

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Analee Avenue, 333' S of the c/l
Neighbors Avenue
(8114 Analee Avenue)
14th Election District
7th Council District

Naomi Obianozie
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-225-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Naomi Obianozie. The Petitioner seeks relief from Section 103 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 of the 1955 B.C.Z.R.) to permit an existing single family dwelling with an open projection (carport) to have a side yard setback of 0 feet in lieu of the required 6 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. In this case, the Petitioner applied for an administrative variance on or about November 28, 2001. On December 9, 2001, the property was duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested can demand a public hearing for a determination as to the merits of the request, provided they do so within 15 days of the sign posting. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner, upon review of the case file, can schedule the matter for a hearing. In this case, the adjacent property owner, Mrs. Betty Ey, requested a formal hearing, by her letter dated December 11, 200, and a letter of opposition was received from Mrs.

COPIES FOR FILING
2/27/02
By [Signature]

John Heinle, a nearby resident, dated December 12, 2001. Thus, the matter was scheduled for a public hearing on February 11, 2002.

Appearing at the hearing in support of the request was Naomi Obianozie, property owner. Appearing in opposition to the request were Betty Ey, adjacent property owner, and her daughter-in-law, Lisa Ey.

Testimony and evidence offered revealed that the subject property is a rectangular shaped lot, located on the west side of Analee Avenue, between Neighbors Avenue and Seling Avenue in Rosedale. Although rectangular in shape, the property is 59 feet wide in the front along Analee Avenue, and 49 feet wide along the rear property line. The property contains a gross area of 6,448 sq.ft., zoned D.R.5.5 and is improved with a one-story single family dwelling. The property also features a concrete driveway and parking pad in the side yard adjacent to the dwelling, along the common property line shared with the Ey property. In addition, there is an entrance to the dwelling on this side of the property. Ms. Obianozie testified that she has resided on the property since January of 2000. She indicated that her mother, who is wheelchair-bound, is living with her now and she anticipates her mother living with her on a permanent basis. In order to protect her vehicle from inclement weather and provide easier access for herself and her mother, the Petitioner is desirous of constructing a 15' x 24' attached carport over the existing parking pad. Variance relief is necessary in that there is presently only 15 feet between the existing dwelling and the property line and a minimum side yard setback of 6 feet need be maintained for an open projection. In support of her request, Ms. Obianozie submitted various photographs of other similar carports on similar lots in her neighborhood.

Testimony was also received from Ms. Ey, who submitted a copy of a survey, which was apparently undertaken in 1992 and sealed by Thomas E. Phelps, a Registered Property Line Surveyor. This survey shows that the concrete parking pad on Ms. Obianozie's property slightly encroaches onto the Ey property. Due to the taper of the common property line, the encroachment ranges from .8 feet to 1.7 feet. Ms. Ey expressed concern about the potential construction and

ORDER FOR SALE
Date 2/22/12
By [Signature]

further intrusion into her yard. She also believes that strict adherence to the zoning regulations should be mandated.

Section 307 of the B.C.Z.R. empowers the Zoning Commissioner to grant variance relief in certain circumstances. That Section requires that relief be granted only upon a finding that the property is unique and that the Petitioner would suffer a practical difficulty if relief were denied. Moreover, it must be shown that relief can be granted without detrimental impacts to adjacent properties.

As noted above, several photographs submitted by the Petitioner show that there are similar carports throughout the neighborhood. Thus, the proposed improvement is consistent with other properties in this locale. Although appreciative of Ms. Ey's contention that the zoning regulations should be strictly upheld, I do not agree with her assertion that a grant of relief in this instance would cause adverse impacts upon her property. It is to be noted that there is a significant slope from the Ey property to the side property line adjoining the Obianozie property. Thus, there is no water runoff or drainage from the Obianozie property towards the Ey property. To the contrary, it appears that water runoff from the Ey property drains onto the existing parking pad on the Obianozie lot. Moreover, the fact that the carport will be an open projection as opposed to an enclosed garage is significant.

Based upon all of these factors, I am persuaded to grant modified relief. As shown in the photographs submitted, the existing concrete pad/driveway widens significantly along the side of the dwelling and there is sufficient room for Ms. Obianozie to park her vehicle closer to her home. Thus, I am persuaded to grant relief for a carport 13 feet in width. This will provide a 2-foot setback from the side property line adjacent to the Ey property, thereby respecting the property line dispute. Moreover, it is anticipated that the poles supporting the carport will be located on the concrete pad. Thus, there should be no further encroachment onto the Ey property than presently exists. In my view, strict compliance with the zoning regulations would be unnecessarily burdensome to the Petitioner and the modified relief granted is appropriate in this instance.

ORDER REVIEWED FOR FILING
Date 2/29/12
By [Signature]

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted as modified above.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of February, 2002 that a variance from Section 103 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 of the 1955 B.C.Z.R.), to permit a side yard setback of 2 feet in lieu of the required 6 feet for an open projection (carport), be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit a revised site plan to the Department of permits and Development Management (DPDM) incorporating the modified relief granted herein. In this regard, a copy of the property line survey is attached hereto and made a part hereof to legitimize the location of the existing concrete parking pad/driveway and insure that there is no further property line dispute.
- 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.

IT IS FURTHER ORDERED that the Petition for Administrative Variance seeking relief from Section 103 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 of the 1955 B.C.Z.R.), to permit an existing single family dwelling with an open projection (carport) to have a side yard setback of 0 feet in lieu of the required 6 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 2/27/02
By LES

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:
NAOMI OBIANOZIE
8114 Analee Avenue
Baltimore, MD 21237

FOR JUDICIAL REVIEW OF THE DECISION OF THE

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

IN THE CASE OF:

NAOMI OBIANOZIE
(Legal Owner)
Case No. 02-225-A
For a Variance on Property Located on the W/s of
Analee Avenue, 333' S. of C/L of Neighbors Avenue
(8114 Analee Avenue)
14th Election District
7th Councilmanic District

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C-02-12323

CIVIL

ACTION

No. _____

PETITION FOR JUDICIAL REVIEW

NOW COMES Naomi Obianozie, Petitioner, pursuant to Maryland Rule of Procedure 7-202, by and through her attorneys, Matthew H. Azrael and Azrael, Gann & Franz, LLP and respectfully petition this court for judicial review of the determination of the County Board of Appeals of Baltimore County in the above-referenced case. Petitioner was a party to the proceedings before the County Board of Appeals of Baltimore County, and her property is the subject of the requested variance.

Matthew H. Azrael
Azrael, Gann & Franz, LLP
101 E. Chesapeake Avenue
Fifth Floor
Baltimore, MD 21286
Attorney for Petitioner

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2002 NOV -6 P 2:53

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

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cc: atty & PAS

PETITION OF
NAOMI OBIANOZIE
8114 Analee Avenue
Baltimore, Maryland 21237

FOR JUDICIAL REVIEW OF THE
OPINION OF THE COUNTY BOARD
OF APPEALS OF BALTIMORE COUNTY
Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

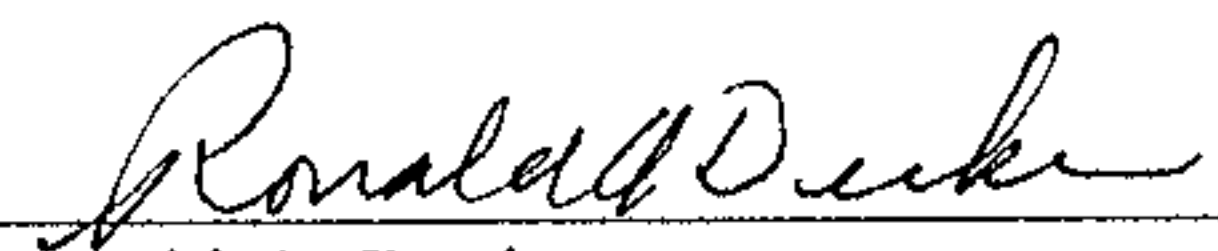
IN THE MATTER OF
NAOMI OBIANOZIE
8114 Analee Avenue
Baltimore, Maryland 21237

RE: Variance
8114 Analee Avenue
Case No. 02-225-A

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE COUNTY
*
* CIVIL ACTION NO. 03-C-02-12323
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RESPONSE TO PETITION FOR JUDICIAL REVIEW

BETTY EY, by Ronald A. Decker, her attorney, pursuant to Rule 7-204 states that she intends to participate in the above-captioned action for judicial review.



Ronald A. Decker
Moore, Carney, Ryan & Lattanzi, LLC
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236
410-529-4600

Attorney for Respondent

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
Naomi Obianozie
8114 Analee Avenue
Baltimore, MD 21237

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

IN THE MATTER OF
Naomi Obianozie
8114 Analee Avenue
Baltimore, MD 21237

RE: **VARIANCE**
8114 ANALEE AVENUE
CASE NO. 02-225-A

CIVIL ACTION
No. 3-C-02-12323

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2002 NOV 15 A 10:57
CLERK OF BALTIMORE COUNTY

* * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Matthew H. Azrael, Esquire
Azrael, Gann & Franz, LLP, 101 E. Chesapeake Avenue, Fifth Floor,
Baltimore, Maryland 21286

Naomi Obianozie
8114 Analee Avenue, Baltimore, MD 21237

Ronald Decker, Esquire

Moore, Carney, Ryan and Lattanzi, L.L.C., 4111 E. Joppa Road,
Suite 201, Baltimore, MD 21236

Mrs. Betty Ey

8116 Analee Avenue, Baltimore, MD 21237

Peter M. Zimmerman, Esquire

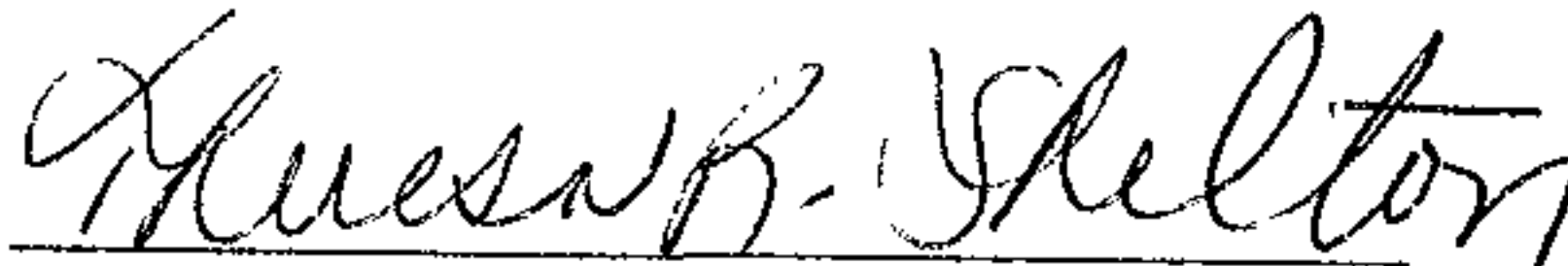
People's Counsel, 400 Washington Ave., Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.



Theresa R. Shelton, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to: Matthew H. Azrael, Esquire, Azrael, Gann & Franz, LLP, 101 E. Chesapeake Avenue, Fifth Floor, Baltimore, Maryland 21286; Naomi Obianozie, 8114 Analee Avenue, Baltimore, MD 21237; Ronald Decker, Esquire, Moore, Carney, Ryan and Lattanzi, L.L.C., 4111 E. Joppa Road, Suite 201, Baltimore, MD 21236; Mrs. Betty Ey, 8116 Analee Avenue, Baltimore, MD 21237; and Peter M. Zimmerman, Esquire, People's Counsel, 400 Washington Ave., Towson, MD 21204, this 15th day of November, 2002.



