

IN THE MATTER OF
THE APPLICATION OF
CHRISTINE CARNAHAN –
PETITIONER FOR VARIANCE ON
PROPERTY LOCATED ON EAST SIDE
MANORFIELD ROAD, 135' N OF THE
CENTERLINE OF MANOR ROAD
(8603 MANORFIELD ROAD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 00-439-A

* * * * *

OPINION

This case comes before the Baltimore County Board of Appeals based on an appeal by the Petitioners of a decision of the Deputy Zoning Commissioner dated April 14, 2000 in which a Petition for Variance from § 400.1 of the *Baltimore County Zoning Regulations* (BCZR) was denied. A public hearing was held before this Board on February 8, 2001. A public deliberation was held on February 20, 2001.

Appearing at the hearing *pro se* were Ms. Christine Carnahan, the Petitioner, and Mr. Wayne Parrish, who resides at the property and is the fiancé of the property owner. Appearing on behalf of the Office of People's Counsel was Peter Max Zimmerman, People's Counsel for Baltimore County. Appearing as interested persons /protestants in the matter were Marcia Schneider, Dennis Eckard, and Kathleen Simon.

Testimony and evidence offered revealed that the subject property is a rectangular shaped lot, approximately 144 feet wide by 124 feet deep, which contains a gross area of .125 acres, more or less, zoned D.R. 5.5. The property is improved with a one-story brick and frame duplex dwelling, which features an attached deck to the rear, and a concrete paved driveway /parking area in the front. The property has frontage on Manorfield Road, not far from Silver Spring Road, in the residential subdivision known as Halfield Manor in Perry Hall (Appellant/Petitioner's Exhibit #1).

The subject of this variance request relates to a 16-foot by 12-foot shed that was constructed on the property in March 2000 in the front and side yard, within 8 inches of the side property line and 16 feet from the front property line, in lieu of the required rear yard, with a minimum side

setback of 2.5 feet (Appellant /Petitioner's Exhibit #2). In support of this request, testimony was given by Wayne Parrish as to why relief was being sought by the Petitioner from § 400.1 of the BCZR to permit an accessory structure in the side yard in lieu of the required rear yard location. The shed in question was referred to as a detached garage for storage of their motorcycles and Ms. Carnahan's handicapped daughter's wheelchairs. The required rear yard area was testified to as unique in that it is unusable due to excess water runoff from neighboring properties which need to be diverted. The neighboring homes sit on higher ground and the runoff pattern has been changed from their properties and is now diverted to his. The backyard is dry only 18 days out of the year. The contractors who came to survey the property after the Zoning Commissioner's hearing have stated nothing could go there due to the wet conditions. Mr. Parrish also stated that the only reason they proceeded with the building of the shed originally without a proper building permit was due to the contractor stating one was only needed if the structure was over 200 square feet. He felt that they misinformed them. He has since found out that the limit was 100 square feet. He also stated that they issued a stop work order upon receiving the code violation. The garage /shed would look identical to the house with the pitch of the roof, matching shingles and vinyl siding. Photographs of the property and the shed in question were admitted to show drainage issues and how the shed would blend in with the house (Appellant /Petitioner's Exhibit #4A-4G).

Christine Carnahan stated that she feels she's being penalized due to the contractor's error. She feels that the water problem in her backyard is unique due to the water emanating from the neighboring properties onto theirs. According to Ms. Carnahan, she feels this is something they cannot control or stop. She also stated that even if the shed could be placed in the rear it would be a hardship on them for retrieving her daughter's wheelchairs. The shed, when it is finished, would

not impact neighbors' properties, she opined.

Marcia Schneider, who lives across the street from the subject property, testified that she feels that the shed impacts her property value. She gave supporting testimony that the original swale has changed due to the surrounding property owners changing the swale for their landscaping designs and raised gardens.

Representing the Perry Hall Community Association was Dennis Eckard, who gave testimony on the Perry Hall board voting against the variance requested. Their position is that it is against the law; therefore they are opposing it. He stated that he knows of water problems in the area but did not present evidence to the fact.

BCZR § 400.1 states that accessory buildings in residential zones shall be located only in the rear yard and shall not occupy more than 40 percent thereof. On corner lots, they shall occupy no more than 50 percent of such third. Examining the building as a garage rather than an accessory building, § 400.1 states in pertinent part:

The limitations imposed by this section shall not apply to a structure which is attached to the principle building by a covered passageway or which has one common wall or part of one wall in common with it. Such structure shall be considered part of the principle building and shall be subject to the yard requirements for such a building. [BCZR 1955; Bill No. 27, 1963]

The subject building at 8603 Manorfield Road does not meet these requirements.

Therefore, the Appellant /Petitioner has requested a variance to § 400.1. BCZR § 307 permits the granting of a variance upon certain terms and conditions, which in pertinent part allows a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance request, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995), which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered.

Upon consideration of the testimony and evidence offered during this hearing, the Board finds that the subject property is unique because of the water issues due to the swales being changed and the runoff being diverted to the Carnahan property, which makes locating the shed elsewhere in the property impractical if not impossible. The photographs supported the testimony as to the extreme wetness caused by diverted runoff from neighboring properties. Ms. Schneider supported the testimony given by Mr. Parrish and Ms. Carnahan. There was not enough sufficient compelling evidence to contradict the testimony given by the Petitioners.

