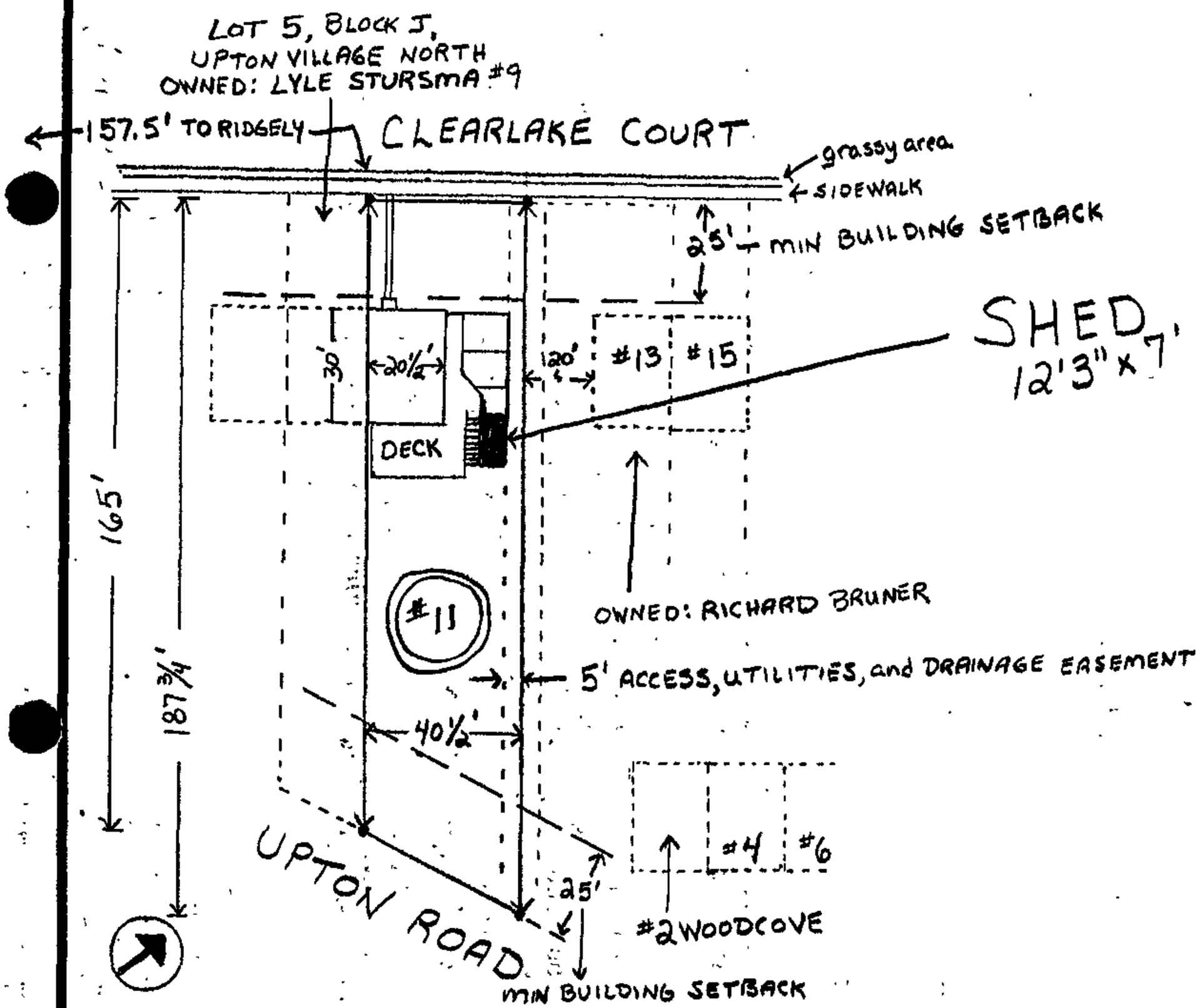
PROPERTY ADDRESS: 11 CLEARLAKE COURT

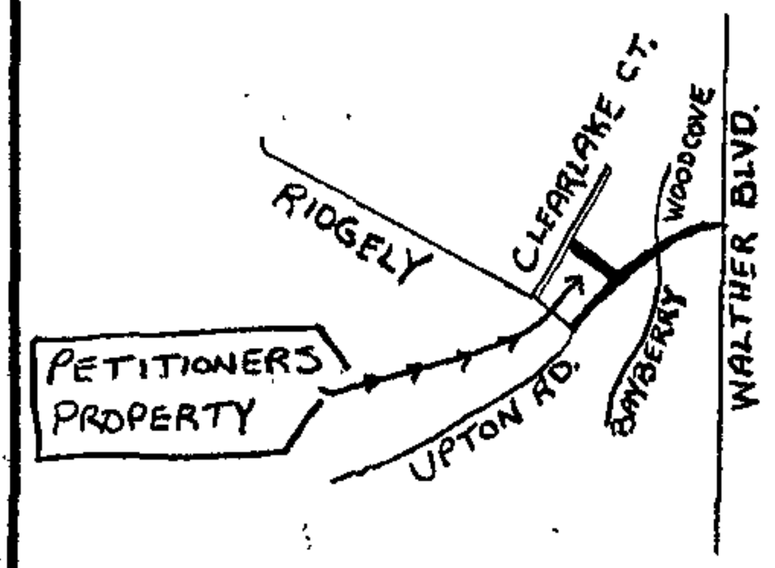
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: UPTON VILLAGE NORTH

plat book# EHK Jr., folio# 109, lot# 6, section# 2

OWNER: ANDREW P. ERDMAN & RUTH A. PHILLIPS





North

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 11th

Councilmanic District: 6th

1"=200' scale map#: N.E. 9-E

Zoning: D.R.-16

Lot size: .16 acreage 7139 square feet

	public	private
SEWER:	[X]	[ ]
WATER:	[X]	[ ]

	yes	no
Chesapeake Bay Critical Area:	[ ]	[ ]

Prior Zoning Hearings: NONE
Violation #111874-Riour

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
BK	279	99-279-A

date: 12-21-98

prepared by: APE

Scale of Drawing: 1"= 50

-15-

99-279-A

3A

Victoria Price
12 Clearlake Ct
Baltimore MD
21234

Dear Mr. Nicholls
as of March 31, 1999 I will be resigning my position as Architectural Committee Chairperson for the Village of Clearlake homeowners association due to a Conflict of interest Concerning a shed that was built by a property owner at 11 Clearlake Court. At the December meeting when the Shed was brought up, a board member, Ann Miller stated that it wouldnt matter to her if the proper steps were taken, She would have denied it, She didnt want to look out her back porch and see it, She didnt like it. To me it sounds like a matter of personal opinion, this is not why I joined the board. I am not comfortable being on the board as I dont agree & support their actions.

Thank you
Victoria Price

Pet 33

Baltimore Cty. Department of
Permits and Development Mgmt.

April 06, 1999

We have been the residents of 2 Woodcove Ct. for more than ten years. The townhouse we live in is to the rear and side of 11 Clearlake Ct.

We realize our neighbors are petitioning the above named department to obtain a zoning variance for their shed.

We support where our neighbor has placed their shed. It does not block our view and its color and design do not bother us in any way.

