

IN RE: PETITION FOR VARIANCE
E/S Baker Avenue, 266' S of the c/l
Putty Hill Road
(8723 Baker Avenue)
14th Election District
6th Councilmanic District

John Diegert, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-351-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, John and Kathy Diegert. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 21 feet in lieu of the maximum allowed 15 feet for a proposed 30' x 28' garage. 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.

Appearing at the hearing on behalf of the Petition was John Diegert, co-Petitioner/property owner of the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped lot, 50 feet wide by 150 feet deep, consisting of a gross area of 7,500 sq.ft., zoned D.R. 5.5 and is improved with a single family dwelling, known as 8723 Baker Avenue. The Petitioners have lived on the property for the past 7 years and are desirous of constructing a two-story, 30' x 28' garage to the rear of the property. The first floor of the garage will provide storage space for the family's automobiles, while the second floor will provide storage space and a family workshop. Mr. Diegert indicated that the proposed garage would be substantially similar to the existing garage located on the adjacent property, as depicted in photographs displayed at the hearing. Testimony indicated that Mr. Diegert had discussed his proposal with his neighbors and that they had no objections to his plans.

ORDER RECEIVED FOR FILING

Date

By

Based upon the testimony and evidence presented, I am persuaded to grant the variance. In my judgment, the proposed building will not cause detriment to the surrounding locale. I am persuaded that the Petitioners have met the requirements set forth in Section 307 of the B.C.Z.R. for the variance to be granted. However, in so granting, I shall impose a restriction on the use of the building. The building shall not be used for dwelling/residential purposes. That is, it may not be converted to an apartment use or to provide living space. Moreover, it shall not be used for any business purposes; rather, it shall be incidental to the primary use of the property as a residence.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of May, 1999 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 21 feet in lieu of the maximum allowed 15 feet for a proposed two-story, 30' x 28' garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The addition (garage, barn, etc.) shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED
3/4/99
bjs



Baltimore County
Zoning Commissioner

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

May 4, 1999

Mr. & Mrs. John Diegert
8721 Baker Avenue
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
E/S Baker Avenue, 266' S of the c/l Putty Hill Road
(8723 Baker Avenue)
14th Election District – 6th Councilmanic District
John Diegert, et ux – Petitioners
Case No. 99-351-A

Dear Mr. & Mrs. Diegert:

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

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File

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



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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8723 Baker Ave

which is presently zoned DR 5.5

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) 400.3; BCZR, to Permit

AN ACCESSORY STRUCTURE WITH A HEIGHT OF 21 feet IN LIEU
* of the ~~BE~~ PERMITTED 15 feet.

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 PRESENTED AT HEARING

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

Case No. 99-351A

Date 9/15/98

Legal Owner(s):

John & Kathy Diegert

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

John Diegert

Name

Same.

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JAM

Date 3.10.99

ORDER RECEIVED FOR FILING

Date

By

Zoning Description for: "SCapris"
8723 Baker Ave.

Beginning at a point on the east side
of Baker Ave. which is 30 ft. wide at a
distance of 266 feet south of the centerline
of the nearest improved intersecting street
Putty Hill Rd which is 50 ft wide.

Being lot # 193, 192, + half of lot 191

Block — Section # — Sub Div. of Moreland Park

Plat Book WPC No. 7 Folio 37

containing 7,500 sq ft. also known as.

8723 Baker Ave. and located in the

14 Election District, 6 Councilmanic Dis.

99-351-A

BALTIMORE COUNTY, MARY' ID No. 062325
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

351

DATE 3-10-77 ACCOUNT 6150

AMOUNT \$ 50.00

RECEIVED FROM: B. DIE (CASH) 8721 BAKER

(010) VAP, FOR:

PAYD RECEIPT
PROFESS ACTUAL 100-
3/10/1977 3/10/1977 08:42:25
REG. NO. CASHIER CLIM CO. DEWELL
5 MISCELLANEOUS CASH RECEIPT
RECEIVED BY 091630
CASH NO. 062325

50.00 CASH
Baltimore County, Maryland

CASHIER'S VALIDATION

DISTRIBUTION: WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCM

99.351-A

**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: #99-351-A
8723 Baker Avenue
E/S Baker Avenue, 266' S of
Putty Hill Avenue
14th Election District
6th Councilmanic District
Legal Owner(s): John & Kathy
Diegert

Variance: to permit an accessory structure with a height of 21 feet in lieu of the permitted 15 feet.

Hearing: Monday, April 26, 1999 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please 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.

