

IN RE: PETITION FOR VARIANCE
NW/S of Eastern Avenue, 394.6' W
centerline of Oliver Beach Road
15th Election District
5th Councilmanic District
(12932 Eastern Avenue)

Clinton & Gerald Kestner
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-121-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 owners of the subject property, Clinton and Gerald Kestner. The Petitioners are requesting a variance for property they own at 12932 Eastern Avenue, located in the Oliver Beach area of Baltimore County.

Appearing at the hearing on behalf of the variance request were Clinton, Gerald and Barbara Kestner, along with John Gontrum, their attorney. Appearing in opposition to the Petitioners' request were Charlotte and Andrew Scott, nearby property owners.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 59,100 sq. ft. of property, zoned D.R.2. The subject property is improved with a residential dwelling situated along Eastern Avenue. To the rear of that existing dwelling exists a smaller one-story structure which was recently converted by the Petitioners into a second dwelling on the property. The subject property is large enough to contain two separate dwelling units. However, the smaller dwelling located to the rear of the property does not satisfy the front yard setback for same. Therefore, the Petitioners have requested a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit this single-family

11/14/02
J. R. Gontrum

dwelling to have a front yard setback to a zoning use division line of 32 ft. in lieu of the required 40 ft. and to amend the previously approved plan in Case No. 00-128-A.

The property itself is situated on the north side of Eastern Avenue near its intersection with Oliver Beach Road. Testimony and evidence was taken by the property owner regarding the orientation of the second house which is the subject of this variance request. There was some discussion as to which way this second dwelling actually faces on the subject property. The manner in which it is depicted on the site plan requires that the variance be granted to allow the front yard setback of 32 ft. in lieu of the required 40 ft. In the event the front of the house faced in a southerly direction, then a rear yard variance would be necessary in order to allow the dwelling to remain as situated. No matter which way the second dwelling faces, it is evident from the testimony offered at the hearing that a variance is necessary given the location and position of the house itself. The testimony offered by the Kestner's was that the second dwelling is utilized by Mr. Kestner's parents who visit this area in the summer time. Apparently, Mr. Kestner's parents reside in Florida for the bulk of the year and only utilize this second dwelling on a part time basis. In any event, in order for the dwelling to remain as situated, the variance as requested is necessary.

As stated previously, Charlotte and Andrew Scott appeared in opposition to the Petitioners' request. The Scott's reside in a single-family dwelling located adjacent to the subject property. The Scott's object to a large 30 ft. x 60 ft. pole barn which was recently constructed close to their property line in the rear of this property. They are not satisfied with the manner in which the pole barn has been utilized, suggesting that commercial activities are taking place therein. Furthermore, they believe the pole barn diminishes the value of their

FILED
1/14/02
J. R. [Signature]

property and is unsightly. They also are concerned over some fill material that has been brought on the site and stockpiled.

After considering the testimony and evidence offered at the hearing, I find that the variance request to allow the second dwelling to exist in the location shown on the site plan should be granted. That particular structure has existed at that spot for many years. It has only recently been utilized by the Petitioners as a second dwelling for his parents. This property is certainly large enough to accommodate a second residential dwelling by virtue of the zoning use division line as is shown on the site plan. Therefore, the Petitioners are not exceeding any density for the subject site. In furtherance of granting the variance to the Petitioners, I shall impose conditions and restrictions on the use of the property which will help to mitigate the complaints raised by the adjacent property owners.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners 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 Petitioners seek 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 Petitioners, I find that the Petitioners' variance request should be granted.

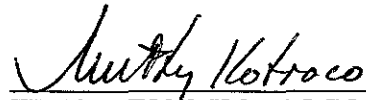
THEREFORE, IT IS ORDERED this 14th day of January, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit this single-family dwelling to have a front yard setback to a zoning use division line of 32 ft. in lieu of the required 40 ft. and to amend the previously approved plan in Case No. 00-128-A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners shall be required to submit within 30 days from the date of this Order a landscaping plan depicting an appropriate amount of landscaping to be installed along the side of the 30 ft. x 60 ft. pole barn that is situated towards the rear of the property. This screening shall be planted in an attempt to mitigate the location and size of that pole barn from the house owned by Mr. and Mrs. Scott.
- 2) The Petitioners shall be absolutely prohibited from engaging in any commercial activity within the pole barn itself. The pole barn was originally approved in Case No. 00-128-A to allow this Petitioner to store a motor home within the structure. The Petitioner was also permitted to store other lawn maintenance equipment within this building. There shall be no automotive repair work or body and fender work which

OFFICE OF THE DEPUTY ZONING COMMISSIONER
JAN 14 2002
R. J. JAMESON

would exceed that which is normally associated with a typical residential garage. The use of the subject property shall only be for residential purposes.