Having established that the subject property is unique, the Board finds that the application of the zoning ordinance imposes a practical difficulty and undue hardship on the Petitioners. The relocation of the shed as testified to by the Petitioners would be structurally impossible by the contractors. This factor is not self-imposed by the Petitioners.

The third and final prong of the standards as found in *Cromwell* speaks to the spirit and intent of the zoning regulations. The structure as it stands is designed to blend with the architecture of the house and would resemble a freestanding garage. The Petitioners could solidify the appearance by creating a covered passageway from the house to the garage. The construction appears solid and would cause no injury to public safety and welfare if the variance request were

granted.

In conclusion, the Board is unanimous in granting the Petition for Variance seeking relief from § 400.1 of the BCZR to permit an accessory structure to be located in the front and side yards, within 8 inches of the side property line and 16 feet from the front property line, in lieu of the required rear yard with a minimum side setback of 2.5 feet, in accordance with Appellant /Petitioner's Exhibit #2.

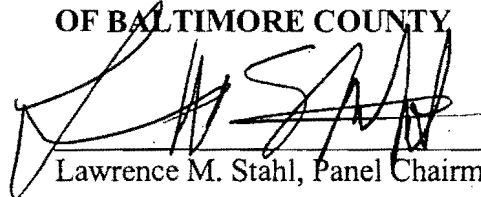
ORDER

THEREFORE, IT IS THIS 5th day of June, 2001 by the County Board of Appeals of Baltimore County

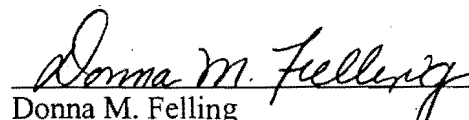
ORDERED that the Petitioner's request for variance from § 400.1 of the BCZR to permit an accessory structure to be located in the front and side yards, within 8 inches of the side property line and 16 feet from the front property line, in lieu of the required rear yard with a minimum side setback of 2.5 feet, in accordance with Appellant /Petitioner's Exhibit #2 be and is hereby **GRANTED**,

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl, Panel Chairman


C. Lynn Barranger


Donna M. Felling



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 5, 2001

Ms. Christine Carnahan
8603 Manorfield Road
Baltimore, MD 21236

RE: *In the Matter of: Christine Carnahan* -Legal Owner
Case No. 00-439-A

Dear Mr. Carnahan:

Enclosed please find a copy of the Majority Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. Also enclosed is a copy of Mr. Marks' Concurring /Dissenting Opinion.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Wayne Parrish
David Marks, President
Perry Hall Improvement Assn., Inc.
David Eckels
Marcia Schneider
Cynthia Greene
✓ People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

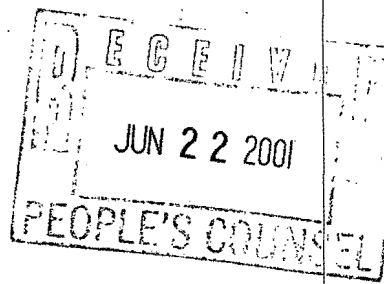


6/5/01

FILE COPY

IN THE MATTER OF
 THE APPLICATION OF
CHRISTINE CARNAHAN –
PETITIONER FOR VARIANCE ON
 PROPERTY LOCATED ON EAST SIDE
 MANORFIELD ROAD, 135' N OF THE
 CENTERLINE OF MANOR ROAD
 (8603 MANORFIELD ROAD)
 11TH ELECTION DISTRICT
 6TH COUNCILMANIC DISTRICT

BEFORE THE
 * COUNTY BOARD OF APPEALS
 * OF
 * BALTIMORE COUNTY
 * CASE NO. 00-439-A



Notes on this
 Case 7

* * * * *

OPINION

before the Baltimore County Board of Appeals based on an appeal by the
 of the Deputy Zoning Commissioner dated April 14, 2000 in which a

Petition for Variance from § 400.1 of the *Baltimore County Zoning Regulations* (BCZR) was
 denied. A public hearing was held before this Board on February 8, 2001. A public deliberation
 was held on February 20, 2001.

Appearing at the hearing *pro se* were Ms. Christine Carnahan, the Petitioner, and Mr.
 Wayne Parrish, who resides at the property and is the fiance' of the property owner. Appearing on
 behalf of the Office of People's Counsel was Peter Max Zimmerman, People's Counsel for
 Baltimore County. Appearing as interested persons /protestants in the matter were Marcia
 Schneider, Dennis Eckard, and Kathleen Simon.

Testimony and evidence offered revealed that the subject property is a rectangular shaped
 lot, approximately 144 feet wide by 124 feet deep, which contains a gross area of .125 acres, more

The property is improved with a one-story brick and frame duplex
 an attached deck to the rear, and a concrete paved driveway /parking area
 ty has frontage on Manorfield Road, not far from Silver Spring Road, in the
 known as Halfield Manor in Perry Hall (Appellant /Petitioner's Exhibit #1).
 s variance request relates to a 16-foot by 12-foot shed that was constructed
 2000 in the front and side yard, within 8 inches of the side property line
 and 16 feet from the front property line, in lieu of the required rear yard, with a minimum side

FILE COPY

SHOULD P.C. APPEAL?

