ORDER RECEÍVED FOR FILING

IN RE: PETITION FOR VARIANCE N/S Church Road, 200' E of the c/l

Black Forest Road (528 Church Road) 4th Election District

3rd Councilmanic District

Malcolm Williams, et ux, Owners: Wendy Early, Contract Purchaser

- **BEFORE THE**
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 00-414-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, Malcolm and Betty Williams, and the Contract Purchaser, Wendy Early. In fact, subsequent to the filing of the instant Petition and prior to the hearing, Ms. Early settled on and acquired the property. Variance relief is requested from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23 feet in lieu of the maximum allowed 15 feet for a proposed 25' x 41' garage. 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 Wendy Early, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the north side of Church Road, just east of Black Forest Road in Reisterstown. The property contains a gross area of 1.14 acres, more or less, zoned R.C.5 and is improved with a single family dwelling, known as 528 Church Road. Other improvements on the site include a macadam-paved driveway, which runs through the property from Church Road to the rear property line. Apparently, a neighbor to the rear of the property uses that driveway/easement for access to his property.

The Petitioner is desirous of constructing a 25' x 41' garage with a height of 23 feet. Ms. Early testified that she owns an antique automobile, a photograph of which was displayed at the hearing. She also indicated that her boyfriend, who lives with her on the property, owns several motorcycles. Testimony indicated that the proposed garage is necessary to provide secure storage space for all of these vehicles. In addition, the second floor of the proposed garage will contain a workshop and provide additional storage space for personal items. Ms. Early indicated she understood and agreed that the garage could not be used for business/commercial purposes, nor used as a second dwelling.

Based upon the testimony and evidence presented, I am persuaded to grant the variance. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. as construed by the case law. There was no opposition to the request and the Petitioner did produce a letter in support of her request from the adjoining property owners, Philip and Carol Falkenklous, who would be the most impacted neighbors. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. Thus, it appears that the relief requested can be granted and will not cause any detrimental impact to the surrounding locale.

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 London day of June, 2000 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23 feet in lieu of the maximum allowed 15 feet for a proposed 25' x 41' garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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.

2

ORDER RECEIVES/FOR FILING

- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The proposed garage cannot be used for commercial or business purposes.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



June 1, 2000

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

Ms. Wendy Early 528 Church Road Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
N/S Church Road, 200' E of the c/l Black Forest Road
(528 Church Road)
4th Election District - 3rd Councilmanic District
Case No. 00-414-A

Dear Ms. Early:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: People's Counsel; Case File













Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	528	CHURCH	ROAD	
which is	presently	zoned	RCS	

This Petition shall be filed with the Department of Permits and	Developmen	t Management	. The undersigned, lega	al
owner(s) of the property situate in Baltimore County and which is de	scribed in the	description and	plat attached hereto an	₫
made a part hereof, hereby petition for a Variance from Section(s)	4000	سسسه ما	المحادة والمراجع الأسا	

of 23 feet in lieu of the required 15 feet for an accessory

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

Roof peak will be greater than 15 feet to accommodate

ZND Floor workstop/Storage Area.

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:

ORDER RECEIVED FOR FILING

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Legal Owner(s):

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BETTY	WILLIAMS	
Name - Type or Print	<u> </u>	
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Signature	/	
528 Chre	CH ROAD	
Address		Telephone No.
REISTERT OWN	MD	21136
City	State	Zip Code
Representative to	o be Contacted:	

Name 4519	WILMS LOW	RO	23.	5-011·W 5-0668-h
Address				Telephone No.
BALTO		m	D	21210
City		St	ate	Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By CTM/RP Date 4/5/00

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 528 CHURCH ROAD

Beginning at a point on the north side of Church Road which is

1000' wide at the distance of 200 +/- east centerline of the nearest

improved intersecting street Black Forest Road which is 35' wide.

This property is 1.14 acres and contains 49,658 square feet. Also

known as 528 Church Road and located in the 4th Election

District, 3rd Couniclmatic District. Liber # 7749, Folio # 808.

