IN RE: PETITION FOR VARIANCE
SE/S of Bird River Road, 100' +/S of Hilltop Road
15th Election District
5th Councilmanic District
(10233 Bird River Road)

Ailene Harris

Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- CASE NO. 02-563-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, Aileen Harris. The Petitioner is requesting variance relief for property she owns at 10233 Bird River Road. The variance is to allow the parking of two commercial vehicles at a dwelling in lieu of the permitted one and to allow the display of advertising on the sides of the two vans in lieu of the permitted driver's and passenger's doors.

Appearing at the hearing on behalf of the variance request were Aileen Harris and her daughter, Karen Pritchard. There were no protestants in attendance.

Testimony and evidence indicated that Ms. Harris has resided at the subject dwelling since 1959. She continues to live there at this time. She has a family business which she has operated for the past 18 years. The business itself is known as "Magic Chimney Sweeps". In connection with that business, Ms. Harris owns and operates two 1995 Dodge vans which contain the businesses advertising on their sides. These vans or their predecessors have been parked on her property for the past 18 years. There has never been a complaint from anyone in the neighborhood and the vans themselves are kept virtually out of sight from neighbors and from Bird River Road. However, a complaint was received by the Petitioner's niece regarding

Date SECENES FOR FILING
By J. Serves FOR FILING

Date State FOR FILING Date Of States States

the two vans in question. In order for the two vans to continue to remain on the property as they have for the past 18 years, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

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

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

THEREFORE, IT IS ORDERED this day of August, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 431.B of the Baltimore County Zoning Regulations, allow the parking of two commercial vehicles at a dwelling in lieu of the permitted one and to allow the display of advertising on the sides of the two vans in lieu of the permitted driver's and passenger's doors, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner shall be permitted to keep two business vans on the subject property similar to the van depicted in the photograph marked as Petitioner's Exhibit No., 3. The Petitioner shall be permitted to replace these vans with the same or similar type vans in the future in the event it is necessary to do so. However, the Petitioner shall not be permitted to replace these commercial vehicles with larger commercial vehicles.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

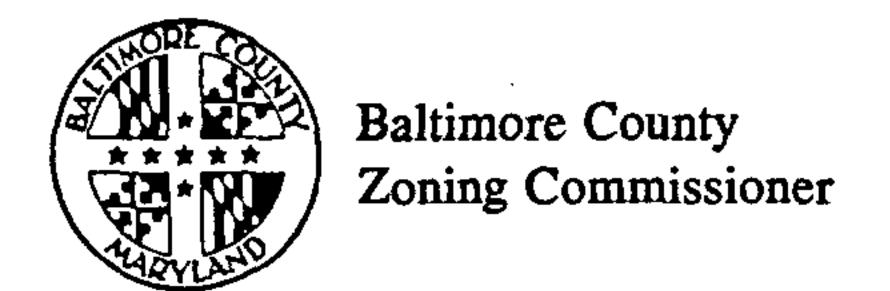
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

OADER RECEIVED FOR FILING Date 8/5/02 By Alexander



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

Fax: 410-887-3468

August 5, 2002

Ms. Ailene Harris 10233 Bird River Road Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 02-563-A

Property: 10233 Bird River Road

Dear Ms. Harris:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 10333 Bird River Rd

which is presently zoned DR?

IWe do solemnly declare and affirm, under the penalties of

perium, that I/we are the legal owner(s) of the property which

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Variance from Section(s) 431. B to allow the parking of two commercial vehicles at a dwelling in lieu of the permitted one and Section 431. B. 3. b to allow the display of advertising on the sides of the two vans in lieu of the permitted driver's and passenger's doors. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicahardship or practical difficulty)

To park 1/2 ton Van un drive way in current condition

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 zoni regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Allene Harris	Ailene Harris
Name - Type or Print	Name - Type or Print
Signature Signature A D D D D D D D D D D D D D D D D D D	Signature
Address Telephone No.	Name - Type or Print
City Md State Zip Code	Signature
Attorney For Petitioner:	10233 Bird RimrRd 410:3358
	Address (M) 21220
Name - Type or Print	City State Zip Coc
	Representative to be Contacted:
5 1	Allene Harris or Karentritch
Company Address Telephone No.	Name 10233 Bird River Rd 4103358
Address Telephone No.	Address Malana M
State Zip Code	City State Zip Code
/D 4 1	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 02-563-A	UNAVAILABLE FOR HEARING
REV 9/15/98	Reviewed By /// Date 6/12/02

Zoning description for 10233 Bird River Road, Baltimore, MD 21220.