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



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

OFFICE OF THE ZONING COMMISSIONER
11/14/02
J. R. Johnson



Baltimore County
Zoning Commissioner

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

January 14, 2002

Mr. Gerald H. Kestner
12913 Eastern Avenue
Baltimore, MD 21220

Re: Petition for Variance
Case No. 02-121-A
Property: 12932 Eastern Avenue

Dear Mr. Kestner:

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. Clinton Kestner
12932 Eastern Avenue
Baltimore, Maryland 21220

Mr. & Mrs. Andrew Scott
7001 Oliver Beach Road
Baltimore, MD 21220

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 12932 Eastern Ave.
which is presently zoned DR 2

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) 1 B02.3.C.1 BCZR

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING TO HAVE
A FRONT SETBACK TO A ZONING USE DIVISION LINE OF 32' IN
LIEU OF THE REQUIRED 40' AND TO AMEND THE PLAN AND ORDER
AS NECESSARY IN CASE NO 00-128-A

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 DISCUSSED AT THE 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 CTM Date 9/19/01

Case No. 02-121-A

REC 9/15/98

ORDER OF THE ZONING COMMISSION
DATE 11/4/02

Zoning Description

Zoning description for 12932 Eastern Avenue beginning at a point on the Northwest side of Eastern Avenue which is 60 feet wide at the distance of 394.6 West centerline of the nearest improved intersection street Oliver Beach Road which is 60 feet wide. Being lot # 45 East and P/O lot 44 Section #3 in the subdivision of Twin River Beach Section B as recorded in Baltimore County Plat Book #8, Folio #20 Containing 59,100 square feet. Also known as 12932 Eastern Avenue and located in the 15th Election District, 5th Councilmanic District.

7/12/1

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

5676

DATE 2/19/01 ACCOUNT K-1111111111

AMOUNT \$ 50.00

RECEIVED FROM: CENTRAL KESTAR L

FOR: CIT. VA. LIC

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTION TIME
01/19/2001 02/19/2001 09:48:12

BY: MONTY CASHIER JRIC JMC DEANER 1
RECEIPT # 065479 OFLN

Dep: 5 529 ZONING VERIFICATION
OR: 006576

Recd Tot 50.00

AM OK 50.00 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: #02-121-A

12932 Eastern Avenue
NEWS of Eastern Avenue
394.6' W of centerline of
Oliver Beach Road

15th Election District

5th Councilmanic District

Legal Owner(s): Gerald H. &
Clinton Kestner

Variance: to permit an existing single family dwelling to have a front setback to a zoning use division line of 32 feet in lieu of the required 40 feet and to amend the plan and order as necessary in case No. 00-120-A

Hearing: Wednesday, November 21, 2001 at 9:00 a.m. in Room 407, County Courts Building, 481 Bayley 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

JT/11/627 Nov. 6 C504637

CERTIFICATE OF PUBLICATION

11/9/2001

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 11/6/2001.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 02-121-A
Petitioner/Developer: KESTNER

Date of Hearing/Closing: 11/21

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens / **GEORGE ZAHNER**

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 #12932-EASTERN AVE

The sign(s) were posted on

(Month, Day, Year)

Sincerely,

Rafael M. Karp 11/6/01
(Signature of Sign Poster and Date)

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

(Printed Name)

