

IN RE: PETITION FOR VARIANCE
S/S Cinder Road, 70' W of the c/l
Vista Lane
(51 Cinder Road)
8th Election District
4th Council District

G. David Young, II, Maureen Farrell,
And Robert L. Farrell, Jr. – Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-491-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, G. David Young, II, and Robert L. Farrell, Jr. and his wife, Maureen Farrell. The Petition was filed in response to a complaint registered by an adjacent property owner with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the construction of a shed and deck on the subject property. Apparently, it was determined that the deck is in compliance; however, the Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 2.5 feet for the subject shed. The subject property and requested relief are more particularly shown on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request was David Young, property owner. Appearing as a Protestant in the matter was John G. Zera, Jr., adjacent property owner, who initiated the complaint. Mr. Zera was represented by Howard L. Alderman, Jr., Esquire.

Testimony and evidence offered revealed that the subject property is a narrow, rectangular shaped parcel, approximately 50' wide by 150' deep, located on the southeast corner of the intersection of Cinder Road and Vista Lane in Timonium. The property contains a gross area of 7,500 sq.ft., more or less, zoned D.R.5.5, and is improved with a single family dwelling. In addition to the dwelling, a shed is located in the rear corner of the site and is accessed via a

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Date

By

7/30/01

[Signature]

driveway leading from Vista Lane. Although the overall dimensions of the shed are 14' x 16', the shed was constructed near a large, mature tree and was built with a notch to accommodate same. Thus, a portion of the shed is only 7.5' wide.

Mr. Young owns the property with his mother and step-father, Maureen and Robert L. Farrell, Jr., and resides on the property with his wife and family. Mr. Young is a self-employed, home improvement contractor by occupation and operates the business from his home. Testimony indicated that Mr. Young built the shed approximately one year ago to provide needed storage space for household items, as well as equipment used in his business.

Despite the fact that Mr. Young is a home improvement contractor, he did not obtain a permit for the shed. He claims that he did not know that a permit was necessary. As shown on the site plan, the shed is located in the southwest corner of the property where it converges with the rear corners of adjacent Lots 13 and 14, and the Zera property. The shed is located 2.5 feet from the rear property line adjoining adjacent Lots 13 and 14, and 1 foot from the side property line adjoining the Zera property. The rear (northwest) corner of Lot 13 is improved with a 22' x 25' garage, also located approximately 2.5' from its rear property line adjoining the Young property. Immediately behind the Zera property on Lot 14, in the same corner adjoining the Schaech, Zera and Young properties, is an 8' x 10' shed, also located a few inches from the property line.

A variance is needed due to the reduced setback from the side property line adjoining the Zera property. Mr. Young indicated that he constructed the shed where situated because of the presence of two large trees in that vicinity. However, he admitted on cross-examination that the shed could be moved further from the property line, if necessary.

Mr. Zera appeared in opposition to the request. He believes that the shed infringes upon his property and that strict adherence to the zoning regulation should be met.

Variance requests must be considered in accordance with Section 307 of the B.C.Z.R., as construed by the appellate courts of this state. The leading case is Cromwell v. Ward, 102 Md. App. 691 (1995). In Cromwell, the Court ruled that variance relief cannot be granted unless the Petitioner meets three tests. First, there must be a showing that the property is unique; second, it

must be shown that the Petitioner would suffer a practical difficulty if relief were denied; and, third, it must be shown that there will be no adverse impact to surrounding properties. Testimony and evidence offered by the Petitioner was insufficient to meet this burden. There was no showing of any practical difficulty and Mr. Young conceded that the shed could be moved further from the property line. Thus, I find no compelling circumstances to justify the shed where located under law and, therefore, must 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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of July, 2001 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 2.5 feet for an existing accessory structure (shed), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have sixty (60) days from the date of this Order to relocate the shed in compliance with the regulations.

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

ORDER RECEIVED FOR FILING

Date

By

IN THE MATTER OF
THE APPLICATION OF
G. DAVID YOUNG II AND MAUREEN &
ROBERT L. FARRELL, JR. - LEGAL OWNERS
FOR VARIANCE ON PROPERTY LOCATED
ON THE S/S CINDER ROAD, SW/COR VISTA
ROAD (51 CINDER ROAD)

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 01-491-A

8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by G. David Young II, Petitioner, from a decision of the Zoning Commissioner dated July 30, 2001 in which the subject Petition for Variance was denied.

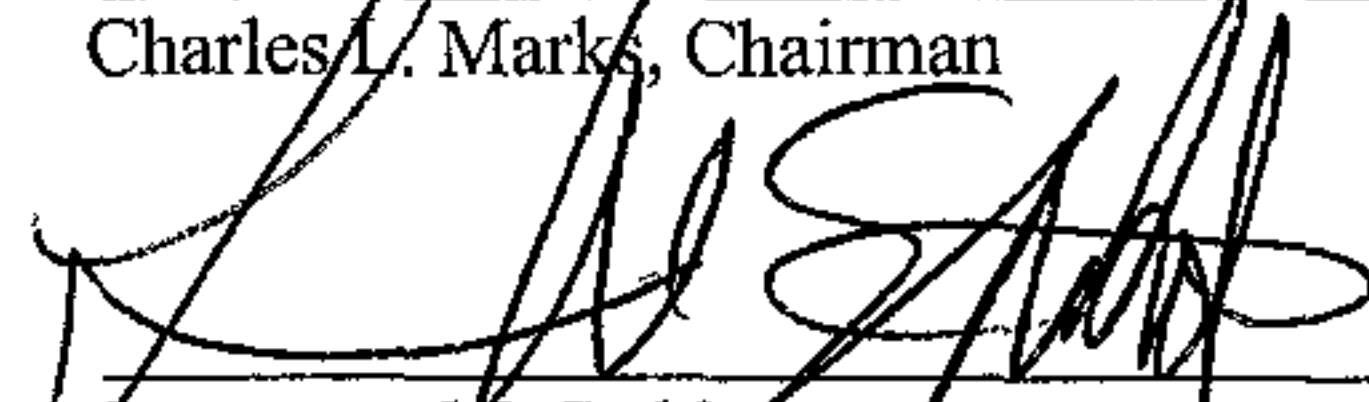
WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed January 16, 2002 by Kristine K. Howanski, Esquire, Counsel for Petitioners/ Appellant in this matter, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of January 16, 2002,

IT IS ORDERED this 28th day of January, 2002 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 01-491-A be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Charles L. Marks, Chairman


Lawrence M. Stahl


C. Lynn Barranger



County Board of Appeals of Baltimore County

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

January 28, 2002

Kristine K. Howanski, Esquire
401 Washington Avenue
Suite 803
Towson, Md 21204

RE: *In the Matter of: G. David Young II and Maureen
and Robert L. Farrell, Jr.*
Case No. 01-491-A /Order of Dismissal

Dear Ms. Howanski:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: G. David Young, II
Maureen & Robert L. Farrell, Jr.
Howard L. Alderman, Jr., Esquire
Mr. and Mrs. John Zera
People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, CIE /PDM (**Enf Case #01-1785**)
Arnold Jablon, Director /PDM





Baltimore County
Zoning Commissioner

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

July 30, 2001

Mr. G. David Young, II
51 Cinder Road
Timonium, Maryland 21093

RE: PETITION FOR VARIANCE
S/S Cinder Road, 70' W of the c/l Vista Lane
(51 Cinder Road)
8th Election District – 4th Council District
G. David Young, II, et al - Petitioners
Case No. 01-491-A

Dear Mr. Young:

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. John G. Zera, Jr.
49 Cinder Road, Timonium, Md. 21093
Howard L. Alderman, Jr., Esquire, Levin & Gann
502 Washington Avenue, Suite 800, Towson, Md. 21204
Code Enforcement Division, DPDM; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 51 CINACR RD.

which is presently zoned AR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 To permit a side yard setback of 1 foot in lieu of the required 2.5 foot for a side yard setback for a detached accessory structure.

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

1. Shed can only be rolled approx 12" from side yard property line as it hits trunk of a large oak tree.
2. Cutting off side yard portion of shed would not allow storage of long items (ladders, trimming poles, etc). and would create much less storage area inside.
3. Moving shed toward front yard in order to go around oak tree would cause a multi level interior (as shed sits on retaining wall for driveway and differences in grade) which would make it substantially less usable. Doorway would then be in the middle of the driveway fence

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):

G. DAVID YOUNG II

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

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

Date

ORDER RECEIVED FOR FILING
Date 7/30/01
By [Signature]
Case No. 01-491.A
820 9/15/98

ZONING DESCRIPTION FOR 51 Cinder Road.

Beginning at a point on the front south side of
Cinder Road which is 35 feet
wide at the distance of 70 feet West of the
centerline of the nearest improved intersecting street Vista Lane
which is 40 feet wide. Being lot# 1,
Block --, Section # D in the subdivision of Yorkshire
as recorded in Baltimore County Plat Book # 13, Folio # 90,
containing 7500 square feet. Also known as 51 Cinder Road
and located in the 8th Election District, 4th Councilmanic District.

01-491-A

**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: #01-491-A
51 Cinder Road
S/S Cinder Road, SW/Cor.
Vista Road
8th Election District
4th Councilmanic District
Legal Owner(s): G. David
Young II, Maureen & Robert
L. Farrell

Variance: to permit a side yard setback of 1 foot in lieu of the required 2.5 foot for a side yard setback for a detached accessory structure.
Hearing: Monday, July 23, 2001 at 2:00 p.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.

