

IN RE: PETITION FOR VARIANCE  
NW/S Eastern Avenue, corner  
SW/S Ebenezer Road  
15<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(12616 Eastern Avenue)

Shirley & John C. Thompson  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 00-126-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Shirley and John C. Thompson, the legal owners of the subject property. The variance request is for an unimproved lot located at 12616 Eastern Avenue in the Chase area of Baltimore County. The property is currently zoned D.R.5.5. The variance request was originally filed pursuant to Section 1B02.3.c.1. to permit a front yard setback of 9 ft. in lieu of the required 25 ft. and a rear yard setback of 12 ft. in lieu of the required 30 ft. However, at the hearing, as a result of discussions with Mr. John Thompson, the owner of the property, he indicated that he will be fronting his house towards Eastern Avenue. Therefore, he satisfies the front and rear yard setbacks, however, does not satisfy the sideyard setback to Ebenezer Road. Therefore, the petition for variance was amended to accurately reflect that the variance requested is from Section 1B02.3.c.1 to permit a side street setback of 9 ft. in lieu of the required 40 ft.

Appearing at the hearing on behalf of the request was Mr. John C. Thompson, owner of the property. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.38 acres, more or less, zoned D.R.5.5. The property is very long and narrow,

RECEIVED FOR FILING

Date 11/2/99

By J.R. [Signature]

comprising 63 ft. in width and some 310 ft. in length. The lot is a corner lot situated at the intersection of Eastern Avenue and Ebenezer Road in Chase. The Thompsons are desirous of constructing a single family dwelling on this lot for themselves. In order to do so, a variance is necessary from the required side street setback of 40 ft. After considering the testimony and evidence offered at the hearing, the variance request shall be granted.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

CAUSE NO. 11-02-00188-001 FILING

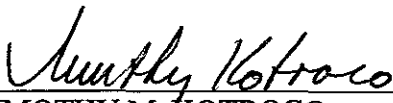
Date 11/26/09

By *R. J. G... ..*

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 2nd day of November, 1999, by this Deputy Zoning Commissioner, that the Petitioners' variance request filed pursuant to Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 9 ft. in lieu of the required 40 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

  
\_\_\_\_\_  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING  
Date 11/02/99  
By [Signature]



Baltimore County  
Zoning Commissioner

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

November 2, 1999

Mr. & Mrs. John C. Thompson  
6010 Williams Road  
Hydes, Maryland 21082

Re: Petition for Variance  
Case No. 00-126-A  
Property: 12616 Eastern Avenue

Dear Mr. & Mrs. Thompson:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12616 EASTWOOD AVENUE  
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) 1802.3.c.1 to permit a front yard setback of 9 ft. in lieu of the required 25 ft., and to permit a rear yard setback of 12 ft. in lieu of the required 30 ft.

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

"SEE ATTACHED SHEET"  
"ENCLOSED"

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

Legal Owner(s):

SHIRLEY THOMPSON  
Name - Type or Print  
x Shirley Thompson  
Signature  
JOHN C. THOMPSON  
Name - Type or Print  
x John C. Thompson  
Signature  
6010 WILLIAMS ROAD (410) day night  
Address Telephone No. 819-4218  
HIDES, MARYLAND 21082  
City State Zip Code

Attorney For Petitioner:

Name - Type or Print  
Signature  
Company  
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  
Reviewed By BK Date 9/21/99

Case No. 00-126-A

ORDER RECEIVED FOR FILING

Date 9/21/99

By [Signature]  
REV 9/15/98

JOHN C THOMPSON

SHIRLEY THOMPSON

PROPERTY LOCATED AT

12616 EASTERN AVE  
WHICH PRESENTLY ZONED  
DR 5.5

"PETITION FOR VARIANCE"

THE STATE HIGHWAY ADMINISTRATION  
ACQUIRED PORTIONS OF SUBJECT PARCEL

FOR THE CONSTRUCTION OF EBENEZER  
ROAD ACROSS EASTERN AVE, ADJACENT

TO THE SUBJECT PARCEL THERE BY  
INCREASING THE SIDE BUILDING SETBACK

REQUIREMENT FROM (10) TEN FEET  
TO (25) TWENTY FIVE FEET. WE REQUEST

TO CONSTRUCT A HOUSE AT  
(9) NINE FEET FROM THAT LINE.

