

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S Eastern Avenue, 530' E		
of centerline of Brinkmans Lane	*	DEPUTY ZONING COMMISSIONER
15th Election District		
5th Councilmanic District	*	OF BALTIMORE COUNTY
(12423 Eastern Avenue)		
	*	CASE NO. 00-339-A
Dewaine C. & Deborah L. Hillenburg		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Dewaine and Deborah Hillenburg. The variance request is for property located at 12423 Eastern Avenue in the Chase area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 25 ft. in lieu of the required 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

Date 3/20/2000
By [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of March, 2000, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 25 ft. in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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 this 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.
- 2) The Petitioners or subsequent owners shall not allow or cause the garage 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. In addition, the accessory structure should not be used for commercial purposes.
- 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 3/20/2000
By [Signature]



Baltimore County
Zoning Commissioner

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

March 16, 2000

Mr. & Mrs. Dewaine C. Hillenburg
12423 Eastern Avenue
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 00-339-A
Property: 12423 Eastern Avenue

Dear Mr. & Mrs. Hillenburg:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12423 Eastern Ave.
which is presently zoned D.R. - 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 (DETACHED GARAGE) WITH
A HEIGHT OF 25' IN LIEU OF THE REQUIRED 15'

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

12423 Eastern Avenue (410) 335-5006

Address Telephone No.

Baltimore MD 21220

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, 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. 00-339-A

Reviewed By JRF Date 2-16-00

Estimated Posting Date 2-25-00

RECV 9/15/98

ORDER RECEIVED FOR FILING
3/28/00
DUE 3/28/00

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.

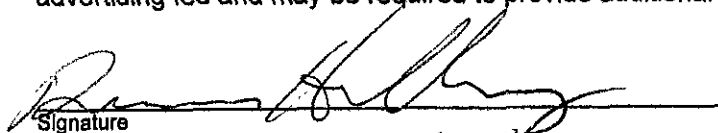
That the Affiant(s) does/do presently reside at

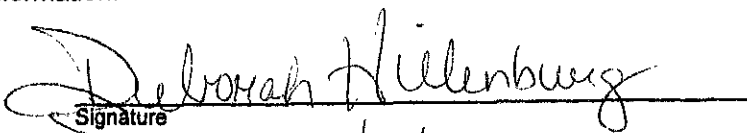
12423 Easter Ave
Address
Belt MD 21220
City State Zip Code

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):

Bought Box Truck will not
Fit in garage unless Roof
Poor way is Rasie which will
Exceed 15 Feet Truck Must Be
out of weather

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
DeWane Hillenburg
Name - Type or Print


Signature
Deborah Hillenburg
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of 2, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DeWane Hillenburg DMCY
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 Notary Seal

Date

2/2/2000



Notary Public

My Commission Expires

CHRISTINE JONES
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires Sept. 26, 2000

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: 12423 Easter Ave
Address
Belt MD 21270
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):

Bought Box truck will not
Fit in garage unless Roof
Poor way is Rasie which will
Exceed 15 Feet Truck must be
out of weather

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] Deborah Hillenburg
Signature Signature
Dewaine Hillenburg Deborah Hillenburg
Name - Type or Print Name - Type or Print

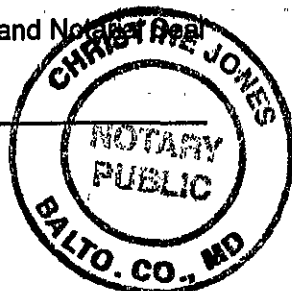
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of 2, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dewaine Hillenburg DRCY
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 Notary Seal

Date 2/2/2000



[Signature]
Notary Public

My Commission Expires NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires Sept. 26, 2000



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12423 Eastern Ave.
which is presently zoned D.R. - 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 (DETACHED GARAGE) WITH
A HEIGHT OF 25' IN LIEU OF THE REQUIRED 15'

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):

Dewaine C. Hillenburg
Name - Type or Print

Dewaine C. Hillenburg
Signature

Deborah L. Hillenburg
Name - Type or Print

Deborah L. Hillenburg
Signature

12423 Eastern Avenue
Address

Baltimore MD 21220
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. 00-339-A

Reviewed By JRF Date 2-16-00

Estimated Posting Date 2-25-00

R2/ 9/15/98

ZONING DESCRIPTION FOR 12423 Eastern Ave.