7/019 July 5 C479320

CERTIFICATE OF PUBLICATION

7/5/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/5/2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

5751

DATE 08-27-01 ACCOUNT R-COI DOG GISC

AMOUNT \$ 210⁰⁰

RECEIVED FROM: DAVID YOUNG

FOR: LETTER REQUESTING APPEAL CT
CASE # 01-441-A 175⁰⁰

Tax Fee 35⁰⁰
TOTAL 210⁰⁰

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
8/27/2001 8/27/2001 10:14:14
PT 01 CASHIER JRIC JMR DRAWER 1
RECEIPT # 009765
Post 5 520 ZONING VERIFICATION
CR NO. 005751

Recpt Tot 210.00
210.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

01-491-A

No. 93857

DATE 05-17-01 ACCOUNT R-001-006-615

AMOUNT \$ 50.00

RECEIVED FROM: G DAVID YOUNG

FOR: RES. UAR. \$1,000

TOTAL \$1,050

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

5077-

PAID RECEIPT

PAYMENT ACTUAL TIME
5/13/2001 5/17/2001 16:17:52
REG WS03 CASHIER I WIL LDW DROMER 3
RECEIPT # 104972 OFLH
DOP 5 520 ZONING VERIFICATION
OR NO. 093857

Receipt To 50.00
50.00 OK 00 CA
Baltimore County Maryland

CASHIER'S VALIDATION

18K12

APPEAL SIGN POSTING REQUEST

CASE NO. 01-491-A

G. DAVID YOUNG II, MAUREEN & ROBERT L. FARRELL, JR.- Petitioners

S/s Cinder Road, SW/corner Vista Road
(51 Cinder Road)

8th Election District

Appealed: 8/27/01

Attachment – (Plat to accompany Petition -
Petitioner's Exhibit No.1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Charlotte Radcliffe
Appeals Clerk

RE: Case No. 01-491-A
Petitioner/Developer:
YOUNG / FARRELL

This is to certify that the necessary appeal sign(s) was posted conspicuously on

property located at 51 CINDER RD.

The sign(s) was posted on 9/12/01, 2001.

By Gary C. Freund
(Signature of Sign Poster)

GARY C. FREUND
(Printed Name)

**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: 01-491-A

Petitioner: YOUNG

Address or Location: 51 CINDER RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: G. DAVID YOUNG II

Address: 51 CINDER RD.

TIMONIUM MD 21093

Telephone Number: 410-560-2936

Revised 2/20/98 - SCJ

01-491-A - 10

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 5, 2001 Issue – Jeffersonian

Please forward billing to:
G. David Young II
51 Cinder Road
Timonium MD 21093

410 560-2936

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: 01-491-A
51 Cinder Road
S/S Cinder Road, SW/Cor. Vista Road
8th Election District – 4th Councilmanic District
Legal Owners: G. David Young II, Maureen & Robert L Farrell

Variance to permit a side yard setback of 1 foot in lieu of the required 2.5 foot for a side yard setback for a detached accessory structure.

HEARING: Monday, July 23, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G72
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

June 13, 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: 01-491-A

51 Cinder Road

S/S Cinder Road, SW/Cor. Vista Road

8th Election District – 4th Councilmanic District

Legal Owners: G. David Young II, Maureen & Robert L Farrell

Variance to permit a side yard setback of 1 foot in lieu of the required 2.5 foot for a side yard setback for a detached accessory structure.

HEARING: Monday, July 23, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon *GDZ*
Director

C: G. David Young II, Maureen & Robert L Farrell Jr, 51 Cinder Road,
Timonium 21093
John Zera, 49 Cinder Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 7, 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.





County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 28, 2001

*W/D up
Appellate
1/16/02*

NOTICE OF ASSIGNMENT

CASE #: 01-491-A

IN THE MATTER OF: *G. David Young, II and Maureen & Robert L. Farrell, Jr. -- Legal Owners*
51 Cinder Road
8th Election District; 4th Councilmanic District

7/30/01 – Z.C.'s Decision in which requested variance was DENIED.

ASSIGNED FOR:

THURSDAY, JANUARY 31, 2002 at 10:00 a.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
Maureen & Robert L. Farrell, Jr.

: G. David Young, II

Counsel for Protestants
Protestants

: Howard L. Alderman, Jr., Esquire
: Mr. and Mrs. John Zera

People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, CIE /PDM (**Enf Case #01-1785**)
Arnold Jablon, Director /PDM





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 20, 2001

G. David Young II
Maureen & Robert L Farrell Jr
51 Cinder Road
Timonium MD 21073

Dear Mr. Young & Maureen & Robert Farrell Jr:

RE: Case Number: 01-491-A, 51 Cinder Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 17, 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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 26, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-491 & 01-549

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. L...

AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 27, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For June 18, 2001
Item Nos. 460, 486, 488, 489, 490, (491),
492, 493, 496, 497, 499, and 501

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: 6.13.01

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

RE: Baltimore County
Item No. 491

JRA

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,

1~ 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
Fire Department

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

June 12, 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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 11, 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.

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

460, 484, 486, 487, 488, 489, 490, 491, 492, 493, 495,
496, 497, 498, 500, and 501

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

cc: File

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



RE: PETITION FOR VARIANCE
51 Cinder Road, S/S Cinder Rd, SW cor Vista Rd
8th Election District, 4th Councilmanic

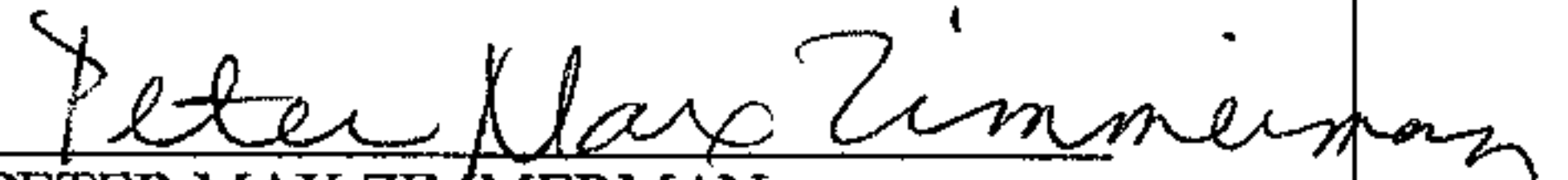
Legal Owner: G. David Young, II,
Robert & Maureen Farrell
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-491-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 18th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to G. David Young, II, Robert & Maureen Farrell, 51 Cinder Road, Timonium, MD 21093, Petitioners.


PETER MAX ZIMMERMAN

G. DAVID YOUNG II

51 CINDER RD.

TIMONIUM MD 21093

(410) 560 2936

8.27.2001

ARNOLD TABLON

DIRECTOR ADM

111. W. Chesapeake Ave

TOWSON MD 21204

RECEIVED
08-27-01
SRA

CASE # 01-491-A

DEAR MR. TABLON,

I WOULD LIKE TO APPEAL THE CASE 01-491-A.

Stanley



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

August 27, 2001

People's Counsel
Peter M. Zimmermann
400 Washington Avenue
Towson MD 21204

Dear Mr. Zimmermann:

RE: Case No. 01-491-A, 51 Cinder Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 27, 2001 by G. David Young II. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ: gdz

c: Maureen & Robert L. Farrell, Jr., 51 Cinder Road, Timonium 21093
John L Alderman Jr, Levin & Gann, 502 Washington Avenue, Suite 800,
Towson 21204
John Zera, 49 Cinder Road, Timonium 21093
People's Counsel

01 AUG 28 AM 10:21
COUNTY BOARD OF APPEALS

APPEAL

Petition For Variance
51 Cinder Road
S/S Cinder Road, SW/Cor. Vista Road
8th Election District – 4th Councilmanic District
G. David Young, II, Maureen & Robert L Farrell, Jr. - Legal Owner
Case No.: 01-491-A

✓ Petition for Variance (dated 5/17/01)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (dated 6/13/01)

✓ Certification of Publication (The Jeffersonian issue dated 7/5/01)

Certificate of Posting (N/A posted N/A) ?

✓ Entry of Appearance by People's Counsel (dated 6/18/01)

✓ Petitioner(s) Sign-In Sheet
1. (One Sheet)

✓ Protestant(s) Sign-In Sheet
1. (One Sheet)

Citizen(s) Sign-In Sheet
1. (None)

✓ Zoning Advisory Committee Comments

Petitioners' Exhibits:

- ✓ 1. Plat To Accompany Petition for Zoning Variance
- ✓ 2. Signature List
- ✓ 3. Photographs (6 pictures)

Protestants' Exhibits:

- ✓ 1. Photograph
- ✓ 2. Plat Of Existing Conditions # 49 Cinder Road
- ✓ 3. 4 Full Size Pictures

Miscellaneous (Not Marked as Exhibits):

- ✓ • Division of Code Inspections and Enforcement, Active Violation Case Documents

✓ Zoning Commissioner's Order (dated 7/30/01 – DENIED)

✓ Notice of Appeal received on 8/27/01 from G. David Young, II

c: Maureen & Robert L Farrell Jr
James H. Thompson, Code Enforcement (Enforcement Case No.01-1785)
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

01 AUG 28 AM 10:22

RECEIVED
COUNTY BOARD OF ZONING

Case No.01-491-A

VAR – To permit side yard setback of 1' ilo req'd 2.5' for
existing shed. Code Enforcement Case No. 01-1785

7/30/01 – ZC's Order in which variance request was DENIED.

9/04/01 – Request for Expedited Hearing filed by Howard L. Alderman, Jr., Esquire, Counsel for M/M
Zera.