Theresa R. Shelton, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)



County Board of Appeals of Baltimore County

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

November 13, 2002

Matthew H. Azrael, Esquire
Azrael, Gann & Franz, LLP
101 E. Chesapeake Avenue
Fifth Floor
Baltimore, MD 21286

RE: Circuit Court Civil Action No. 3-C-02-12323
Petition for Judicial Review
Naomi Obianozie
8114 Analee Avenue
Case No.: 02-225-A

Dear Mr. Azrael:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with the Maryland Rules.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton
Legal Secretary

/trs

Enclosure

c: Naomi Obianozie
Ronald Decker, Esquire
Mrs. Betty Ey
People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director / PDM



IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
Naomi Obianozie
8114 Analee Avenue
Baltimore, MD 21237

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

IN THE MATTER OF
Naomi Obianozie
8114 Analee Avenue
Baltimore, MD 21237

RE: VARIANCE
8114 ANALEE AVENUE
CASE NO. 02-225-A

CIVIL ACTION
No. 3-C-02-12323

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CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

* * * * *

**PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY**

No. 02-225-A

November 28, 2001	Petition for Administrative Variance filed by Naomi Obianozie to permit an existing single family dwelling w/open projection (Carport) to have a side yard setback of 0' ilo the req'd 6'.
December 7	Certificate of Posting
January 25, 2002	Certificate of Posting
January 31	Certificate of Publication in newspaper
February 8	ZAC Comments.
February 11	Hearing held before the Zoning Commissioner
February 27	Findings of Fact and Conclusions of Law issued by the Zoning Commissioner. Petition for Administrative Variance is DENIED.
March 19	Notice of Appeal filed by Mrs. Betty Et, 8116 Analee Avenue, Baltimore, MD 21237
May 30	Hearing held before the Board of Appeals.

Petitioner's Exhibits

1	Building Permit
2	Lot Survey
3	Plat that accompanied appeal

Protestant's Exhibit

1A –	Photographs
1G	
2	Survey done of adjacent lot (8116 Analee Ave) dated 6/18/92

May 30	Public Deliberation concluded by the Board.
July 1	Entry of Appearance of Ronald A. Decker, Esquire, on behalf of Betty Ey, Protestant.
October 10	Majority Opinion and Order issued by the Board of Appeals; Petition for Administrative Variance is DENIED.
November 6	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Matthew H. Azrael, Esquire, on behalf of Naomi Obianozie, Petitioner.

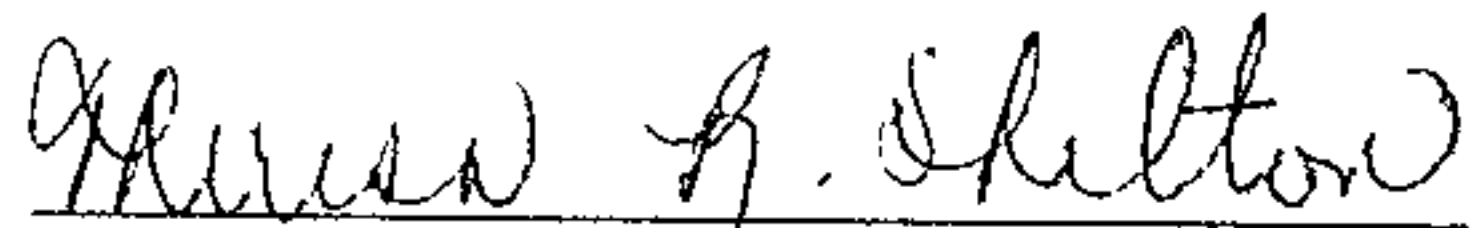
November 12 Copy of Petition for Judicial Review received from the Circuit Court for
Baltimore County by the Board of Appeals.

November 15 Certificate of Notice sent to interested parties.

January 2, 2003 Transcript of testimony filed.

January 2, 2003 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said
Board acted are hereby forwarded to the Court, together with exhibits entered into evidence
before the Board.



Theresa R. Shelton, Legal Secretary
County Board of Appeals, Room 49 Basement
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (410-887-3180)

c: Matthew H. Azrael, Esquire
Naomi Obianozie
Ronald Decker, Esquire
Mrs. Betty Ey

IN THE MATTER OF
THE APPLICATION OF
NAOMI OBIANOZIE- LEGAL OWNER
FOR VARIANCE ON PROPERTY
LOCATED ON THE W/S ANALEE
AVENUE, 333' S OF C/L OF NEIGHBORS
AVENUE (8114 ANALEE AVENUE)
14TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 02-225-A

* * * * *

OPINION

This case comes to the Baltimore County Board of Appeals based on the granting of a variance (Case No. 02-225-A) by the Zoning Commissioner. A public hearing before this Board was held on May 30, 2002. A public deliberation was also held on May 30, 2002.

The Petitioner, Ms. Naomi Obianozie, appeared before the Board *pro se*. The Protestant, Mrs. Betty Ey, was also present and appeared before the Board *pro se*.

Ms. Obianozie is seeking relief from Section 103 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with an open projection (carport) to have a side yard setback of 2 feet in lieu of the required 6 feet.

Section 307 of the B.C.Z.R. permits granting of a variance upon certain terms and conditions, which in pertinent part allows a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

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

Ms. Obianozie testified that the property in question, 8114 Analee Avenue, has an existing concrete pad to which she wants to add a carport. This would protect her car from the weather and also allow her mother, who utilizes a wheelchair, to get in and out while under cover. She also stated that she initially requested a 0-foot setback but the request was modified to be a 2-foot setback. She stated that her contractor had started construction of the carport prior to the 30-day appeal period from the date of the Zoning Commissioner's final Order.

Chairperson Charles Marks also asked Ms. Obianozie if the property was unique. She answered that she didn't think so. She also produced a boundary survey (exhibit marked Petitioner's #2) dated April 6, 2002 that shows some encroachment onto Mrs. Ey's property.

Mr. John A. Schepleng, the contractor, also testified and stated he had started construction on the carport and had the post in and the overhead frame completed. At that time he said a Code Inspector came out and issued a stop work order until a survey could be done.

Mrs. Betty Ey, the protestant, testified she had filed this appeal because she was afraid of future construction; mainly that the carport would eventually become enclosed. She had a survey (exhibit marked Protestant's #2) done on June 18, 1992 that shows the concrete pad encroaching her property ranging from .8 feet to 1.7 feet.

After thorough review of the evidence and testimony, the Board finds that the Petitioner has not met the burden as required for a variance under BCZR 307.1 and the standards of *Cromwell v. Ward*.

The first prong requires that the subject property must be unique in comparison to other properties in the neighborhood to qualify for a variance. The testimony and evidence indicate that the property at 8114 Analee Avenue is not substantially different from other properties in the

neighborhood.

Therefore, it is the decision of this Board that the requested variance relief from § 103 of the *Baltimore County Zoning Regulations* to permit an existing single-family dwelling with an open projection (carport) to have a side yard setback of 2 feet in lieu of the required 6 feet shall be denied, and we will so order.

ORDER

THEREFORE, IT IS THIS 10th day of October, 2002 by the County Board of Appeals of Baltimore County

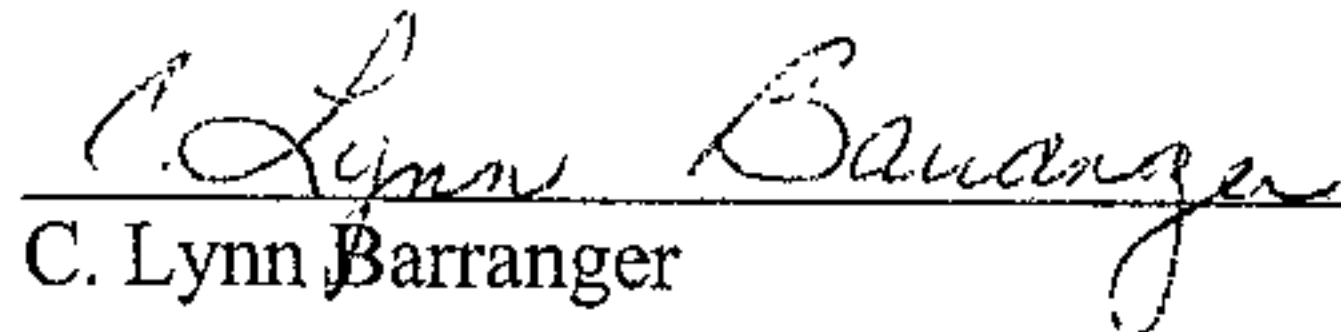
ORDERED that the Petitioner's request for variance seeking relief from § 103 of the *Baltimore County Zoning Regulations* to permit an existing single-family dwelling with an open projection (carport) to have a side yard setback of 2 feet in lieu of the required 6 feet be and the same is hereby **DENIED**.

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

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks, Chairman


C. Lynn Barranger


Richard K. Irish

MOORE, CARNEY, RYAN AND LATTANZI, L.L.C.

ATTORNEYS AT LAW

4111 E. JOPPA ROAD, SUITE 201
BALTIMORE, MARYLAND 21236

(410) 529-4600

FAX (410) 529-6146

E SCOTT MOORE
(1926-1992)

PARALEGAL STAFF

SHARON L. WARDROP
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RICHARDE LATTANZI
RONALD A. DECKER
ROBERT J. BRANNAN
JUDITH L. HARCLERODE

LISA M. L. EISEMANN

OF COUNSEL

ROBERT E. CARNEY, JR.
KRISTIN H. WILLIAMS

November 26, 2002

Suzanne Mensh, Clerk
Circuit Court For Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Attention: Civil Department

In Re: Naomi Obianozie
Case No.: 03-C-02-12323

Dear Ms. Mensh:

Enclosed please find a Response to Petition for Judicial Review to be filed in the captioned matter on behalf of Betty Ey.

Thank you for your attention to this matter.

Very truly yours,



Ronald A. Decker

RAD:cl

Enc.

cc: Matthew H. Azrael, Esquire, w/enc.
Mrs. Betty Ey, w/enc.
County Board of Appeals of Baltimore County, w/enc.
Peter M. Zimmerman, Esquire, w/enc.

RECEIVED
NOV 24 2002
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:

NAOMI OBIANOZIE

8114 Analee Avenue

Baltimore, MD 21237

FOR JUDICIAL REVIEW OF THE DECISION OF THE

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

Old Courthouse, Room 49

400 Washington Avenue

Towson, Maryland 21204

IN THE CASE OF:

NAOMI OBIANOZIE

(Legal Owner)

Case No. 02-225-A

**For a Variance on Property Located on the W/s of
Analee Avenue, 333' S. of C/L of Neighbors Avenue**

(8114 Analee Avenue)

14th Election District

7th Councilmanic District

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* **CIVIL**

* **ACTION**

* **No. 03-C-02-012323**

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PETITION'S MEMORANDUM

NOW COMES Naomi Obianozie, Petitioner, pursuant to Maryland Rule of Procedure 7-207(a), by and through her attorneys, Matthew H. Azrael and Azrael, Gann & Franz, LLP and submits her Memorandum in support of her Petition for Judicial Review of the determination of the County Board of Appeals of Baltimore County in the above-referenced case.

Questions Presented

1. Did the Baltimore County Board of Appeals (the "Board") err in denying Petitioner's request for a variance?

2. Does the Board's failure to properly swear in all witnesses require that this Court remand this matter to the Board for further proceedings?

Statement of Material Facts

Naomi Obianozie is the owner of record of real property located in Baltimore County, Maryland known as 8114 Analee Avenue (the "Property"). Ms. Obianozie applied for a variance seeking relief from Section 103 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing single family dwelling with an open projection (carport) to have a side yard setback of 2 feet in lieu of the required 6 feet.

On February 1, 2002, Ms. Obianozie's request was initially considered by the Zoning Commissioner of Baltimore County. On February 27, 2002, the Zoning Commissioner granted the modified relief that is now the subject of this appeal. The Zoning Commissioner's decision was appealed to the Board by Betty Ey, Ms. Obianozie's neighbor. On May 30, 2002, a Hearing was held before the Board (the "Hearing"). Both Ms. Obianozie and Ms. Ey appeared at the Hearing without counsel (Transcript, p.4, lns. 2-3).