ZONING DESCRIPTION FOR

12616 Eastern Avenue

Beginning at a point on the SOUTH side of  
Ebenezer Road 60 feet wide at the distance of 20' West of the  
centerline of the nearest improved intersecting street Eastern Ave.  
which is 50 feet wide. \*Being Lot # 9 & 10 Block      Section #  
D in the subdivision of Twin River Beach as recorded in Baltimore  
County Plat Book # 8, Folio # 11 containing 16710 sq. feet . Also  
known as 12616 Eastern Avenue and located in the 15th Election  
District, 5th Councilmanic District.

00-126-A

#126

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT**

No. **072153**

DATE 9/31/99 ACCOUNT R001-6150  
AMOUNT \$ 50.00

RECEIVED FROM: John Thompson

FOR: code 010 zoning variance

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

Item # 126

**PAID RECEIPT**

| PROCESS   | ACTUAL                  | TIME     |
|-----------|-------------------------|----------|
| 9/22/1999 | 9/21/1999               | 15:27:08 |
| REG 0504  | CASHIER JKAR JLK DRAMER |          |
| Dept 5    | 528 ZONING VERIFICATION |          |
| Receipt # | 093076                  | 0111     |
| CR NO.    | 072153                  |          |

Receipt tot 50.00  
.00 CK 50.00 DA  
Baltimore County, Maryland

**CASHIER'S VALIDATION**



# CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/15, 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 Tues 10/12, 1999.

THE JEFFERSONIAN,

*J. Wilkinson*

LEGAL ADVERTISING

## 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: #00-126-A  
12616 Eastern Avenue,  
NW/S Eastern Avenue, corner  
SW/S Ebenezer Road,  
15th Election District  
5th Councilmanic District  
Legal Owner(s):

Starley Thompson and  
John C. Thompson

Variance: To permit a front yard setback of 9 feet in lieu of the required 25 feet and to permit a rear yard setback of 12 feet in lieu of the required 30 feet.

Hearing: Friday, October, 29, 1999 at 9:00 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) 887-3381.  
JTU/10/672.Oct. 12 C345983

RE: Case No.: 00-126-A

Petitioner/Developer: John + Shirley  
Thompson

Date of Hearing/Closing: 10/29/99

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 12616 Eastern Ave.  
Middle River, MD 21220

The sign(s) were posted on October 11, 1999  
(Month, Day, Year)

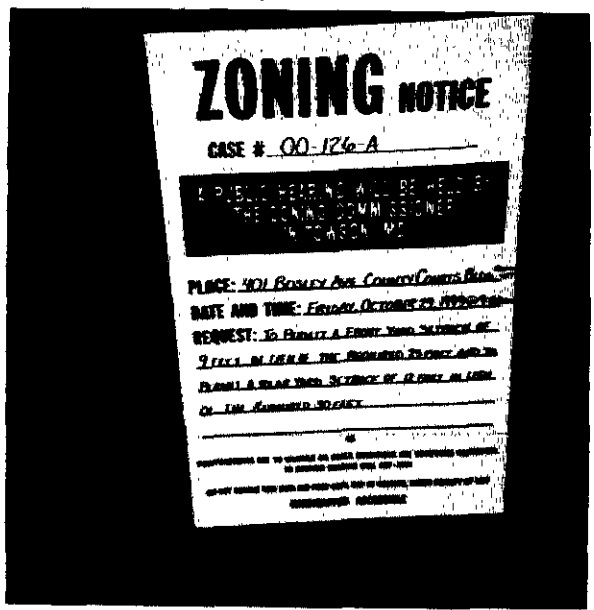
Sincerely,

Stacy Gardner 10/13/99  
(Signature of Sign Poster and Date)

Stacy Gardner  
(Printed Name)

SHANNON-BAUM SIGNS INC.  
105 COMPETITIVE GOALS DR.  
ELDERSBURG, MD. 21784

(City, State, Zip Code)  
410-781-4000  
(Telephone Number)