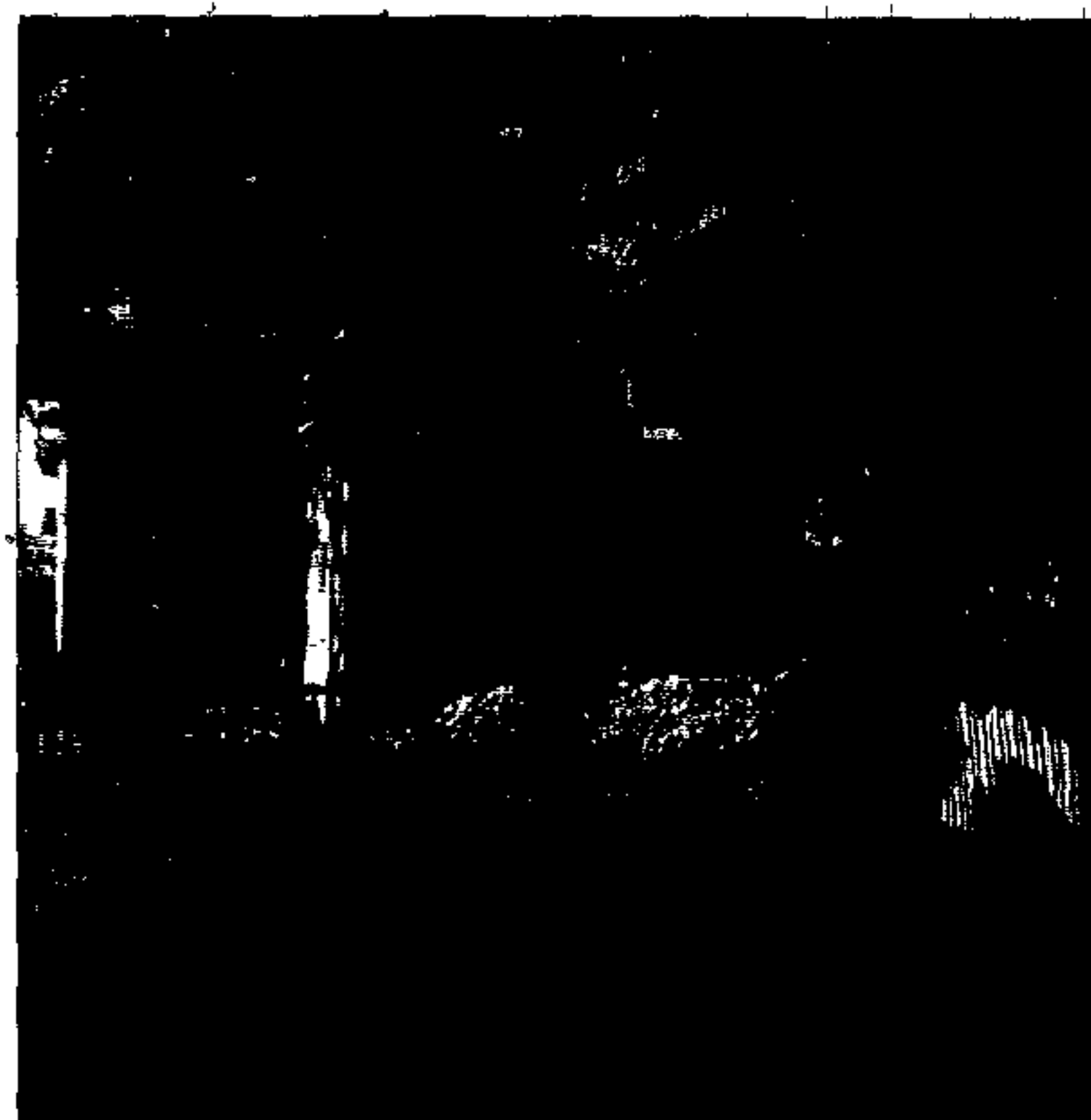
9/28/01 –Notice of Assignment sent to following; assigned for hearing on Thursday, January 31,
2002 at 10 a.m.

G. David Young, II
Maureen & Robert L. Farrell, Jr.
Howard L. Alderman, Jr., Esquire
Mr. and Mrs. John Zera
People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
James H. Thompson, CIE /PDM (**Enf Case #01-1785**)
Arnold Jablon, Director /PDM

1/16/02 – Letter of withdrawal of appeal filed by Kristine K. Howanski, Esquire, on behalf Petitioners;
appeal withdrawn; shed voluntarily taken down. Hearing pulled for 1/31/02. Order of dismissal
to be issued.



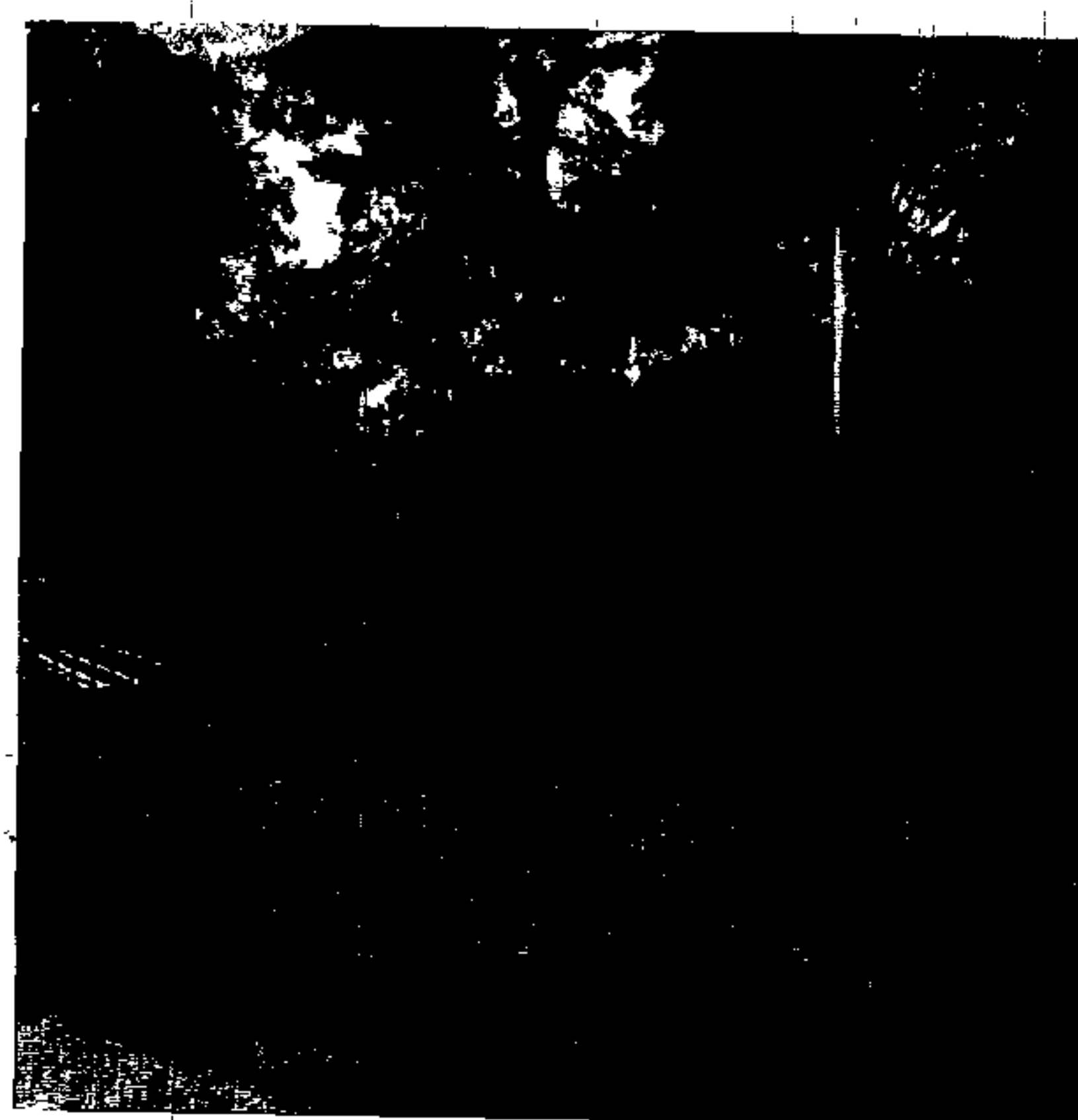
51 Cinder Rd.
6.18.01



51 Cinder Rd.
6.18.01



51 Cinder Rd.
6.18.01



51 Cinder Crk.
Looking Across Yard of
49 Cinder Road

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: June 20, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 491
Legal Owner/Petitioner: G. David Young II, Maureen & Robert Farrell
Contract Purchaser: N/A
Property Address: 51 Cinder Rd.
Location Description: S/S Cinder Rd., SW/Cor. Vista Rd.

VIOLATION INFORMATION: Case No. 01-1785
Defendants: G. David Young II, Maureen & Robert Farrell

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) regarding the hearing date:

NAME	ADDRESS
John Zera	49 Cinder Rd. Timonium, Md. 21093 410-561-3881

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/jg
C: Code Enforcement Officer

CITY OF ENFORCEMENT REPORT

NLF

DATE: 4/17/01 INTAKE BY: W CASE #: 01-1785 INSPEC: 15

COMPLAINT LOCATION: 51 Cinder Rd.

Dave Young H. 410-560-2936 ZIP CODE: 21093 DIST: 8th

COMPLAINANT NAME: John ZERA PHONE #: (H) 410-561-3881 (W) 410-780-3550 ^{18K12}

ADDRESS: 49 Cinder Rd. ZIP CODE: 21093

PROBLEM: Building large shed & deck to permits over property lines.

IS THIS A RENTAL UNIT? YES ☐ NO ☐
 IF YES, IS THIS SECTION 8? YES ☐ NO ☐
 OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 08-04-050275 ZONING:

INSPECTION: 4.18.01 on site inspection - Property line dispute between neighbors - shed appears to be @ or on property line - Deck @ grade appears to be several yrs old - No permit required for deck - Corner

REINSPECTION: Notice issued to obtain permit for shed - w/ recheck 4.25.01

[Signature]
 Mr. Young: applied for permit on 4.19.01 - see

REINSPECTION: Copy in file - needs to file for variance - recheck on 5.1.01

5.11.01 spoke w/ Mr. Young - states he has to revise plot plan & will meet w/ zoning on 5.25.01 (recheck 5.30.01)

REINSPECTION: 5.21.01 Case 01-491A - Variance filed to relocate shed one foot - awaiting hearing date Recheck 6.20.01

DATE: 04/17/2001

STANDARD ASSESSMENT INQUIRY (1)

RA1001B

TIME: 14:03:43

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC

08 04 050275 08

2-3

04-00

H

NO

DEL LOAD DATE

01/08/01

YOUNG DAVID G, 3RD

DESC-1.. IMPSPT LT 1

DESC-2.. YORKSHIRE

PREMISE. 00051 CINDER

RD

00000-0000

LUTH-TIMONIUM

MD 21093-0000

FORMER OWNER: NIED MARGARET B

----- FCV -----

----- PHASED IN -----

	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	51,560	51,560				
IMPV:	73,220	75,340	TOTAL..	126,900	126,900	50,470
TOTL:	124,780	126,900	PREF...	0	0	0
PREF:	0	0	CURT...	126,900	126,900	50,470
CURT:	124,780	126,900	EXEMPT.		0	0
DATE:	07/95	08/98				