At the Hearing, Ms. Obianozie was duly sworn (Transcript, p. 6, lns. 1-3) and testified as follows:

1. The Property is "oblique-shaped" (Transcript, p.12, lns. 2-14).
2. Ms. Obianozie needs a variance in order to build a carport to protect her elderly mother from the elements. Ms. Obianozie's mother has severe arthritis of both knees and requires the use of a wheelchair. Without a variance, Ms. Obianozie's mother is at risk for a fall or other serious injury as a result of being exposed to the elements (Transcript, p. 7, lns. 7-17 and p. 38, lns. 17 - 21).

3. The Board accepted into evidence Petitioner's Exhibit No. 2, a boundary survey of the Property and Petitioner's Exhibit No. 3, a Plat to Accompany the Request for Administrative Variance (Transcript, p. 11, lns. 8 - 10). Both of these Exhibits show the oblique shape of the Property.

4. Ms. Obianozie took pictures of other property on the same street that have carports similar to the one Ms. Obianozie wants to build on the Property (Transcript, p. 10, lns. 16 - 21).

Next, Mr. John Schepeng, Jr., Ms. Obianozie's contractor, was duly sworn (Transcript, p. 17, ln. 20 - p. 18, ln. 1) and testified as follows:

1. The property line from which variance relief is sought "dramatically changes from the front of the house to the back of the house. This is what's causing the problem" (Transcript, p. 21, lns. 6 - 9, see also p. 41, lns. 1 - 3, p. 43, lns. 19 - 21).

2. He had built a carport directly across the street from the Property (Transcript, p. 19, lns. 3 - 4).

Next Ms. Ey testified. She was not duly sworn. Ms. Ey testified that the "property line is on an angle. [Ms. Ey's property] is fifty-nine [feet wide] in the front and fifty-nine [feet wide] in the back. . . . [The Property is] fifty-nine [feet wide] in the front . . . , [and] forty-nine feet [wide] in the back" (Transcript, p. 25, lns. 1 - 5).

Next, Eugene Ey, Ms. Ey's son was duly sworn (Transcript, p. 34, lns. 8 - 10). None of Mr. Ey's testimony is relevant to this appeal.

On October 10, 2002, the Board issued an Opinion denying Ms. Obianozie's request for a variance. The sole basis for the Board's Opinion was a finding that the Property was not

unique, and therefore, the legal standards set forth in *Cromwell v. Ward*, 102, Md.App. 691 (1995) were not satisfied.

Argument

1. *The Board's finding that the Property is not unique is not supported by any evidence.*

In reviewing the decision of an administrative agency, the agency's decision will be upheld if there is any evidence that makes the issue "fairly debatable." *Eastern Service Centers, Inc. v. Cloverland Farms Dairy, Inc.*, 130 Md.App. 1, 9 (2000). Conclusions of law are entitled to less deference, and are reviewed using an abuse of discretion standard. *Id.*

In this matter, all of the testimony and evidence presented supports one key fact: that the Property is oblique in shape, and Ms. Ey's property is not. Nothing is "fairly debatable" because the only evidence is that the Property is uniquely shaped. Ms. Obianozie, Mr. Schepeng and even Ms. Ey all testify that the Property is narrower in the rear than it is in the front. According to Ms. Ey's testimony, her own property is rectangular in shape. There is no testimony that any other property in the area is also oblique in shape.

In *Cromwell v. Ward*, the court held that a property is unique if it has "an inherent characteristic not shared by other properties in the area, i.e., **its shape . . .**" *Cromwell*, at 710 (emphasis added). The only evidence presented in this case is that the Property has a unique shape. The matter is not "fairly debatable" because there is **no evidence** to support the Board's finding that the Property is not unique. Furthermore, the Board seems to ignore the definition of "unique" supplied by the *Cromwell* court. Doing so is clearly an abuse of discretion. For these reasons alone, the Board's decision must be reversed.

Because the Board incorrectly decided that the Property was not unique, it did not consider the second prong of *Cromwell*, undue hardship or practical difficulty. Again, the only

testimony before the Board is that the Property's unique shape creates the need for the variance. Without the variance, Ms. Obianozie cannot provide a safe environment for her elderly, disabled mother to come and go from the Property. Certainly this satisfies the undue hardship or practical difficulty prong of *Cromwell*. Again, the Board's decision should be reversed.

2. *The Board's failure to duly swear Ms. Ey is grounds for remanding the matter to the Board for a new hearing.*

It is clear from the record, that for whatever reason, the Board failed to swear Ms. Ey before receiving her testimony.

The case *Heard, et al. v. Foxshire Associates, LLC*, 145 Md.App. 695 (2002), held that "it is imperative that evidence given before an adjudicatory body be under oath, whether from an attorney or lay person, a lay witness or an expert witness." *Id.* The *Heard* Court determined that words spoken by an attorney not under oath are argument, not evidence, and should not be considered by the Board. Similarly here, Ms. Ey was not sworn, and therefore, it would be impermissible for the Board to consider her statements as evidence. Without any opposing testimony, Ms. Obianozie's case only becomes stronger, and the variance should be granted, or alternatively, the matter should be remanded to the Board for a new Hearing.

Conclusion

It is clear that the evidence presented to the Board supports only one factual finding: that the Property is unique. For this reason alone, the Board's decision must be reversed. Similarly, the evidence presented is clear that without the requested relief, Ms. Obianozie will suffer an undue hardship and a practical difficulty. Therefore, her request for a variance should be granted.

Respectfully submitted,



Matthew H. Azrael
Azrael, Gann & Franz, LLP
101 E. Chesapeake Avenue
Fifth Floor
Baltimore, MD 21286
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing PETITION'S MEMORANDUM was mailed, postage prepaid this 30th day of January, 2003 to:

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Ronald A. Decker, Esquire
Moore, Carney, Ryan and Lattanzi, L.L.C.
4111 E. Joppa Road, Suite 201
Baltimore, MD 21236



Matthew H. Azrael

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:
NAOMI OBIANOZIE
8114 Analee Avenue
Baltimore, MD 21237

FOR JUDICIAL REVIEW OF THE DECISION OF THE
BOARD OF APPEALS
FOR BALTIMORE COUNTY

IN THE CASE OF:

NAOMI OBIANOZIE
(Legal Owner)
Case No.: 02-2525-A
For a Variance on property Located on the W/s of
Analee Avenue 333' S. of C/L of Neighbors Avenue
(8114 Analee Avenue)
14th Election District
7th Councilmanic District

*
*
*
* CIVIL
* ACTION
* No.: 03-C-02-012323

* * * * *

RESPONSE TO PETITIONER'S MEMORANDUM

NOW COMES Betty Ey, Respondent, by her attorney Ronald A. Decker, Esquire, in reply to the Memorandum filed by Petitioner, Naomi Obianozie states:

1. For the purpose of this Reply Memorandum, Respondent accepts the Questions Presented by Petitioner.
2. For the purpose of this Response, the Statement of Material Facts presented by Petitioner are accepted.

ARGUMENT

The Board of Appeals finding that the subject property is not unique should be upheld. Petitioner's testimony that was presented at the hearing merely showed that the subject property is wider in the front than the rear. This is the sole basis of Petitioner's allegation that the property is unique. If this were true, every property that is not a pure square or rectangle would be considered to be unique. Thus, every parcel of land or lot that is on a curved street or cul-de-sac would be entitled to variances based on its unique shape because the front and rear lot line would not be equal. It is common knowledge that the streets in Baltimore County are often curved and that there are innumerable cul-de-sacs.

In the zoning context, the "unique" aspect of a variance requirement does not refer to the exact improvements upon the property, or upon neighboring property. Uniqueness of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, *i.e.*, its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions or other similar restrictions). In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls. *North v. St. Mary's County*, 99 Md.App. 502, at 512; 638 A.2d 1175 (1994).

The uniqueness or peculiarity of the property is one which is not shared by neighboring properties, and where the uniqueness of the property results in an extraordinary impact upon it by virtue of the operation of the statute. The uniqueness must exist in conjunction with the ordinance's more severe impact. A Guide to Maryland Zoning Decisions, 4th Edition, Stanley D. Abrams, Esq., page 11-46, LexisNexis™.

The Petitioner has failed to meet her burden of proof that her property is unique from other properties in the neighborhood. There was no evidence submitted regarding the shape of the other lots in the area or that the characteristics of her property are any different than those that are nearby.

Even if Petitioner is correct that Ms. Ey should have sworn before testifying, her testimony merely replicated testimony provided by the Petitioner; that is, that the property is more narrow in the rear than in the front. This characteristic appears on the drawing that was submitted by the Petitioner. Therefore, there was no error in the Board of Appeals making its finding that the property was not unique based on upon the testimony that was submitted by and on behalf of the Petitioner.

Even though the Board of Appeals did not reach the second issue, regarding undue hardship or practical difficulty. An unwarranted hardship exists if reasonable use of the property is denied. In this case, the property contains an existing dwelling and a paved driveway along side of it. The fact that it would be nice to have a carport did not create an unwarranted hardship. It is the denial of a reasonable use that creates an unwarranted hardship. If reasonable use exists, generally an unwarranted hardship would not. The criteria for determining unnecessary hardship is whether the restriction, when applied to the property in the setting of its environment, is so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership. *North v. St. Mary's County, Id.*

CONCLUSION

The facts of the proceeding as presented to the Board of Appeals support its conclusion that the Petitioner was not entitled to a variance. Evidence presented by Ms. Obianozie disclosed that there is a slight irregular shape to her lot, but nothing which would warrant overturning the

Board's determination that she had not proved that the lot is unique.

Respectfully submitted,



Ronald A. Decker
Moore, Carney, Ryan & Lattanzi, LLC
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236
410-529-4600

Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response to Petitioner's Memorandum was mailed, postage prepaid this 28th day of February, 2003 to:

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Matthew H. Azrael
Azarel, Gann & Franz, LLP
101 E. Chesapeake Avenue
Fifth Floor
Baltimore, MD 21286
Attorney for Petitioner



Ronald A. Decker



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8114 Analee Avenue

which is presently zoned D.R.55 (R.6)

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) 103 BCZR 211.3 BCZR 1955

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH OPEN PROJECTION (CARPORT) TO HAVE A SIDETYARD SETBACK OF 0' AND A SUM OF SIDETARDS OF 7' IN LIEU OF THE REQUIRED 6' AND 20' RESPECTIVELY

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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 _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Legal Owner(s):

Naomi Obianozic

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

8114 Analee Avenue (410) 866-8718

Baltimore, MD 21237

Representative to be Contacted:

Site Rite Surveying
Bernadette Moskunas

Name _____

200 E. Joppa Road Room 101 410 828-9060

TOWSON, MD 21206

Zoning Commissioner of Baltimore County

CASE NO. 02-225-A

REV 9/15/98

Reviewed By LTM Date 11/28/01

Estimated Posting Date 12/9/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8114 Analee Avenue
Address
Baltimore, MD 21237
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Through investigation into my options with a technician in the zoning Dept, it was suggested that I apply for a variance. I have limited ownership of the recorded lot and the existing conditions are not conducive for an attached or detached garage. Therefore, the proposed carport (15' X 24') is the next option for protection against the elements and inclement weather.

