IN RE: PETITION FOR VARIANCE S/S Eastdale Road, 96' E of 53<sup>rd</sup> Street (7911 Eastdale Road)

15<sup>th</sup> Election District
7<sup>th</sup> Councilmanic District

George Thomas IV, et ux Petitioners BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 00-135-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, George Thomas IV and his wife, Sharon Thomas. The Petitioners seek relief from Section 1B02.3.C. (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 5 feet in lieu of the required 10 feet for an existing shed. 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 requisite public hearing held in support of the request were George Thomas IV, property owner, and Jack Rizzolla, a resident of the community. There were no Protestants or other interested persons present; however, this matter comes before me in response to a complaint filed with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) as to the location of the subject shed. The Petitioners were advised to file the instant Petition to legitimize same.

The subject property is located on the south side of Eastdale Road, just west of Rolling Mill Road in eastern Baltimore County, in the community of Eastwood Heights (Colgate). Testimony and evidence offered revealed that the property is a rectangular shaped parcel, consisting of a gross area of 0.06 acres, more or less, zoned D.R.10.5, and is improved with a two-story, end-of-group townhouse dwelling. In addition to the dwelling, the property is improved with an attached deck to the rear, an open porch on the front, a freestanding shed to the rear of the property, and an attached shed in the side yard. It is the attached shed that has generated the requested variance.

1991 de l'ILING

Mr. Thomas testified that he and his family have lived on the property for approximately 5 years. Testimony indicated that he recently constructed the subject shed to provide additional needed storage space for his children's toys, bicycles, lawn equipment, etc. He testified that the shed is 4 feet wide and 10 feet deep, and is actually affixed to the side of the dwelling. In that the shed is attached to the house, it is considered an addition thereto, and thus, subject to the 10-foot side yard setback required by Section 1B02.3.C of the B.C.Z.R. Although the dwelling itself is set back 10 feet, the shed infringes into the setback area.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition. In my judgment, the Petitioner has demonstrated that the requested variance complies with the requirements of Section 307 of the B.C.Z.R. In this regard, the Petitioner presented a letter that had been signed by his neighbors on both sides of his property indicating that they have no objections to the shed. Photographs of the shed displayed at the hearing indicated that this is a common arrangement in this community.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of December, 1999 that the Petition for Variance seeking relief from Section 1B02.3.C. (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 5 feet in lieu of the required 10 feet for an existing attached shed, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



December 20, 1999

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

Mr. & Mrs. George Thomas IV 7911 Eastdale Road Baltimore, Maryland 21224

RE: PETITION FOR VARIANCE
S/S Eastdale Road, 96' E of 53<sup>rd</sup> Street
(7911 Eastdale Road)
15th Election District – 7th Councilmanic District
George Thomas IV, et ux - Petitioners
Case No. 00-135-A

Dear Mr. & Mrs. Thomas:

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,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

c: Code Enforcement Division; DPDM; People's Counsel; Case File



R2U 9[15]98

# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at <u>FII Enstante</u> RD. which is presently zoned

I/We do solemnly declare and affirm, under the penalties of

Date

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) 1 302.3 C. CHPIUI

TO PERMIT A 5 FT SIDE SETBINES IN LIEU OF THE REQUIRED ID FT. IN A DR. 105 ZONE.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The set back required on the side of the House And the property line is infect, with the shed there is only 6 feet. The House itself only this to feet to property line. There is a Hill in the back yard, so the shed was put there so my kids did not have to being their pikes and laws mower up the Hill.

I AM DISADE AND CAN NOT Doit.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Name - Type or Print Signature ARDAI Telephone No. Address State Zip Code City 1410)288-1088 Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Company Telephone No. Address Address Telephone No. State Zip Code Zip Code City State City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. CO-UNAVAILABLE FOR HEARING

Reviewed By

# ZONING DESCRIPTION FOR MILEASTCHALE Rd.

BEGINNING At A point on the South Side of Eastdale Rd. WHICH IS 50 feet R/W WIDE AND IS 96 FEET FROM 53RD Street which is the NEAREST INTERSECTION that is 50 FEET R/W. This ROW HOUSE IS ON LOT #6 Block 2 of Eastwood Hieights (Colgate) Which is 26 FEET WIDE AND 102 FEET long AS RECORDED IN Baltimore County Plat Book #20, Folio #83, 15 2,652 Square FEET: THE PROPERTY ADDRESS IS 7911 Eastdale Rd. AND IS located in the 15# Election District AND IN tHE 7th COUNCILMANIC District

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	FOR:	FROM: RES. UP RIGHUS (OCCARCION).	AMOUNT \$	DATE S. 29.99. ACCOUNT R.COI.GISO	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	
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of Battlmore County by authority of the Zolling All and Regulations of Battlmore and Battlmore county will body bubble. Nearing in the property identified herein as follows:

Cartil - (100-135-A 7011 Estudie Road Sr.S. Estudie Road, 96-E, of 63/rd Street Tell Election District Tell Councilmant District, Legial Owner (9): Geolge and Sharon Thomas

Variatives—To permit a 6.1t. side setback. in lieu o' the required—10. ft. in a D.R. 10.5 zones. hearing Moriday, November 15, 1999 at 11.00 a.m. in Room 407, County County Bolley.