---- TAXABLE BASIS ----

FM DATE

01/02 ASSESS: 126,900 09/30/00

00/01 ASSESS: 50,470 06/01/00

99/00 ASSESS: 50,190 06/04/99

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 01-1785	Property No. 08-04-050275	Zoning:
-------------------------------------	-------------------------------------	---------

Name(s): **David Young**

Address: **51 Cinder Rd.**

Violation Location: **51 Cinder Rd**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

CABO 111.1

Property line dispute between
neighbors - Shed appears to be
at or on property line - Permit
Required For shed at rear of
property - At grade deck
near property line appears to be
several yrs old - No permit
required -

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: **4.25.01** Date Issued: **4.18.01**

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **JAMES CARLAND**

INSPECTOR: **James E. Fulmer**

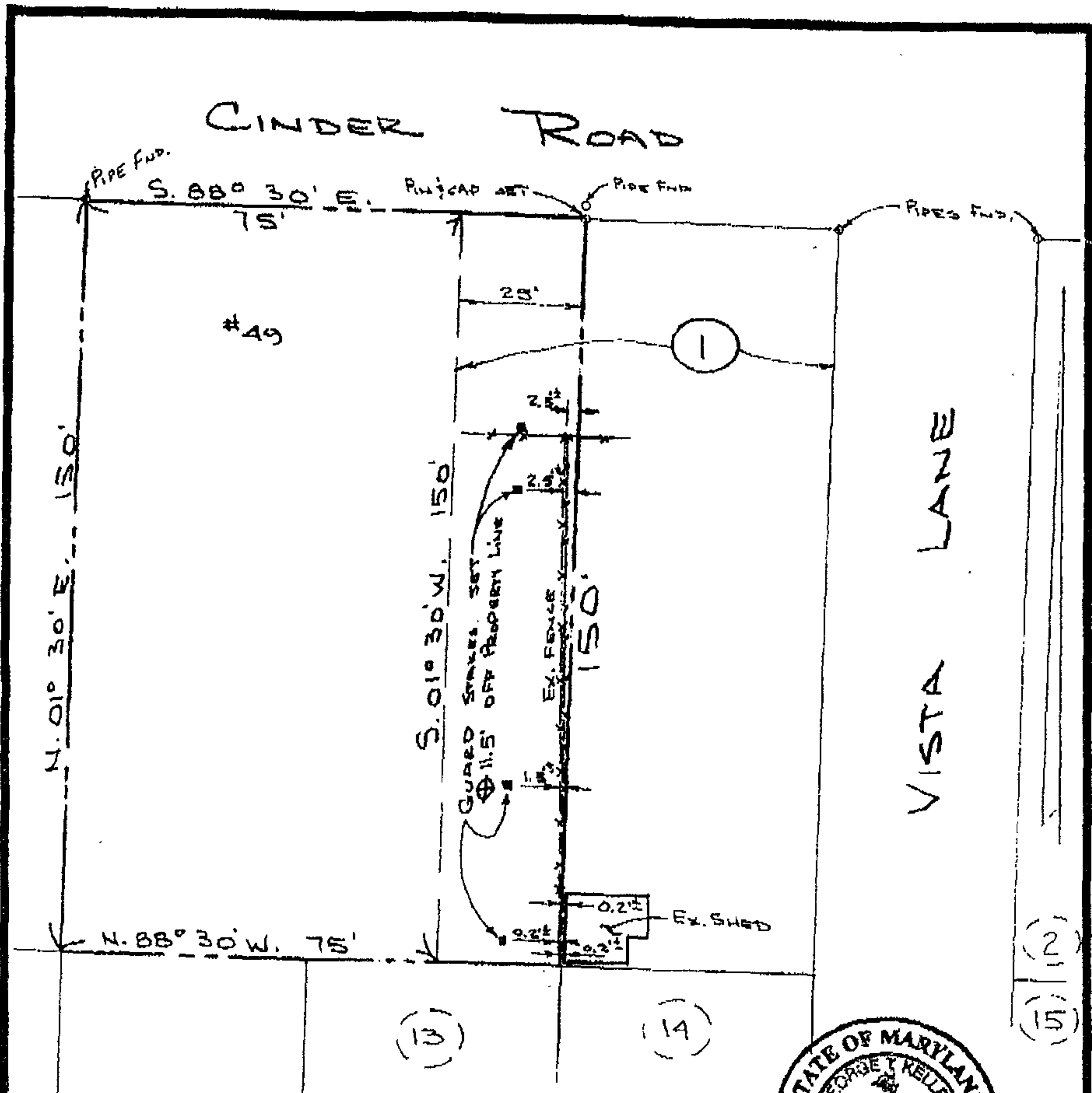
STOP WORK NOTICE

IN ACCORDANCE WITH THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN

Not Later Than: Date Issued:

INSPECTOR:

AGENCY



PLAT REFERENCE:
"PLAT NO. 1 ADDITION TO YORKSHIRE"
BALTO. CO. PLATBOOK NO. 13, FOLIO 90

DEED REFERENCE: 8915/662



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, AND LANDSCAPE ARCHITECTS
3445-A Box Hill Corporate Center Drive
Abingdon, Maryland 21009
(410) 515-9000 Fax: (410) 515-9002

PLAT OF EXISTING CONDITIONS
#49 CINDER ROAD
BTH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
FOR: MR. & MRS. JOHN ZERA, JR.

SCALE: 1" = 30'	DATE: 8-21-00	DRAWN BY:	DESIGN BY:	REVIEW BY: GK	JOB NO.: 11761
-----------------	---------------	-----------	------------	---------------	----------------

PERMIT #: B
RECEIPT #: 12
CONTROL #: MR
XREF #:

PROPERTY ADDRESS 51 CINDER RD
SUITE/SPACE/FLOOR YES ☐ NO ☒
SUBDIV: Yorkshire DO NOT KNOW ☐
TAX ACCOUNT #: 0804 050275 DISTRICT/PRECINCT 8 13
OWNER'S INFORMATION (LAST, FIRST)
NAME: DAVID YOUNG
ADDR: 51 CINDER RD TIMONUM MD 21093

FEE: 600 + 5265.00
PAID:
PAID BY:
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM:
CODE CODE
BOCA CODE

- TYPE OF IMPROVEMENT
1. NEW BLDG CONST
 2. ADDITION
 3. ALTERATION
 4. REPAIR
 5. WRECKING
 6. MOVING
 7. OTHER

APPLICANT INFORMATION

NAME: DAVID YOUNG
COMPANY: OWNER
STREET: 51 CINDER RD
CITY, ST, ZIP: TIMONUM MD 21093
PHONE #: 5602936 MHIC LICENSE #:
APPLICANT
SIGNATURE: DRC#
PLANS: CONST 6 PLOT PLAT DATA 0 EL 2 PL 2
TENANT
CONTR: Owner
ENGR:
SELLR:

DOES THIS BLDG.
HAVE SPRINKLERS
YES ☐ NO ☐

DESCRIBE PROPOSED WORK:

Const Storage shed
in rear yard. Work already done
Violation notice 01-1785

15' X 12' X 15' = 180 SF

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER Shed

TYPE FOUNDATION BASEMENT

1. <u>SLAB</u>	1. <u>FULL</u>
2. <u>BLOCK</u>	2. <u>PARTIAL</u>
3. <u>CONCRETE</u>	3. <u>NONE</u>

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. SWIMMING POOL
SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

- | | |
|---------------|-----------------------|
| 1. <u>GAS</u> | 3. <u>ELECTRICITY</u> |
| 2. <u>OIL</u> | 4. <u>COAL</u> |

TYPE OF SEWAGE DISPOSAL

- | | | |
|--------------------------|---------------|-----------------|
| 1. <u>PUBLIC SEWER</u> | <u>EXISTS</u> | <u>PROPOSED</u> |
| 2. <u>PRIVATE SYSTEM</u> | <u>EXISTS</u> | <u>PROPOSED</u> |
| <u>SEPTIC</u> | <u>EXISTS</u> | <u>PROPOSED</u> |
| <u>PRIVY</u> | <u>EXISTS</u> | <u>PROPOSED</u> |

CENTRAL AIR: 1. 2.
ESTIMATED COST: \$ 1200.00
OF MATERIALS AND LABOR

PROPOSED USE: SPD + shed
EXISTING USE:

OWNERSHIP

- | | | | |
|---------------------------|--------------------------|----------------|------------------|
| 1. <u>PRIVATELY OWNED</u> | 2. <u>PUBLICLY OWNED</u> | 3. <u>SALE</u> | 4. <u>RENTAL</u> |
|---------------------------|--------------------------|----------------|------------------|

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE

1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. Y 2. N BATHROOMS
POWDER ROOMS KITCHENS

CLASS 04
LIBER 13 FOLIO 90 (pat 1)

BUILDING SIZE LOT SIZE AND SETBACKS

FLOOR <u>180</u>	SIZE <u>11,250 SF</u>
WIDTH <u>13</u>	FRONT STREET <u> </u>
DEPTH <u>12</u>	SIDE STREET <u> </u>
HEIGHT <u>15' max</u>	FRONT SETBK <u> </u>
STORIES <u>1</u>	SIDE SETBK <u>50' 1/8"</u>
LOT # <u>3</u>	SIDE STR SETBK <u> </u>
CORNER LOT <u> </u>	REAR SETBK <u>3'</u>
1. <u>Y</u> 2. <u>N</u>	ZONING <u> </u>

APPROVAL SIGNATURES

BLD INSP :	DATE
BLD PLAN :	
FIRE :	
SEDI CTL :	
ZONING :	
PUB SERV :	
ENVRMNT :	
PERMITS :	

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PLOT PLAN

Application Number _____

OWNER DAVID YOUNG

ADDRESS 51 CINDER RD TIMOR MA 21093

PLEASE SHOW BELOW:

- Property line dimensions and easements;
- Existing buildings;
- Existing well/septic; (show distance to nearest structure)
- Road names and location of alleys;
- If your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- The proposed work and the setback distances to the proposed work.

