

IN RE: PETITION FOR VARIANCE
E/S Pelczar Avenue, 280' S
Centerline Old Eastern Avenue
15th Election District
7th Councilmanic District
(13 Pelczar Avenue)

Howard L. & Linda M. Laisure
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-278-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Howard & Linda Laisure. The Petitioners are requesting a variance for property they own at 13 Pelczar Avenue, which property is located in the Essex area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached carport) in the front yard in lieu of the required rear yard.

Appearing at the hearing on behalf of the variance request was Howard Laisure. There were no protestants or other persons in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 8500 sq. ft. zoned D.R.5.5. The subject property is improved with a single family residential dwelling. In addition to the house and lot located at 13 Pelczar Avenue, the property owner also purchased the adjacent unimproved lot which is used in conjunction with his house. Situated thereon is a freestanding carport which Mr. Laisure recently constructed overtop a concrete parking pad. The parking pad existed on the property for many years. Mr. Laisure constructed the carport in an effort to keep his wife's car out of inclement weather. He was unaware that a variance was necessary in order to construct a carport in the front yard.

RECEIVED
2/11/2000
By: R. L. Gneson

Mr. Laisure further testified that no neighbors are opposed to his request, given that the open carport is not an eyesore and does not impose upon anyone else's property. After considering the testimony and evidence presented at the hearing, I find that the variance request should 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.

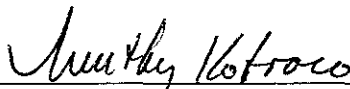
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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.

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 11th day of February, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached carport) in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any part has the right to file an appeal within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

2/11/2000
By 



Baltimore County
Zoning Commissioner

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

February 11, 2000

Mr. & Mrs. Howard L. Laisure
13 Pelczar Avenue
Baltimore, Maryland 21221

Re: Petition for Variance
Case No 00-278-A
Property: 13 Pelczar Avenue

Dear Mr. & Mrs. Laisure:

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 Department of Permits and Development Management. 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, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at 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 13 PELCZAR AVE.

which is presently zoned D.P. 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)

400.1 to permit an accessory structure (detached carport) in the front yard in lieu of the rear yard
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) DUE TO MY WIFE HAVING HANDICAPPED TAGS FROM BACK INJURIES AND SURGERY ON ONE ARM FROM CARPOTUNNEL AND A BAD KNEE FROM A WORK INJURY. I BUILT THE CARPORT TO KEEP THE ICE AND SNOW CLEARED AWAY SO MY WIFE WOULD NOT FALL AND CAUSE MORE INJURIES.

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):

HOWARD L. LAISURE

Name - Type or Print

Signature

LINDA M. LAISURE

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.

UNAVAILABLE FOR HEARING

Reviewed By mth

Date 1/5/05

Case No. 00-278-A

ZONING DESCRIPTION FOR 13 PELCZAR ANVENUE

BEGINNING AT A POINT ON THE EAST SIDE OF PELCZAR AVENUE WHICH IS 50 FT. WIDE AT THE DISTANCE OF 280 FT. SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET OLD EASTERN AVENUE. WHICH IS 50 FT WIDE. BEING LOT # 47 IN THE SUBDIVISION OF EDGEWOOD PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 13, FOLIO # 67, CONTAINING 8,500 SQUARE FEET. ALSO KNOWN AS 13 PELCZAR AVENUE AND LOCATED IN THE 15 TH ELECTION DISTRICT, 7 TH COUNCILMANIC DISTRICT.

00-278-A

278

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **076783**

DATE 1/5/01 ACCOUNT 001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Howard Laisure - 13 Release Acc.