Protestants involved?
 Yes No

PMZ: No PMZ 7/2/01

CSD: No/CSD

IN RE: PETITION FOR VARIANCE
E/S Manorfield Road, 135' N of the c/l
Manor Road
(8603 Manorfield Road)
11th Election District
6th Council District

Christine Carnahan
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-439-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 owner of the subject property, Christine Carnahan. The Petition was filed in response to a zoning violation notice the Petitioner received from the Code Enforcement Division of the Department of Permits and Development Management (PDM) as to the location of a shed on the subject property. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the front and side yards, within 8 inches of the side property line and 16 feet from the front property line, in lieu of the required rear yard with a minimum side yard setback of 2.5 feet. 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 Wayne Parrish, who resides on the property and is the fiancé of Ms. Carnahan, the property owner. Appearing as interested persons/Protestants in the matter were David Eckels and Cynthia Greene, whose rear yards abut the side property line of the subject property, and Marcia Schneider, who resides across the street from the property.

Testimony and evidence offered revealed that the subject property is a rectangular shaped lot, approximately 144 feet wide by 124 feet deep, which contains a gross area of .125 acres, more or less, zoned D.R.5.5. The property is improved with a one-story brick and frame duplex dwelling, which features an attached deck to the rear, and a concrete paved driveway/parking area in the front.

The property has frontage on Manorfield Road, not far from Silver Spring Road, in the residential subdivision known as Halfield Manor in Perry Hall.

The subject of the variance request relates to a 16' x 12' shed that was constructed on the property in March of this year, adjacent to the side property line which abuts the rear yards of the properties owned by David Eckels and Cynthia Greene. Mr. Parrish testified that he engaged a contractor to build the shed and that he believed that the contractor would secure the necessary permits; however, none were obtained and the shed was ultimately constructed. Further testimony indicated that the shed is used to store three (3) motorcycles owned by Mr. Parrish. Mr. Parrish testified that he uses these motorcycles for recreational purposes, as well as for transportation, and that he needs a secure place in which to store them.

In support of the request, Mr. Parrish testified that this side of the property suffers from significant drainage problems. He indicated that the side yard is frequently wet and due to this factor the shed needed to be located closer to the front of the property. However, during the hearing he did indicate a willingness to move the shed to the rear yard, if necessary.

Mr. Eckels and Ms. Greene live immediately adjacent to the subject property. The rear property line of their respective properties shares a common property line with the Petitioner's side yard in which side the shed has been constructed. Thus, they look out from their dwellings into the Petitioner's side yard and the subject shed. Although confirming the difficult drainage patterns in their rear yards/the Petitioner's side yard, they are concerned over the size of the shed and its impact on their respective properties. They indicated that there are no sheds in the neighborhood of this size and they believe that it is inconsistent with the character of the community.

Ms. Schneider lives across the street from the subject property. Obviously, the shed impacts her property in that same is located in the front yard of the subject lot and close to the public street.

Consideration of zoning variances is governed by Section 307 of the B.C.Z.R. That Section has been interpreted by the Courts of this State, most notably, in Cromwell v. Ward, 102 Md. App. 691 (1995). In order for variance relief to be granted, the Petitioner must show that three factors

exist to justify a deviation from the zoning standards. First, it must be shown that the subject property is unique and that its uniqueness drives the need for variance relief. Second, it must be demonstrated that the property owner/Petitioner would suffer a practical difficulty if strict compliance with the regulations were required. Third, variance relief can be granted only upon a finding that there will be no detrimental impact to surrounding properties. Variances cannot be granted for reasons of convenience, but only under compelling circumstances.

I am not persuaded that the Petitioners have met their burden in this case. Mr. Parrish's offer to relocate the shed to the rear yard is compelling. I also believe that the size of the shed and its location on the front portion of the site cause a detrimental impact to the neighborhood. It is intrusive and potentially detrimental to property values in the area. Admittedly, the side yard suffers drainage problems; however, as Mr. Parrish indicated, the shed could be relocated to the rear yard. If so located, it could be located further from the side property line and not visible to residents across the street. For these reasons, I am persuaded to deny the request.

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 denied.

27th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June, 2000 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the front and side yards, within 8 inches of the side property line and 16 feet from the front property line, in lieu of the required rear yard, with a minimum side setback of 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that within ninety (90) days of the date of this Order, the Petitioners shall have the shed relocated as set forth above.

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

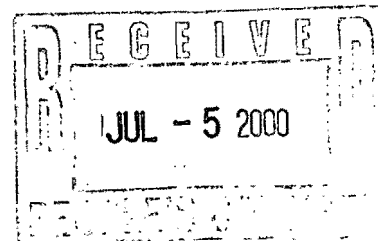


Baltimore County
Zoning Commissioner

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

June 22, 2000

Ms. Christine Carnahan
8603 Manorfield Road
Baltimore, Maryland 21236



RE: PETITION FOR VARIANCE
E/S Manorfield Road, 135' N of the c/l Manor Road
(8603 Manorfield Road)
11th Election District - 6th Councilmanic District
Christine Carnahan - Petitioners
Case No. 00-439-A

Dear Ms. Carnahan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, 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: Mr. David Eckels
4402 Hallfield Manor Drive, Baltimore, Md. 21236
Ms. Cynthia Greene
4400 Hallfield Manor Drive, Baltimore, Md. 21236
Ms. Marcia Schneider
8602 Manorfield Road, Baltimore, Md. 21236
Code Enforcement Division, PDM; People's Counsel; Case File



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 Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8603 Manorfield Rd
which is presently zoned D25-5

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 BC22 to permit

AND SIDE
A SHED IN THE FRONT YARDS WITHIN 8 INCHES OF THE SIDE PROPERTY LINE AND 16 FT. FROM THE FRONT PROPERTY LINE IN LIEU OF THE REQUIRED REAR YARD AND A 2.5 FT. SIDEYARD SETBACK.