523 PENNY LANE

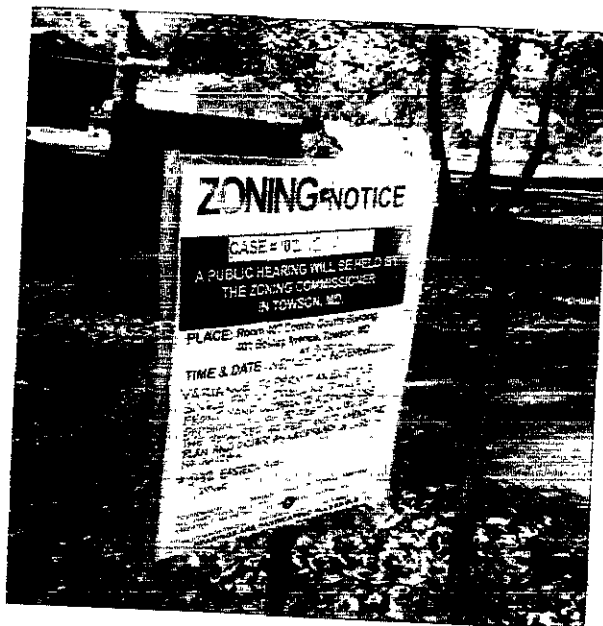
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

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

(Telephone Number)



02-121-A
#12932-EASTERN
KESIVER

11.2.

**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/neighbor 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: 02-121-A

Petitioner: Gerald Kestner

Address or Location: 12932 Eastern Av. Balt MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gerald Kestner

Address: 12913 Eastern Av.
Balti MD 21220

Telephone Number: 410 335-5939

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 6, 2001 Issue – Jeffersonian

Please forward billing to:
Gerald Kestner
12913 Eastern Avenue
Baltimore MD 21220

410-335-5939

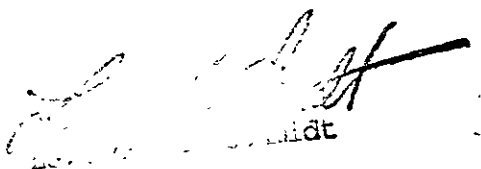
NOTICE OF ZONING HEARING

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: 02-121-A
12932 Eastern Avenue
NW/S of Eastern Avenue 394.6' W of centerline of Oliver Beach Road
15th Election District – 5th Councilmanic District
Legal Owner Gerald H & Clinton Kestner

Variance to permit an existing single family dwelling to have a front setback to a zoning use division line of 32 feet in lieu of the required 40 feet and to amend the plan and order as necessary in case No. 00-128-A

HEARING: Wednesday, November 21, 2001 at 9:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



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

October 29, 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: 02-121-A

12932 Eastern Avenue

NW/S of Eastern Avenue 394.6' W of centerline of Oliver Beach Road

15th Election District – 5th Councilmanic District

Legal Owner Gerald H & Clinton Kestner

Variance to permit an existing single family dwelling to have a front setback to a zoning use division line of 32 feet in lieu of the required 40 feet and to amend the plan and order as necessary in case No. 00-128-A

HEARING: Wednesday, November 21, 2001 at 9:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

C: Gerald H & Clinton Kestner, 12932 Eastern Avenue Baltimore 21220

- NOTES. (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY , NOVEMBER 6, 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

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

November 27, 2001

NOTICE OF ZONING HEARING RESCHEDULE

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: 092-121-A

12932 Eastern Avenue

NW/S of Eastern Avenue, 394.6' W of centerline of Oliver Beach Road

15th Election District – 5th Councilmanic District

Legal Owner: Gerald H & Clinton Kestner

Variance to permit an existing single family dwelling to have a front setback to a zoning use division line of 32 feet in lieu of the required 40 feet and to amend the plan and order as necessary in case No. 00-128-A.

HEARING: Wednesday, December 19, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon G D Z
Director

C: Gerald H & Clinton Kestner, 12932 Eastern Avenue, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 4, 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

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

November 16, 2001

Clinton & Gerald H Kestner
12932 Eastern Avenue
Baltimore MD 21220

Dear Mr.'s Kestner:

RE: Case Number: 02-121-A, 12932 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 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

W. Carl Richards, Jr. G>Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

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



Baltimore County
Department of Permits and
Development Management

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

December 14, 2001

Clinton & Gerald H Kestner
12932 Eastern Avenue
Baltimore MD 21220

Dear Mr.'s. Kestner:

RE: Case Number: 02-121-A, 12932 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 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. GDR
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

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



Jim
12/19

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 26, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For November 5, 2001
Item Nos. 123, 124, 125, 126, 127,
128, 129, 130, 131, 133, 134, 135, 162,
and 163

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

RWB:HJO:jrb

cc: File

- 5



**Baltimore County
Fire Department**

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

October 30, 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 October 29, 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:

121, 122, 123, 124, 125, 126, 127, 128, 130,
133, 134, 135, and 163

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



les
11/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 1, 2001

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

SUBJECT: 12932 Eastern Avenue

INFORMATION:

Item Number: 02-121

Petitioner: Clinton Kestner

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a front setback to a zoning use division line of 32 feet in lieu of the required 40 feet and to amend the plan and order as necessary in case # 00-128.