LAWRENCE E. SCHMIDT Zohing Commissioner for Baltingte County. NOTES: (1) Hearings are Hardicalpsed Accessibles for special accommodations please Contact the Zohing Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zohing Rawiew Office at (410) 887-4386.

11'U 10'7'89 GC: 28 C349337

# CERTIFICATE OF PUBLICATION

10 128 TOWSON, MD.,

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

THE JEFFERSONIAN,

> Walman

LEGAL ADVERTISING

## CERTIFICATE OF POSTING

RE: CASE # 00-135-A
PETITIONER/DEVELOPER
[George Thomas]
DATE OF Hearing
[Dec. 8, 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 7911 Eastdale Road Baltimore, Maryland 21224\_\_



Sincerely,
Olum Delstuhr/99
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

RE: PETITION FOR VARIANCE 7911 Eastdale Road, S/S Eastdale Rd, 96' E of 53rd St 15th Election District, 7th Councilmanic

Legal Owner: George and Sharon Thomas, IV Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- BALTIMORE COUNTY
- \* Case No. 00-135-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

People's Counsel for Baltimore County

**CAROLE S. DEMILIO** 

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

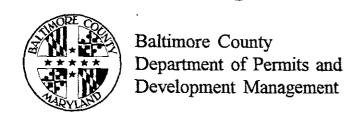
(410) 887-2188

**CERTIFICATE OF SERVICE** 

I HEREBY CERTIFY that on this day of September, 1999 a copy of the foregoing Entry of Appearance was mailed to George and Sharon Thomas, IV, 7911 Eastdale Road, Baltimore, MD 21224, Petitioners.

PETER MAX ZIMMERMAN

ter May Tunneran



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

Fax: 410-887-5708

October 22, 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: 00-135-A
7911 Eastdale Road
S/S Eastdale Road, 96' E of 53rd Street
15th Election District - 7th Councilmanic District
Legal Owner(s): George and Sharon Thomas

<u>VARIANCE:</u> To permit a 5 ft. side setback in lieu of the required 10 ft. in a D.R. 10.5 zone.

HEARING: MONDAY, NOVEMBER 15, 1999 at 11:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

Arnold Jablon Director

cc:

Mr. & Mrs. George Thomas, IV

Ms. Vanessa Kerwath

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY OCTOBER 31, 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 26, 1999 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. George Thomas, IV 7911 Eastdale Road Baltimore, MD 21224 410-288-1088

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LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# **ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

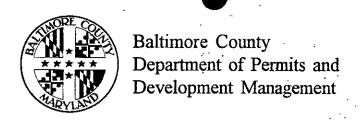
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: GEORGE THOMAS IV
Address or Location: 7911 Eastdal EP. Bolto. Mol 21224
PLEASE FORWARD ADVERTISING BILL TO:  Name: FORGE THOMPS TO  Address: 7911 East dule FD. Bp/to Md. 21224
Telephone Number: (410) 288-1088

Revised 2/20/98 - SCJ

5777 00-135.A



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

December 3, 1999

Mr. George Thomas 7911 Eastdale Road Baltimore, MD 21224

Dear Mr. Thomas:

RE: 00-135-A, 7911 Eastdale Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 9-29-99.

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, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:rsj

**Enclosures** 

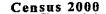


Printed with Sovbean ink

on Recycled Paper









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

November 29, 1999

RECEIVED JAN 0 6 2000

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 25, 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.

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

130, 131, 133, 134, 135) 137, 140, 142, 143, 144, 148, 149, 150, 151, 152,

REVIEWER: LIEUTENANT HERE TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

# INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 4, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for November 1, 1999

Item Nos. 130, 131, 132, 133, 134, (135,)136, 137, 138, 140, 141, 142, 144, 145, 146, 148, 149, 150, 152,

153, and 154

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

RWB:HJO:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

DATE: October 21, 1999

TO. Larry E. Schmidt

Zoning Commissioner

FROM: James H. Thompson - RL

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 135

PETITIONER: S

Sharon Thomas and George Thomas IV

VIOLATION CASE NO.: 99-5314

LOCATION OF VIOLATION: S/S Eastdale Road, 96' E of 53rd Street

(7911 Eastdale Road)

DEFENDANT(S): Sharon Thomas and George Thomas IV

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

NAME ADDRESS

Vanessa Kerwath 7915 Eastdale Road

Baltimore, MD 21224

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

JHT/rl/lmh

PPD Since

Date: November 2, 1999

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits

and Development Management

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): 130, 135, 141, and 152

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



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. 135

JRA

Dear. Ms Stephens:

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

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.

1. J. Gall

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

I GEORGE THOMAS how posted My NEIGHBORS to the left and right of my House, if my shed, was a EYESORE OR bothersome. THEIR DASSWER WAS NO DAD below you will find both of their singulations.