4/158 April 8 C302983

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/8/, 1999

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 4/8/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-351-A

PETITIONER/DEVELOPER:

(John Diegert)

DATE OF HEARING

(APR. 26, 1999)

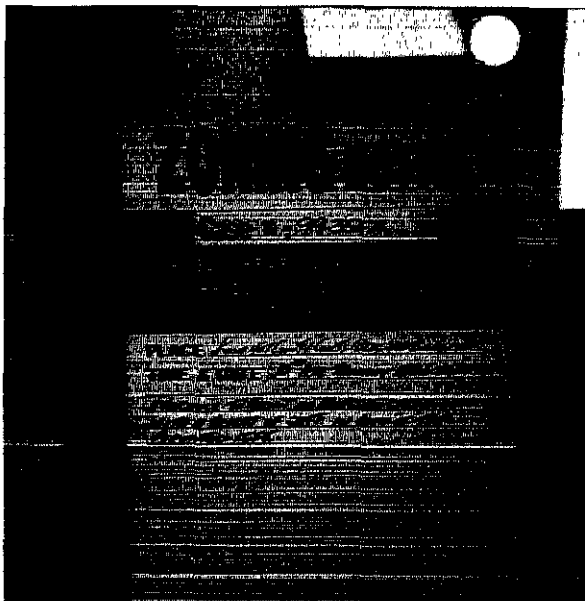
**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

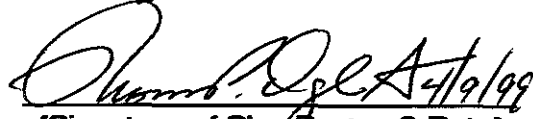
LADIES AND GENTLEMEN:

**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
8723 Baker Ave. Baltimore, Maryland 21234_____**

**The sign(s) were posted on _____ 4-9-99 _____
[Month, Day, Year]**



Sincerely,


[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
[Telephone Number]**

RE: PETITION FOR VARIANCE
8723 Baker Avenue, E/S Baker Ave,
266' S of Putty Hill Ave, 14th Election District,
6th Councilmanic

Legal Owners: John & Kathy Diegert

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-351-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 29th day of March, 1999, a copy of the foregoing Entry of Appearance was mailed to Legal Owners John & Kathy Diegert, 8721 Baker Avenue, Baltimore, MD 21234, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



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 26, 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: 99-351-A
8723 Baker Avenue
E/S Baker Avenue, 266' S of Putty Hill Avenue
14th Election District – 6th Councilmanic District
Legal Owner: John & Kathy Diegert

Variance to permit an accessory structure with a height of 21 feet in lieu of the permitted 15 feet.

HEARING: Monday, April 26, 1999 at 10:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: John & Kathy Diegert

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 11, 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.

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



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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
April 8, 1999 Issue – Jeffersonian

Please forward billing to:

J. Diegert 410-661-7698
8721 Baker Avenue
Baltimore, MD 21234

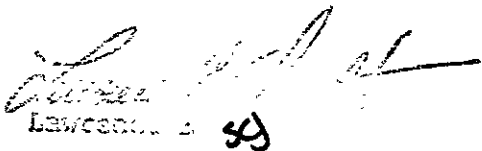
NOTICE OF ZONING HEARING

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8723 Baker Avenue
E/S Baker Avenue, 266' S of Putty Hill Avenue
14th Election District – 6th Councilmanic District
Legal Owner: John & Kathy Diegert

Variance to permit an accessory structure with a height of 21 feet in lieu of the permitted 15 feet.

HEARING: Monday, April 26, 1999 at 10:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue



Lawrence E. Schmidt

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.

**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: 351
Petitioner: J. DIEGERT
Address or Location: 8723 BAKER AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. DIEGERT
Address: 8721 BAKER AVE.
RALTO., MD. 21234
Telephone Number: (410) 661-7698

Revised 2/20/98 - SCJ

99-351-A

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

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

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-351A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A VARIANCE TO PERMIT AN ACCESSORY
STRUCTURE WITH A HEIGHT OF 21 ft. IN
LIEU OF THE PERMITTED 15 ft.

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

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

HANDICAPPED ACCESSIBLE



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

April 23, 1999

Mr. and Mrs. John Diegert
8721 Baker Avenue
Baltimore, MD 21234

RE: Case No.: 99-351-A
Petitioner: Diegert
Location: 8723 Baker Avenue

Dear Mr. and Mrs. Diegert:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 10, 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,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

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



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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: April 6, 1999

FROM: *RW* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 29, 1999
Item Nos. 345, 346, 347, 348, 349,
350, 351, 353, 355

and

Case #99-326 (Additional petition
for Special Hearing)

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

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

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

April 5, 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 MARCH 22, 1999

Item No.: 346, 350, 352, 354, 347, Zoning Agenda:
348, 349, AND 355

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.