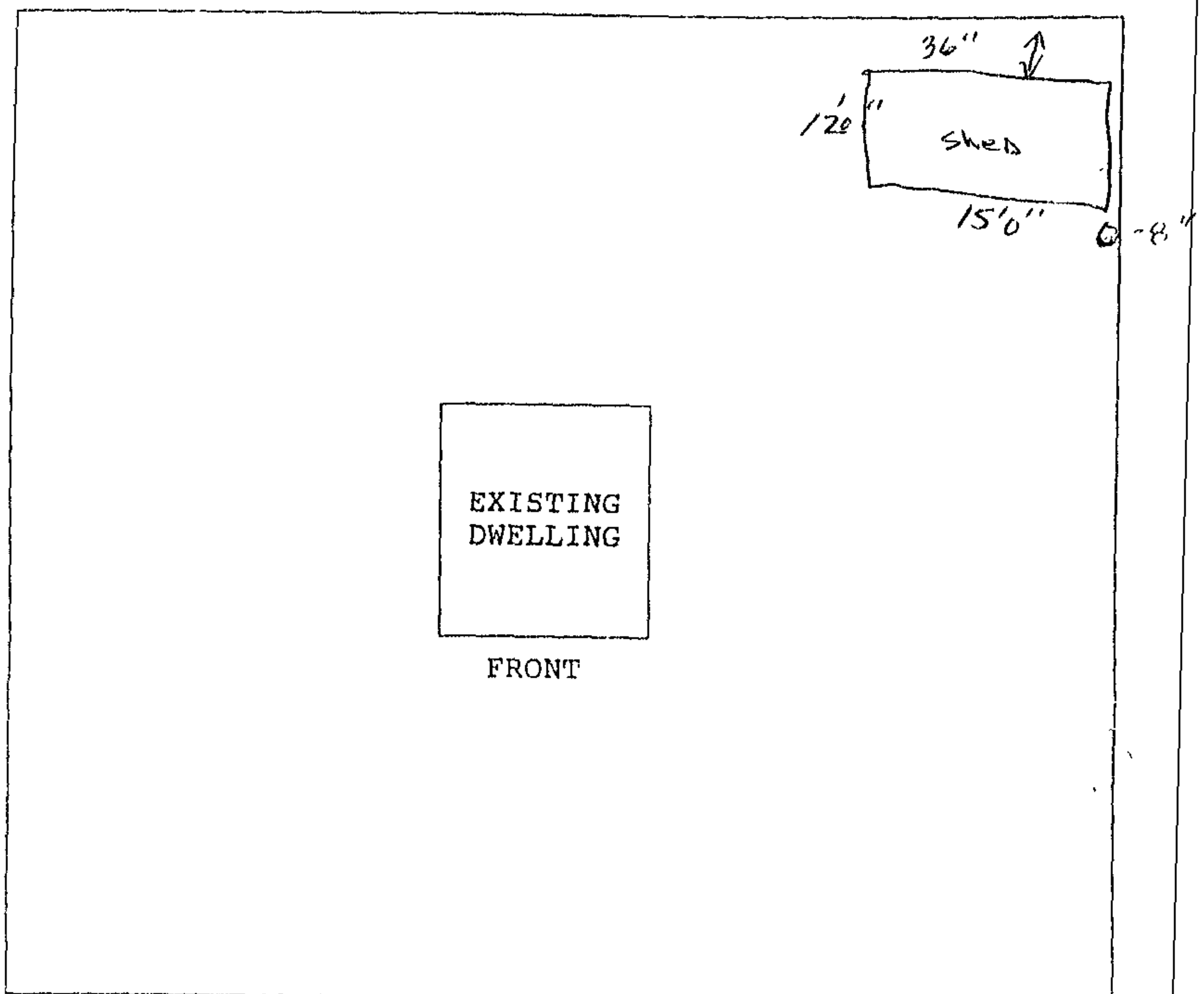
Front Setback _____

Left Setback _____

Rear Setback _____

Right Setback _____

NOTE: Cannot fence access easement.



ROAD NAME CINDER RD

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: March 12, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton *trs*
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILE**

The following case has been finalized and the Board of Appeals is closing the copy of the appeal case file and returning the file and exhibits (if applicable) attached herewith.

CASE NUMBER

NAME

LOCATION

01-491-A

G. DAVID YOUNG II AND
MAUREEN & ROBERT L.
FARRELL, JR.

51 CINDER ROAD

Attachment: SUBJECT FILE(S) ATTACHED

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

September 24, 2001

SEP 26 2001

Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: 51 Cinder Road
Contractor's Business/Storage at Home

Dear Mr. Jablon:

I have the pleasure of representing Mr. and Mrs. John Zera, owners of the property at 41 Cinder Road in Timonium. I participated at a zoning hearing held recently concerning an accessory structure located on the property which adjoins the Zera's property at 51 Cinder Road. In that zoning hearing a variance was sought to allow an accessory structure within the required setback area.

Mr. Schmidt took testimony and evidence on the variance request. Testifying in support of the request was one of the adjoining property owners, Mr. G. David Young. On cross-examination, Mr. Young testified as follows:

Q: What is the address of your home improvement contracting business?

A: a Post Office Box number was given

Q: If I am a customer and want to discuss with you proposed home improvements, where would we meet in your office?

A: In the basement of my home.

Q: In the basement of 51 Cinder Road?

A: Yes.

Q: Do you meet customers in your office located in the basement of your home?

A: Yes.

Q [by Commissioner Schmidt]: What do you keep in the accessory building/garage?

A: Yard tools, lawn mower and supplies for my contracting business.

File
01-491-A



Arnold Jablon, Director
September 24, 2001
Page 2

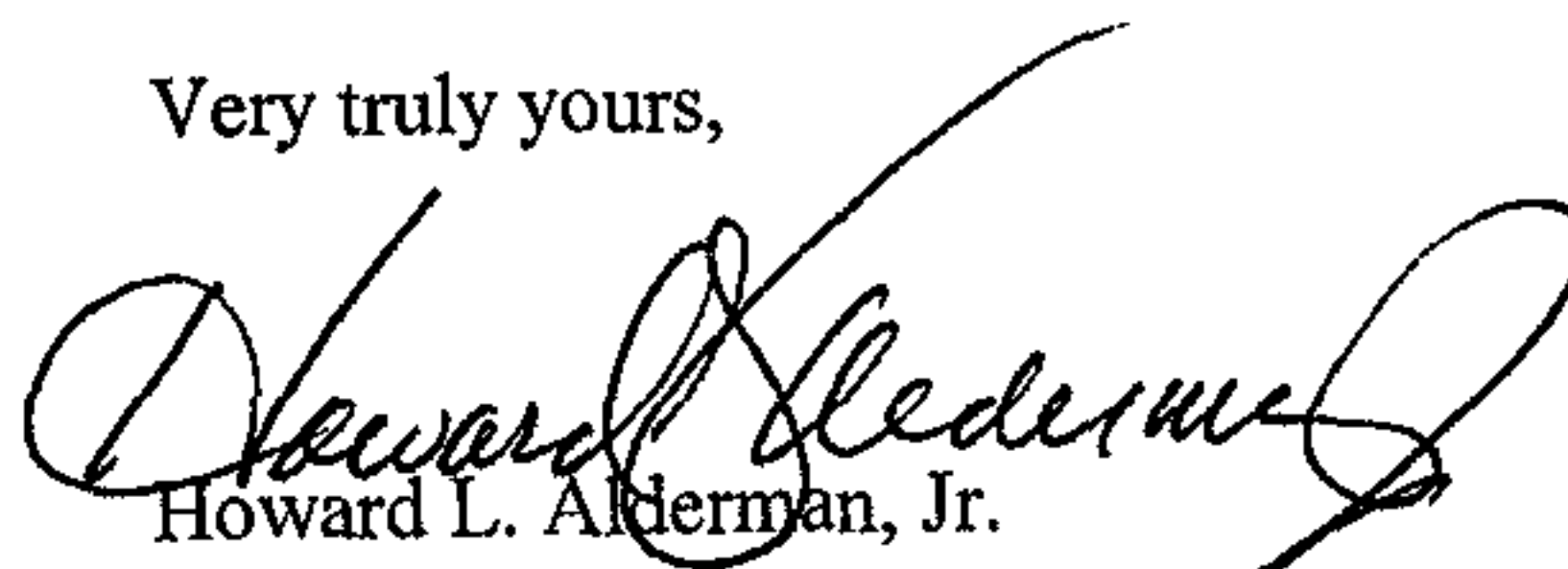
At the conclusion of the hearing, Mr. Schmidt advised Mr. Young that, irrespective of the outcome of the variance relief for the setback variance, the business use of his home, especially where customers came to the home and where contracting supplies were stored were not permitted uses in the DR zone in which the home is located. A review of Mr. Schmidt's order in **Case No. 01-491-A** reflects clearly the owner's acknowledgment of the business use of his home. That order has been appealed to the County Board of Appeals by the property owner.

My clients have filed a complaint relative to the business use of the property at 49 Cinder Road and the storage of contractor's materials on that property associated with the business use. It is my understanding that my clients have been informed by Derek Propralis, one of your enforcement staff, that the business use at the subject property "is permitted as of right and he would not take further enforcement action." Obviously, given the strict limitations on "business use of the home" specified in the *Baltimore County Zoning Regulations* and the interpretations of those limitations, my clients are outraged at the lack of enforcement by your Department. As of this writing, I have not spoken with Mr. Propralis regarding this issue.

If Baltimore County now permits the business use of a home, by a non-professional, including without limitation the meeting with customers or business invitees in the home and the storage of contractors supplies as a "use as of right" I would appreciate your advising me of the change in law/regulation/adopted policy to support that position. If no such position exists, I would request that an enforcement officer, other than Mr. Propralis, be assigned to this matter.