Prepared by: Mark A. Cumler

Section Chief: Jeffrey W. Gray

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.29.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 121 LTM

Dear Mr. Zahner:

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,

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

RE: PETITION FOR VARIANCE
12932 Eastern Avenue, NW/S Eastern Ave,
394.6' W of c/l Beach Rd
15th Election District, 5th Councilmanic

Legal Owner: Clinton Kestner and Gerald H. Kestner
Petitioner(s)

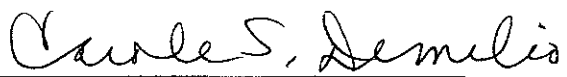
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-121-A

* * * * *

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 30th day of November, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Clinton Kestner and Gerald H. Kestner, 12913 Eastern Avenue, Baltimore, MD 21220, Petitioners.


PETER MAX ZIMMERMAN

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J MICHAEL McLAUGHLIN, JR. *

* Also Admitted In the District of Columbia

November 19, 2001

Lawrence Schmidt, Esq.
Baltimore County Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

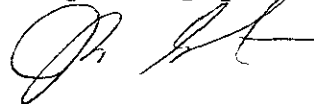
Re: Case No. 02-121-A
12932

Dear Mr. Schmidt:

Pursuant to our conversation with respect to continuing the above-referenced matter now set for November 21, 2001, my clients desire to submit a modified site plan to address the variance request, and accordingly we would request a continuance of the above-referenced matter.

We have requested that a new sign be posted suggesting that the case will be reset at a time to be determined.

Very truly yours,



John B. Gontrum

cc. Gerald H. Kestner

SITE PLAN

LOT 45 EAST 1/2 OF 44
TWIN RIVER BEACH
12932 EASTERN AVE
BALTIMORE, MD 21220
SCALE: 1" = 50'

THE PROPOSED
ADDITION WILL
HOT INCLUDE A
SECOND KITCHEN

to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

ERTY ADDRESS: 12932 Eastern Ave

Book # 88 folio # 20 lat # 45 section # B

R: CLINTON KESTNER

APPROVED AS BEING
WITHIN THE SPIRIT AND
INTENT OF ZONING CASE
NO. 02-121-A.

20/5/2

LOCATION INFORMATION

Election District: 15.

Councilman District:

1"-200' scale map:

Zoning: DD-X

Lot size: 30 X 346 591.00
acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings:

00128-A
TO PERMIT AN ACCESSORY
STRUCTURE TO BE LARG-
ER THAN PRINCIPAL STR-

Zoning Office USE ONLY!

reviewed by: ITEM #: ~~CASE#~~

LTW 121

3899

100 - 100

Twin River Beach

vacant

574001630

Tarburton

4

٨

Case Number 02/2

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Gerald H. Kestner

12913 Eastern Ave Baltimore MD 21220

Barbara C. Kestner

12913 Eastern Ave 21220

Clinton H. Kestner

12932 Eastern Ave 21220

John Gortrum





Baltimore County
Department of Permits and
Development Management

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

July 15, 2002

Mr. Jerry Kestner
12932 Eastern Avenue
Baltimore, MD 21220

RE: 12932 Eastern Avenue, 15th Election District

Dear Mr. Kestner:

Your letter to Baltimore County Zoning Review has been referred to me for reply. After consideration of your letter the following has been determined.

The Baltimore County Department of Permits and Development Management considers the proposed changes to the site plan submitted in Zoning Case 02-121-A, showing *new* construction of a 28'x30' addition setback 40' from the zoning use division line at 12932 Eastern Avenue as being within the "Spirit and Intent" of the Order contained in the above referenced case.

You must present a copy of this letter when submitting application to Baltimore County for building permit approval.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. T. Moxley".