Beginning at a point on the east side of Eastern Ave. which is 50 feet wide at the distance of 530 feet east of the centerline of the nearest improved intersecting street Brinkmans Lane which is 30 feet wide. Being lots # 8&9 as recorded in Baltimore County Plat Book #122, Folio #573 containing 25,000 square feet. Also known as 12423 Eastern Ave. and located in the 15th Election District, 5th Councilmanic District.

339

00-339-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 078691

DATE 2-16-00 ACCOUNT R-001-C150
AMOUNT \$ 50.00

RECEIVED FROM: Deborah G. Hillenburg
1423 Eastern Ave. ITEM # 339
FOR: Verance Taken by: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

00-339-A

CERTIFICATE OF POSTING

**RE: CASE # 00-339-A
PETITIONER/DEVELOPER
(Dewalne Hillenberg)
DATE OF Closing
(3-13-00)**

**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
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

12423 Eastern Ave. Baltimore, Maryland 21220_____

THE SIGN(S) WERE POSTED ON_____ 2-25-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 00- 339 -A Address 12423 Eastern Ave.Contact Person: Jun R. Fernando Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 2-16-00 Posting Date: 2-25-00 Closing Date: 3-13-00

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 00- 339 -A Address 12423 Eastern Ave.Petitioner's Name Dewaine Hillenburg Telephone 410-335-5006Posting Date: 2-25-00 Closing Date: 3-13-00Wording for Sign: To Permit an accessory structure (detached garage)
with a height of 25' in lieu of the required 15'



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 13, 2000

Mr. & Mrs. Dewaine Hillenburg
12423 Eastern Avenue
Baltimore MD 21220

Dear Mr. & Mrs. Hillenburg:

RE: Case Number 00-339-A, 12423 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 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 black ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

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: April 10, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
for March 5, 2000
Item Nos. 333, 334, 335, 336, 337, 338,
339, 340, 342, 346, and 347

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

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

March 1, 2000

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

RECEIVED MAR 03 2000

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 28, 2000

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:

343, 344, 345 (LOT 700 8c), 341, 342, (339) 340, 338, 336, AND 347

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

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: March 8, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of February 28, 2000

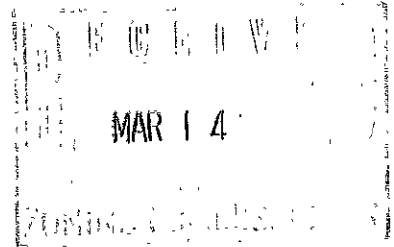
DEPRM has no comments for the following zoning petitions:

Item #	Address
333	Owings Park Apartments
334	8757 Mylander Lane
335	Liberty Road/Offut Road
338	11406 Reisterstown Road
339	12423 Eastern Avenue
340	6,8,14,16 Al-Hannah Circle
346	2749 Rolling Road
347	1055 West Joppa Road
320	14-28 Melrose Avenue

AY
3/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



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

Date: March 13, 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): 339, 341, and 343

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

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 12423 Eastern Ave.

