ORDER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE

S/S Beaumont Avenue, 50' NW of

Hero Court Extended

(321 N. Beaumont Avenue)

1<sup>st</sup> Election District

1<sup>st</sup> Councilmanic District

Michael Cuber, et ux Petitioners \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 00-368-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, Michael and Bonita Cuber. The Petitioners seek relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle (camper/trailer) to be parked partially in the front yard in lieu of the side yard, 8 feet from the front foundation line of the dwelling, or, the rear yard. 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 in support of the request was Michael Cuber, property owner. There were no Protestants or other interested persons present; however, it is to be noted that the Petition was filed in response to a violation notice the Petitioners received from the Code Enforcement Division of the Department of Permits and Development Management relative to the storage location of the subject recreational vehicle.

Testimony and evidence offered revealed that the subject property consists of a gross area of 8,179 sq.ft., more or less, zoned D.R.5.5, and is improved with a single family dwelling, which features an attached wood deck to the rear, and a macadam paved driveway and parking area which extends along the southeast side of the house. The rear yard is also enclosed with a fence, which extends out from either side of the rear foundation line of the dwelling and runs along the side yards to the rear of the property. The Petitioners have owned and resided on the property

since 1986. In 1989, the Petitioners purchased a camping trailer, which is approximately 25 feet long, including the 1-foot hitch, and 8 feet tall. Testimony indicated that the Petitioners have stored this camper in their side yard on the existing macadam paved driveway/parking area since their purchase of the vehicle. However, the vehicle extends about 5 or 6 feet out from the front of the dwelling. Apparently, during a routine inspection of the neighborhood, the Code Enforcement Inspector for the area advised the Petitioners that the camper must be parked a minimum of 8 feet from the front foundation line of the dwelling or in the rear yard. Mr. Cuber testified that the camper cannot be stored in the rear yard due to the severe slope of the property in both the side and rear yards. Testimony indicated that it would be necessary to bring in fill dirt to level the property to create a useable parking area in the rear yard. This would adversely impact drainage patterns and could result in the flow of water runoff onto the neighbors' property. Moreover, strict compliance with the regulation would require removal of the existing fence and extension of the existing driveway another 20 feet in order to meet the required 8-foot setback from the front foundation line of the house. Additionally, an existing brick chimney alongside the dwelling would interfere with any extension of the existing driveway to accommodate the vehicle. Thus, the Petitioners seek variance relief as noted above to allow continued storage of the vehicle in its present location.

Based upon the testimony and evidence offered, I am persuaded to grant the variance. It is clear from the testimony that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. Moreover, testimony indicated that the subject recreational vehicle has been stored in its present location for 11 years without complaint. In fact, the Petitioners submitted letters from his neighbors, including the property owners on the affected side, indicating their support for the variance. Thus, it appears that the granting of the relief requested will not result in any detrimental impact to the neighboring properties.

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 And ay of May, 2000 that the Petition for Variance seeking relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle (trailer) to be parked partially in the front yard in lieu of the required 8 feet from the front foundation line of the dwelling, or, the rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the recreational vehicle the Petitioners currently own. Any replacement vehicle shall be no larger than the dimensions of the existing vehicle, which is 8 feet tall and 24 feet long with a 1-foot trailer hitch/tongue.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LÁWŘÉNČE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date

By



May 2, 2000

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

Fax: 410-887-3468

Mr. & Mrs. Michael Cuber 321 N. Beaumont Avenue Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE

S/S Beaumont Avenue, 50' NW of Hero Court Extended

(321 N. Beaumont Avenue)

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Michael Cuber, et ux - Petitioners

Case No. 00-368-A

Dear Mr. & Mrs. Cuber:

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

cc:

Code Enforcement Division, PDM; People's Counsel; Case/File













# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 321 N. Beaumont Ave which is presently zoned

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)

415.A.IA TO PERMIT A RECREATIONAL UE CHICLE (TRAILER) TO BE PHAKED BARTIALLY IN FRONT YARD IN LIEU OF THE SIDE AND EIGHT FEET TO REAR OF THE FRONT FOUNDATION LINE

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) TO PARK RV TRAILER 8 FOOT BEHIND THE HOUSE T-WOULD BE A HARDSHIP. THIS WOULD REQUIRE REMOVAL OF FENCE. I WOULD ALSO HAVE TO PUT IN TRAILER ITAS BEEN PARKED ON SIDE OF ITOUSE

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.

Contract Purchaser/Lessee:			
Name - Type or Print			
Signature		<del></del>	
Address	<del></del>	Telephone No.	
City	State	Zip Code	
Attorney For Peti	tioner:		
Name - Type or Print		,	
ompany			
ddress		Telephone No.	
	State	Zip Code	
Case No. OO	-368-A		
D <b>O</b> 11 0110107			

ADER RECEWED FOR FILING

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.