In addition, I am not in a financial situation to acquire a home with a garage. The carport is a way to meet my needs in an inexpensive manner.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information

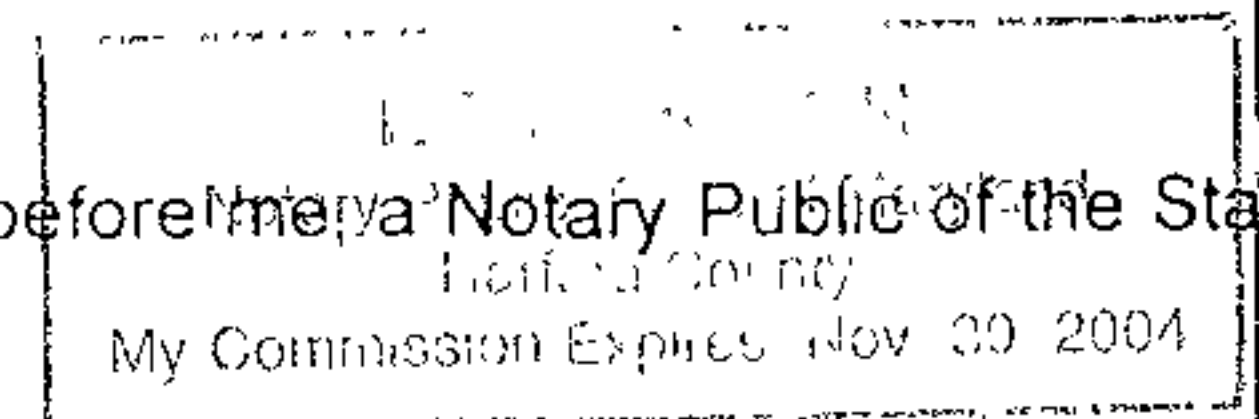

Signature
NAOMI OBIANOEZIE
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit

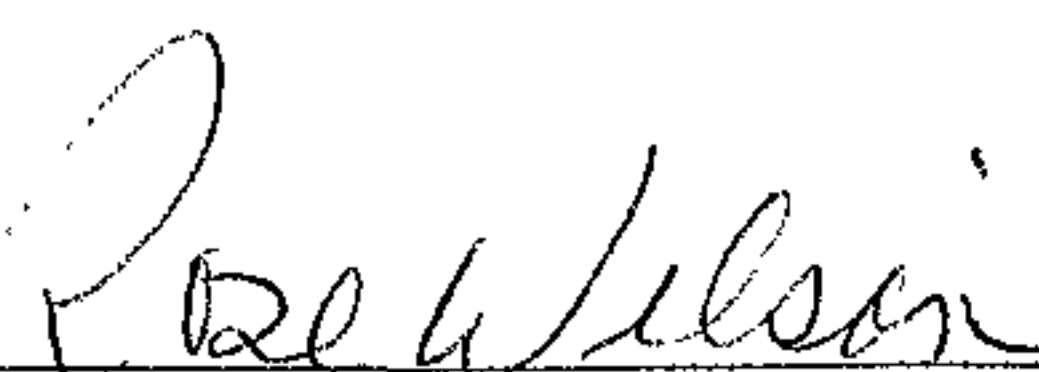
I HEREBY CERTIFY, this _____ day of _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared



the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Oct 30 - 2001
Date


Notary Public
My Commission Expires _____

ZONING DESCRIPTION FOR #8114 ANALEE AVENUE

BEGINNING AT A POINT ON THE WEST SIDE OF ANALEE AVENUE WHICH IS 50 FEET WIDE AT THE DISTANCE OF 333 FEET SOUTH OF THE CENTERLINE OF NEIGHBORS AVENUE WHICH IS 60 FEET WIDE. BEING LOT #8, BLOCK "D", SECTION "B" IN THE SUBDIVISION OF "HILLBROOK" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #24, FOLIO 37, CONTAINING 5,778 SQUARE FEET. ALSO KNOWN AS #8114 ANALEE AVENUE AND LOCATED IN THE 14TH. ELECTION DISTRICT, 7TH. COUNCILMANIC DISTRICT.



J. Tilghman Downey, Jr.

#225

CERTIFICATE OF POSTING

RE: Case No.: 02-225-A

Petitioner/Developer: _____

NAOMI OBIANOZIE

Date of Hearing/Closing: FEB. 11, 2002

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 # 8114 ANALEE AVENUE

The sign(s) were posted on

JAN. 25TH 2002

(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 02-225-A

Petitioner/Developer: _____

NAOMI OBIANOZIE

Date of Hearing/Closing: DEC. 24, 2001

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 _____

8114 ANALEE AVENUE

The sign(s) were posted on DEC. 7, 2001
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

**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 #02-225-A
8114 Analee Avenue
W/S Analee Avenue 333' S of
centerline Neighbors Avenue
14th Election District
7th Councilmanic District
Legal Owner(s): Naomi Obianoze
**Administrative Demand for
Formal Hearing:** to permit
an existing single family
dwelling with open projec-
tion (carport) to have a side
yard setback of zero feet in
lieu of the required 6 feet.
**Hearing: Monday, Febru-
ary 11, 2002 at 11:00 a.m.
in Room 407, County
Courts Building, 401 Bos-
ley 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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

1/366 Jan. 31 C517860

CERTIFICATE OF PUBLICATION

1/31/2002

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 1/31/2002.

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

J. Wilkinson

LEGAL ADVERTISING



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

January 15, 2002

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: 02-225-A

8114 Analee Avenue

W/S Analee Avenue 333' S of centerline Neighbors Avenue

14th Election District – 7th Councilmanic District

Legal Owner: Naomi Obianozie

Administrative Demand for Formal Hearing to permit an existing single family dwelling with open projection (carport) to have a side yard setback of zero feet in lieu of the required 6 feet.

HEARING: Monday, February 11, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G02
Director

C: Naomi Obianozie, 8114 Analee Avenue, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 26, 2002**
- (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

April 2, 2002

NOTICE OF ASSIGNMENT

CASE #: 02-225-A

IN THE MATTER OF: Naomi Obianozie – Legal Owner /Petitioner
6713 South River Drive
14th Election District; 7th Councilmanic District

2/27/2002 –Z.C.'s Order in which Petition for Variance was GRANTED.

ASSIGNED FOR:

THURSDAY, MAY 30, 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 /Protestant

: Betty Ely

Petitioner

: Naomi Obianozie

People's Counsel for Baltimore County

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM





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

February 8, 2002

Naomi Obianozie
8114 Analee Avenue
Baltimore MD 21237

Dear Ms. Obianozie:

RE: Case Number: 02-225-A, 8114 Analee Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/28/01.

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: Site Rite Surveying, Bernadette L Moskunas, 200 E Joppa Road, Room 101,
Towson 21204
People's Counsel

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





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.2.02

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

RE: Baltimore County
Item No. 225 LTM

Dear Mr. Zahner:

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,

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

January 4, 2002

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 December 31, 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:

221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234,
235, 236, 237, 238, 239, and 240

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For January 7, 2002
Item Nos. 221, 222, 224, (225) 226, 227,
228, 229, 231, 232, 233, 234, 237, 239,
and 240

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

RWB:HJO:jrb

cc: File

ks
2/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 8, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-225, 02-227 & 02-238

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
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 22, 2002

Ms. Naomi Obianozie
8114 Analee Avenue
Baltimore MD 21237

Dear Ms. Obianozie:

RE: Case No. 02-225-A, 8114 Analee Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on March 18, 2002 by Betty Ey. 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 black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:

c: People's Counsel

02 MAR 25 PM 2:22

APPEAL

Petition for Administrative Variance
8114 Analee Avenue
W/S Analee Avenue, 333' S of the centerline of Neighbors Avenue
14th Election District – 7th Councilmanic District
Naomi Obianozie - Legal Owner
Case No.: 02-225-A

- ✓ Petition for Administrative Variance (dated 11/28/01)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (dated 01/15/02)
- ✓ Certification of Publication (The Jeffersonian issue dated 01/31/02)
- ✓ Certificate of Posting (dated 12/07/01 posted Garland E Moore)
- ✓ Certificate of Posting (dated 01/25/02 posted Garland E Moore)
- ✓ Entry of Appearance by People's Counsel (dated) (None)
- ✓ Petitioner(s) Sign-In Sheet (None)
- ✓ Protestant(s) Sign-In Sheet (None)
- ✓ Citizen(s) Sign-In Sheet (None)
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibits:
 - 1. Plat to Accompany Petition for an Administrative Variance (dated 11/05/01)
- ✓ Protestants' Exhibits:
 - (None)
- ✓ Miscellaneous (Not Marked as Exhibits):
 - ❖ Letter to Mr. Arnold Jablon from Mrs. Betty Ey (dated 12/11/01)
 - ❖ Letter to Dear Sir from Mrs. John Heinle (dated 12/12/01)
- ✓ Zoning Commissioner's Order (dated 02/27/02 - GRANTED)
- ✓ Notice of Appeal received on March 19, 2002 from Mrs Betty Ey

c: Naomi Obianozie, 8114 Analee Avenue, Baltimore 21237 - *Petitioner*
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

* Mrs. Betty Ey - Appellant
8116 Analee Avenue
Baltimore, MD 21237

✓+



County Board of Appeals of Baltimore County

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

November 13, 2002

Ronald A. Decker, Esquire
MOORE, CARNEY, RYAN and
LATTANZI, LLC
4111 E. Joppa Road, Suite 201
Baltimore, MD 21236

RE: Circuit Court Civil Action No. 3-C-02-12323
Petition for Judicial Review
Naomi Obianozie
8114 Analee Avenue
Case No.: 02-225-A

Dear Mr. Decker:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on November 6, 2002, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-02-12323.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Theresa R. Shelton
Legal Secretary

/trs
Enclosure

c: Matthew H. Azrael, Esquire
Naomi Obianozie
Mrs. Betty Ey
People's Counsel for Baltimore County
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director / PDM





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 22, 2002

Ms. Naomi Obianozie
8114 Analee Avenue
Baltimore MD 21237

Dear Ms. Obianozie:

RE: Case No. 02-225-A, 8114 Analee Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on March 18, 2002 by Betty Ey. 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 black ink, appearing to read "Arnold Jablon". The signature is written in a cursive, flowing style.

Arnold Jablon
Director

AJ:

c: People's Counsel



Baltimore County
Zoning Commissioner

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

February 27, 2002

Ms. Naomi Obianozie
8114 Analee Avenue
Baltimore, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Analee Avenue, 333' S of the c/l Neighbors Avenue
(8114 Analee Avenue)
14th Election District – 7th Council District
Naomi Obianozie - Petitioner
Case No. 02-225-A

Dear Mr. Obianozie:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, as modified, 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,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Site Rite Surveying, 200 E. Joppa Road, Suite 101, Towson, Md. 21286
Ms. Betty Ey, 8116 Analee Avenue, Baltimore, Md. 21237
People's Counsel; Case File



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

DATE: June 30, 2003

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **Naomi Obianozie**
CBA No.: 02-225-A
PDM File No.: 02-225-A
Circuit Court Case No.: 03-C-02-12323

On May 15, 2003 the Circuit Court for Baltimore County issued an Order of Court Affirming Board of Appeals by Judge John F. Fader, II.

No further appeals have been taken in this matter. The Board of Appeals is closing and returning the file/exhibits that are attached herewith.

Attachment: SUBJECT FILE ATTACHED AND EXHIBITS

MOORE, CARNEY, RYAN AND LATTANZI, L.L.C.

ATTORNEYS AT LAW

4111 E. JOPPA ROAD, SUITE 201
BALTIMORE, MARYLAND 21236

(410) 529-4600

FAX (410) 529-6146

RADecker@mcrlaw.com

RICHARD E. LATTANZI
RONALD A. DECKER
ROBERT J. BRANNAN
JUDITH L. HARCLERODE

LISA M. L. EISEMANN

OF COUNSEL

ROBERT E. CARNEY, JR.
KRISTIN H. WILLIAMS

E. SCOTT MOORE
(1926-1992)

PARALEGAL STAFF
SHARON L. WARDROPE
SALLY J. DRIBNACK

February 28, 2003

Suzanne Mensh, Clerk
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Attn: Civil Division

RECEIVED

BALTIMORE COUNTY
BOARD OF APPEALS

**Re: Response to Petition of Naomi Obianozie
Civil Action No.: 03-C-02-012323**

Dear Ms. Mensh:

Enclosed you will find Response to Petitioner's Memorandum filing in the above-referenced matter.