I am enclosing a copy of Mr. Schmidt's decision in the variance case. Should you need additional information or affirmation, please call me or contact Mr. Schmidt directly. Thank you for you cooperation and assistance in resolving this matter.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk

c: Mr. and Mrs. John Zera
Lawrence E. Schmidt, Esquire

LAW OFFICES
LEVIN & GANN

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE, 8TH FLOOR
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4525
410-321-0600
TELECOPIER 410-296-2801

DIRECT DIAL
410-321-4640

September 4, 2001

HAND DELIVERED

Lawrence Wescott, Chairman
County Board of Appeals for
Baltimore County
400 Washington Avenue, Room 49
Old Courthouse
Towson, Maryland 21204

Re: 51 Cinder Road
Young/Farrell Property
Case No.: 01-491-A
* **Request for Expedited Hearing**

Dear Chairman Wescott:

I have had the pleasure of representing Mr. and Mrs. John Zera, adjoining neighbors to the above-referenced property, before the Zoning Commissioner for Baltimore County. Mr. and Mrs. Zera were protestants before the Zoning Commissioner and have also filed a Complaint regarding the subject matter of the hearing with the Zoning Enforcement section of Baltimore County. As you may be aware, any enforcement action has been stayed pending the outcome of the variance being sought by the Petitioners.

The purpose of this letter is to request that this matter be set in for expedited hearing before the Board. The proceedings before the Zoning Commissioner for Baltimore County took less than thirty minutes as the case and the evidence presented are very straightforward. From my personal practice before the Board, I know that the Board's schedule is very heavy. However, given that this case should take no more than one hour to present both sides of it, even on appeal, I would respectfully request that a hearing be scheduled as soon as possible.

01 SEP -4 PM 1:39
COUNTY BOARD OF APPEALS
RECEIVED

September 4, 2001
Page 2

LEVIN & GANN, P. A.

Thank you for your consideration of this request and should you or any member of the Board desire additional information regarding the request for expedited hearing which is manifestly required to insure that justice is afforded to all parties, please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Howard L. Alderman Jr.", written in dark ink. The signature is fluid and extends across the line of the closing "yours,".

Howard L. Alderman Jr.

HLA/pal
cc: Mr. and Mrs. John Zera
Mr. G. David Young
Peter Max Zimmerman, People's Counsel
G:\Clients\Zera, John\wescott-1.ltr-13731-1.wpd

HOWANSKI & GREENE, LLC

401 Washington Avenue, Suite 803
Towson, Maryland 21204-4821

(410) 296-8166
Facsimile (410)296-4527

Kristine K. Howanski
howanski@cais.net

Jonathan S. Greene
jgreene@cais.net

Of Counsel
Renee Campion
rcampion@cais.net

January 14, 2002

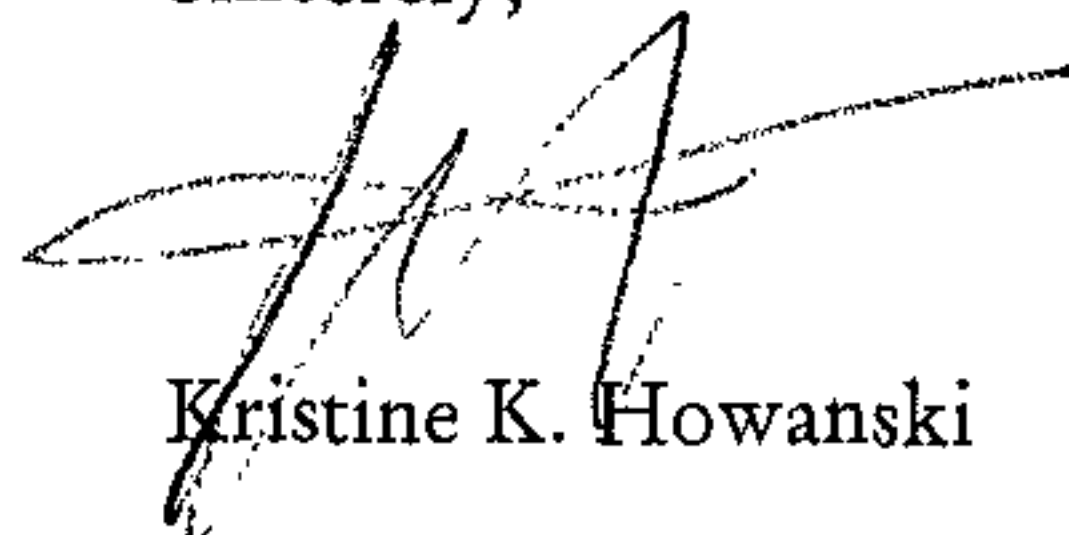
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
attn: Kathleen C. Bianco

Re: G. David Young, II and Maureen and Robert Farrell, Jr. 01-491-A and
related matters

Dear Ms. Bianco:

On behalf of the above petitioners, please be advised they have voluntarily taken down the shed which was the subject of the above referenced case. Accordingly, please dismiss their appeal of the above matter presently scheduled for hearing before you on January 31, 2002.

Sincerely,



Kristine K. Howanski

cc: Mr. G. David Young, II
Howard L. Alderman, Jr., Esquire
Peter Max Zimmerman, Esquire