FOR: 010-Res Vehicle - \$50.00

SECTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
 1/05/2000 1/05/2000 10:43:07
 REG NO. 076783 CASHIER IVES PER DROMER
 Dept 5 520 ZINING VERIFICATION
 Receipt # 110692
 CR NO. 076783
 Receipt tot 50.00
 50.00 CR
 Baltimore County, Maryland

CASHIER'S VALIDATION

**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: #00-278-A
13 Pelczar Avenue
E/S Pelczar Avenue, 280' S
of centerline Old Eastern Ave
15th Election District
7th Councilmanic District
Legal Owner(s): Linda M.
Lasure & Howard L. Lasure
Variance: to permit an
accessory structure (de-
tached carport) in the front
yard in lieu of the rear yard.
Hearing: Monday, Febru-
ary 7, 2000 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Boyle Ave-
nue.

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) 887-4388.
(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3381.
1/215 Jan 20 C384884

CERTIFICATE OF PUBLICATION

TOWSON, MD, January 21, 2000

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 Jan. 20, 2000.

THE JEFFERSONIAN,

S. Williams

LEGAL ADVERTISING

RECEIVED JAN 21 2000

CERTIFICATE OF POSTING

RE: CASE #00-278-A
PETITIONER/DEVELOPER
(Howard L. Laisure)
DATE OF Hearing
(Feb 7, 2000)

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
13 Pelczar Ave. Baltimore, Maryland 21221

The sign(s) were posted on 1-21-00
[Month, Day, Year]

Sincerely,


[Signature of Sign Poster & Date]

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
[Telephone Number]

RECEIVED FEB 02 2000

**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: 00-278-A

Petitioner: HOWARD LAISURE

Address or Location: 13 PELCZAR AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: HOWARD LAISURE

Address: 13 PELCZAR AVE,

BALTO., MD. 21221

Telephone Number: 410-574-4323

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 20, 2000 Issue – Jeffersonian

Please forward billing to:
Howard Laisure
13 Pelczar Avenue
Baltimore, MD 21221

410-574-4323

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: 00-278-A

13 Pelczar Avenue

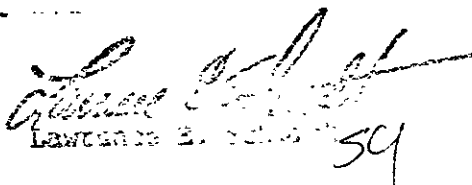
E/S Pelczar Avenue, 280' S of centerline Old Eastern Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Linda M. Laisure & Howard L. Laisure

Variance to permit an accessory structure (detached carport) in the front yard in lieu of the rear yard.

HEARING: Monday, February 7, 2000 at 9:00 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.



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

January 11, 2000

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: 00-278-A

13 Pelczar Avenue

E/S Pelczar Avenue, 280' S of centerline Old Eastern Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Linda M. Laisure & Howard L. Laisure

Variance to permit an accessory structure (detached carport) in the front yard in lieu of the rear yard.

HEARING: Monday, February 7, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with the number "39" written below it.

Arnold Jablon
Director

c: Linda & Howard Laisure, 13 Pelczar Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 23, 2000.**
- (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.**





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

February 2, 2000

Mr. & Mrs. Howarad Laisure
13 Pelczar Avenue
Baltimore MD 21221

Dear Mr. & Mrs. Laisure:

RE: Case Number 00-278-A , 13 Pelczar Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 5, 2000.

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,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 21, 2000

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

RECEIVED JAN 27 2000

SUBJECT: Zoning Advisory Committee Meeting
for January 24, 2000
Item No. 278

The Bureau of Development Plans Review has reviewed the subject zoning item. Per the County's record drawing #41-1105, Pelczar Avenue, an 18-inch R.C.P. storm drain lies in a six-foot-wide drainage reservation along the property line between lots 47 and 48.

Baltimore County policy prohibits the construction of a permanent structure within a designated utility reservation.