Thank you for your attention to the above.

Very truly yours,



Ronald A. Decker

RAD/crs

Enclosure

cc: Ms. Betty Ey

Board of Appeals for Baltimore County
Matthew H. Azrael, Esq.

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

County Board Of Appeals Of Baltimore County
Old Courthouse Room 49
400 Washington Ave
Baltimore MD 21204

Assignment Date: 02/24/03

Case Title: In The Matter of: Naomi Obianozie
Case No: 03-C-02-012323 AE

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 03/11/03
 2. All Motions (excluding Motions in Limine) are due by..... 04/03/03
 3. TRIAL DATE is..... 05/13/03
- Civil Non-Jury Trial; Start Time: 09 30AM; To Be Assigned; 1 HOUR ADMINISTRATIVE APPEAL

Honorable John Grason Turnbull II
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponement must be submitted in writing with a copy to all counsel/parties involved. All requests for postponement must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

cc: Matthew H Azrael Esq
cc: Ronald Decker Esq
Issue Date 02/24/03

RECEIVED

BALTIMORE COUNTY
BOARD OF APPEALS



AZRAEL GANN+FRANZ
A T T O R N E Y S A T L A W

EDWARD AZRAEL
JONATHAN A. AZRAEL
KEITH S. FRANZ
PAUL J. SCHWAB III
JUDSON H. LIPOWITZ
SUSAN H. TIRLER
MATTHEW H. AZRAEL *

H. DAVID GANN (1928-1983)
OF COUNSEL
DANIEL J. DREGIER, JR., P.A.
MIRIAM L. AZRAEL, P.A.*
* Also admitted in DC

January 30, 2003

Clerk
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Baltimore, MD 21204-0754

RECEIVED
JAN 31 2003

**BALTIMORE COUNTY
BOARD OF APPEALS**

RE: Petition of Naomi Obianozie
8114 Analee Avenue

Dear Clerk:

Enclosed please find the Petition's Memorandum for filing with regard to the above referenced matter.

Thank you for your cooperation.

Very truly yours,

AZRAEL, GANN & FRANZ, LLP

Matthew H. Azrael

MHA/jb
Enclosure

cc: Naomi Obianozie
County Board of Appeals
Ronald A. Decker, Esquire

F:\USERS\jmb\MHA\Obianozie, Naomi\Clerk Ltr.002.doc

MOORE, CARNEY, RYAN AND LATTANZI, L.L.C.

RICHARDE LATTANZI
RONALD A DECKER
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KRISTIN H WILLIAMS

ATTORNEYS AT LAW
4111 E JOPPA ROAD, SUITE 201
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-6146

E SCOTT MOORE
(1926-1992)

PARALEGAL STAFF

SHARON L WARDROP
SALLY J DRIBNACK

July 1, 2002

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

Re: In the Matter of Naomi Obianozie-Petitioner
Case No.: 02-225-A

Dear Ms. Bianco:

Please enter my appearance on behalf of Betty Ey, a protestant in the referenced proceeding. It is my understanding that the Board had a public deliberation on May 30, 2002, but a written decision has not been filed yet.

Your records may show my client's name as Betty Ely. But the correct spelling of her last name is Ey.

I would appreciate receiving a copy of the Board's Order when it becomes available.

Thank you for your assistance.

Very truly yours,



Ronald A. Decker

RAD/mc
cc: Ms. Betty Ey

02 JUL - 3 11:11:23



County Board of Appeals of Baltimore County

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

June 17, 2002

Ms. Naomi Obianozie
8114 Analee Avenue
Baltimore, MD 21237

RE: *In the Matter of: Naomi Obianozie* -Petitioner
Case No. 02-225-A

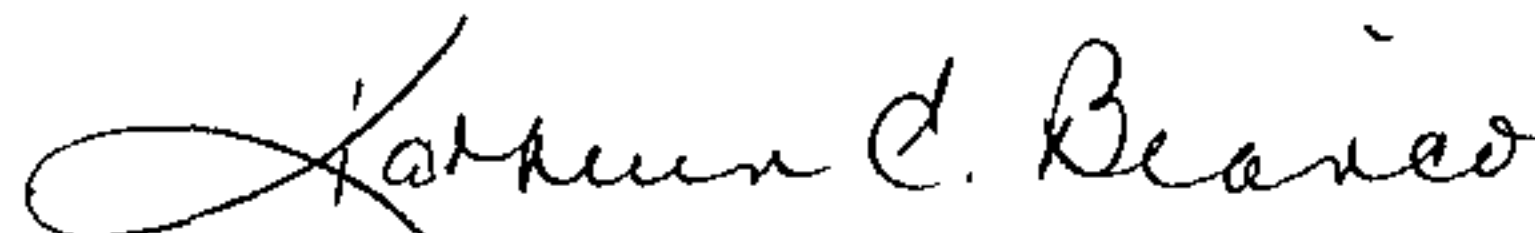
Dear Ms. Obianozie:

This office is in receipt of your letter dated June 18, 2002 (faxed to this office on June 17, 2002) regarding the subject matter, in which you indicate your intent to appeal the decision of the Board.

The Board's final Opinion and Order will be issued within the next few weeks. While public deliberation in this matter was conducted on May 30, 2002 at the conclusion of the hearing, any Petition for Judicial Review of the Board's decision will be from the final **written** Order and not the deliberation of May 30th. Any such Petition for Judicial Review from that written Order must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court.

Therefore, I am returning your correspondence received via FAX this date. Please call me at 410-887-3180 if you have any questions.

Very truly yours,


Kathleen C. Bianco
Administrator

c: Ms. Betty Ely



8114 Analee Avenue,
Baltimore
MD21237
Mar. 29 2002

Board of Appeals
Room 49
Old Court House
Towson
MD21204

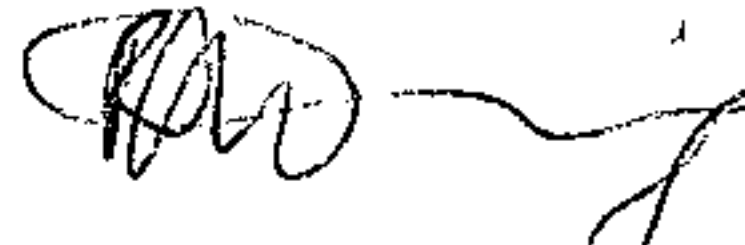
Dear Sir;

I am writing in respect of the notice of appeal I received a few days ago. I assumed that it was alright to go ahead to put up the carport for which I had applied. Work was started on the project on the 6th of March and is half way completed when I was told of a 'stop work order' until I can produce a survey of the property. I was in the process of getting this when I got this letter about the appeal filed by Ms. Eys.

I went through all the various steps by law to get the approval and since the contractor was given the permit to start work, I did not know the work would be stopped.

I am therefore writing to ask you to speed up the Hearing process to enable me continue the work because as far as I know the carport is being erected on my property so that the materials bought for the work would not be destroyed lying around on the driveway.

Yours sincerely



Naomi Obianozie

APR 1 11:02 AM
02 MAR 2002
KLS

March 18, 2002

To: George
Check Timing
Powers / File
3/21/02
mm

Arnold Jablon
Director TDM
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon,

I am requesting an appeal to case #02-225-A concerning my neighbor, Ms. Naomi Obianozie residing at 8114 Analee Avenue, being granted permission to construct a carport next to my home. Ms. Obianozie was granted permission to build a carport, which was to be set back 2' from my property line. I was then given 30 days in which to appeal the decision. Before the 30-day appeal period had expired, Ms. Obianozie started construction of the carport that is now located on my property and therefore is not set back the required 2'. A complaint was filed with the code inspector and shortly thereafter work was postponed pending a survey.

Thank You,

Mrs. Betty Ey

Mrs. Betty Ey
8116 Analee Avenue
Baltimore, Maryland 21237

02-877

04 19 02

CONTINUATION OF 12/18/01

	99-5380	203 N. ROLLING RD. PUFF, W. & M.	E. CREED
	00-7080	4313 LEEDS AVE. SARADPON, D & E.	E. CREED
	00-7902	7613 CHESTNUT AVE. PAPPAS, G. A.	E. CREED
	01-5752	6816 S. BOULDIN ST. WARREN, C. & B.	P. COHEN
	01-4932	722 WEST HILLS PARKWAY RUFFIN, L. C.	R. MOOREFIELD
12/19/01 9:00	01-4858	303 CANDRY TERR. KEISER, W. R. M.	K. WOOD
	01-6605	8427 KINGS RIDGE RD. BAKER, M.	L. STREET
	01-6585	8653 HOERNER AVE. BOSS, D. M. S.	C. FRINK
	01-3358B	105 AVONDALE RD. RIDDIX, J. O. & RIDDIX, R. M.	D. TAYLOR
	01-5910	115 BALNEW AVE. RIDDIX, J.O. & RIDDIX, R. M.	D. TAYLOR
12/20/01 9:00	01-4539	3163 JEFFLAND RD. HOLLAND, E.	R. MOOREFIELD
	01-6638	6225 ROBIN HILL RD. SKINNER, R. A. & G.	H. FAHL
12/26/01 9:00	01-5821	60 WILLOW SPRING RD. SESSA P. J.	E. BRADDY
12/27/01 9:00	01-5021	3803 COLLIER RD. ROBERTS, JR., H. B. & M. B.	J. ROSENDALE
	01-5158	3423 COURTWAY PRINCE, G. R.	G. HUCIK
	01-6619	8500 SANDY PLAINS RD. RUCKLE V. E.	G. HUCIK
	01-5909	3937 GLENHURST RD. EVANS, T B.	G. HUCIK
	01-6522	126 SCHERRING CT. SCHERR, C. G. & A. J.	S. KELLY
	01-6332	2504 APACHE CIRCLE RADINSKY, M. & B.	J. TSIGOUNIS

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:

Naomi Obianozie – Legal Owner
Case No.: 02-25-A

DATE:

May 30, 2002

BOARD/PANEL:

Charles L. Marks	CLM
C. Lynn Barranger	CLB
Richard K. Irish	RKI

RECORDED BY:

Theresa R. Shelton / Legal Secretary

PURPOSE: To deliberate the Zoning Commissioner's Order GRANTING the
Variance with the restriction imposed of a 2 foot set back in lieu of 6 feet.

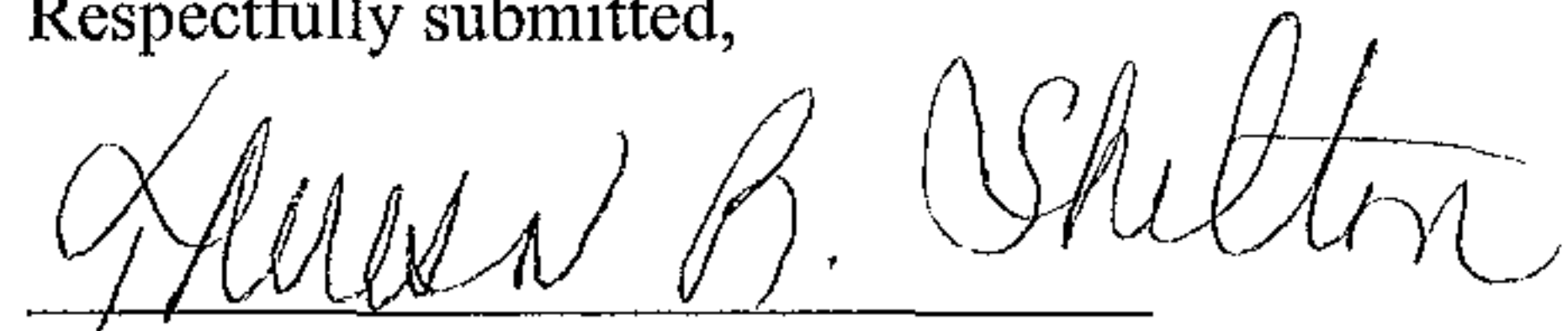
PANEL MEMBERS DISCUSSED THE FOLLOWING:

- All Board Members agree that the property does not fit the description of being unique
- Boundary does show encroachment
- Code inspection issue
- The Board must apply the law
- Discussed site plan; boundary survey and location survey – boundary survey used – is most accurate
- Property is wider in front than rear
- Must abide by 2 foot set back

FINAL DECISION: Unanimous decision by the Board that that property does not prove to be unique and therefore the Petition for Variance is DENIED with regards to the set back of 2 feet in lieu of the required 6 feet.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,



Theresa R. Shelton
County Board of Appeals

Case No. 02-225-A

In the Matter of: Naomi Obianozie –Legal Owner /Petitioner

VAR –To permit existing SFD with open projection (carport) to have side yd setback of 0' ilo required 6'.