We do support the variance petition for the shed on 11 Clearlake Ct.

Sincerely,

Frank Reidy

Frank Reidy
2 Woodcove Ct.
Parkville, MD 21234

Baltimore County Zoning Jan. 10, 1999

To Whom It may Concern,

I am the owner and resident of 13 Clearlake Court. My townhouse is an end of group unit and is an adjacent property to 11 Clearlake Court.

The shed erected on the property of 11 Clearlake Court does not inhibit my view from anything significant. In my opinion the design, coloring, and location of my neighbor's shed does not detract in any way from the aesthetic value of the community.

I support the location chosen by my neighbor for his shed. I also support his request for a zoning variance.

Sincerely,

Richard Bruner

Richard Bruner
13 Clearlake Court
Parkville, MD 21234

PETITION OF SUPPORT FOR ACCESSORY STRUCTURE (SHED) LOCATED ON THE PROPERTY OF 11 CLEARLAKE COURT

We, Andrew P. Erdman and Ruth A. Phillips, (owners of 11 Clearlake Court) are requesting your support and approval for the shed located on our property.
Baltimore County Department of Permits and Development Management has cited us with a zoning code violation. This violation is for having an accessory structure (shed) in the side yard. We are petitioning the above named department, to be granted a variance to the current regulations. This requires a public hearing which we must attend.

I/We the undersigned have seen the accessory structure and/or photographs of it's location and design on the property of 11 Clearlake Court. I/We have no objection to it's remaining where it is currently located.

NAME	ADDRESS
[illegible]	5 Clearlake Ct.
Lauren Doyle	9 Clearlake Ct.
Bill Rogers	16 CLEARLAKE CT
[illegible]	7 Clearlake Ct.
[illegible]	3 Clearlake Ct.
[illegible]	1 CLEARLAKE Ct
[illegible]	18 CLEARLAKE CT.
T. [illegible]	21 Clearlake Court
[illegible]	4 Clearlake Ct.
[illegible]	12 Clearlake Ct.
[illegible]	6 Clearlake Ct
[illegible]	25 Clearlake Ct
Mary Salaski	17 Clearlake Ct.