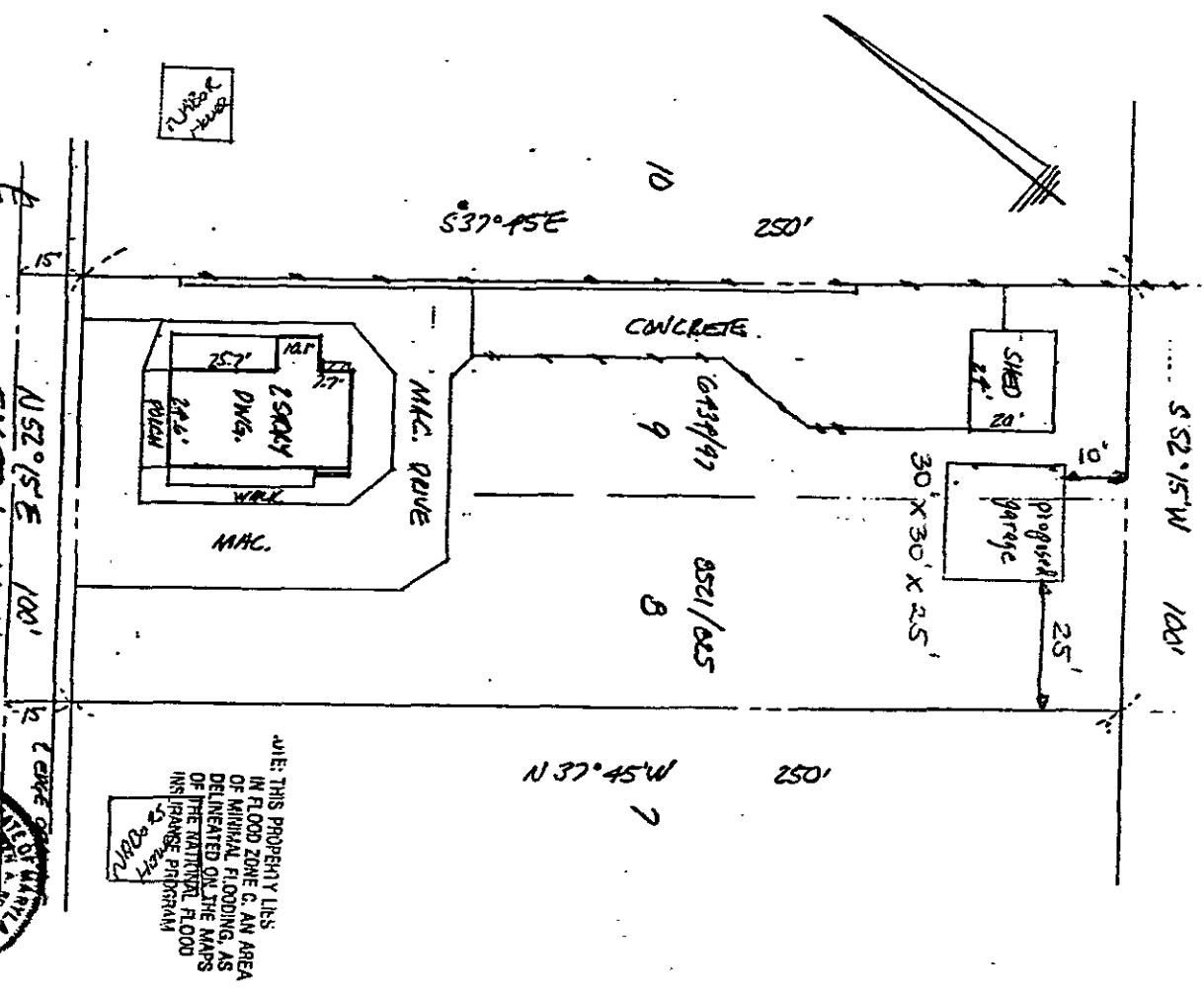
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

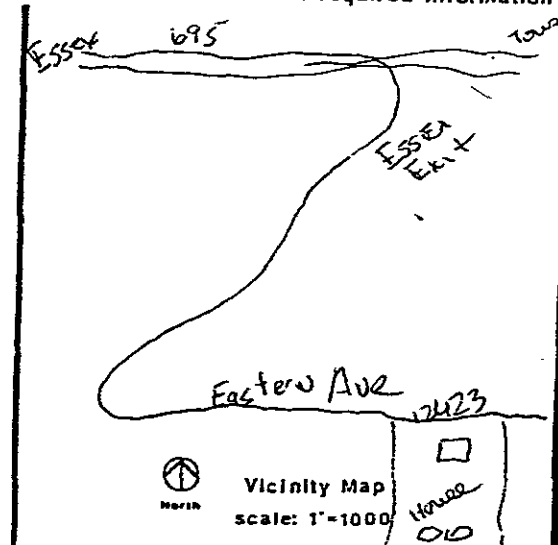
[plat book # 122, folio # 573, lot # 849, section # _____]

OWNER: Dawaine Curtis H. Stenberg

Notes:
1) This plat is of land to a consumer only, insofar as it is required by a lender or a title insurance company or an agent in connection with contemplated transfer, financing or refinancing.
2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, etc.