00-414-A

THOSE COLLEGE
JEFFERSON BLDG ZHD FL MD TAX ASSES,

LOCATE PROPERTY ON

TAX MAP

GET TM # , P #

ASK FOR PROP.

INFO PRINTOUT

HAVE THEM CIRCLE

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GO TO LAND

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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CL	JSTOMER	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: # 00-414-A
528 Church Road
N/S Church Road 200 E of
centerline Black Forest Road
4th Election District
3rd Councilmanic District
Legal Gwner(s):
Betty & Malcolm Williams
Contract Purchaser:
Wendy Early
Varlance: to permit a
height of 23 feet in lieu of

Variance: to permit a height of 23 feet in lieu of the permitted 15 feet for an accessory structure. Hearing: Wednesday, May 24, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesa-

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

paake Avenue.

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/5/630 May 9 C389576

CERTIFICATE OF PUBLICATION

		_
TOWSON, MD,	511	, 20 <u>00</u>
THIS IS TO CERTIFY, that the a	annexed adv	ertisement was
published in THE JEFFERSONIAN, a w	eekly newspa	per published in
Towson, Baltimore County, Md., once in e	ach of	successive
weeks, the first publication appearing on	5/9/	, 20 <u>70</u>
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ТНЕ Ј	EFFERSON	NIAN,
J. WU	Lings 2	
LEGAL A	DVERTISI	VG

CERTIFICATE POSTING

RE:	: Case No.: <u>00-4/4-A</u>
•	Petitioner/Developer: Wendy Early
	Date of Hearing/Closing: 5-24-00
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	-
This letter is to certify under the penalties of perjury were posted conspicuously on the property located a Reisterstown, MD 21136	that the necessary sign(s) required by law to 1528 Church Rd.
The sign(s) were posted on	7 <i>0</i>
(Mon	th, Day, Year)
ZONING NOTICE	Sincerely, Stacy Jardner 5/11/00
A PUBLIC HEARING WILL BE HEFO BY THE FUNING COMMISSIONER THE LOWSON, MD	(Signature of Sign Poster and Date) Stacy Gardner
PARE: CAMEN CHINE, THE CONTROL OF TH	(Printed Name) SHANNON-BAUM SIGNS INC.
According to the second	ELDERSBURG, MD. 21784
	(City, State, Zip Code) 410 - 781 - 4000
	(Telephone Number)

RECEIVED

WAY 16 2000

DEPT. OF PERMITS AND DEVILOPMENT MANAGEMENT

RE: PETITION FOR VARIANCE 528 Church Road, N/S Church Rd, 200' E of c/l Black Forest Rd 4th Election District, 3rd Councilmanic

Legal Owner: Malcolm & Betty Williams Contract Purchaser: Wendy Early Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- Case No. 00-414-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

le S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47

400 Washington Avenue

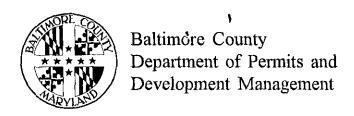
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Malcolm and Betty Williams, 528 Church Road, Reisterstown, MD 21136, and to Contract Purchaser Wendy Earl, 4519 Wilmslow Road, Baltimore, MD 21210, Petitioners.

PETER MAX ZIMMERMAN



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

April 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: 00-414-A

528 Church Road

N/S Church Road, 200' E of centerline Black Forest Road

4th Election District – 3rd Councilmanic District

Legal Owner: Betty & Malcolm Williams

Contract Purchaser: Wendy Early

<u>Variance</u> to permit a height of 23 feet in lieu of the permitted 15 feet for an accessory structure.