RWB:HJO:jrb

cc: File

ZAC01240.278



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.12.00

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

RE: Baltimore County
Item No. 278 MSK

RECEIVED JAN 14 2000

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,

to 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

Seni
2/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: January 14, 2000

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

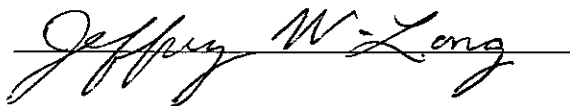
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 278 and 279

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



Baltimore County
Fire Department

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

February 15, 2000

RECEIVED FEB 25 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: GOODWILL INDUSTRIES OF THE
CHES., INC. - 277

Location: DISTRIBUTION MEETING OF JANUARY 18, 2000

Item No.: 277

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME REGARDING THE FOLLOWING ITEM NUMBERS:

273, 274, 276, (278), 279, 280, 281, 282, 283, 284, AND 285

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

1 111



RE: PETITION FOR VARIANCE
13 Pelczar Avenue, E/S Pelczar Ave,
280' S of c/1 Old Eastern Ave
15th Election District, 7th Councilmanic

Legal Owner: Howard L. & Linda Laisure
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-278-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 24th day of January, 2000 a copy of the foregoing Entry of Appearance was mailed to Howard L. & Linda Laisure, 13 Pelczar Avenue, Baltimore, MD 21221, Petitioners.


PETER MAX ZIMMERMAN

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 00278 X

Date Completed/Initials


PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)


DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)


TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)


UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)


COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)


POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)


RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)


INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)


ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)


COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)


FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

10/5/99

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

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

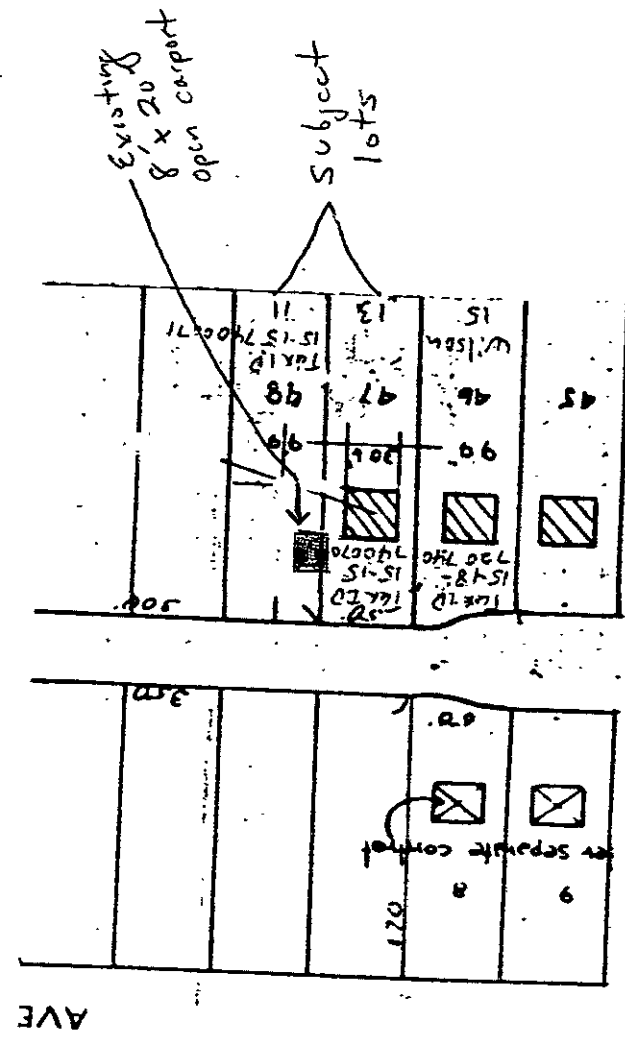
PROPERTY ADDRESS: 13 PELCZAR AVENUE

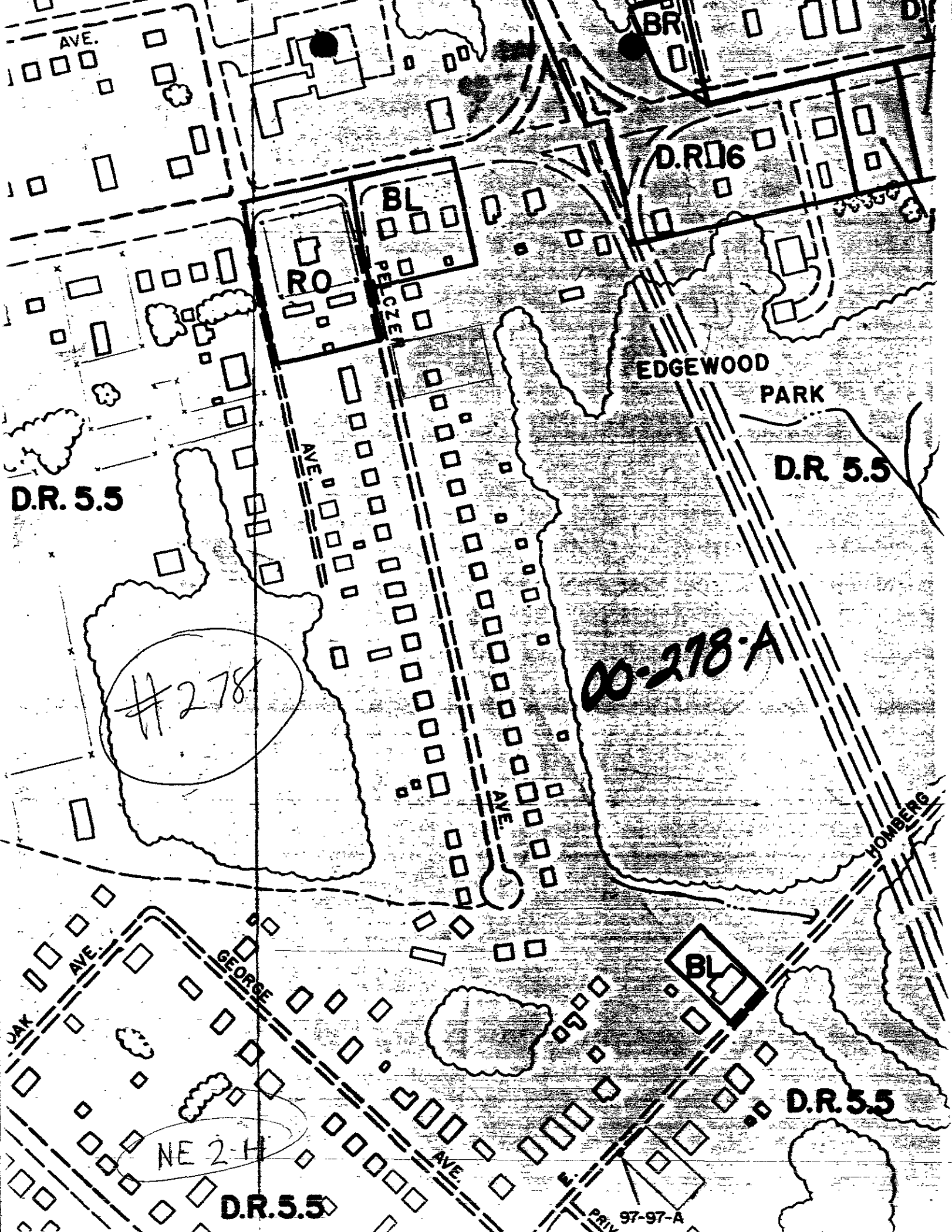
Subdivision name: EDGEWOOD PARK

plat book # 13, folio # 47, lot # 48, section #

OWNER: HOWARD L. & LINDA M. LAISURE

00-278-A





AVE.

D.R. 6

RO

BL

PELCE

EDGEWOOD

PARK

D.R. 5.5

D.R. 5.5

#278

00-278-A

AVE.