Lloyd T. Moxley
Planner II, Zoning Review

LTM

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



Printed with Soybean Ink
on Recycled Paper

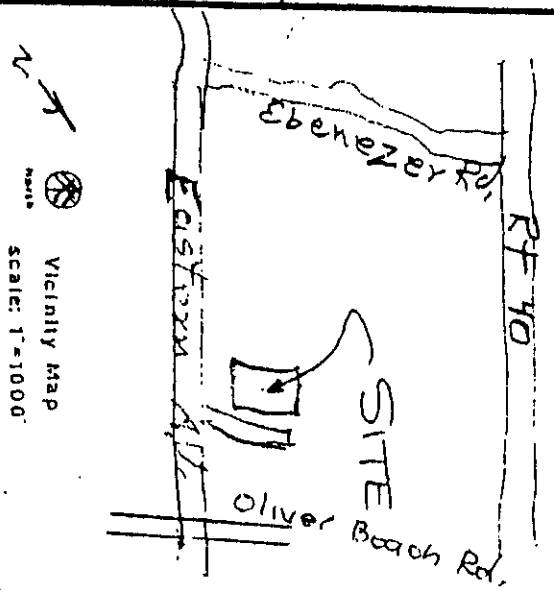
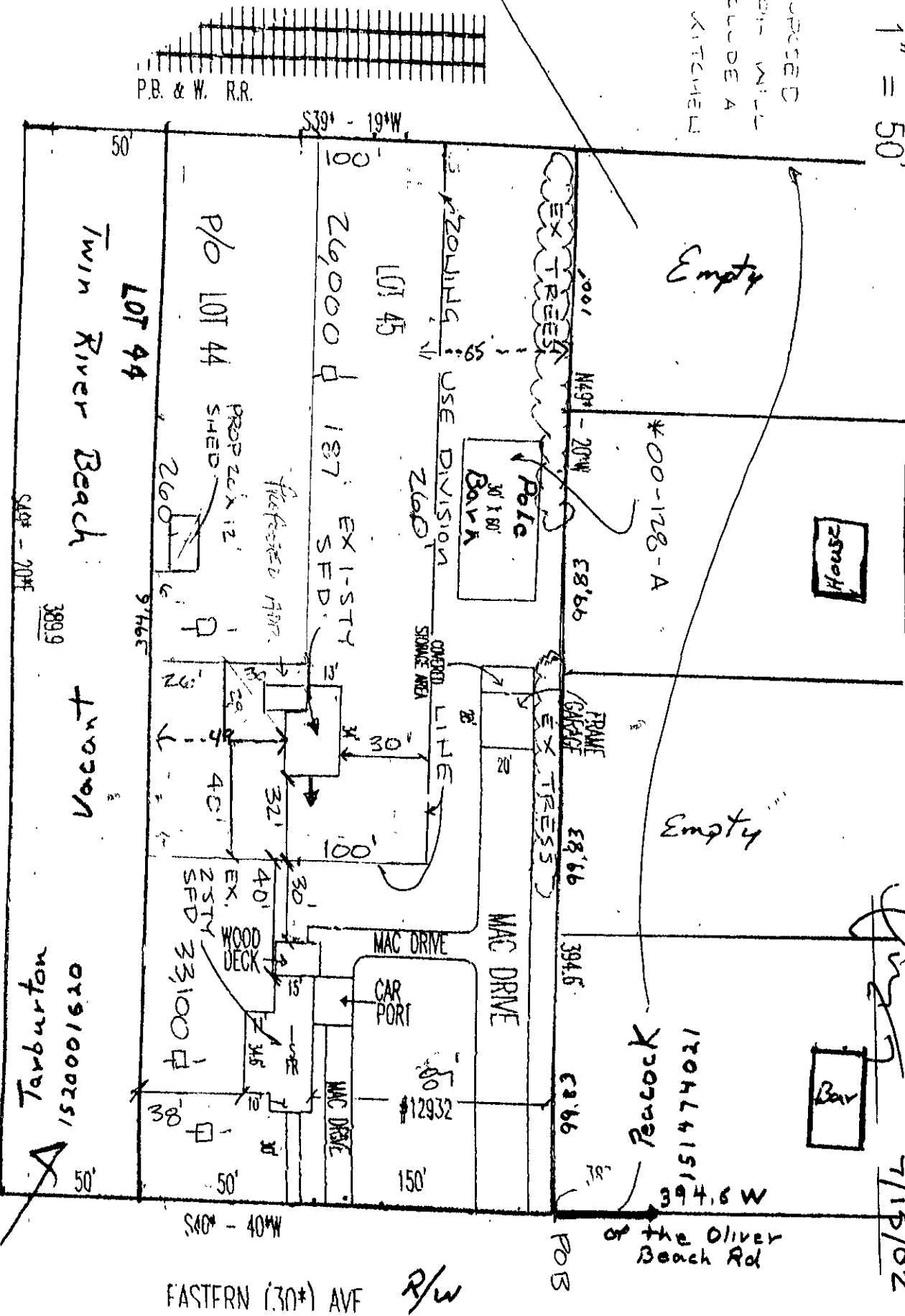
SITE PLAN
 LOT 45 EAST 1/2 OF 44
 TWIN RIVER BEACH
 12932 EASTERN AVE
 BALTIMORE, MD 21220
 SCALE: 1" = 50'