Let 30

View from rear sidewalk ae

View from rear sidewalk very near front walk of #2 Woodcove ae

99-279-A

#279

photovar.wk4

Photo taken from front sidewalk between petitioners house and #13 Clearlake (adjacent property).

Closer view of above.

ae

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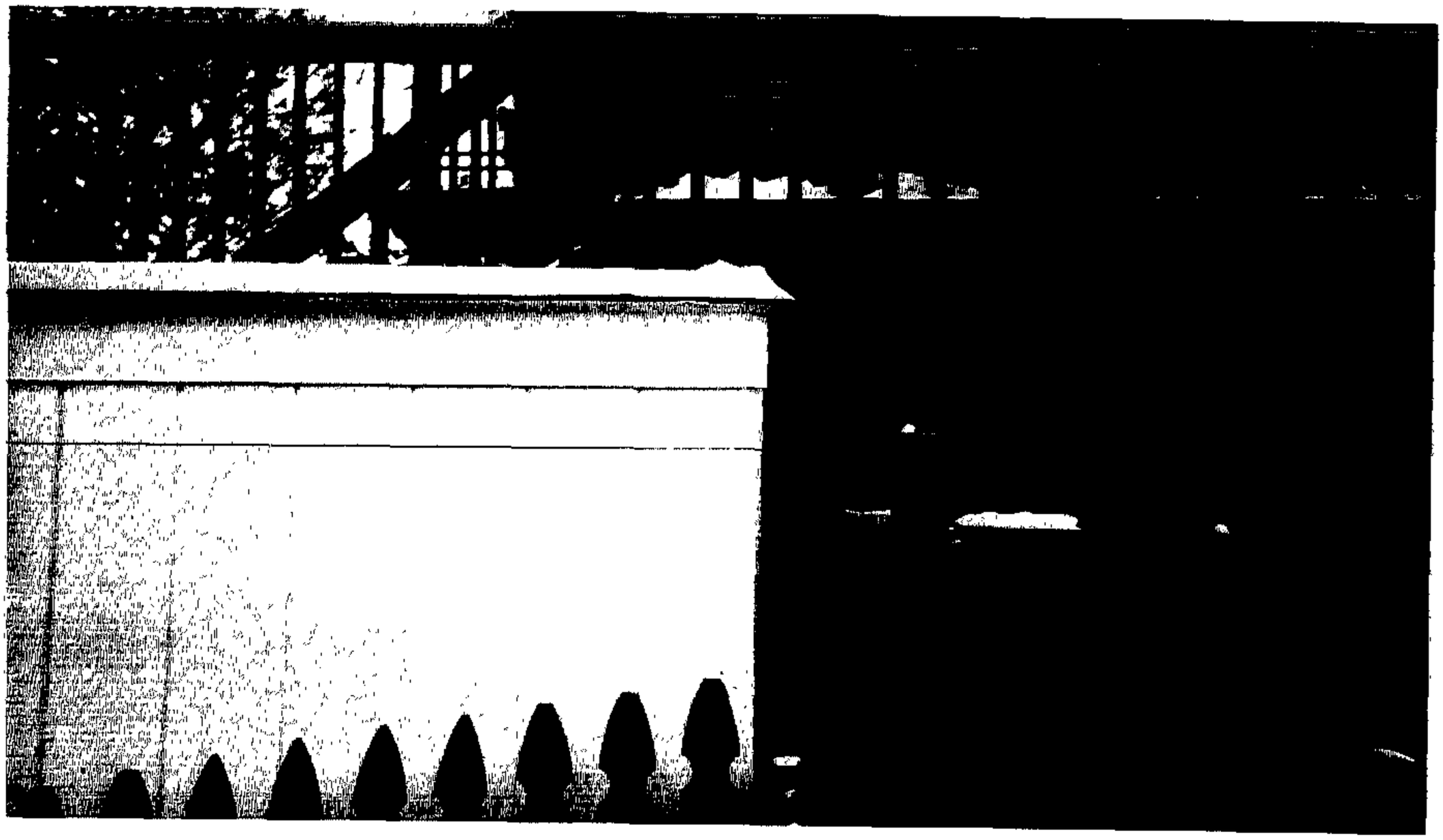
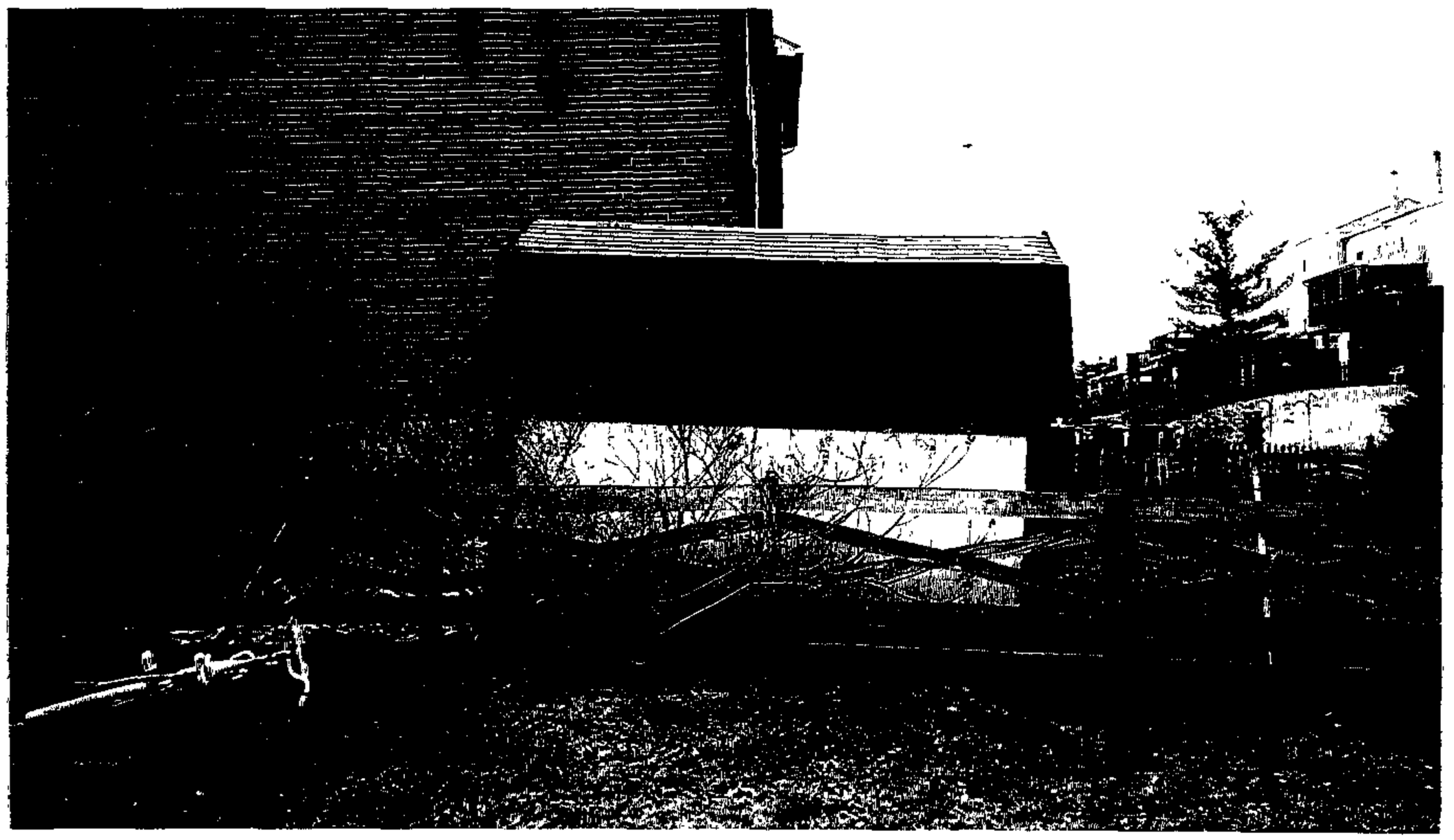
View from front doorstep of #13 Clearlake (adjacent property).