NOTE: THIS PROPERTY LIES IN FLOOD ZONE C, AN AREA OF MINIMAL FLOODING, AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM



LOCATION INFORMATION

Election District: 15
 Councilmanic District: 5
 1"-200' scale map: N.E. 6-L
 Zoning: DR. 5.5
 Lot size: _____ acreage 25,000 square feet

SEWER: ☒ Public ☐ Private
 WATER: ☒ Public ☐ Private
 Chesapeake Bay Critical Area: ☒ Yes ☐ No
 Prior Zoning Hearings: None.

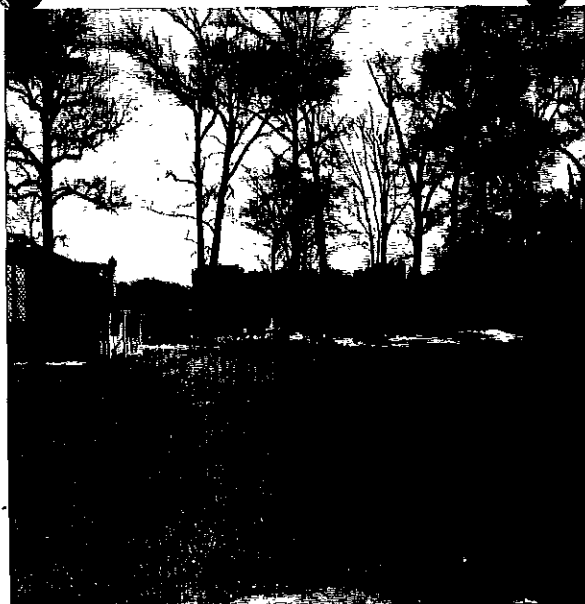
Zoning Office USE ONLY!

reviewed by: JRF ITEM #: 339 CASE #: _____

date: 2-2-00
 prepared by: Dawaine H. Stenberg

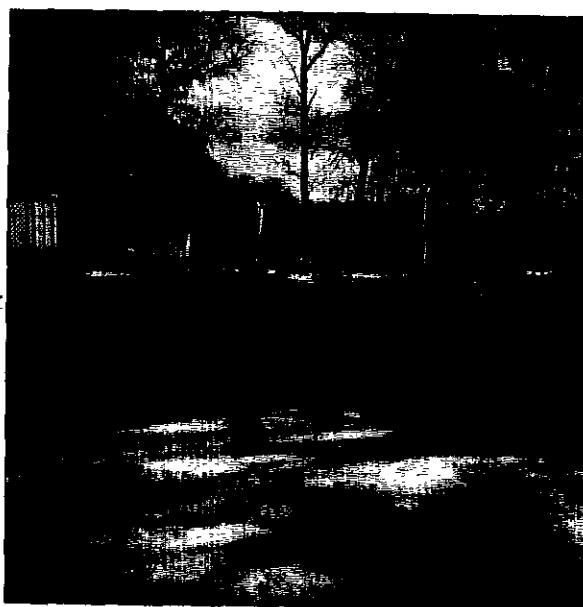
Scale of Drawing: 1" = 50'

