

IN RE: PETITION FOR VARIANCE
SE/S Eastern Avenue, 550' W
centerline of Brinkmans Road
15th Election District
5th Councilmanic District
(12305 Eastern Avenue)

Vinson Brent Shew
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-330-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Vinson Shew. The Petitioner is requesting a variance for property he owns at 12305 Eastern Avenue. The subject property is zoned DR 5.5. The variance request is from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a two-family, detached duplex dwelling with a side yard setback of 10 ft. in lieu of the required 15 ft. and to allow the existing home to have a front yard setback of 19 ft. in lieu of the required front averaging.

Appearing at the hearing on behalf of the variance request were Vinson Shew, owner of the property and J. Scott Dallas, the property line surveyor who prepared the site plan of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.967 acres, more or less, zoned DR 5.5. The subject property is improved with an existing 1 ½ story vinyl sided dwelling. The property is located on the south side of Eastern Avenue extended, adjacent to the Gunpowder State Park. The Petitioner is interested in adding a second dwelling unit to the existing house. In order to proceed with these plans, the variance request is necessary.

4/10/01
R. Shew
J. Scott Dallas

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

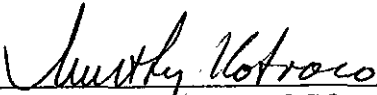
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 10th day of April, 2001, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a two-family, detached duplex dwelling with a side yard setback of 10 ft. in lieu of the required 15 ft. and to allow the existing home to have a

07-223 RECEIVED FOR FILING
RCO 4/10/01
By: R. J. Janson

front yard setback of 19 ft. in lieu of the required front averaging, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED FOR FILING
APR 4 10 10
BY: [Signature]



Baltimore County
Zoning Commissioner

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

April ¹⁰/₉, 2001

Mr. Vinson B. Shew
7219 Greenbank Road
Baltimore, Maryland 21222

Re: Petition for Variance
Case No. 00-330-A
Property: 12305 Eastern Avenue

Dear Mr. Shew:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. J. Scott Dallas
J.S. Dallas, Inc.
P. O. Box 26
13523 Long Green Pike
Baldwin, MD 21013

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



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 12305 Eastern Avenue

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) 402.1 to allow a two family detached duplex dwelling with a side yard of ten feet in lieu of the required 15 feet* And any other sections deemed appropriate by the Zoning Commissioner. *And to allow the existing 19' Front Yard setback in lieu of the required Front averaging.*

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Property is in an area of many multi-family units (# 12322, # 12500, # 12518, # 12531, # 12607, # 12820 Eastern Avenue). Majority of 0.97 Ac. lot set aside as forest buffer easement. Second story unit is already in place.

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):

Vinson Brent Shew

Name - Type or Print

Signature

Name - Type or Print

Signature

7219 Greenbank Road 410-335-0448

Address

Telephone No.

Baltimore MD 21220

City

State

Zip Code

Representative to be Contacted:

J. Scott Dallas

J.S. Dallas, Inc.

Name

P.O. Box 26

13523 Long Green Pike 410-817-4600

Address

Telephone No.

Baldwin

MD

21013

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By SMF Date 02-16-01

ORDER RECEIVED FOR FILING

Date 4/10/01
By R. [Signature]
Case No. 01-330-A
REC 4/15/98

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

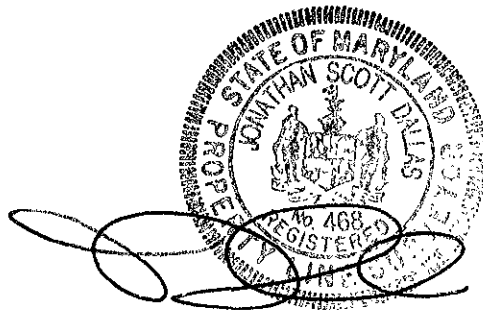
ZONING DESCRIPTION OF #12305 EASTERN AVENUE

BEGINNING at a point on the southeast side of Eastern Avenue, 40 feet wide, at the distance of 740 feet, more or less southwest from the centerline of Brinkmans Road which is 25 feet wide thence running with and binding on said southeast side of Eastern Avenue **(1) South 41 degrees 38 minutes West 80 feet** thence leaving said Eastern Avenue and running the three following courses and distances: **(2) South 48 degrees 22 minutes East 544.89 feet** **(3) North 17 degrees 04 minutes East 87.96 feet** and **(4) North 48 degrees 22 minutes West 508.32 feet** to the place of beginning.

CONTAINING 42,128 square feet (or 0.967 acres) of land, more or less.

ALSO known as #12305 Eastern Avenue and located in the 15th Election District, 5th Councilmanic District.

Note: above description is based on existing deed and construction and is for zoning purposes only.



2-15-01

01-330-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

01-330-A
No. 86849

DATE 07-16-01 ACCOUNT R.001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Mr. VINSON SHED.