View from rear yard of #2 Woodcove (rear adjacent property).

ae



Shows encroachment of petitioners shed into side yard.



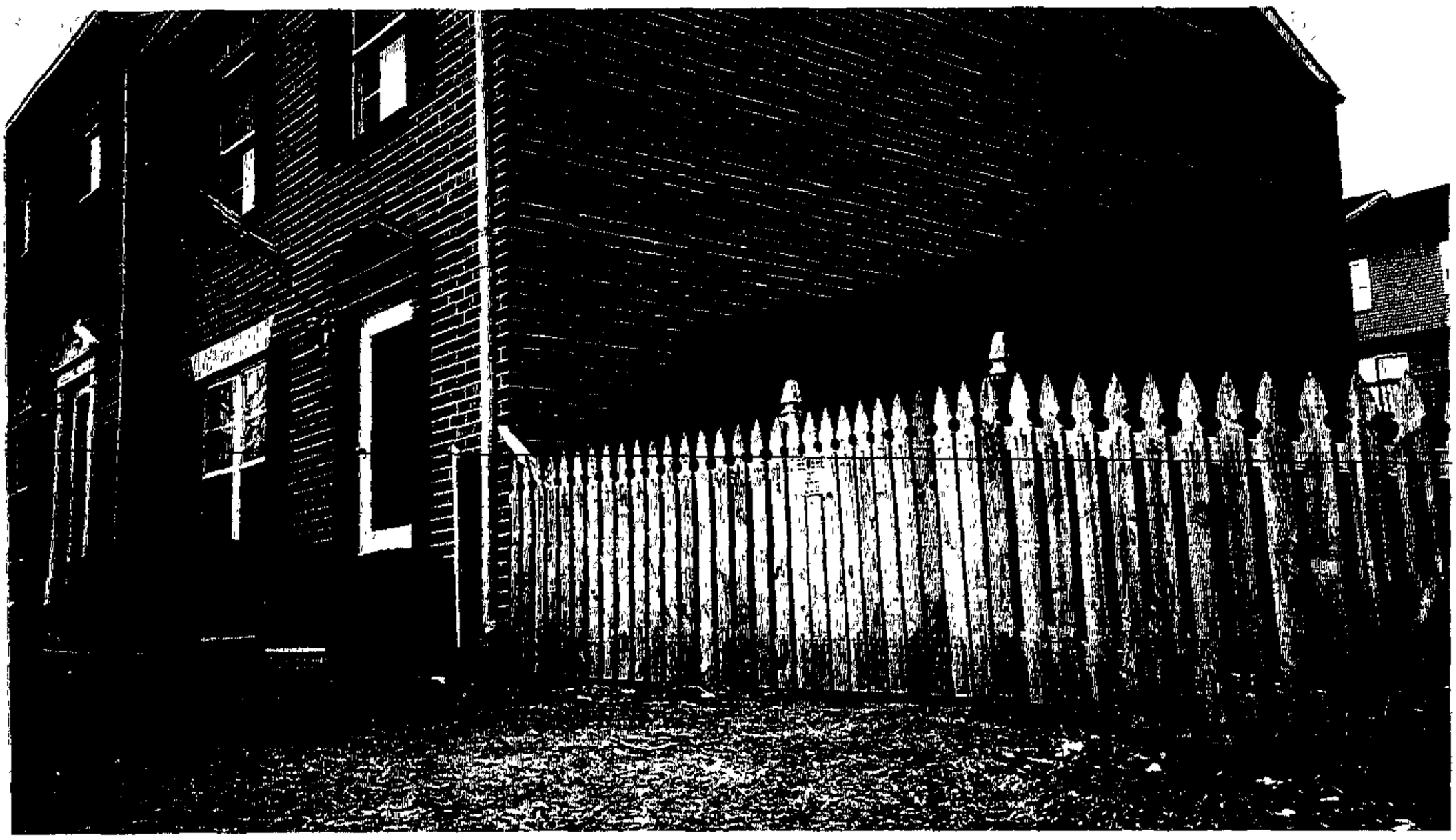
Shows another existing shed, located on Clearlake Court, that is into the side yard.