02 JAN 16 PM 12:28

CLERK OF COURT
BALTIMORE COUNTY

Case Number

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

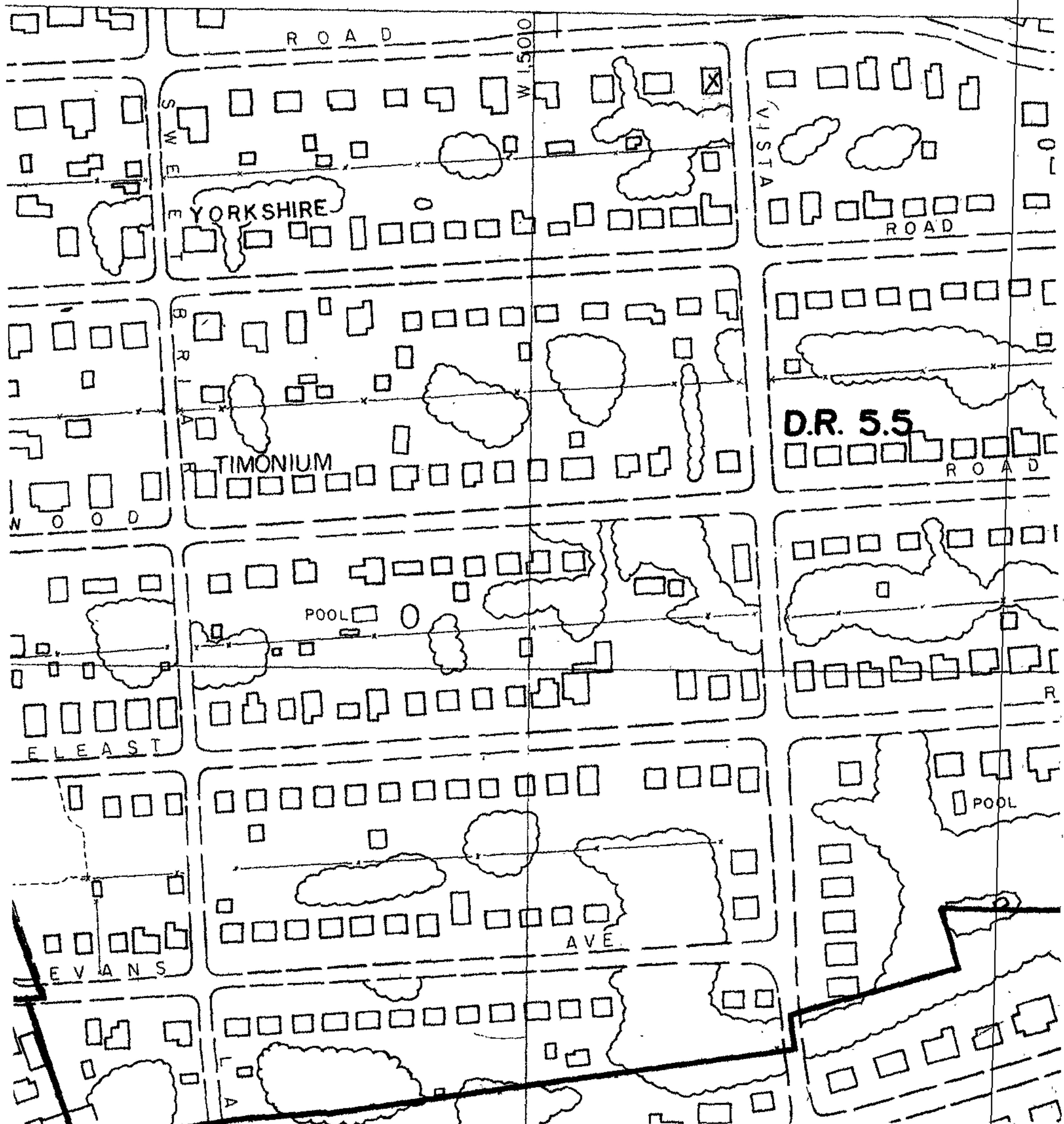
G. DAVID YOUNG II

51 CINDER RR

TIMONUM MA 21093



NW 13A



01-491-A

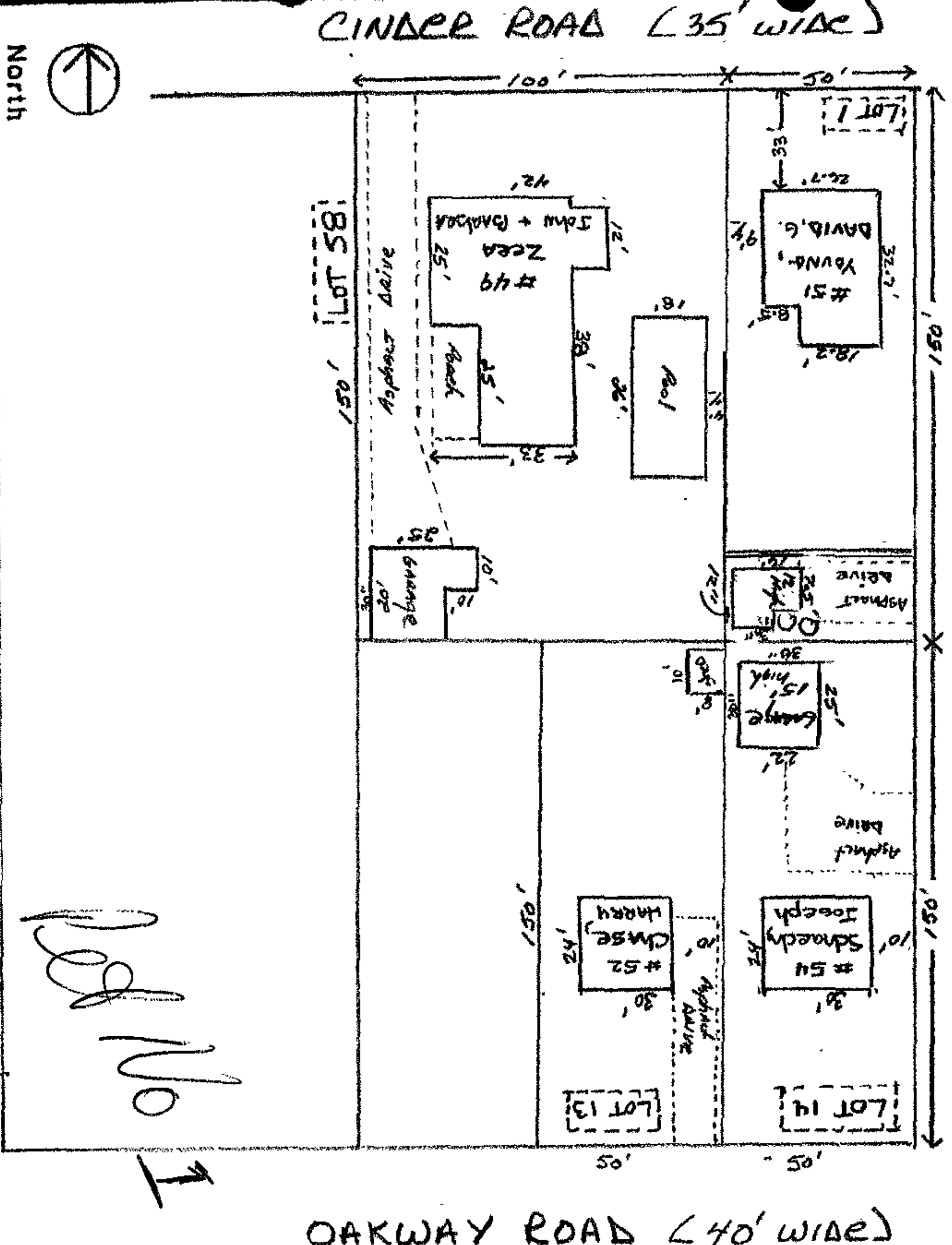
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Yorkshire

plat book # 6047, folio # 580, lot # 1, section # A

OWNER: G. NAVA YOUNG

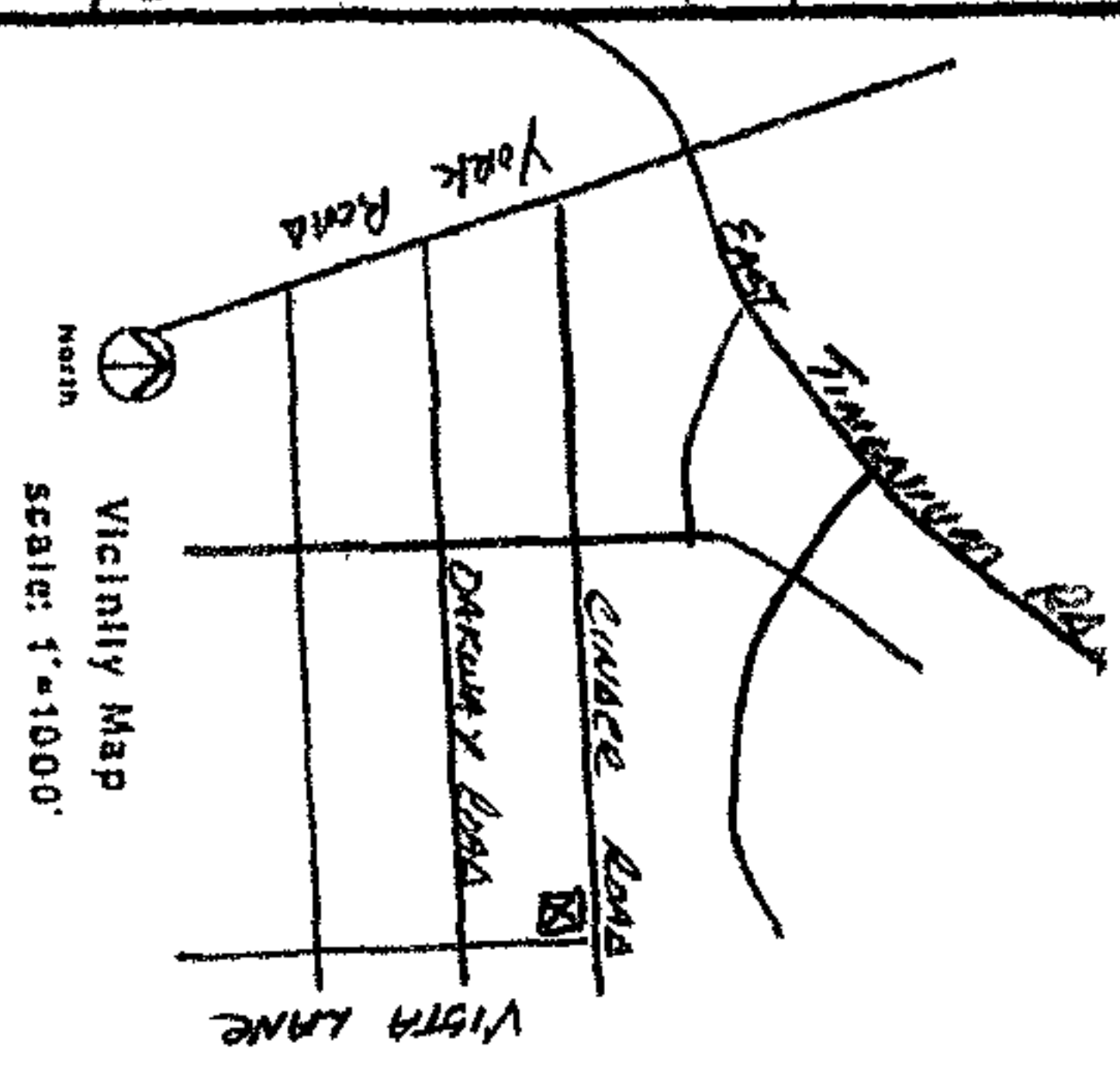
VISTA LANE (40' wide)



North
date: 5-16-01
prepared by:

Scale of Drawing: 1" = 50'

OAKWAY ROAD (40' wide)



LOCATION INFORMATION

Election District: 8

Councilman District: 4

1'-200' scale map: NW 13A

Zoning: DE-5-S

Lot size: 0.1722 7500

square feet
acres

Square feet

SEVER: ☒

□

WATER: ☒

4

Area: ☐



Prior Zoning Hearings:

None

Zoning Office USE ONLY!

Reviewed by: ITEM #: CASE#:

01-491-A

JUNE 21-2001

100 No 2

We the undersigned can see the shed in which a Zoning variance has been requested at 51 Cinder Rd. We do not have any problems with the shed, its appearance, or a side yard set back of 1 foot in lieu of the required 2.5 foot for a side yard set back for a detached accessory structure.