HEARING: Wednesday, May 24, 2000 at 9:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

Arnold Jablon Director

C: Betty & Malcolm Williams, 528 Church Road, Reisterstown 21136 Wendy Early, 4519 Wilmslow Road, Baltimore 21210

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



Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Return Service Requested

ROOM III ZONING REVIEW

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TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 9, 2000 Issue – Jeffersonian

Please forward billing to:

Wendy Early

410-235-0111 (work)

2315 Maryland Avenue Baltimore, MD 21218

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: 00-414-A

528 Church Road

N/S Church Road, 200' E of centerline Black Forest Road

4th Election District – 3rd Councilmanic District

Legal Owner: Betty & Malcolm Williams

Contract Purchaser: Wendy Early

<u>Variance</u> to permit a height of 23 feet in lieu of the permitted 15 feet for an accessory structure.

HEARING: Wednesday, May 24, 2000 at 9:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

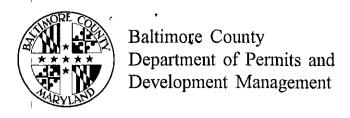
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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:
tem Number or Case Number: 00-4/4-A Petitioner: WENDY FARLY
Address or Location: 528 CHURCH ROAD, BALTO MD 21130
PLEASE FORWARD ADVERTISING BILL TO:
Name: WENDY EARLY
Address: 2315 MARYLAND AVE
BALTO MD 21218
Telephone Number: 410 - 235 - 0111 WORK

Revised 2/20/98 - SCJ



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

May 19, 2000

Ms. Wendy Early 4519 Wilmslow Road Baltimore MD 21210

Dear Ms. Early:

RE: Case Number 00-414-A, 528 Church Road

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

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

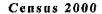
WCR:ggs

Enclosures













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

April 18, 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 APRIL 17, 2000

Item No.: See Below

Dear Ms. Stephens:

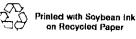
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

411, 412, 413, 414) 417, 418, 419, 420, 422, 425, 426, and 427

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 MS

DATE:

May 12, 2000

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of April 17, 2000

DEPRM has no comments for the following zoning petitions:

Address
23 Mansez Drive
7046 Eastern Avenue
1633 Freeland Road
528 Church Road
3607 East Joppa Road
8204 Rider Avenue
12 Hunter Horn Court
13411 Fork Road
East Joppa Road
2802 Tennessee Avenue
8511 Liberty Road
8551 Philadelphia Road
419 Samantha Court
9011 Moonstone Road

PECENTED MAY 2 SAID

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 26, 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 Case 411 414, and 419

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



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

Date:

4.17.00

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

RE:

Baltimore County

Item No. 414

LTMIR

Dear, Ms. Jackson:

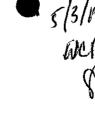
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

1. J. Doll

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



WENDY EARLY 528 CHURCH ROAD REISTERSTOWN, MD 21136

May 2, 2000

RE: CASE # 00-414-A

Dear Mr. Jablon,

I am in receipt of the NOTICE OF ZONING HEARING. I was under contract to purchase the property of 528 CHURCH ROAD, at the time of variance petition application. I am now the owner of this property, I settled on April 28, 2000. I thought your office should be informed of this change.

Very truly yours,

Wendy Earls

Wendy Early

Rec'd 5/3/00 #00-1163

00-414-A

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City or Post Office		State	ZIP or ZIP+4 Code

State

ZIP or ZIP+4 Code

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,	Please send mail to new address begins		
· ·	My Name (Last name, first name, middle initial) 4519 WILMSLOW COAD		And Assistant
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	City or Post Office	State	Apt/Suite #
NEW Address	NEW Complete Street Address or PO Box or Rural Rot REISTERSTOWN	<u> WID </u>	21136 ZiP or ZiP+4 Code
इ	City or Post Office	State	
	NEW Telephone Number (Optional)	# 414 A	
	Account Number (If applicable) Wendy Carly Signature	- tay's [0,4,2,8,40 Date: Month Day Year

May 19, 2000

Philip & Carol Falkenklous 534 Church Road Reisterstown, MD 21136

To Whom it may concern,

I am the next door neighbor of Wendy Early, of 528 Church Road. I have no objections to her building a structure that exceeds 15 feet in height. I furthermore support her in doing so.

Sincerely yours,

Carul Palkerklous
Philip & Carol Falkenklous

Pedilor