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

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 3/30/99

FROM: R. Bruce Seeley, Project Manager
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 3/22/99

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

Item #'s:

346

348

349

350

351

355

4/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: March 23, 1999

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

SUBJECT: Zoning Advisory Petitions

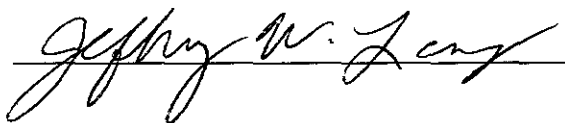
ITEM NO. 351

The Office of Planning supports the applicant's request subject to the following condition:

The petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

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:



AFK/JL



Maryland Department of Transportation
State Highway Administration

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

Date: 3.24.99

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

RE: Baltimore County
Item No. 351

JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,


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

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 8723 Baker Ave

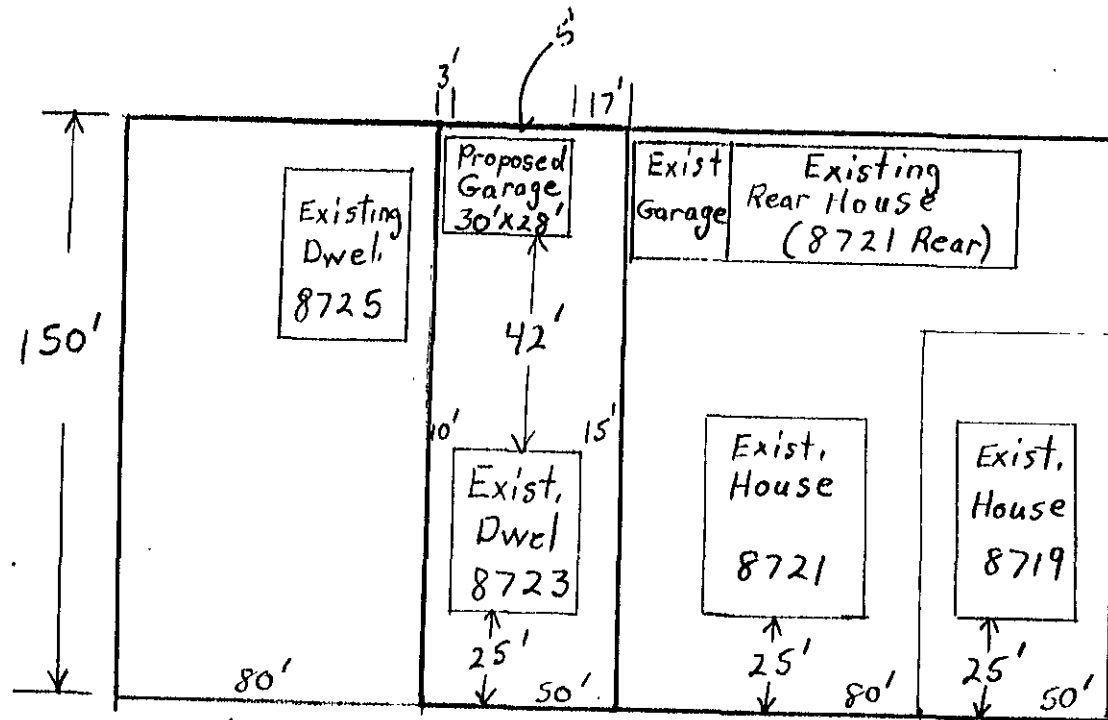
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Moreland Park

plat book# 7, folio# 37, lot# 193+192+191, section# 191

OWNER: John Diegert

Red No!



Baker Ave. (50' RW 30' Paving)

266' to Center of Patty Hill Rd.

North
date: 3/5/99

prepared by: John Diegert Scale of Drawing: 1" = 50'



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 14
Councilmanic District: 6
1"=200' scale map#: NE 8E
Zoning: DRS.5
Lot size: 7,500
acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

Sum 351

99.351-A

N 31,000

AVE.

D.R. 5.5

AVONDAL

WILSON AVE.

SPERL

AVE.

WILSON AVE.

BAKER

PUTTY

ORCHARD

AVENUE

N 30,000

Site

MARVOSS

MORELAND PARK

GLEN HAVEN

GARDEN

AVENUE

H.S.

BAKER

RD.

PARKVILLE SCHOOL

H.S. HOUSE

N 29,000

99-351-A

35

NE 8 E