2000 10 18 10 18 AM  
DEPT. OF PERMITS AND  
DEVELOPMENT MANAGEMENT

RECEIVED  
OCT 18 1999  
DEPT. OF PERMITS AND  
DEVELOPMENT MANAGEMENT

RE: PETITION FOR VARIANCE  
12616 Eastern Avenue, NW/S Eastern Ave,  
corner SW/S Ebenezer Rd  
15th Election District, 5th Councilmanic

Legal Owner: John & Shirley Thompson  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 00-126-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 or 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 18<sup>th</sup> day of October, 1999 a copy of the foregoing Entry of Appearance was mailed to John & Shirley Thompson, 6010 Williams Road, Hydes, MD 21082, Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN



Baltimore County  
 Department of Permits and  
 Development Management

Director's Office  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204  
 410-887-3353  
 Fax: 410-887-5708

October 7, 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: 00-126-A  
 12616 Eastern Avenue  
 NW/S Eastern Avenue, corner SW/S Ebenezer Road  
 15th Election District - 5th Councilmanic District  
 Legal Owner: Shirley Thompson and John C. Thompson

VARIANCE: To permit a front yard setback of 9 feet in lieu of the required 25 feet and to permit a rear yard setback of 12 feet in lieu of the required 30 feet.

HEARING: FRIDAY, OCTOBER 29, 1999 AT 9:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE. IN

Arnold Jablon  
 Director

|                   |             |      |         |            |   |
|-------------------|-------------|------|---------|------------|---|
| Post-it® Fax Note | 7671        | Date | 10-8    | # of pages | 2 |
| To                | Shirley     |      | From    | ZONING     |   |
| Co./Dept.         |             |      | Co.     |            |   |
| Phone #           |             |      | Phone # |            |   |
| Fax #             | 40-327-4131 |      | Fax #   |            |   |

cc: Mr. & Mrs. John Thompson

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY OCTOBER 14, 1999.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT 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.

TO: PATUXENT PUBLISHING COMPANY  
October 12, 1999 Issue - Jeffersonian

Please forward billing to:

John Thompson  
6010 William Road  
Hydes, MD 21082

410-817-4218

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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:

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12616 Eastern Avenue  
NW/S Eastern Avenue, corner SW/S Ebenezer Road  
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Lawrence E. Schmidt

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.

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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 00-126-A  
Petitioner: John Thompson  
Address or Location: 12616 Eastern Ave.

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: John Thompson  
Address: 6010 William Rd  
Nyden, Md. 21082  
Telephone Number: 410-817-4218

Revised 2/20/98 - SCJ



**Baltimore County  
Fire Department**

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

October 20, 1999

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 12, 1999

Item No.: See Below

Dear Ms. Stephens:

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.

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

101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112,  
114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124,  
125, 126, 127, 128 and 129

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office  
PHONE 937-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 19, 1999

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

SUBJECT: Zoning Advisory Committee Meeting  
for October 18, 1999  
Item No. 126

The Bureau of Development Plans Review has reviewed the subject zoning item. Eastern Avenue is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

RWB:HJO:jrb

cc: File

10/29/99  
AV  
Granted 11/2/99

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**Date:** October 12, 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): 111 and 126

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



**Maryland Department of Transportation  
State Highway Administration**

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

Date: 8.25.99

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

RE: Baltimore County  
Item No. 126 BR

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 150 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

A handwritten signature in black ink, appearing to read 'K. A. McDonald Jr.'.

for Kenneth A. McDonald Jr., 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: <sup>12616 Eastern Ave</sup> RESIDUE LOTS 9&10

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

Subdivision name: TWIN RIVER BEACH  
 Plat book # 8, folio # 11, lot # 9&10, section # 1  
 OWNER: THOMPSON