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

TO BE PRESENTED AT HEARING

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

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 4.19.00

Case No. 00-439A

REV 9/15/98



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Carolyn

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

December 28, 2000

NOTICE OF ASSIGNMENT

CASE #: 00-439-A

IN THE MATTER OF: CHRISTINE CARNAHAN –Legal Owner /
Petitioner 8603 Manorfield Road
11th Election District; 6th Councilmanic District

4/14/2000 –Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR:

THURSDAY, FEBRUARY 8, 2001 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant /Petitioner : Christine Carnahan

David Marks, Pres.-Perry Hall Improvement Assn., Inc.
Wayne Parrish
David Eckels
Marcia Schneider
Cynthia Greene

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 5, 2000

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

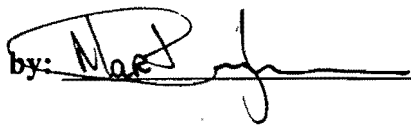
RECEIVED MAY 10 2000

SUBJECT: Zoning Advisory Petition(s): Case 439

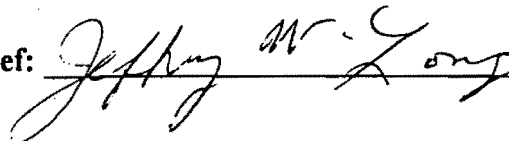
The Office of Planning has reviewed the above referenced case and has no comments to offer.

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



Baltimore County
Fire Department

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

May 1, 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:

433, 434, 435, 436, 437, 439, 440,

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

cc: File



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: **5.1.00**

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

RE: Baltimore County
Item No. **439**

JCM

RECEIVED MAY 05 2000

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.md.us).

Very truly yours,

for 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

RE: PETITION FOR VARIANCE
8603 Manorfield Road, E/S Manorfield Rd,
135' +/- of c/l Manor Rd
11th Election District, 6th Councilmanic

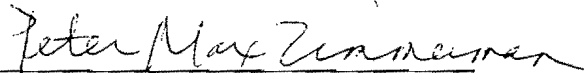
Legal Owner: Christine Carnahan
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-439-A

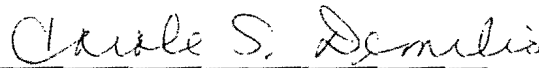
* * * * *

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.



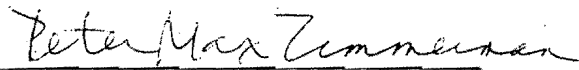
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 27th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Christine Carnahan, 8603 Manorfield Road, Baltimore, MD 21236, Petitioner.



PETER MAX ZIMMERMAN

APPEAL

Petition for Variance
8603 Manorfield Road
E/S Manorfield Road, 135 feet N of the centerline of Manor Road
11th Election District - 6th Councilmanic District
Christine Carnahan
Case No. 00-439-A

- ✓ Petition for Variance
- ✓ Description of Property
- ✓ Notice of Zoning Hearing (dated 5/5/00)
- ✓ Certification of Publication (NOT IN FILE)
- ✓ Certificate of Posting (date 5/16/00)
- ✓ Entry of Appearance by People's Counsel (dated 4/27/00)
- ✓ Petitioner(s) Sign-In Sheet
- ✓ Citizen(s) Sign-In Sheet
- ✓ Zoning Advisory Committee Comments: 4 Comment Letter
- Petitioners' Exhibits: ✓ - Area Plat
- Misc. (Not Marked as Exhibits): ✓ 8 Photographs of Property
- ✓ Zoning Commissioner's Order dated 6/27/00
- ✓ Notice of Appeal received on 7/11/00 from Christine Carnahan

C:

People's Counsel of Baltimore County, MS #2010
✓ Christine Carnahan, 8603 Manorfield Road, Balto., MD 21236
Wayne Parrish, 8603 Manorfield Road, Balto., MD 21236
David Eckles, 4402 Hallfield Manor Dr., Balto., MD 21236
Marcia Schneider, 8602 Manorfield Road, Balto., MD 21236
Cynthia Greene, 4400 Hallfield Manor Dr., Balto., MD 21236
Lawrence Schmidt, Zoning Commissioner, MS #3401
Arnold Jablon, Director of PDM

DAVID MARKS PRESIDENT
PERRY HALL IMPROVEMENT
ASSOCIATION INC
PO BOX 63
PERRY HALL MD 21128-0063

Perry Hall Improvement ASSOCIATION

RESOLVED: That at the Jan 14, 2001 meeting of the Perry Hall Improvement Assn. Inc. Association held on Jan 14, 2001 [DATE], it was decided by the Association that responsibility for review and action on all zoning matters for the period Jan 1, 2001 - Dec 31, 2001 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

Dennis E. Eard, V.P.
David Mark, Pres
Michael Canoy, V.P.