HOMBERG

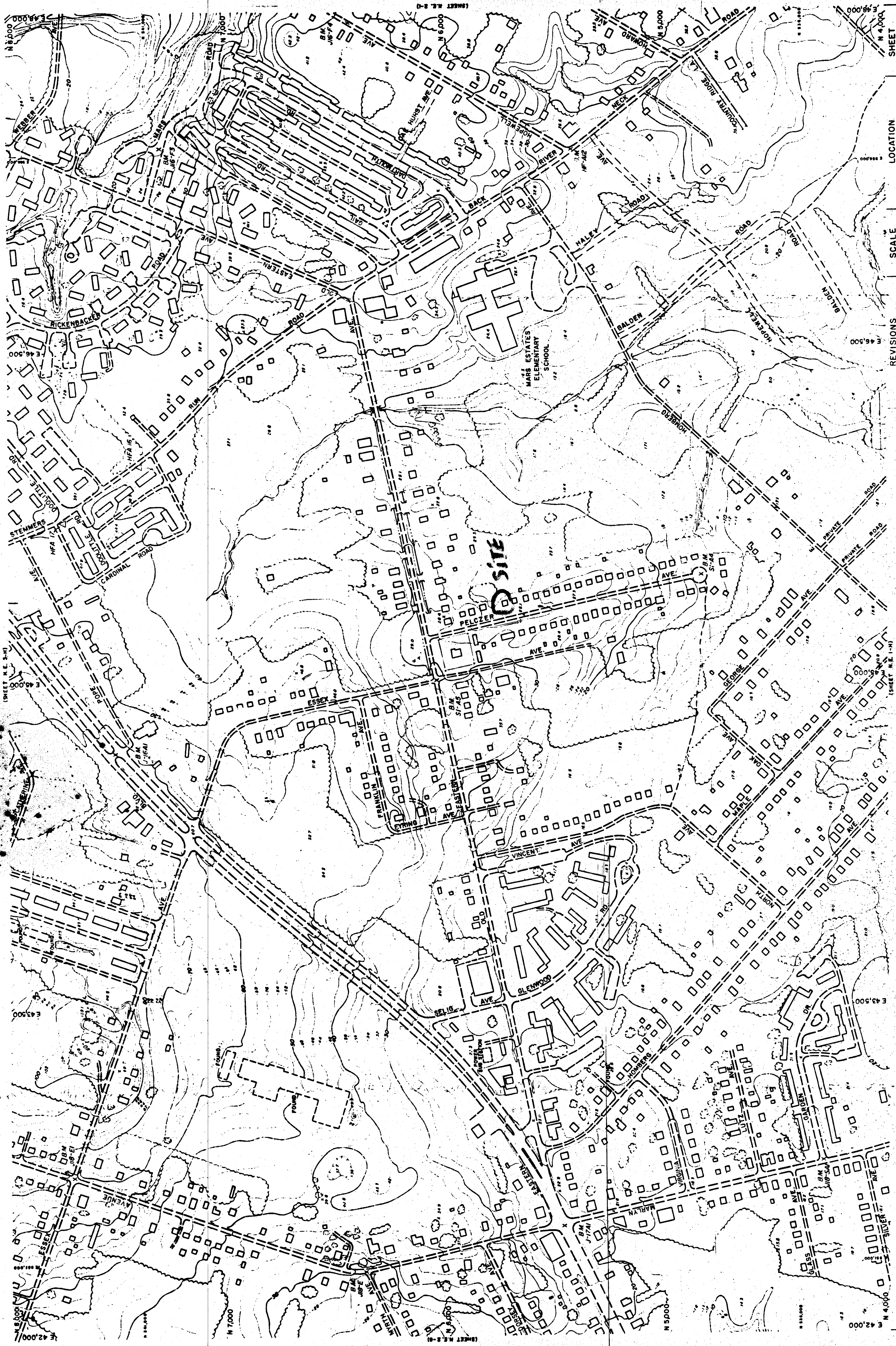
BL

D.R. 5.5

NE 2-4

D.R. 5.5

PRY 97-97-A



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION
BY	DATE	1" = 200'	STEMMERS RUN BACK RIVER NECK
	1/1/75 <td></td> <td></td>		
		DATE OF PHOTOGRAPHY DEC 1954 <td></td>	

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP. LANSING MICH.

SHEET # 278

00-278-A