ae

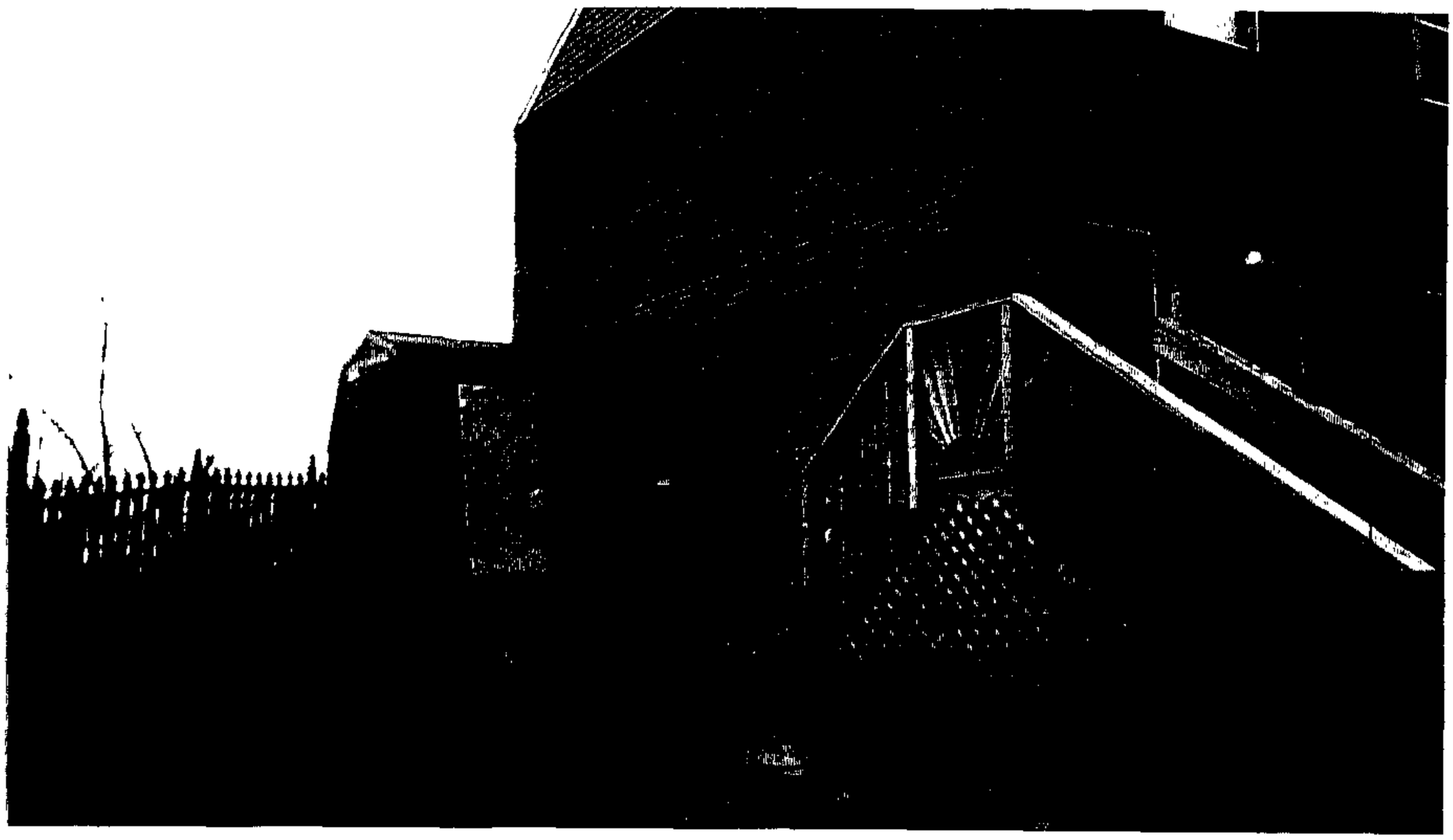
DATE: EASTER 1989 Previous shed location. House puchased with shed in this location.

Previous shed location currently used for heat pump.