AS WITNESS OUR HANDS AND SEAL THIS 5th day of Feb, 2001

ATTEST:

Perry Hall Improvement Association

C. E. Mark
Secretary

David S. Mark
President

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
STAMATIOS PAPASTEFANOU, ET UX	*	COUNTY BOARD OF APPEALS
-PETITIONERS FOR ZONING		
VARIANCE ON PROPERTY LOCATED	*	OF
ON THE NORTHEAST CORNER COCO		
AND AVERY ROADS (8428 COCO RD)*		BALTIMORE COUNTY
14TH ELECTION DISTRICT		
7TH COUNCILMANIC DISTRICT	*	CASE NO. 99-57-A

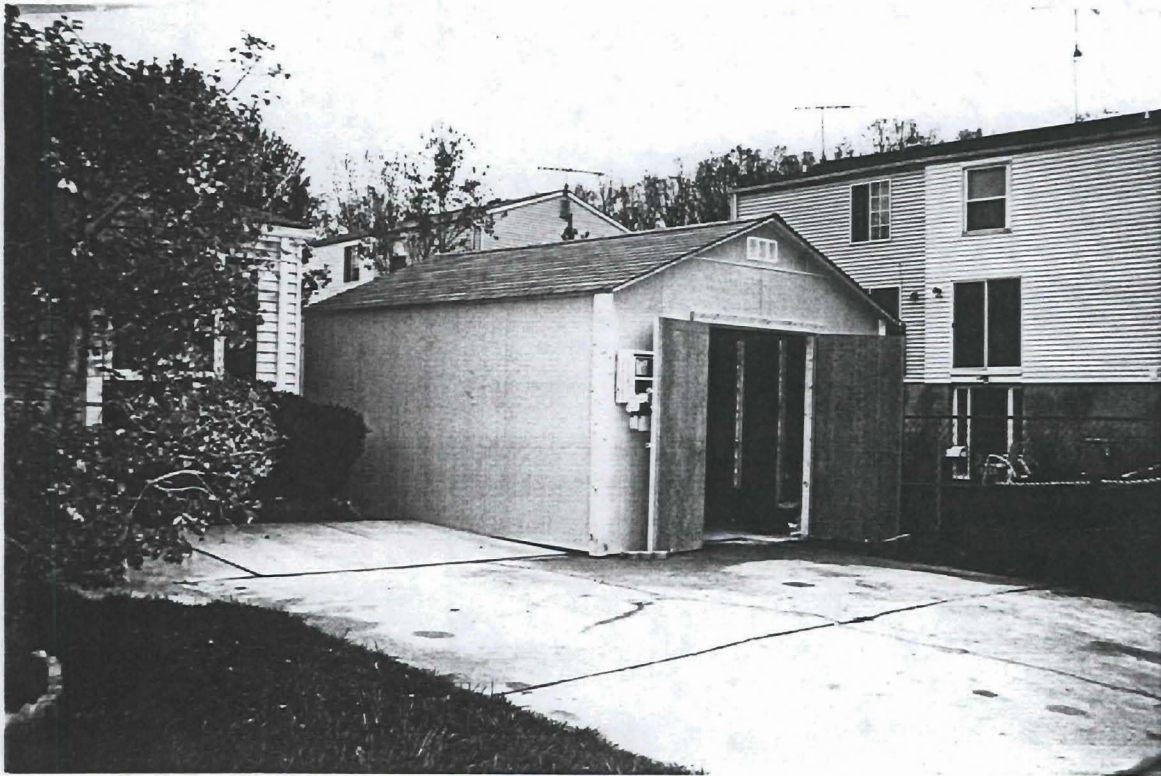
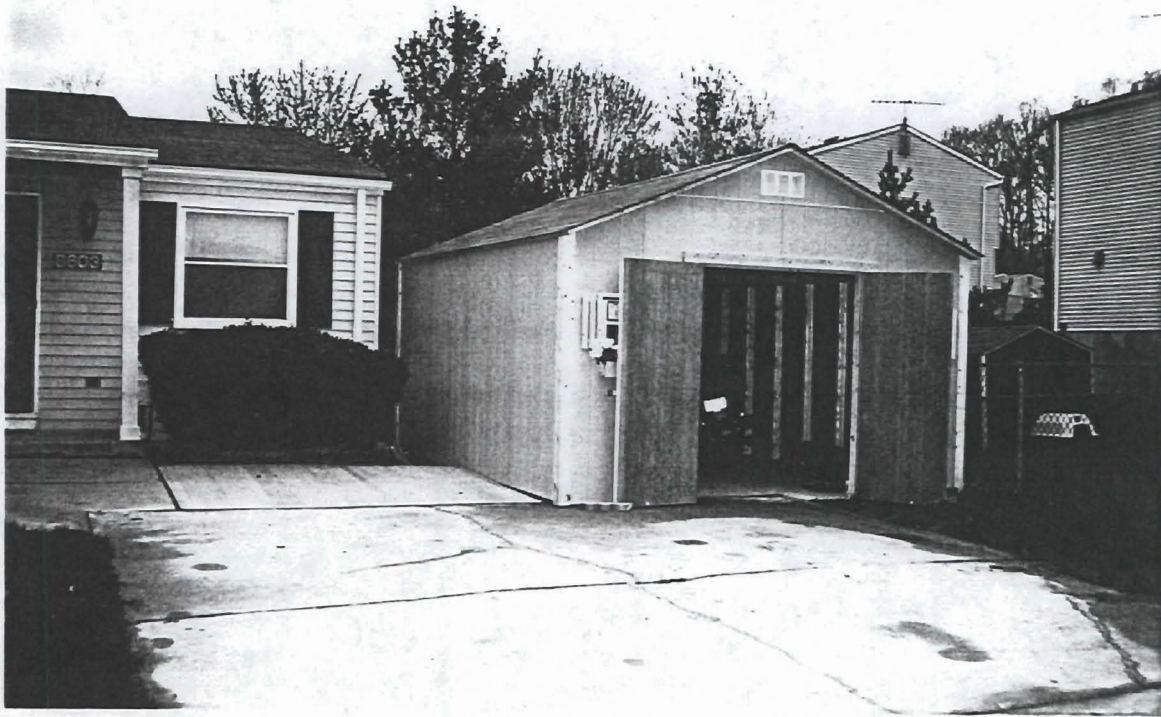
* * * * *