No 12612  
 EASTERN AVE.  
 HETRICK  
 LOT 8

Pet Ex #1

00-126-A



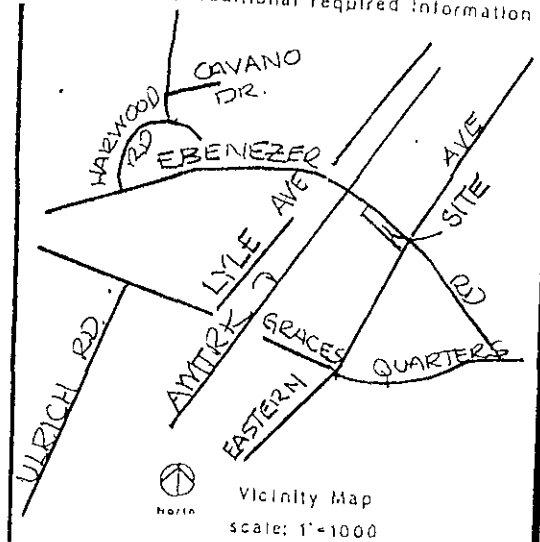
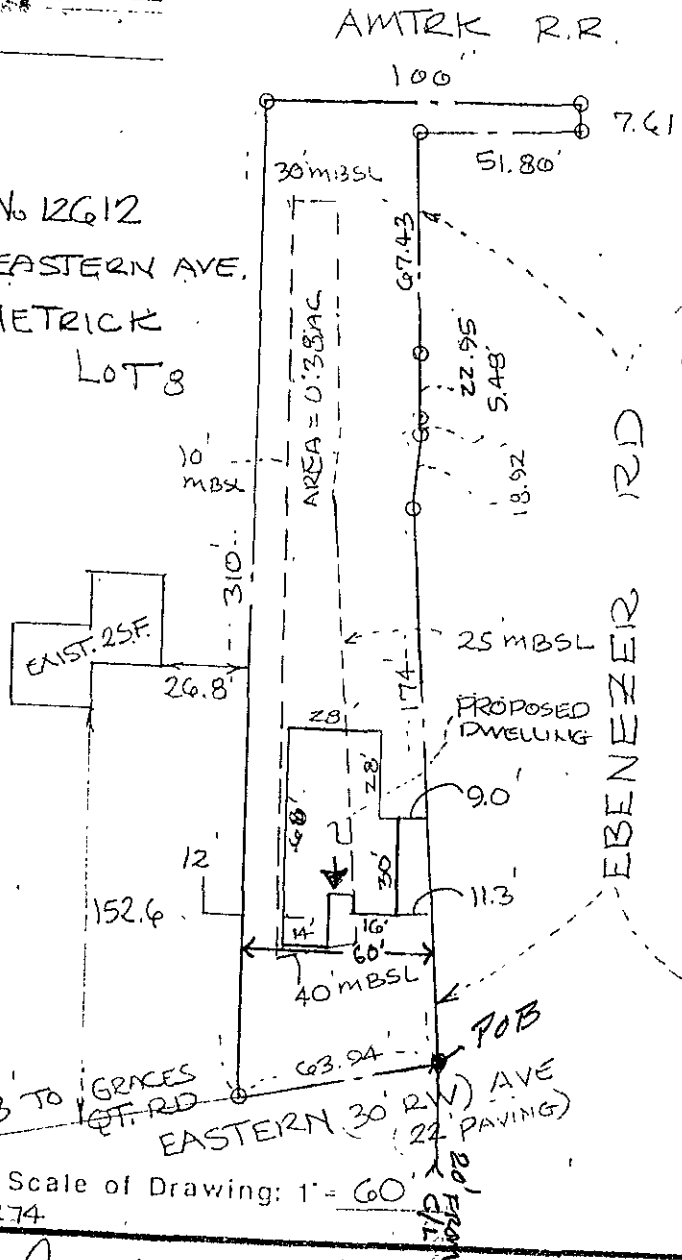
North

date: 7/1/99

prepared by: LES HOPKINS Prop.