00-339-A
 PET. EX. 1



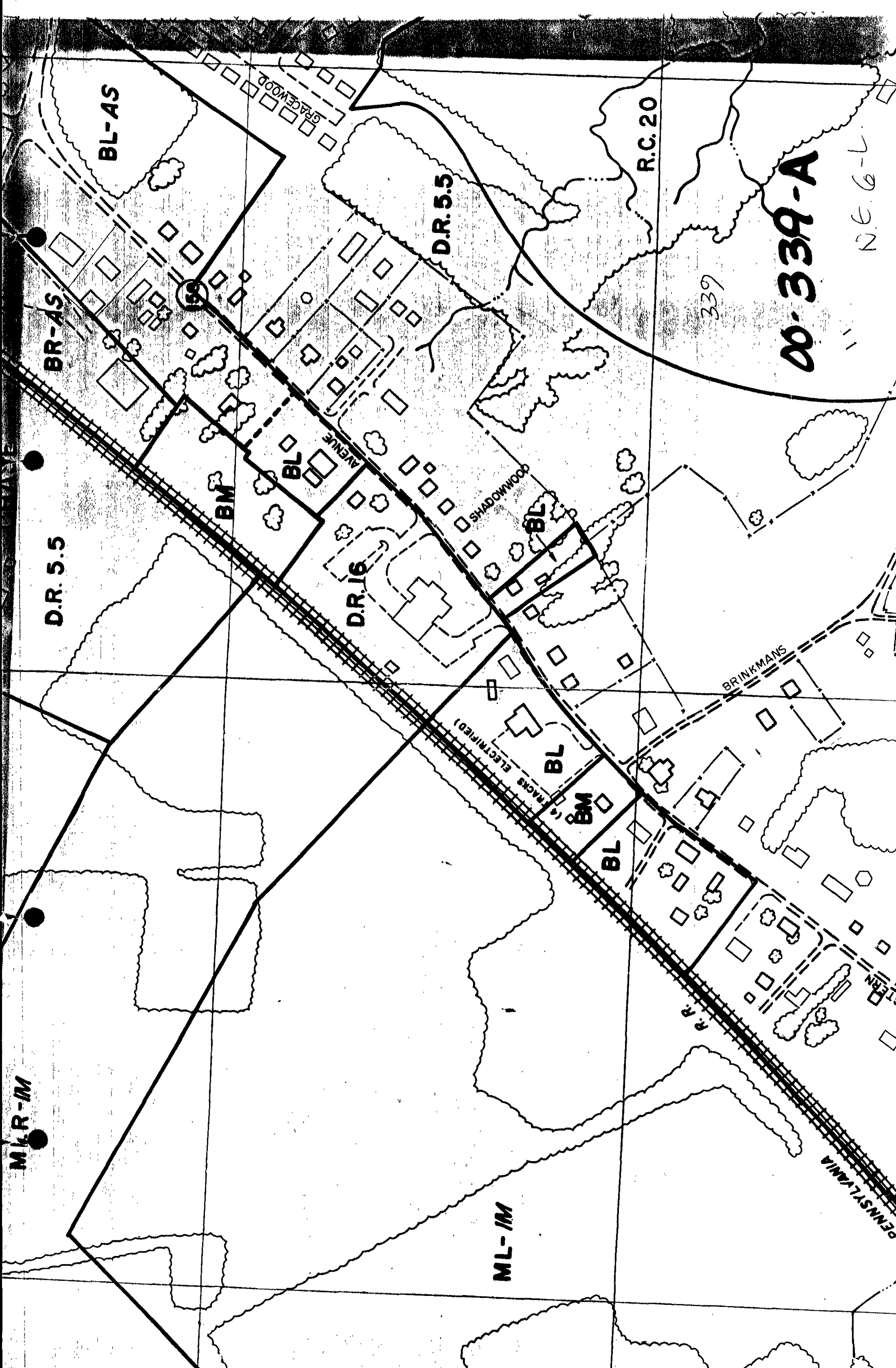
P.