#### Legal Owner(s):

MICHAEL	· CUBE	R
Name - Type or Print	4 -	· · · · · · · · · · · · · · · · · · ·
mulacel	Culer	
Signature BONITA		BER
Name - Type or Print	-//	
Signature	the transfer of the transfer o	410-188-1236
321 N. BEAG	VMONT	AVE
Address		Telephone No.
CATONSVILLE CITY	MD	21228
City	State	Zip Code
Representative to be	Contacted:	- •

Representative to be Cor	ntacted:	
MICHAEL CUBER		
Name	HOME -	410-788-1236
321 N. BEAVMONT	WORK .	<u>410~361~5907</u> Telephone No.
Address		Telephone No.
CATONSVILLE MD		2/225 Zip Code
City	State	Zip Code
OFFICE US	E ONLY	
		11.

ESTIMATED LENGTH OF HEARING \_ UNAVAILABLE FOR HEARING Date

\* Violution

#### Zoning Description for 321 N. Beaumont Avenue

Beginning at a point on the South side of Beaumont Avenue 34°23. 30" E 60 feet wide at the distance of 136.31 feet running east and west.

The nearest improved intersection street is Edmondson Avenue.

17 ERO COURT 60' DISTANT

This property is located in:

Councilimanic District: 1

**Election District: 01** 

LOT NO. 2 BLOCK-B PLAT NO.3 BEAUMONT PARK PLAT BOOK EHK NO. 42 FOL10-88

BALTIMORE COUNTY, MARYLAND No. 07895 MISCELLANEOUS RECEIPT	Property Sections 15
DATE 3/16/6- ACCOUNT 001-6/150	1987年   日本日本 (1985年 (1985年)   1987年   1987
12-00 368 AMOUNT \$ 50.	TO SERVE SER
RECEIVED Michael Cober - 321 N. Bearmont	Hilling of Section 1997 to the Section of Section 1997 to the Section of Section 1997 to the Section 1997
FOR: 010-Res Vocance - & SO. F	00.368.A
	00,200
<u>DISTRIBUTION</u> WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	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: #00-368-A
321 North Beaumont Avenue
SW/S Beaumont Avenue,
approximately 50' NW of
centerline Hero Court Extended
1st Election District
1st Councilmanic District
Legal Owner(s): Bonita A. &
Michael Guber
Variance: to permit a rec-

Michael Guber
Variance: to permit a recreational vehicle (trailer) to
be parked partially in the
front yard in lieu of the side
and 8 feet to the rear of the
front foundation line.
Hearing: Monday, April 24,
2000 at 2:00 p.m. in Room
407. County Courts Building, 401 Bostey Avenue.

LAWRENCE E. SCHMIDT

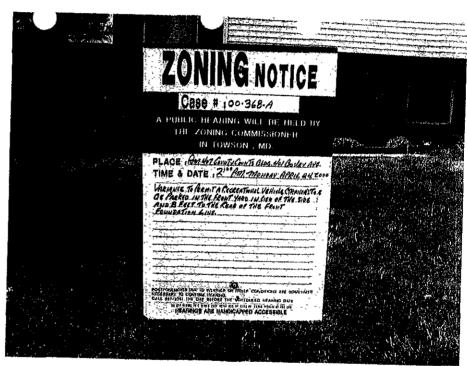
LAWRENCE E SCHMIDT
Zoning Commissioner for
Baltimors County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

3391. 4/022 Apr. 6 C381669

## CERTIFICATE OF PUBLICATION

TOWSON, MD,, 20
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 ofsuccessive
weeks, the first publication appearing on $\frac{16}{100}$ , $\frac{2000}{100}$ .

THE JEFFERSONIAN,



Posted at 321 North Beaumont Ave.

#### **CERTIFICATE OF POSTING**

RE: CASE # 00-368-A PETITIONER/DEVELOPER (Michael Cuber) DATE OF Hearing (4-24-00)

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

321 North Beaumont Ave. Baltimore, Maryland 21228	
THE SIGN(S) WERE POSTED ON	4-7-00
	(MONTH, DAY,YEAR)
	SINCERELY,
	(SIGNATURE OF SIGN POSTER & DATE)
	THOMAS P. OGLE SR
	325 NICHOLSON ROAD
	BALTIMORE, MARYLAND 21221
	410-687-8405

(TELEPHONE NUMBER)

RE: PETITION FOR VARIANCE
321 N. Beaumont Avenue
SW/S of N Beaumont Ave
1st Election District, 1st Councilmanic

Legal Owner: Michael & Bonita Cuber Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 00-368-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

S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

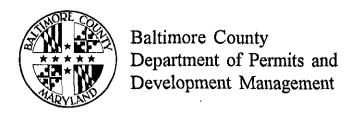
Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14th day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to Michael & Bonita Cuber, 321 N. Beaumont Avenue, Baltimore, MD 21225, Petitioners.