O P I N I O N

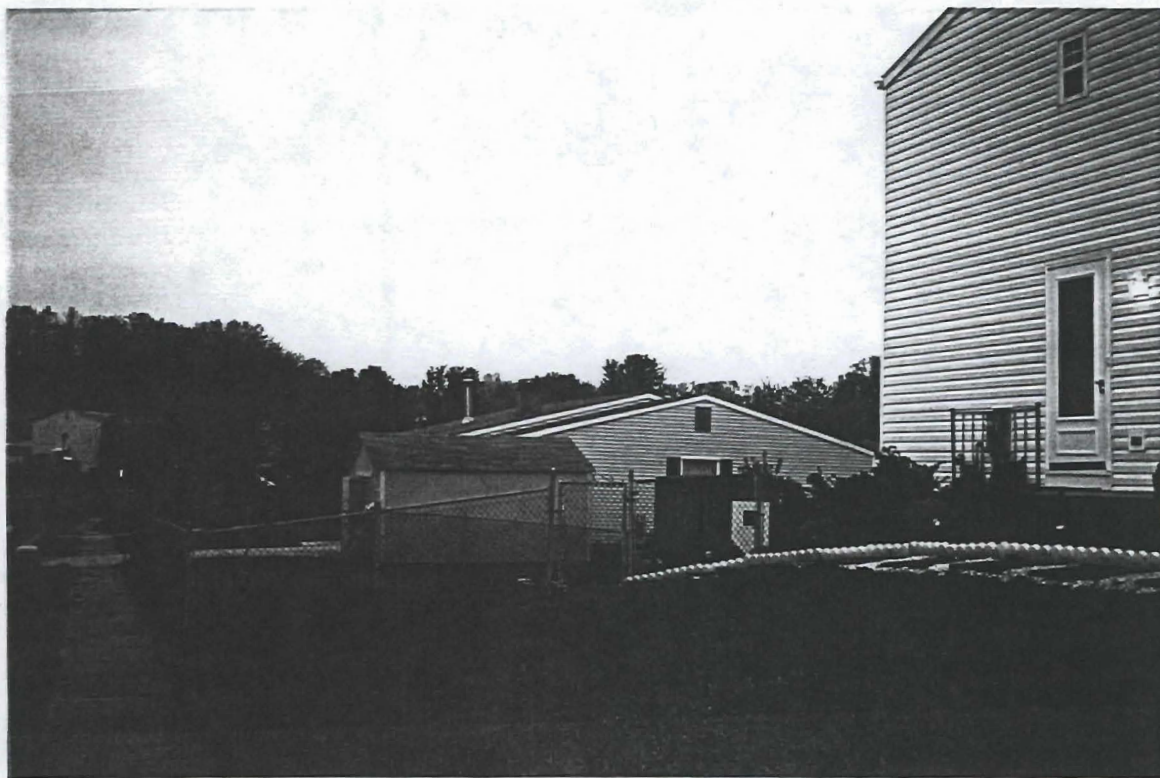
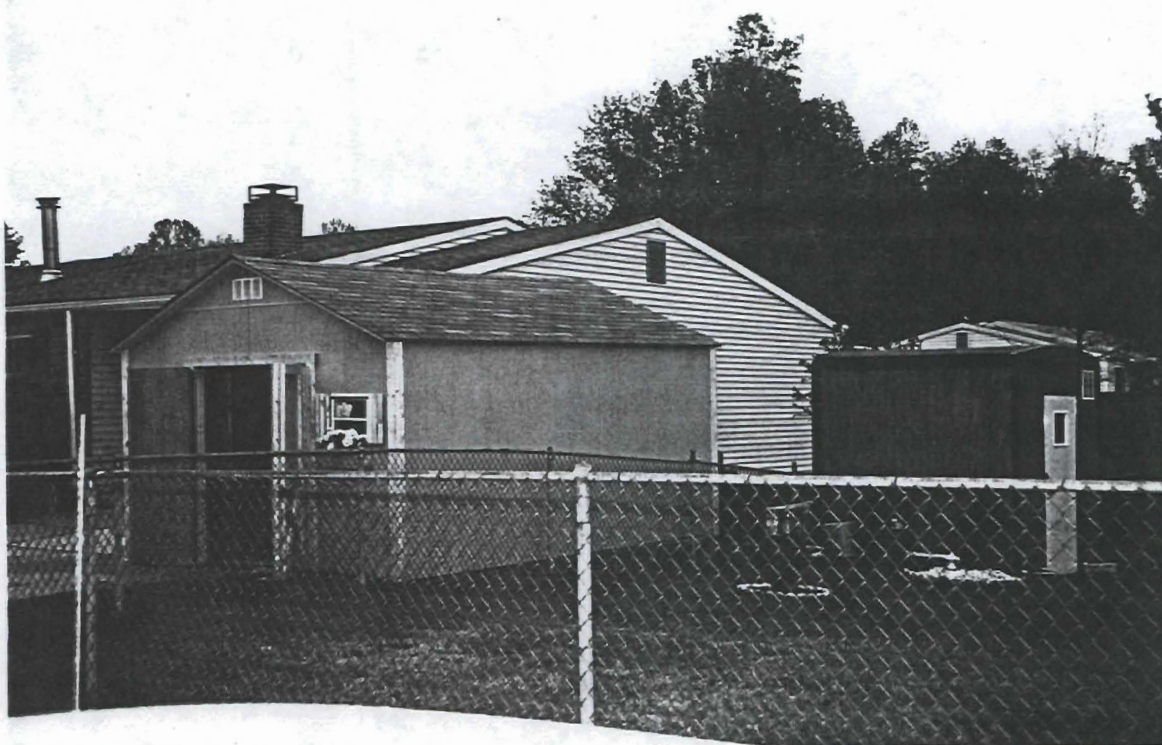
This case comes before the County Board of Appeals of Baltimore County based on an appeal by the Petitioners of a decision of the Deputy Zoning Commissioner in which a Petition for Administrative Variance from Section 400.1 was denied by his Opinion and Order dated January 12, 1999. A public hearing before this Board was held on June 24, 1999. A public deliberation was held on August 31, 1999.