THE PROPOSED
 ADDITION WILL
 INCLUDE A
 SECOND KITCHEN

to accompany Petition for Zoning ☒ Variance ☐ Special Hearing
 ENTRY ADDRESS: 12932 Eastern Ave.
 APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF ZONING CASE NO. 02-121-A.
 see pages 5 & 6 of the CHECKLIST for additional required information

Owner name: CLAYTON WESTLER
 Book # 8, folio # 20, lot # 45, section # B

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF ZONING CASE NO. 02-121-A.
 7/15/02



LOCATION INFORMATION

Election District: 15
 Councilmanic District: 5
 T-200' scale map: NE 7-11
 Zoning: DQ. 2
 Lot size: 130 X 376 59,100 square feet

SEWER: ☒ PUBLIC ☐ PRIVATE
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☒ ☐

Prior Zoning Hearings: TO PERMIT AN ACCESSORY STRUCTURE TO BE LARGELY THAN PRINCIPAL STR
00128-A

Zoning Office USE ONLY!

reviewed by: CTM ITEM #: 121 CASE#: 02
121 121A



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

BUILDING PERMIT

[Signature]
BUILDINGS ENGINEER

PERMIT #: B431704 CONTROL #: MR DIST: 15 PREC: 06
DATE ISSUED: 10/30/2000 TAX ACCOUNT #: 1520000270 CLASS: 04

PLANS: CONST 00 PLOT 2 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 12932 EASTERN AVE
SUBDIVISION: TWIN RIVER BEACH

OWNERS INFORMATION

NAME: KESTER, CLINTON H, BRANDY L, GERALD H, BARBARA C
ADDR: 12932 EASTERN AVE 21220

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CONST CAR PORT ON SIDE OF EXISTING SFD.
20'X12'X9'=240SF.
CBCA FLOOD ZONE C.

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

BLDG. CODE: 1 AND 2 FAM. CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD + CARPORT
25,000.00 EXISTING USE: SFD

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION

BASEMENT

SEWER: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 1.340AC

FRONT STREET

SIDE STREET

FRONT SETB. NO

SIDE SETB. NO/50'

SIDE OFS SETB.