ae

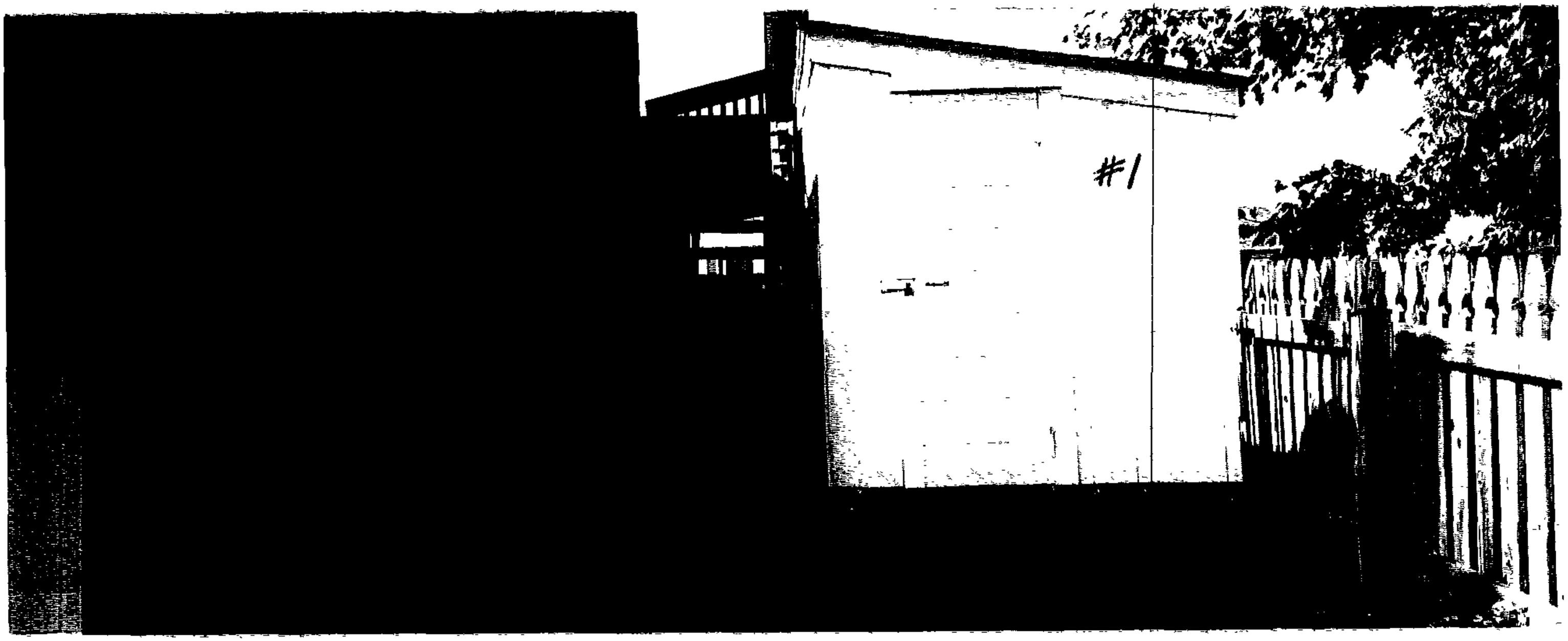


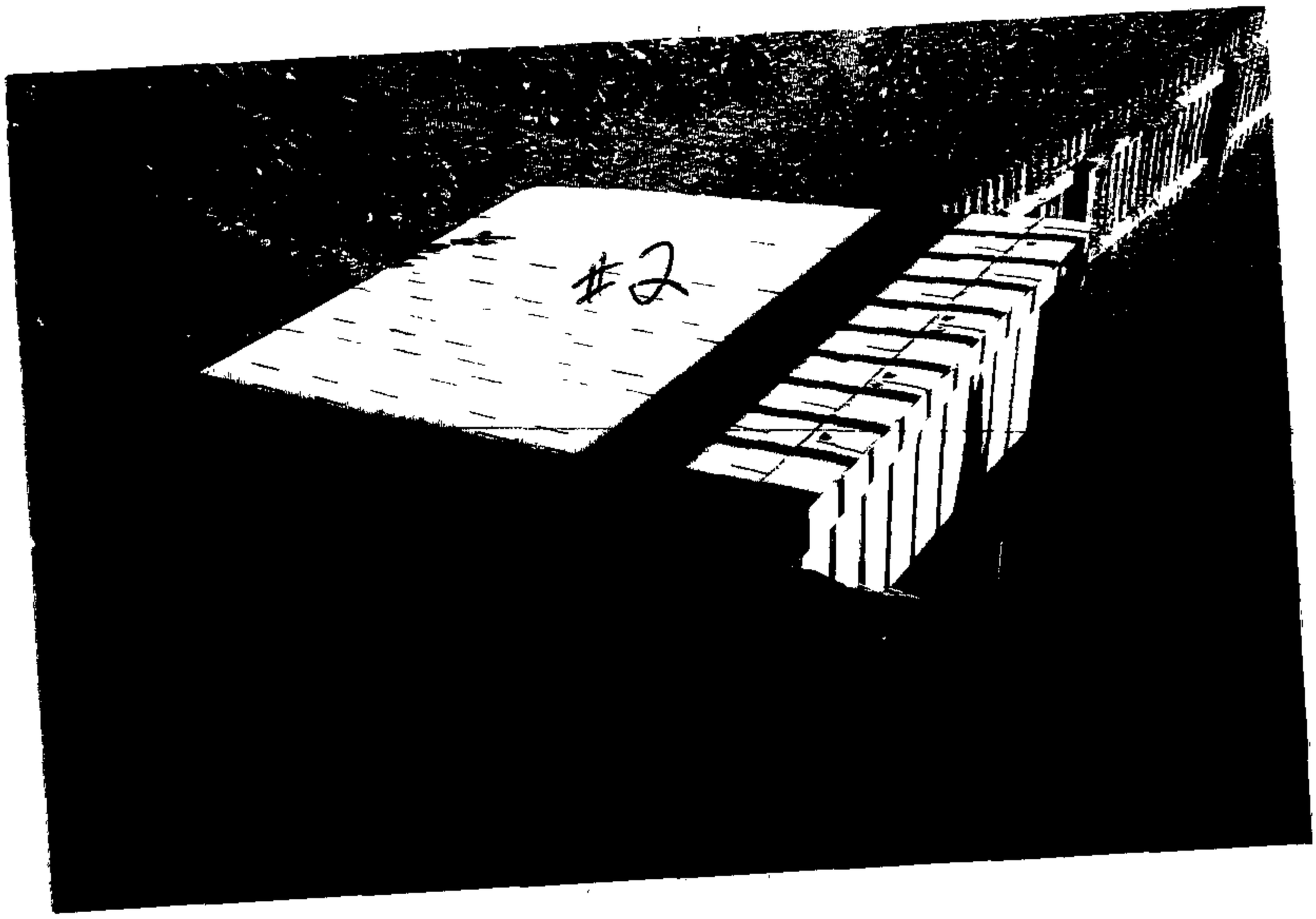
Shows shed on Woodcove Court entirely within side yard.