2/27/2002 –Z.C.'s Order in which Petition for Variance was GRANTED.

4/01/02 – Letter from Naomi Obianozie requesting early consideration for hearing; contractor has been hired based upon grant of variance; stop work order issued – survey required; also appeal taken by Ms. Ey.

4/02/02 -Notice of Assignment sent to following; assigned for hearing on Thursday, May 30, 2002 at 10:00 a.m. (date of 5/30/02 is available due to another postponement request of matter scheduled for that date):

Betty Ely
Naomi Obianozie
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

5/30/02 – Board convened for hearing (Marks, Irish, Barranger); concluded hearing; deliberated same day after brief recess; variance requested DENIED; does not meet requirement of unique. Written Opinion and Order to be issued; appellate period to run from date of written Order.

6/17/02 – Letter to Ms. Obianozie – returning to her letter received this date via FAX in which she indicated her intent to appeal this matter, explaining that 30-day appellate period will run from date of written Order. The Board's final Opinion and Order has not been issued; therefore, the appellate period has not yet begun.

7/03/02 – Letter from Ronald A. Decker, Esquire – entering appearance on behalf of Betty Ey, Protestant in this matter. File so noted. Also – name corrected to Ey.

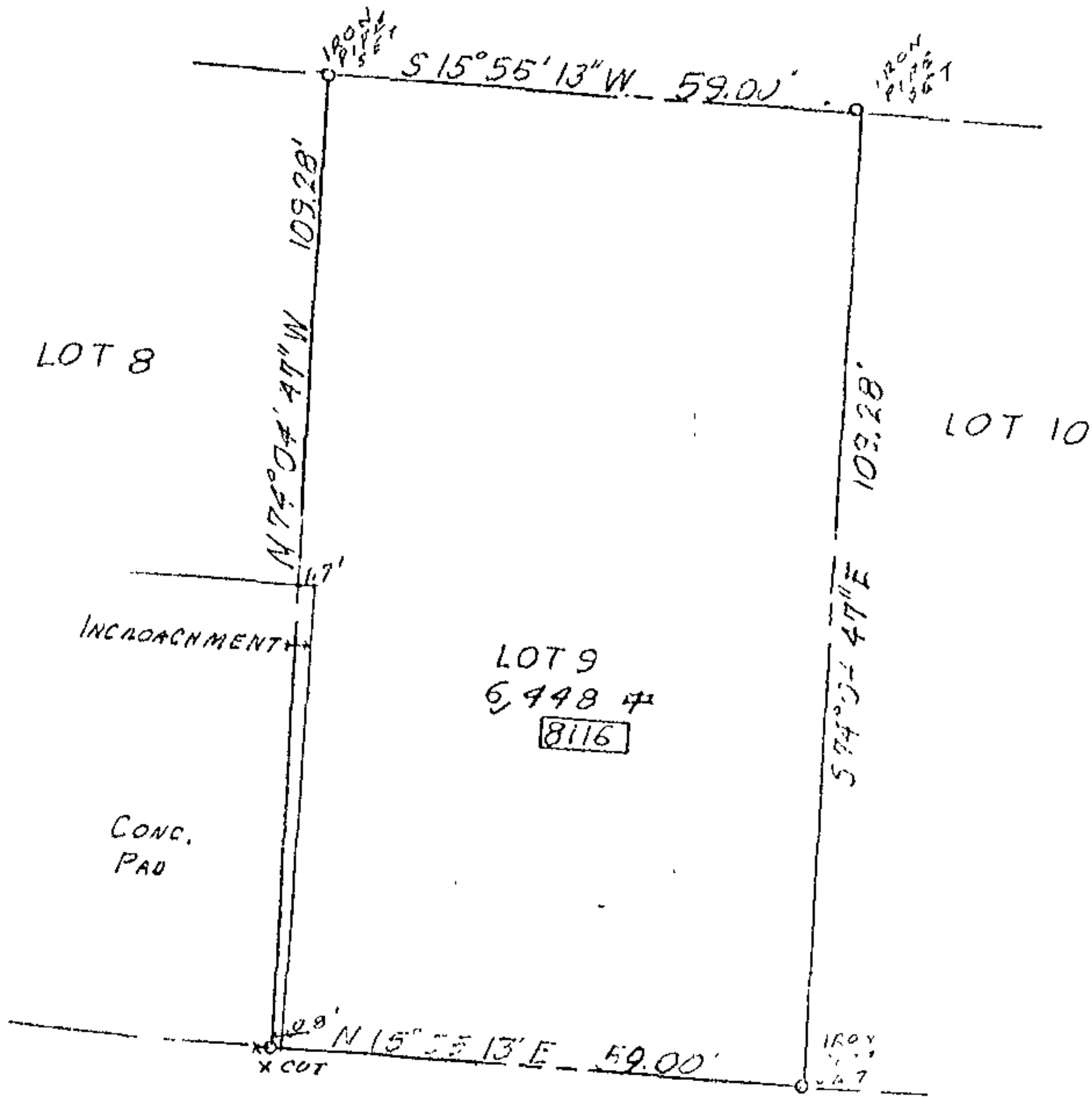
10/02/02 – FAX from Ms. Obianozie – inquiring as to status of final Order – requesting copy of same. (Decision is in final form and awaiting signature.

225

200' SCALE
ZONING MAP: N.E. 3-E
8114 ANALISE AVENUE
BALTIMORE COUNTY



BALT. CO. ARID NORTH



THIS DOES ☒ CONSTITUTE A PROPERTY LINE SURVEY
THIS WILL CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS
ON THE ABOVE PROPERTY AS INDICATED

Thomas E. Phelps
THOMAS E. PHELPS AND ASSOCIATES, INC.
REGISTERED PROPERTY LINE SURVEYORS
945 BARRON AVENUE
BALTIMORE, MARYLAND 21221
OFFICE: (301) 574-6744

LOCATION SURVEY
LOT 9, SEC "B"
HILLBROOK
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Plat Book 24 Folio 37

Scale 1" = 20' Date 6/18/92

*copy
6/18/92*

GENERAL NOTES:

1. 200' SCALE MAP NE 3-E
2. ZONING: D.R. 5.5
3. LOT SIZE: 5778 SQ. FT. OR 0.132 ACRES +/-
4. NO PRIOR ZONING HISTORY
5. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
6. NOT LOCATED IN 100 YEAR FLOODPLAIN
7. COMMUNITY PANEL NO.: 240010 0410B
8. PUBLIC WATER AND SEWER
9. NO CHANGE IN ZONING WITHIN 500' OF SITE.
10. PROP CARPORT IS 15'X24' WITH 0' SETBACK FROM PROPERTY LINE. WITH ENTRANCE TO EX DWLG. THROUGH SIDE DOOR.

"HILLBROOK"
26/75

NEIGHBORS AVE
EDWILL AVE
ANALEE AVE
WOODHAVEN ROAD

VICINITY MAP.
SCALE: 1"=500'

EX 8" WATER
EX 8" SEWER (DWLG. NO. 57-673)

ANALEE AVENUE

POB 333 SOUTH OF THE 4
OF NEIGHBORS AVENUE

OWNER: NAOMI O'BRIEN
8114 ANALEE AVENUE
BALTIMORE, MD 21237
TAX ACCT NO. 1412041410
TAX MAP 89 GRAD 17 PARCEL 52
DEED REF 14184/575

BLOCK "C"
"HILLBROOK"
24/37

PLAT TO ACCOMPANY PETITION
FOR AN ADMINISTRATIVE VARIANCE
#8114 ANALEE AVENUE
LOT 8 BLOCK "D"
HILLBROOK 24/37

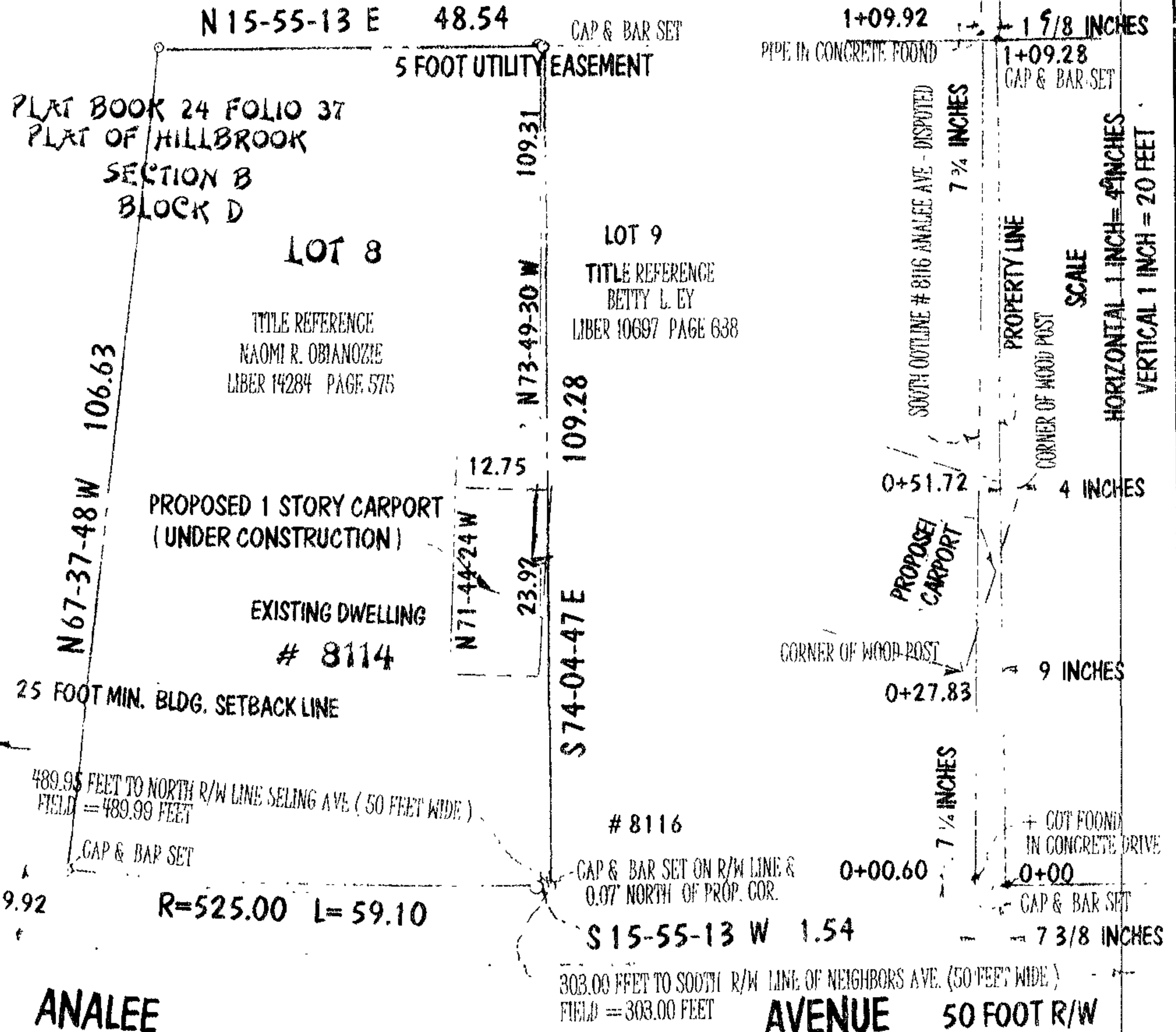
ELECTION DISTRICT NO. 14
COUNCILMANIC DISTRICT NO. 7
BALTIMORE COUNTY, MD
SCALE: 1"=30'
NOVEMBER 5, 2001
8590