Ms. Papastefanou, the Petitioner, was represented by himself with assistance from Ms. Catherine Agelakis, the Petitioner's daughter, in presenting the case and assisting with translations. An opportunity with discussion was given to the possible need for an attorney. The Petitioner declined and wished to go forward. Also participating in these proceedings was Peter Max Zimmerman, People's Counsel for Baltimore County.

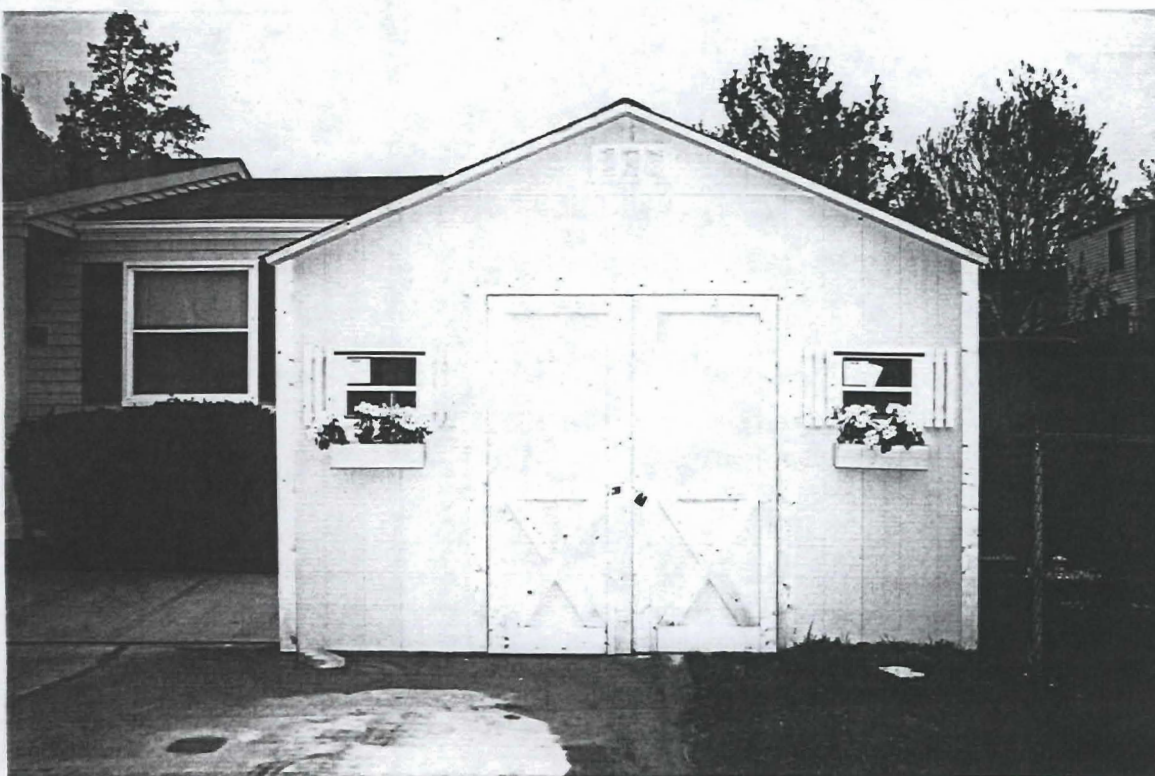
Opening statements were made by Ms. Agelakis as to why relief was being sought by the Petitioner from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory building in the side yard in lieu of the required rear yard location. The original attached garage was converted to a family room, the rear yard has an existing above-ground pool and small