7509 EASTONIE Rd
BERANAGEAIN

Sayne Kobuson 7913 EASHAR RA. DEDR. MR. ARNOID JADION

I AM WEITING HIS letter to DER

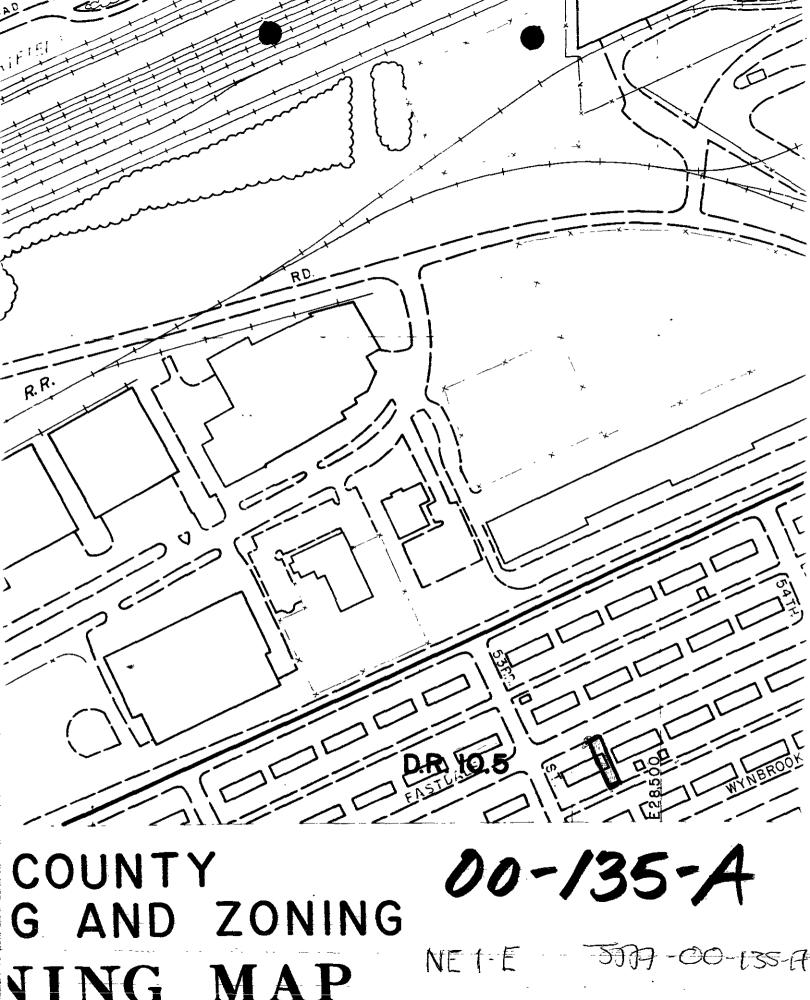
for a CHANGE IN date ON MY VARIANCE HEDRING ON NOV. 15, 1999. After Spepking with MS. STEVENS, SHE IN-BEMED HE to REQUEST HIS IN WEITING. I HOD MADE PLONS A YEAR Ago, to go on Vacation to FloRIDA. WHICH Storts HE 12# of Nov. 1999 AND WE WILL DE GONE FOR 10 days. ANY DSSISTANCE IN HUIS Matter will be greatly appreciated.

GEORGE THOMAS Bolto. Nd. 21224

Cose# 00-135-A

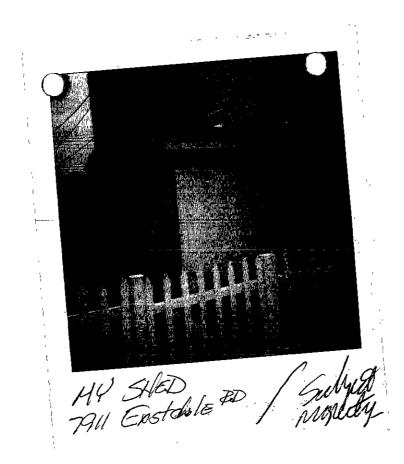
THONK 100

10/21/99



VING MAP

Plat to accompany Petition for Zoning X Variance Special Hearing see pages 5 & 6 of the CHECKLIST for additional required Information 43 TIT GEARWILE 00-735 A LOCATION INFORMATION CONT. PARTICIA Zaning Office USE ONLY CASE#: SEWER: WATER: X Chesapeake Bay Critical Area: 1'-200' scale map#: NE (-E Prior Zoning Hearings: NONE scale: 1'\*1000' ANV NUSTRIVE MAP G ITEM #: Councilmanic District: Election District: ⁄5 Zaning: 10.5 CANTON CEME Lot size: 0.06 9 reviewed by: EASTOALE ROAD 50' R/W INFRSECTION > 63 RD 4. <u>3</u> 20137 Subdivision name (Colog to EASHWOOD HEIGHTS TRUE HOUSE ROW HOUSE PROPERTY ADDRESS: 7911 EASTAALG PD OWNER: GEORGE & SHAROW THOMUS plat Book 20 ,tollos 33,lof 6 ,sections 16.5 HOBECH OPEN LOT 6 date: 9/28/99 CASILM prepared by: George Howas 03//5 LOT 55 4.94gg Nort





00-135/R

5