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060



02-225-A LTM

SKETCH SHOWING RELATIONSHIP OF NORTH
OUTLINE OF SUBJECT PROPERTY TO
(1) CORNERS OF CARPORT & (2) DISPUTED
SURVRY MARKERS OF ADJACENT PROPERTY

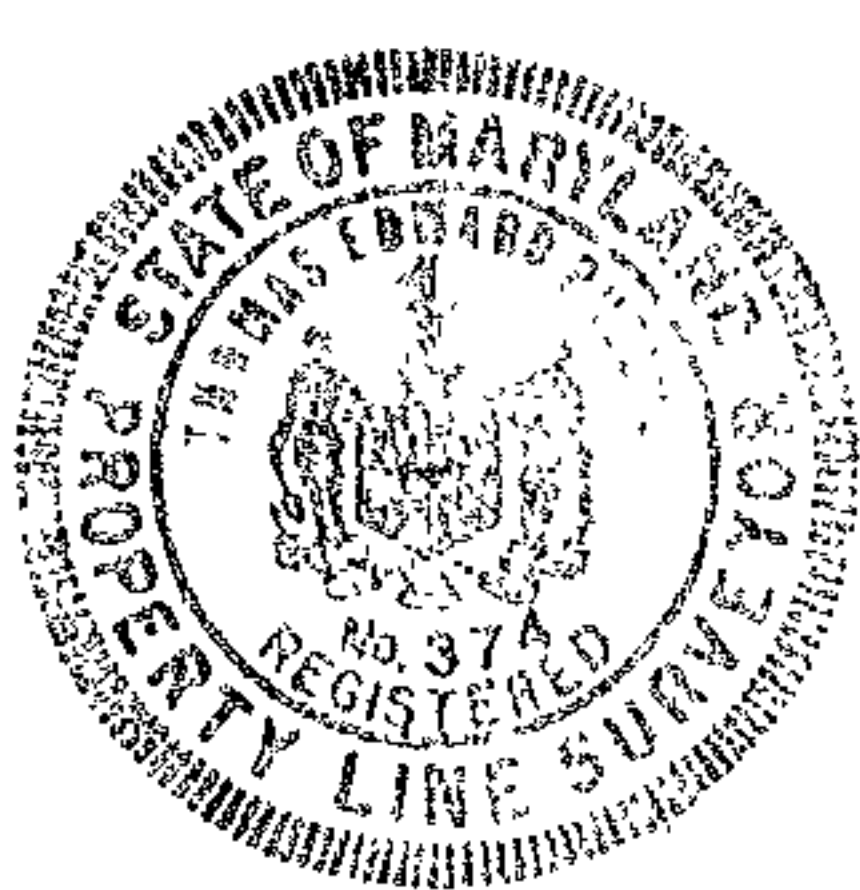
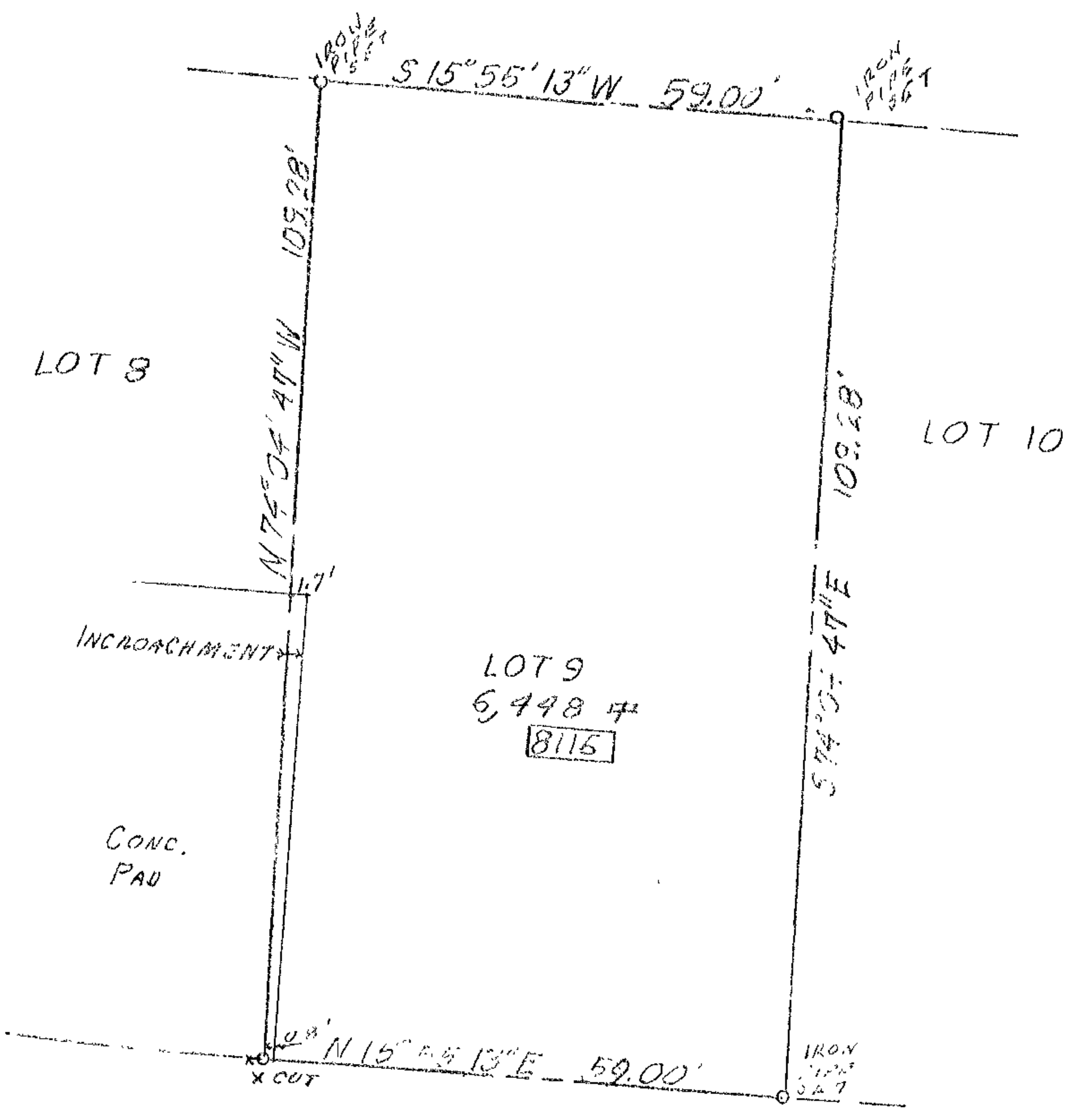


THOMAS M. HOFFMAN

LS #6138

PET #2 5/30/02

BALT. CO. GRID NORTH



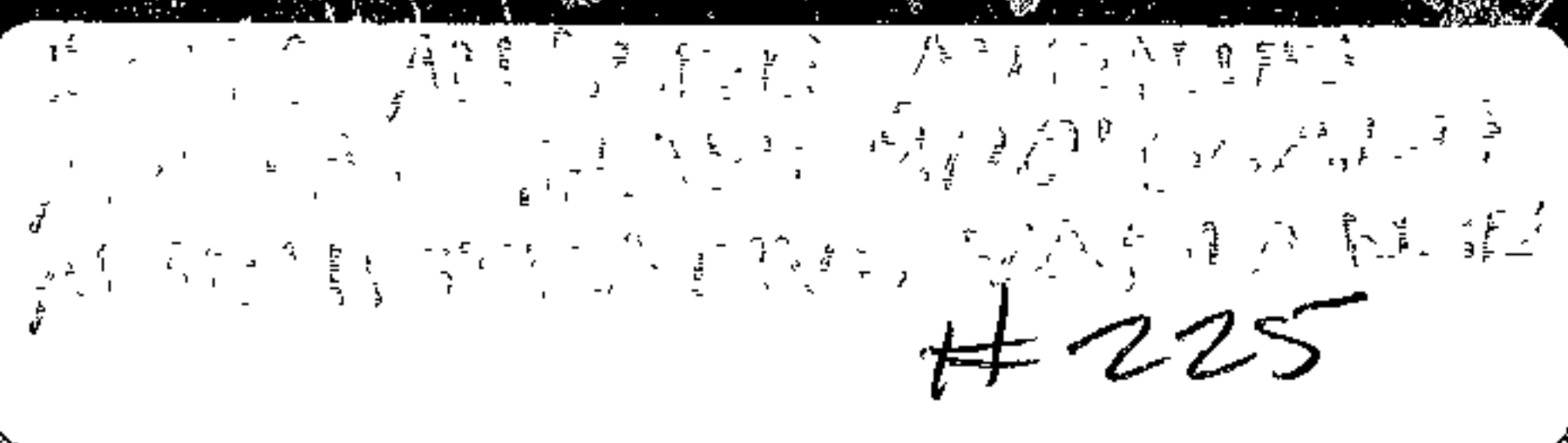
THIS DOES ~~NOT~~ CONSTITUTE A PROPERTY LINE SURVEY.
THIS WILL CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS
ON THE ABOVE PROPERTY AS INDICATED

Thomas E. Phelps
THOMAS E. PHELPS AND ASSOCIATES, INC.

REGISTERED PROPERTY LINE SURVEYORS
945 BARRON AVENUE
BALTIMORE, MARYLAND 21221
OFFICE: (301) 574-6744

LOCATION SURVEY
LOT 9, SEC "B"
HILLBROOK
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
Plat Book 24 Folio 37

Scale 1"=20' Date 6/18/92 . .