Rear yard Proposed location
30 x 30 x 25 Feet Detached
garage



339

00-339-A



ML-IM

D.R. 5.5

BR-AS

BL-AS

D.R. 16

D.R. 5.5

ML-IM

BL

BM

BL

TRACKS ELECTRIFIED

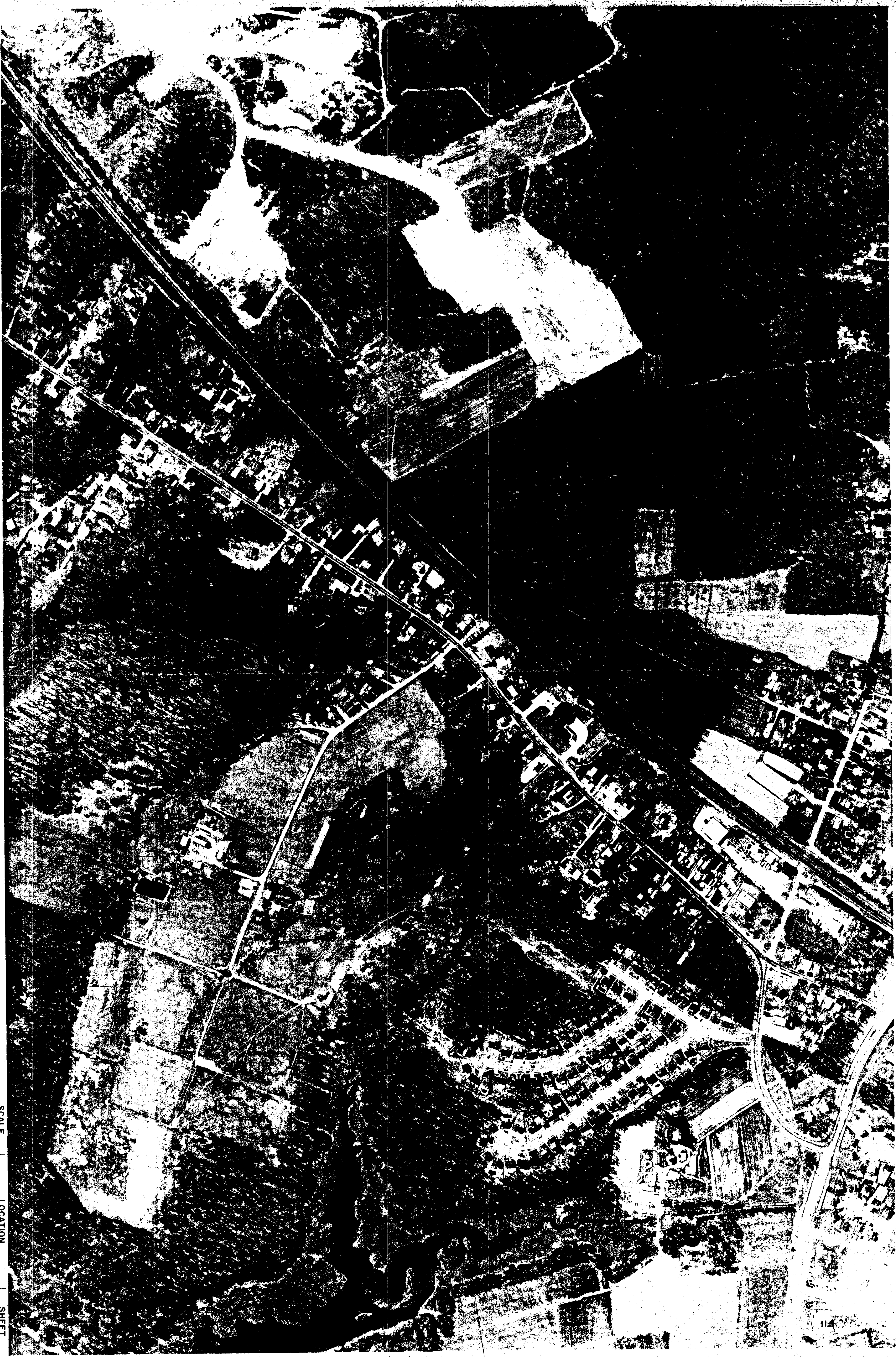
BRINKMANS

00-339-A

339

PENNSYLVANIA

NEG-L



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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING 339
PHOTOGRAPHIC MAP 00-339-A

SCALE	LOCATION	SHEET
1" = 200' ±	CHASE	N.E. 6-L
DATE OF PHOTOGRAPHY JANUARY 1986		