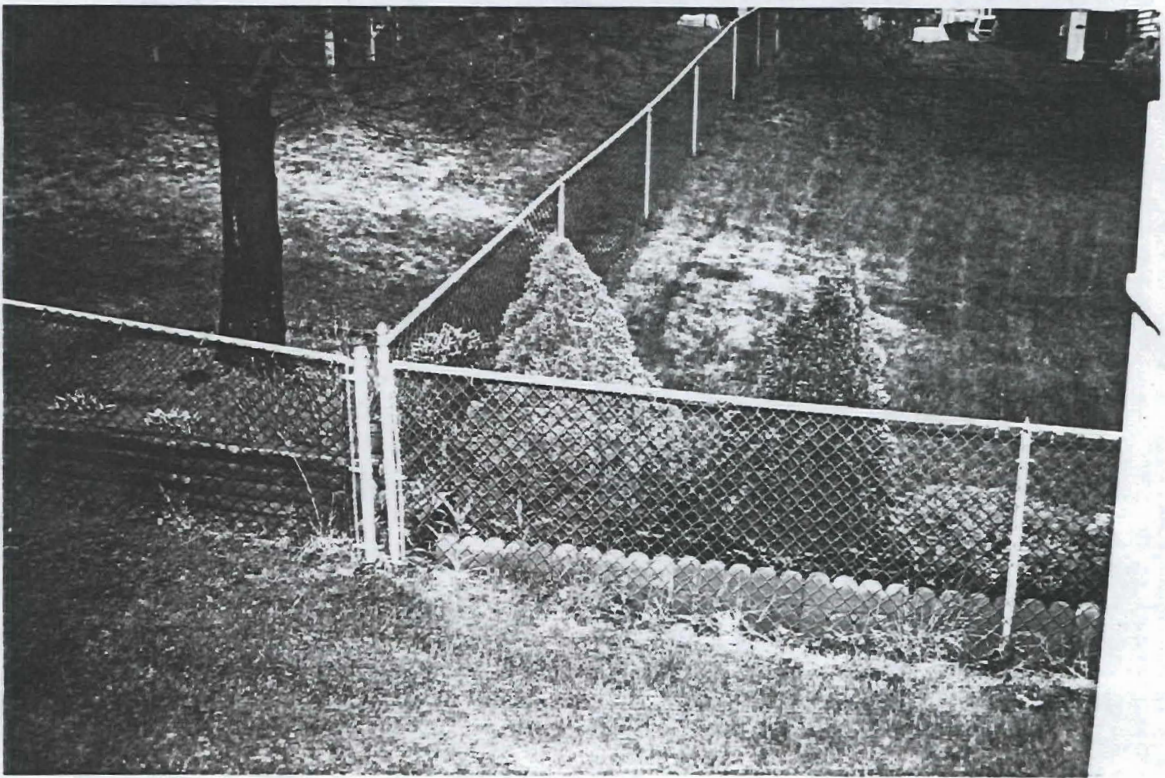
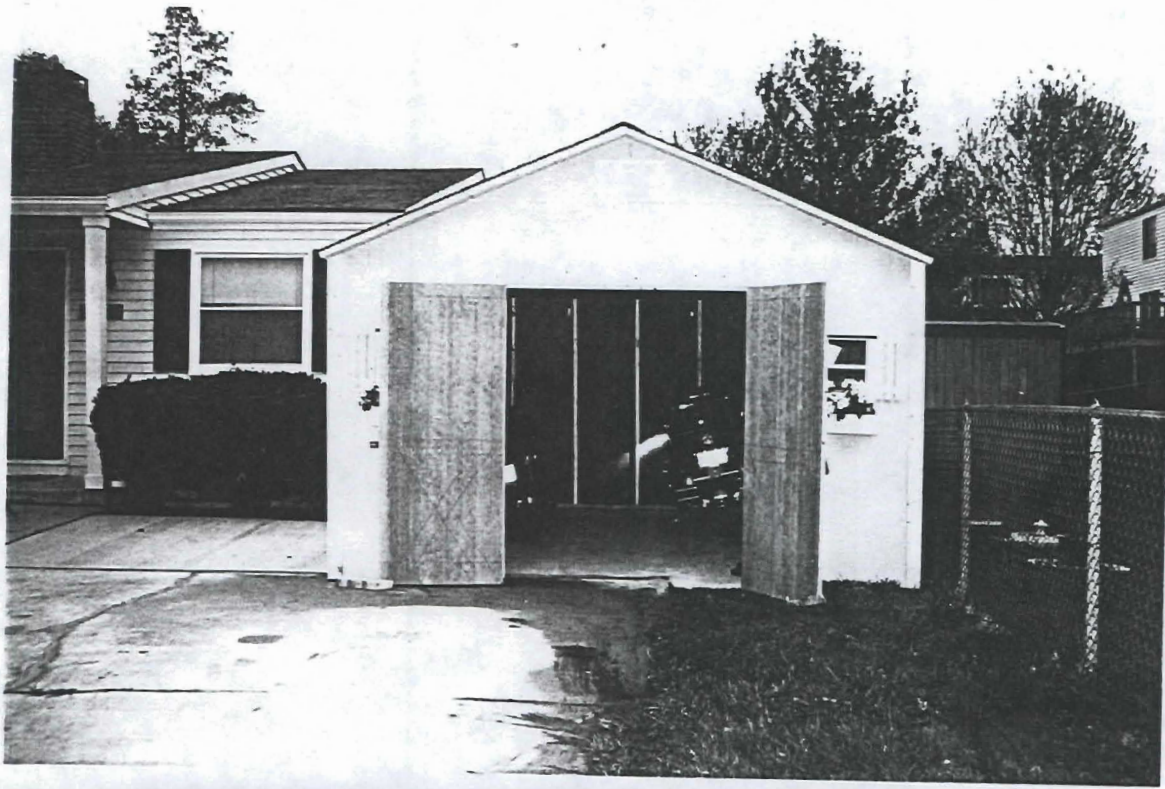
00-439-A



00-439-A



00-439-A



00-439-A