02-225-14

Naomi Obianor ie

Protestants: 1A-1G (7 photos)





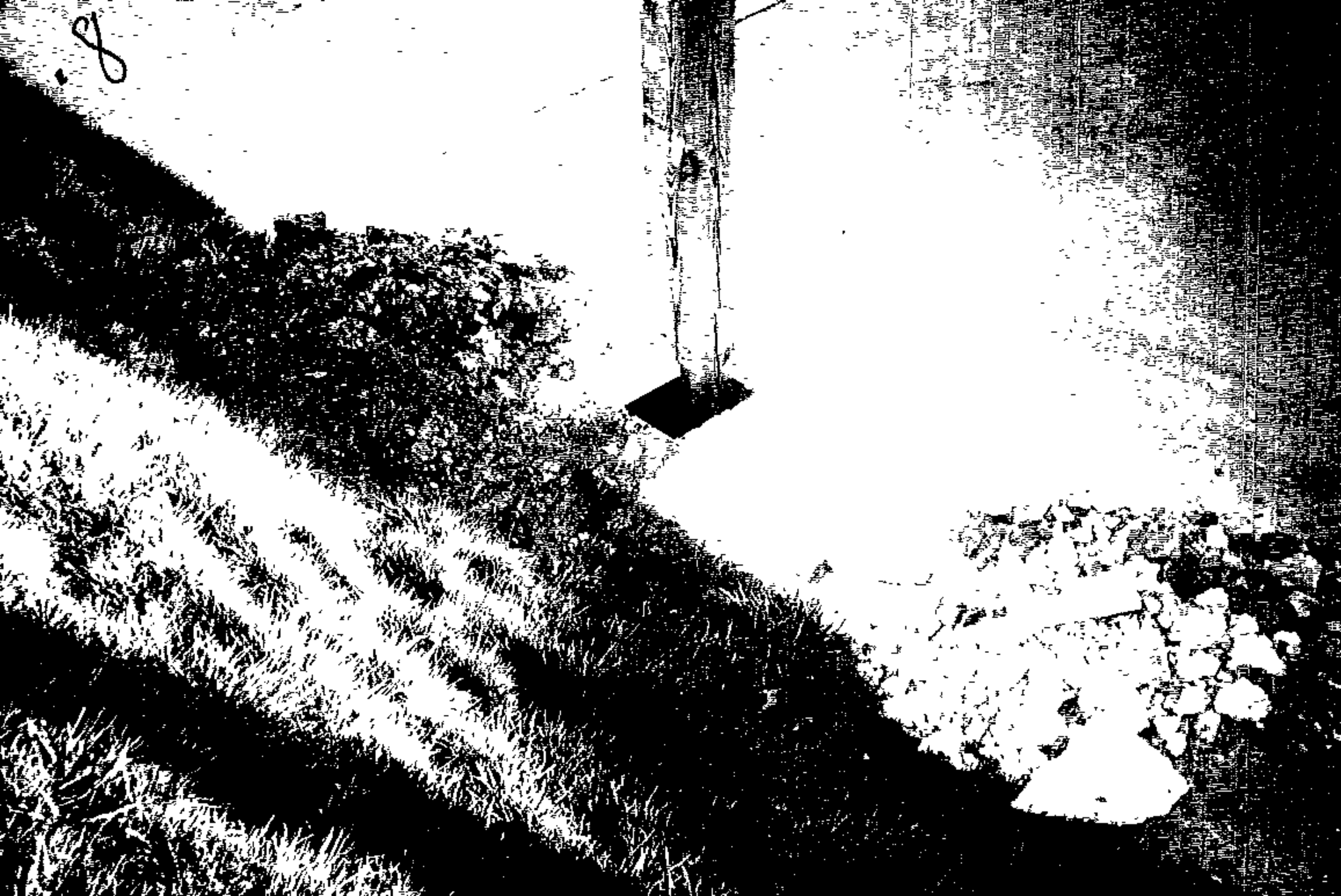


8









8









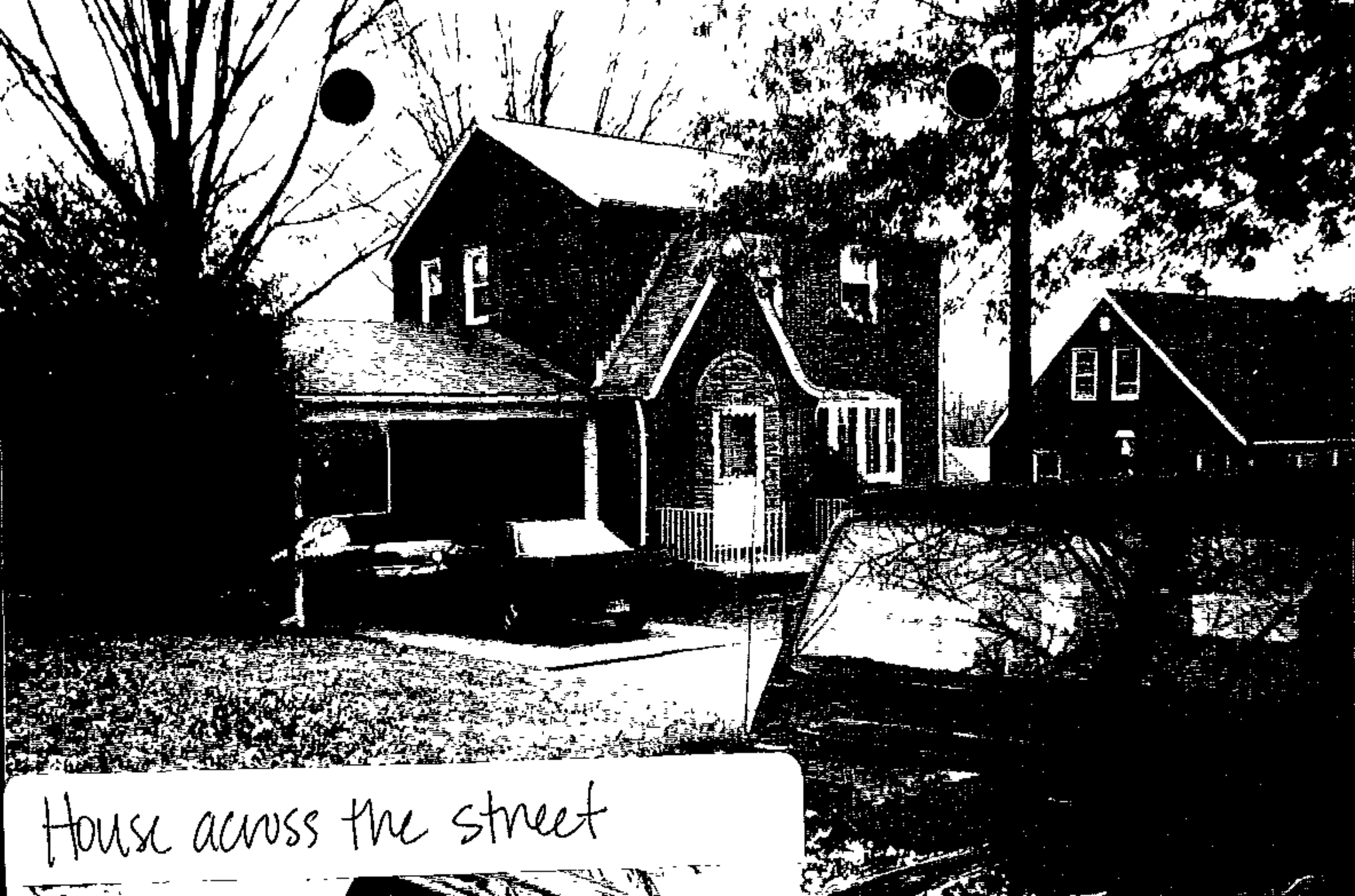
Access door for prop. carport



#8114 Analee Ave. Subject Prop.



Houses north of subj. prop.



House across the street



House to the left of subj. prop.



Houses south of subj. property



EX. carport across the street



EX. CARPORT NORTH / across subj. prop

RI25



EX. carpovt #8111 Analce Ave.



House to the right of subj. property









CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of November, 2002, a copy of the foregoing Response to Petition for Judicial Review, was mailed first class, postage prepaid, to:

Matthew H. Azrael, Esquire
Azrael, Gann & Franz, LLP
101 E. Chesapeake Avenue
Fifth Floor
Baltimore, Maryland 21286

and

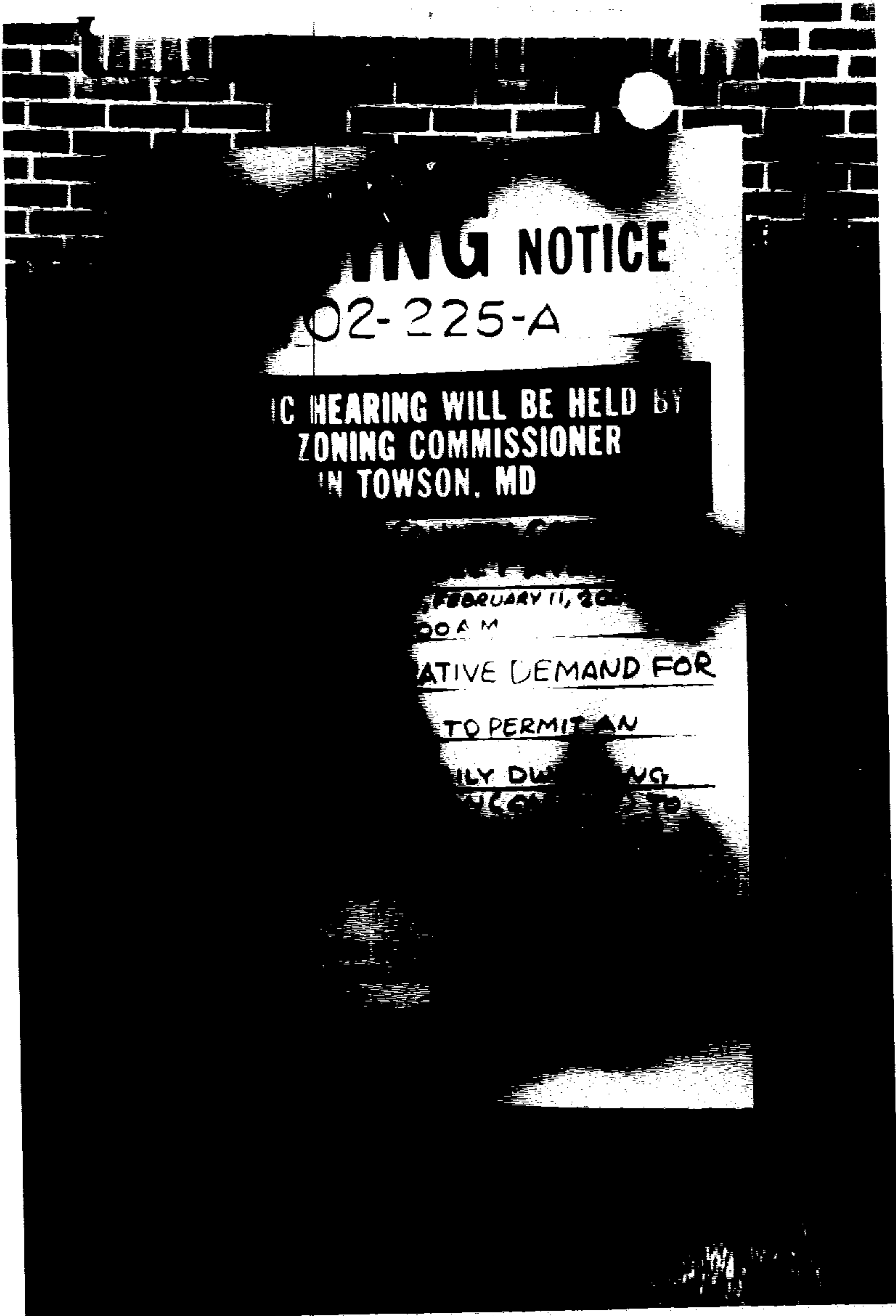
County Board of Appeals of Baltimore County
Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

and

Peter M. Zimmerman, Esquire
People's Counsel
400 Washington Avenue
Towson, Maryland 21204



Ronald A. Decker



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # Q2-225-A

TO PERMIT AN EXISTING SINGLE FAMILY
DWELLING WITH OPEN PROTECTION
(CARPORT) TO HAVE A SIDEYARD
SETBACK OF 0 FEET AND A SUM OF
SIDEYARDS OF 7 FEET IN LIEU OF THE
REQUIRED 6 FEET AND 20 FEET
RESPECTIVELY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-12710(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:00 P.M. ON FRIDAY, FEBRUARY 24, 2001
ADDITIONAL INFORMATION IS AVAILABLE AT
PLANNING AND DEVELOPMENT DEPARTMENT
1000 E. JEFFERSON ST.
TOL. 667-3371

FOR MORE INFORMATION, CONTACT THE PLANNING AND DEVELOPMENT DEPARTMENT AT 1000 E. JEFFERSON ST., BALTIMORE, MD 21201

12/17/01
Dec. 12, 2001

Dear Sir.

I am against the car Port
that is going up on the property
of 8114 Analee Ave. Balto. Md.
21237. Case # 02-225A.

Mrs. John Heine
8118 Analee Ave.
Balto. Md. 21237