FOR: KEE UAN

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
7/20/2001 2/16/2001 11:39:29
REG NO.01 CASHIER JRIC JMR DRYMER 1
RECEIPT # 033301 OFLN
Dept. 5 520 ZONING VERIFICATION
CR. NO. 006049

Receipt Tot 50.00
50.00 EX .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-330-A

12305 Eastern Avenue

SE/S Eastern Avenue, 550' SW of centerline Brinkmans Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Vinson Brent Shew

Variance: to allow a two family detached duplex dwelling with a side yard of 10 feet in lieu of the required 15 feet; to allow the existing 19 feet front yard setback in lieu of the required front averaging; and any other sections deemed appropriate by the Zoning Commissioner.

Hearing: Monday, April 9, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

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

3/29/01 March 22

C457600

CERTIFICATE OF PUBLICATION

TOWSON, MD, 3/23, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/22, 2001.

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-330-A

Petitioner/Developer: SHEW, ETAL
J.S. DALLAS

Date of Hearing/Closing: 4/9/01

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 that the necessary sign(s) required by law
were posted conspicuously on the property located at #12305- EASTERN AVE.

The sign(s) were posted on 3/24/01
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/25/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



01-330-A
#12305- EASTERN AVE
DALLAS- / SHEW 4/9/01

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-330-A

Petitioner: VINSON BRENT SHEW

Address or Location: 12305 EASTERN AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: VINSON BRENT SHEW

Address: 7219 GREENBANK RD.

BALT. MD. 21220

Telephone Number: 410-335-0448

Revised 2/20/98 - SCJ

01-330-A

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 22, 2001 Issue – Jeffersonian

Please forward billing to:
Vinson Brent Shew
7219 Greenbank Road
Baltimore MD 21220

410 335-0448

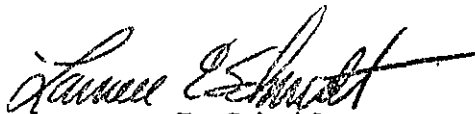
NOTICE OF ZONING HEARING

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CASE NUMBER: 01-330-A
12305 Eastern Avenue
SE/S Eastern Avenue, 550' SW of centerline Brinkmans Road
15th Election District – 5th Councilmanic District
Legal Owner: Vinson Brent Shew

Variance to allow a two family detached duplex dwelling with a side yard of 10 feet in lieu of the required 15 feet; to allow the existing 19 feet front yard setback in lieu of the required front averaging; and any other sections deemed appropriate by the Zoning Commissioner.

HEARING: Monday, April 9, 2001 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

G D Z

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

March 2, 2001

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: 01-330-A
12305 Eastern Avenue
SE/S Eastern Avenue, 550' SW of centerline Brinkmans Road
15th Election District – 5th Councilmanic District
Legal Owner: Vinson Brent Shew

Variance to allow a two family detached duplex dwelling with a side yard of 10 feet in lieu of the required 15 feet; to allow the existing 19 feet front yard setback in lieu of the required front averaging; and any other sections deemed appropriate by the Zoning Commissioner.

HEARING: Monday, April 9, 2001 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon". Below the signature is the handwritten initials "GJZ".

Arnold Jablon
Director

C: Vinson Brent Shew, 7219 Greenbank Road, Baltimore 21220
J Scott Dallas, J. S. Dallas Inc, 13523 Long Green Pike, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 24, 2001.**
(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

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax (410) 887-2824

April 6, 2001

Vinson Brent Shew
7219 Greenbank Road
Baltimore MD 21220

Dear Mr. Shew:

RE: Case Number: 01-330-A, 12305 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, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. *WCR*
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: J. Scott Dallas, P O Box 26, 13523 Long Green Pike, Baldwin 21013
People's Counsel



Jim
4/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 26, 2001

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

FEB 28

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-317, 01-328, 01-330, and 01-331

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

February 28, 2001

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

Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 26, 2001

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.

THE FIRE MARSHAL' S OFFICE HAS NO COMMENTS AT THIS TIME
REGARDING THE FOLLOWING ITEM #'S.

328, 329, 330, 331, AND CASE #01-319-SPHA,

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 8, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For March 5, 2001
Item Nos. 327, 329, and 330

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

RWB:HJO:jrb

cc: File



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.26.01

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

RE: Baltimore County
Item No. 330

JRA

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 150 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: March 6, 2001
SUBJECT: Zoning Item #330
12305 Eastern Avenue

Zoning Advisory Committee Meeting of February 26, 2001

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Keith Kelley

Date: March 6, 2001

RE: PETITION FOR VARIANCE
12305 Eastern Avenue, SE/S Eastern Ave,
550' SW of c/l Brinkmans Rd
15th Election District, 5th Councilmanic

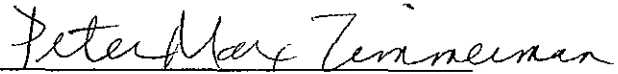
Legal Owner: Vinson B. Shew
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-330-A

* * * * *

ENTRY OF APPEARANCE

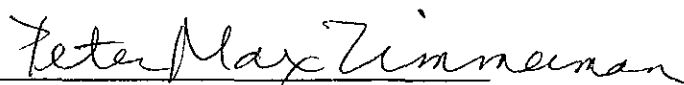
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