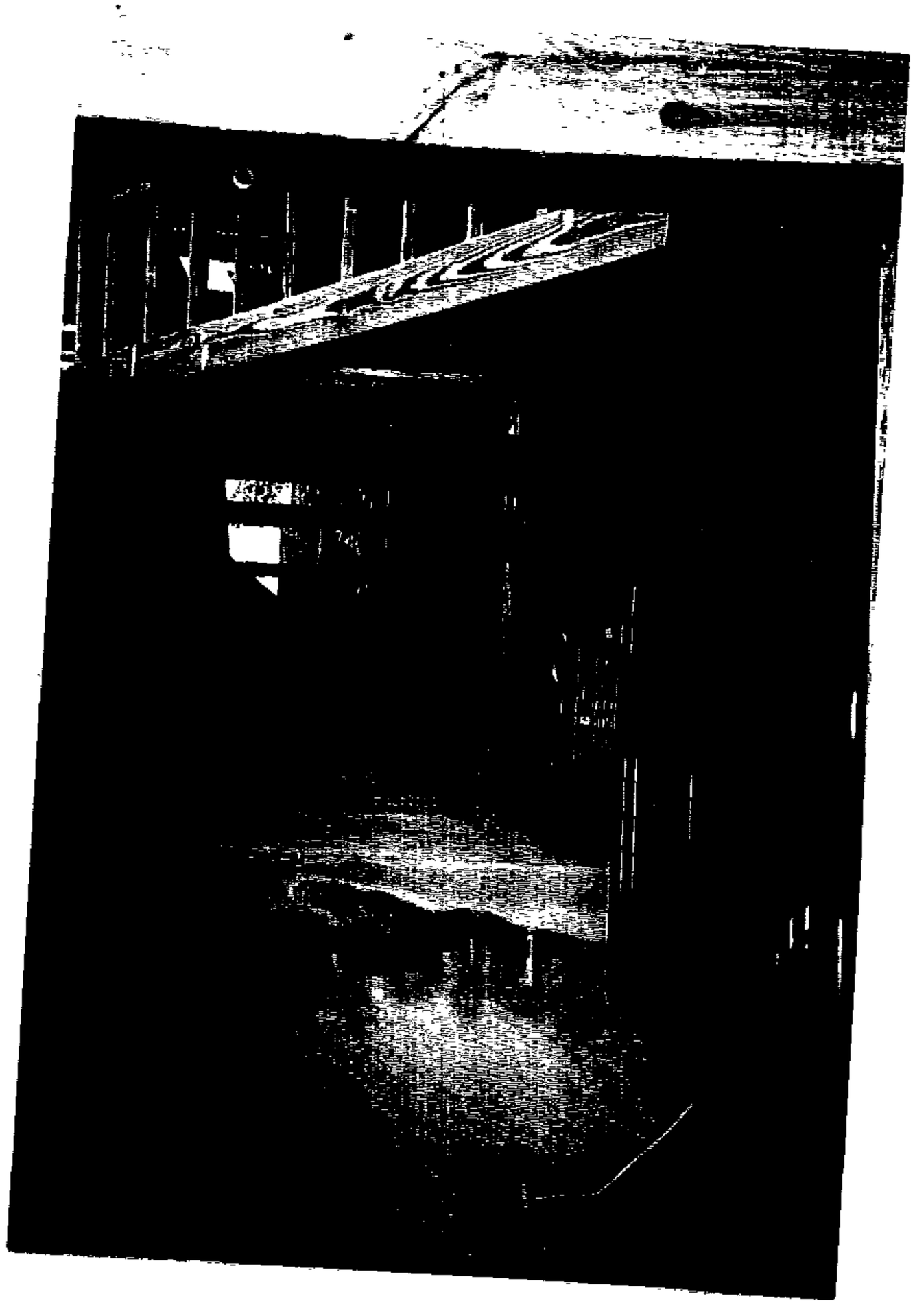
Additional photo showing neighbor shed within side yard. (same location as above)

ae


#1


#2


#3



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'±	PARKVILLE	N.E. 9-E
DATE OF PHOTOGRAPHY JANUARY 1986	99-279-A	

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