REAR SETB. NO

Ref Ex #2

FEDERAL FLOOD INSURANCE RATE MAP
240010 0455B Zone C



LOT 45 EAST 1/2 OF LOT 44 -
TWIN DIVER BEACH

フナイロ

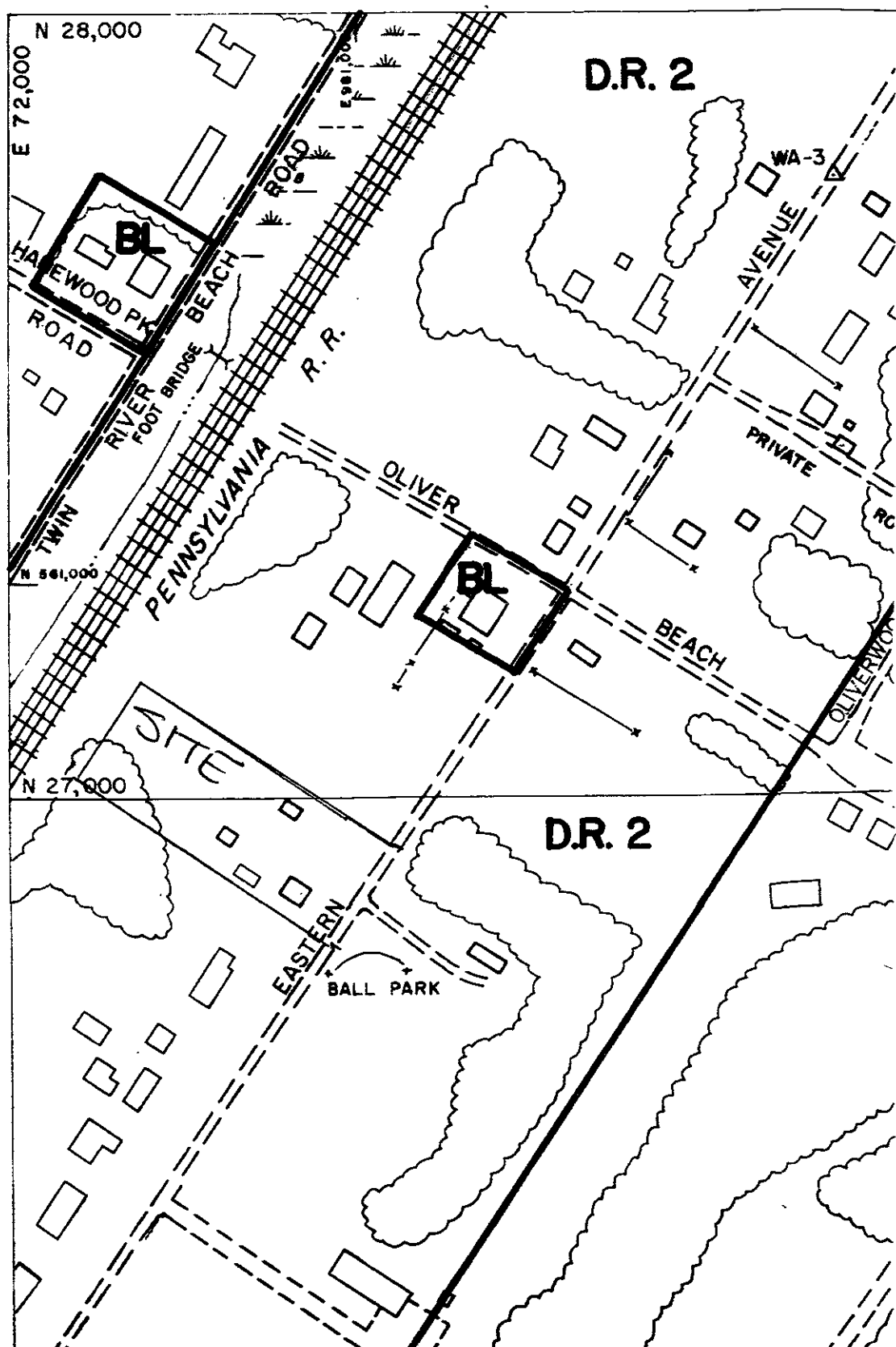
1574 DISTRICT HIGHWAY 30, MARYLAND
ZONAL E 1' = 50'
11-16-93