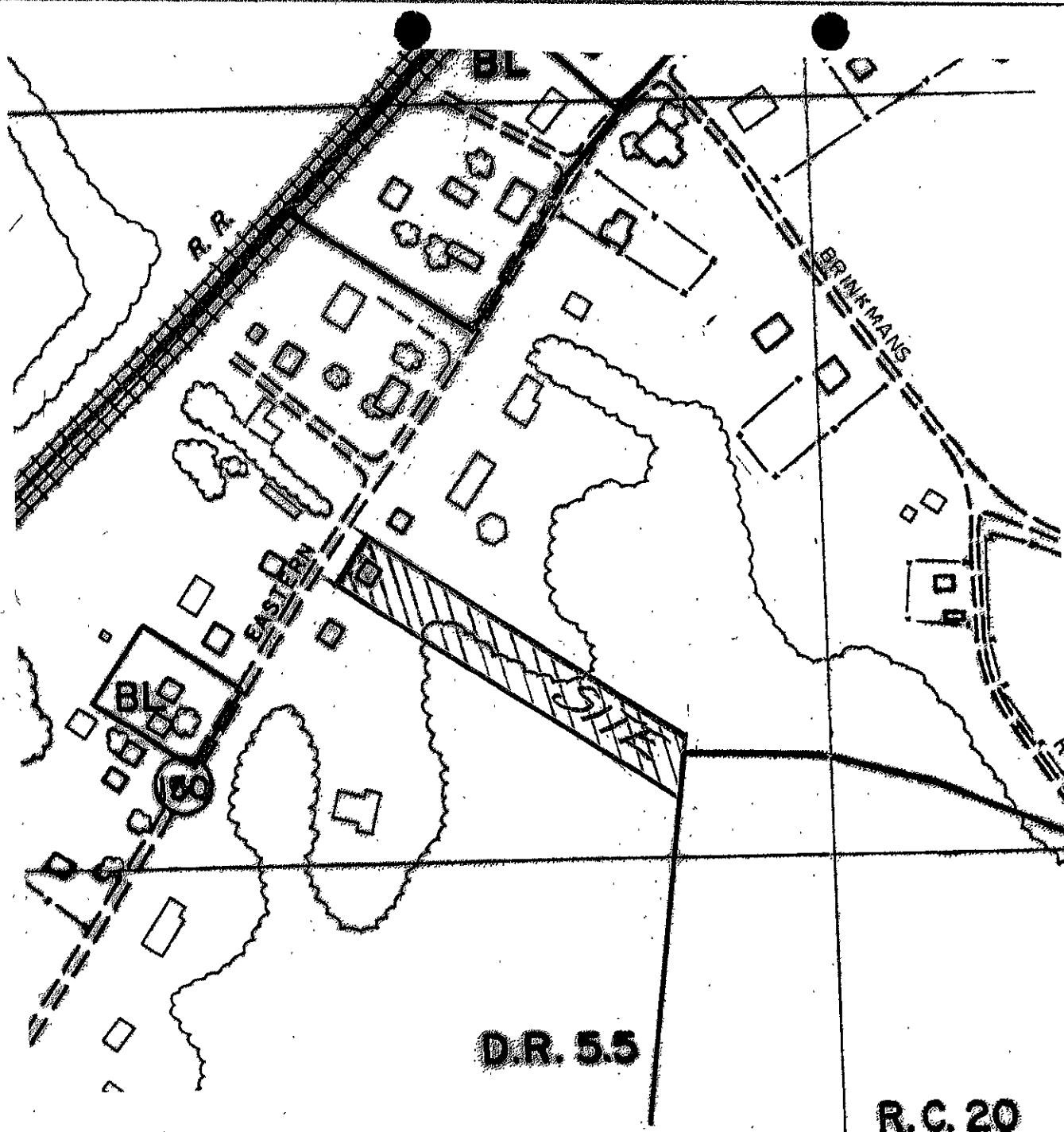

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 February, 2001 a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, J.S. Dallas, Inc., 13523 Long Green Pike, P.O. Box 26, Baldwin, MD 21013, representative for Petitioners.

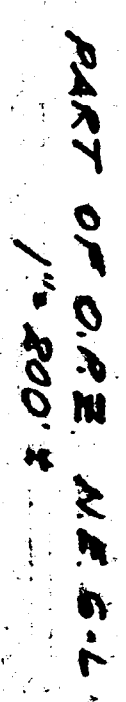
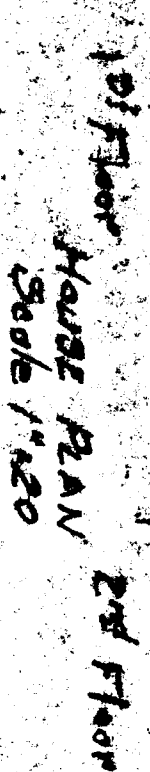

PETER MAX ZIMMERMAN



PART OF O.P.Z. N.E. 6-L
1" = 200' ±

01-330-A-

8007

[illegible]

For buying & consigning
LARGE Lots of new
Suits, Hats, Shoes
Call 217-5690

[illegible]