NAME

ADDRESS

SIGNATURE

Denise Crawford 53 Cinder Rd *DM Crawford*

Joe. B. Schaul Jr 54 Oakway Rd *Joe. B. Schaul Jr*

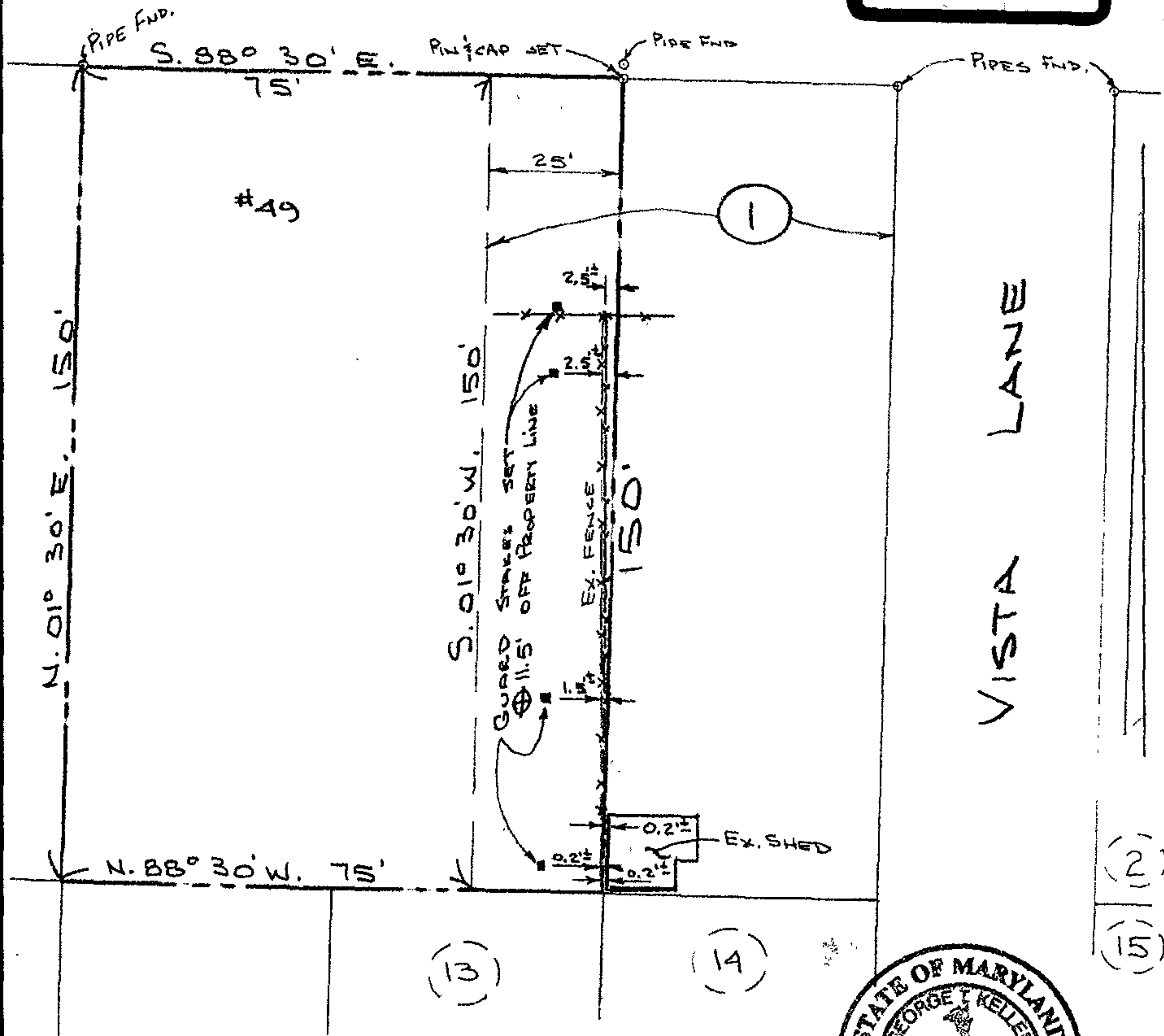
James E Hardy 56 Oakway Rd. *J E Hardy*

Don Stacey Hardy 56 Oakway Rd *Don Stacey Hardy*

Greg Fultz 60 CINDER RD GREG FULTZ

EXHIBIT
No 2 *hot*

CINDER ROAD



W
Z
A
VISTA

(2)
(15)

PLAT REFERENCE:
 "PLAT NO. 1 ADDITION TO YORKSHIRE"
 BALTO. CO. PLATBOOK NO. 13, FOLIO 90

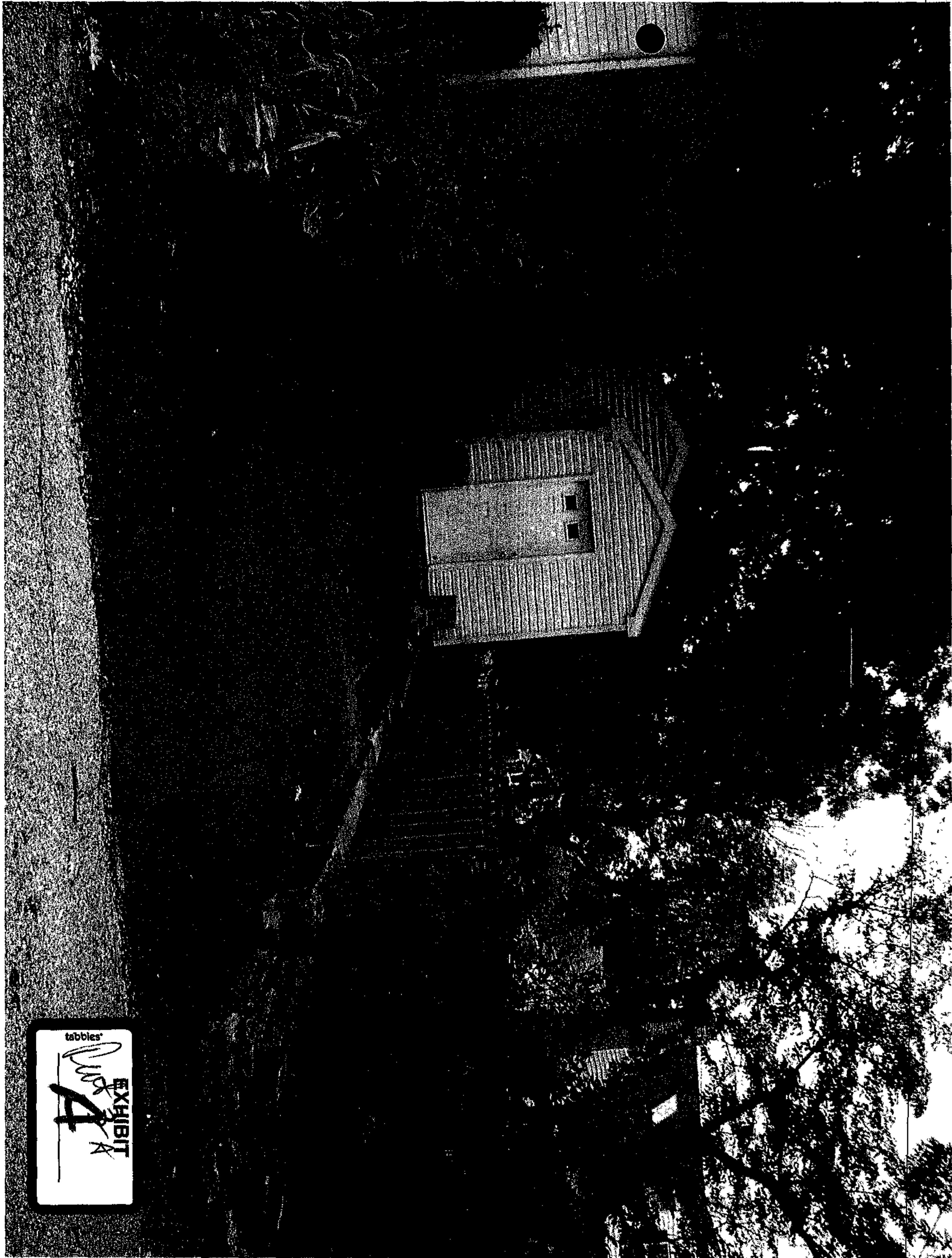
DEED REFERENCE: 8915/662

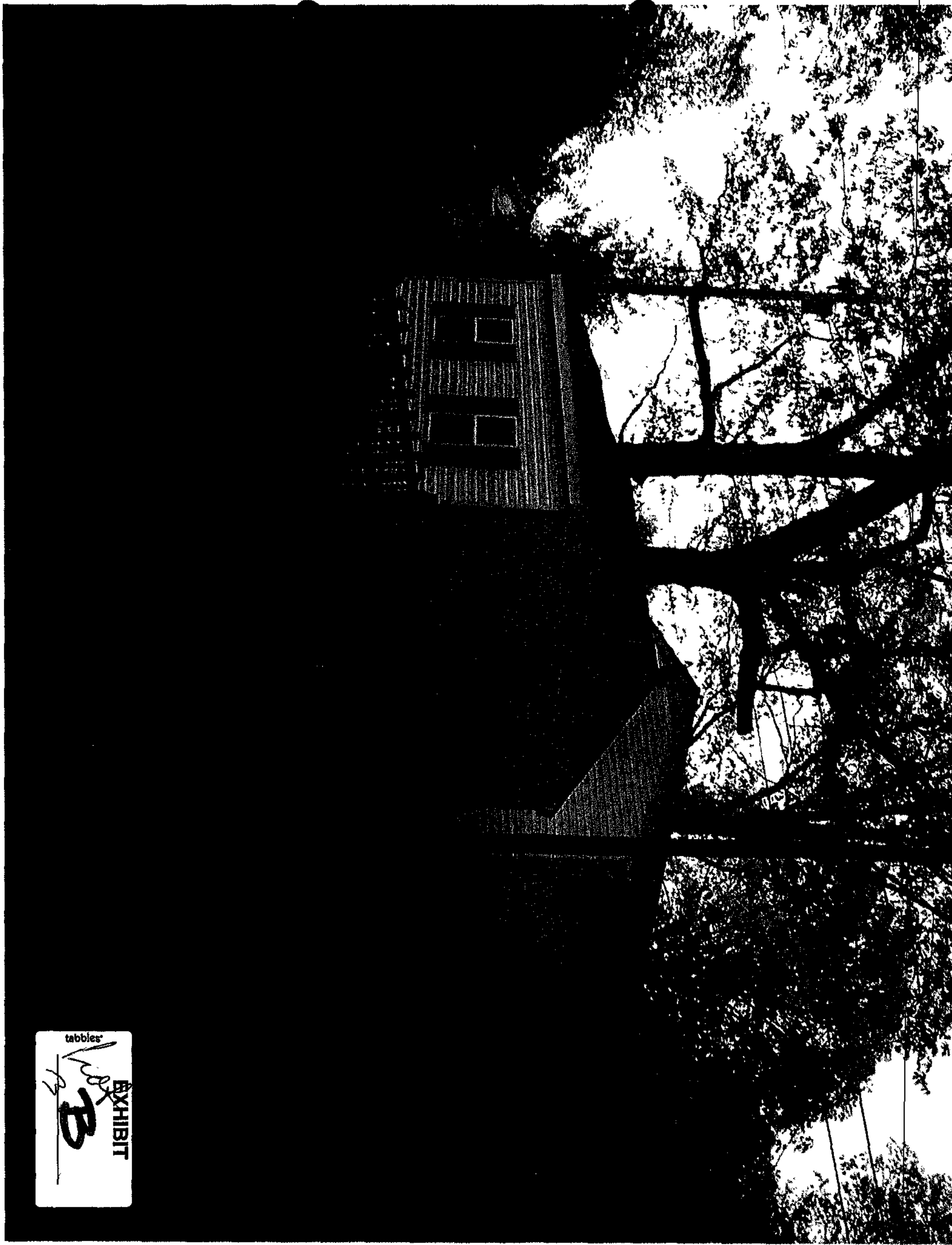


MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, AND LANDSCAPE ARCHITECTS
 3445-A Box Hill Corporate Center Drive
 Abingdon, Maryland 21009
 (410) 515-9000 Fax: (410) 515-9002

PLAT OF EXISTING CONDITIONS
 #49 CINDER ROAD
 BTB ELECTION DISTRICT
 BALTIMORE COUNTY, MD.
 FOR: MR. & MRS. JOHN ZERA, JR.

SCALE: 1" = 30'	DATE: 8-21-00	DRAWN BY:	DESIGN BY:	REVIEW BY: GK	JOB NO.: 11761
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EXHIBIT
10

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EXHIBIT

9
C
M



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Wally
EXHIBIT
D