11-16-93

NEEDS - 8541-269 - 8541-264

**FRANK S. LEE
REG. SURVEYOR
719 CHESACO AVE.
BALTIMORE, MD 21237**

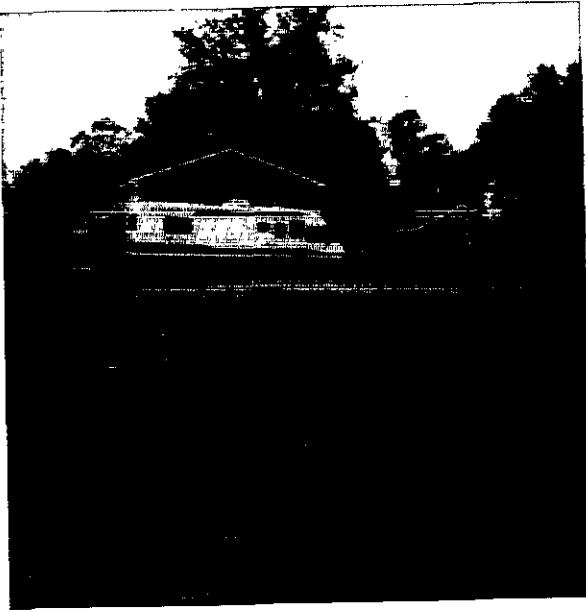
121





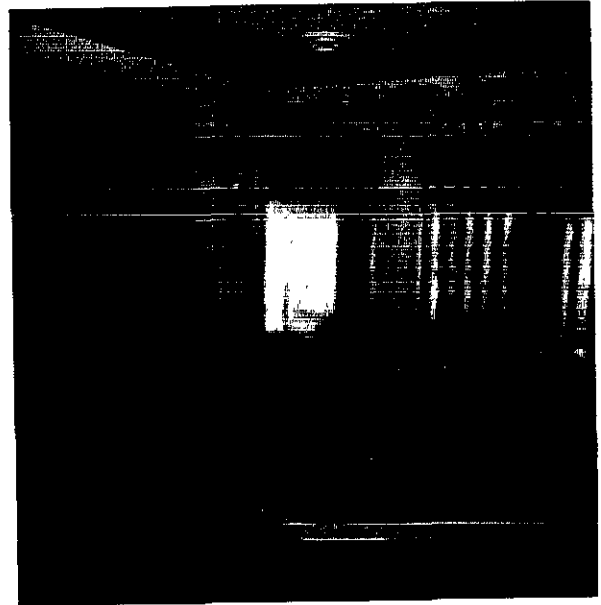
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photographs
#02-121-A



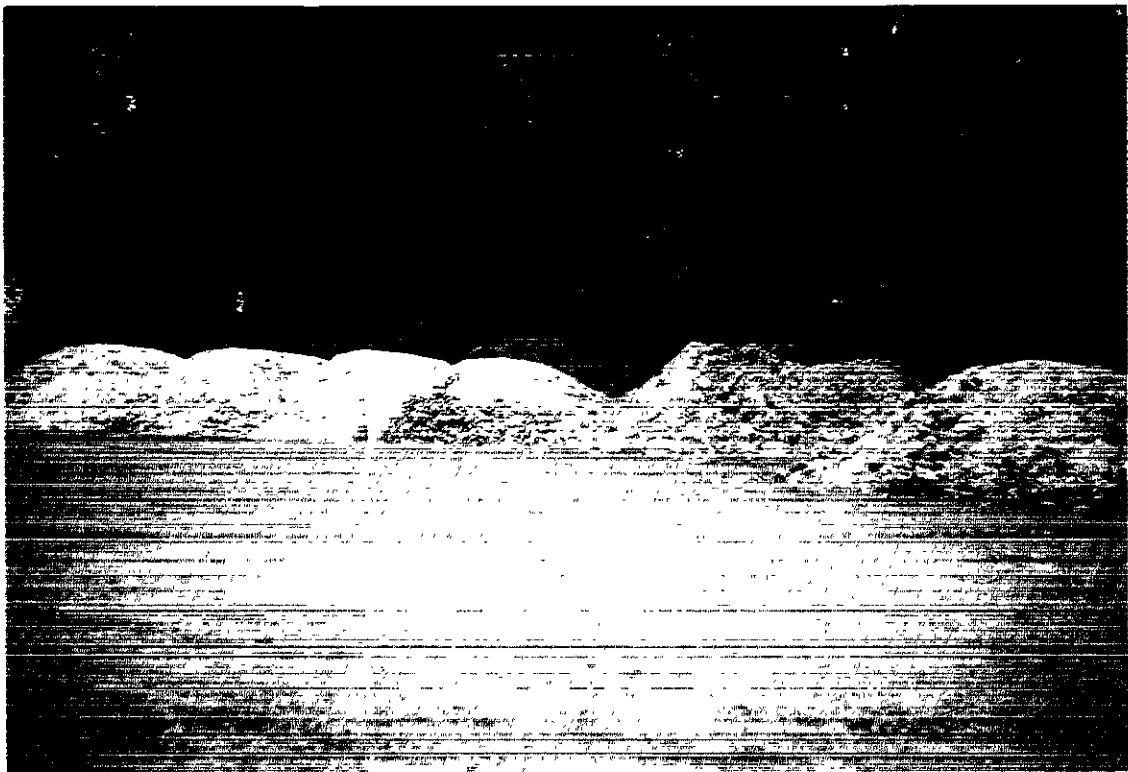
Prot Ex #1

10/5/2000



Ret Ex #4







PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA



REVISIONS	BY	DATE	SCALE	LOCATION	SHEET
1			1:50,000		1