PETER MAX ZIMMERMAN



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

Fax: 410-887-5708

March 27, 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: 00-368-A
321 North Beaumont Avenue
SW/S Beaumont Avenue, approximately 50' NW of centerline Hero Court Extended
1st Election District – 1st Councilmanic District
Legal Owner: Bonita A. & Michael Cuber

<u>Variance</u> to permit a recreational vehicle (trailer) to be parked partially in the front yard in lieu of the side and 8 feet to the rear of the front foundation line.

HEARING: Monday, April 24, 2000 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

C: Bonita & Michael Cuber, 321 N. Beaumont Avenue, Catonsville 21228

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 9, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 6, 2000 Issue - Jeffersonian

Please forward billing to:

Michael Cuber 321 N. Beaumont Avenue Catonsville. MD 21228 410-788-1236

#### 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: 00-368-A 321 North Beaumont Avenue

SW/S Beaumont Avenue, approximately 50' NW of centerline Hero Court Extended

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Bonita A. & Michael Cuber

<u>Variance</u> to permit a recreational vehicle (trailer) to be parked partially in the front yard in lieu of the side and 8 feet to the rear of the front foundation line.

HEARING: Monday, April 24, 2000 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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

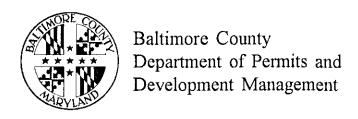
#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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:
Petitioner: Michael + Bonita Cuber
Address or Location: 321 N. Beaumont Au
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Address: 321 N. Beaumont Avc
Codoni ville MD 21.228
Telephone Number: 410 - 788 - 1231



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

April 21, 2000

Mr. Michael Cuber 321 N. Beaumont Avenue Catonsville MD 21228

Dear Mr. Cuber:

RE: Case Number 00-368-A, 321 N. Beaumont Avenue

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

W. Carl Richards, Jr Zoning Supervisor

Zoning Review

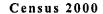
WCR:ggs

**Enclosures** 











#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 21, 2000

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 27, 2000

Item Nos. 362, 363, 366, 3676

and 369

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

RWB:HJO:jrb

cc: File



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

March 21, 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 MARCH 20, 2000

Item No.: 362, 364, 365, 366, 367, 368) 369

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.

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

DATE:

April 10, 2000

SUBJECT:

**Zoning Petitions** 

Zoning Advisory Committee Meeting of March 20, 2000

DEPRM has no comments for the following zoning petitions:

Address
7901 Comes Avenue
8432 Pulaski Highway
9712 and 9714 Magledt Road
321 North Beaumont Avenue
2107 Cider Mill Road

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

DATE:

March 20, 2000

TO:

Larry E. Schmidt

**Zoning Commissioner** 

FROM:

James H. Thompson - KW

Code Enforcement Supervisor

SUBJECT: ITEM NO.:

PETITIONER:

Michael Cuber and Bonita A. Cuber

VIOLATION CASE NO.:

00-0985

LOCATION OF VIOLATION:

SW/S of NN. Beaumont Ave.

(321 N. Beaumont Ave.)

DEFENDANT(S):

Michael Cuber and Bonita A. Cuber

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** 

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/kw/imh

Sim 4/24

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

MAR 2

Date: March 21, 2000

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): 366 and 368

If there should be any questions or this office can provide additional information, please

contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



### Maryland Department of Transportation State Highway Administration

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

Date: 3.22.00

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

RE: Baltimore County

Item No. 368 MJK

Dear, Ms. Jackson:

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.rad.us).

Very truly yours,

f. J. Soulle

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division March 14, 2000

#### To Whom It May Concern:

We have lived next door to Mr. & Mrs. Cuber for 14 years. We have no objection to their camper being kept next to the house. It has not caused any problem at all during the past 10 years.

If you have any questions, please feel free to all me at 410-313-4953 (Work) or 410-681-8200 (Pager).

Frank A. Seicke

Dolores B. Seicke

323 N. Beaumont Avenue Baltimore, MD 21228

Franka Seich

March 5, 2000

To Whom it May Conern:

We have no objections to Mr. Mike Cuber keeping his camper in the yard beside his home at 321 Beaumont Avenue, Catonsville, Maryland 21228. We live across the street from Mr. Cuber and we find nothing offensive about the camper being stored in this location. Feel free to contact us at 410 788 8942 if any further information is required.

Sincerely.

Robert and Robin Dowell

318 Beaumont Avenue

Catonsville, Maryland 21228