Scale of Drawing: 1" = 60'

L.S. 274



LOCATION INFORMATION

Election District: 15  
 Councilmanic District: 5  
 1"=200 scale map #: NE 7-L  
 Zoning: DR S.5  
 Lot size: 0.38 acreage      16710.0 square feet

SEWER:  PUBLIC  PRIVATE  
 WATER:  PUBLIC  PRIVATE

Chesapeake Bay Critical Area:  YES  NO  
 Prior Zoning Hearings:

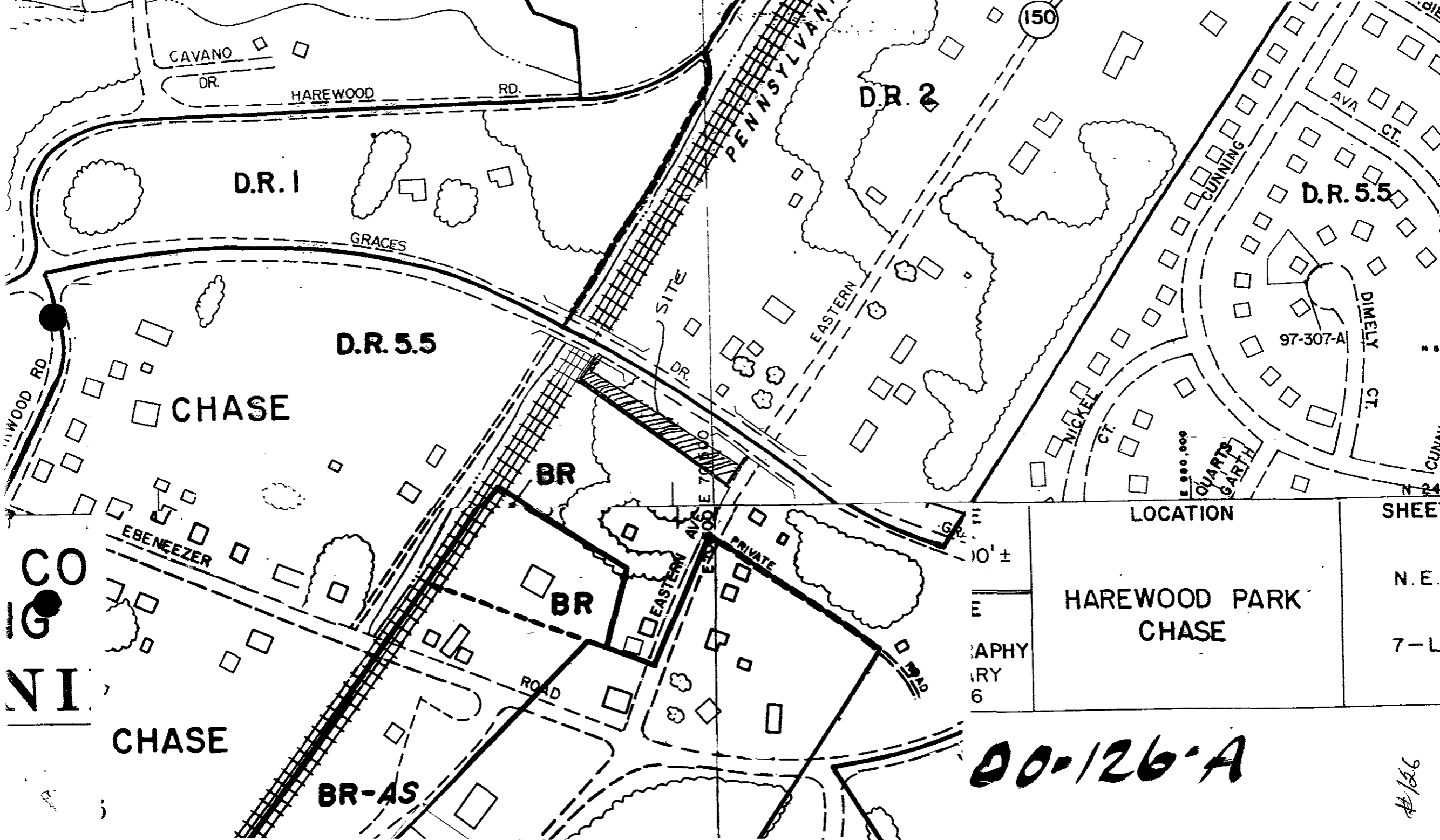
NOT IN 100 YR FLOOD PLAIN

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #

SR      126      00-126-A

John C. Thompson



|                     |       |
|---------------------|-------|
| LOCATION            | SHEET |
| HAREWOOD PARK CHASE | N.E.  |
|                     | 7-L   |