As recorded in Deed Liber No. 3304 Folio 271. Beginning for the same at an iron pipe on the Northeast side of a road or right of way heretofore laid out 50 feet wide leading Northwesterly to Bird River Road and at the end of the third or South 47 degrees 03 minutes West 200 foot line of second parcel conveyed by John W. Harris and Julia M. Harris, his wife, to George D. Magsamen, et al, by confirmatory deed July 6, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2515 Folio 256 running thence and binding on the Northeast side of said road or right of way with use thereof in common with others entitled thereto South 42 degrees 57 minutes east 100 feet to an iron pipe thence leaving the road or right of way for line of division now made equal to and 100 feet Southeasterly measured at a right angle from aforesaid third line North 47 degrees o3 minutes East 200 feet to an iron pipe thence for another line of division now made equal to the aforementioned road or right of way North 42 degrees 57 minutes West 100 feet to an iron pipe at the beginning of said third line thence binding on said third line South 47 degrees 03 minutes West 200 feet to the place of beginning. Containing 0.459 acres of land, more or less.

Election Dist 15 Councilmanic 5

BALTIMOF	RE COUNTY, MA	RYLAND				nath nei	TINT	
	BUDGET & FINANCE		No. 745			SHEES 1	12/2002	THE SECURIT
DATE 6	12/202	ACCOUNT 001	006 6	<u> </u>	%E() (%)%P() (%) (%)	103 XXXII 1PT # 24219 5 529-20		W DEE
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NOTICE OF ZONING

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: #02-563-A 10233 Bird River Road SE/side of Bird River

Hearing: Tuesday, July 30, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

, Bun

LAWRENCE E. SCHMIDT Zoning Commissioner for Battimore 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/7/737 July 16 C550536

18/ 2002

in the following weekly newspaper published in Baltimore County, Md., once in each of THIS IS TO CERTIFY, that the annexed advertisement was publisl ,2002successive weeks, the first publication appearing

쳐 The Jeffersonian ☐ Arbutus Times Owings Mills Times Towson Times Catonsville Times

→ NE Booster/Reporter

North County News

LEGAL ADVERTISING Willem Son

CERTIFICATE OF OSTING

	RE: Case No.: 07-563-1
	Petitioner/Developer:
	AILENE HARRIS
•	Date of Hearing/Closing: 7/30/02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 MR. GEORGE SAHWER Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property	of perjury that the necessary sign(s) required by law y located at RIVER ROAD
The sign(s) were posted on	7/15/02 (Month, Day, Year)
TONING NOTICE OZ. 562-A PRESIDE THE REAL PROPERTY OF THE PRO	Sincerely, (Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) FALLS TON, MO 21047 (City, State, Zip Code) (410) 879-3122 (Telephone Number)
POSTED 7/15/02 Juliol 600 7/15/02	

TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 16, 2002 Issue - Jeffersonian

Please forward billing to:

Ailene Harris
10233 Bird River Road

410-335-8861

Baltimore, MD 21220

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: 02-563-A 10233 Bird River Road

SE/side of Bird River Road, 100 feet +/- south of Hilltop Road

15th Election District – 5th Councilmanic District

Legal Owner: Ailene Harris

<u>Variance</u> to allow the parking of two commercial vehicles at a dwelling in lieu of the permitted one to allow the display of advertising on the sides of the two vans in lieu of the permitted driver's and passenger's door.

HEARING:

Tuesday, July 30, 2002 at 11:00 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

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

June 27, 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: 02-563-A
10233 Bird River Road
SE/side of Bird River Road, 100 feet +/- south of Hilltop Road
15th Election District – 5th Councilmanic District
Legal Owner: Ailene Harris

<u>Variance</u> to allow the parking of two commercial vehicles at a dwelling in lieu of the permitted one to allow the display of advertising on the sides of the two vans in lieu of the permitted driver's and passenger's door.

HEARING: Tuesday, July 30, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

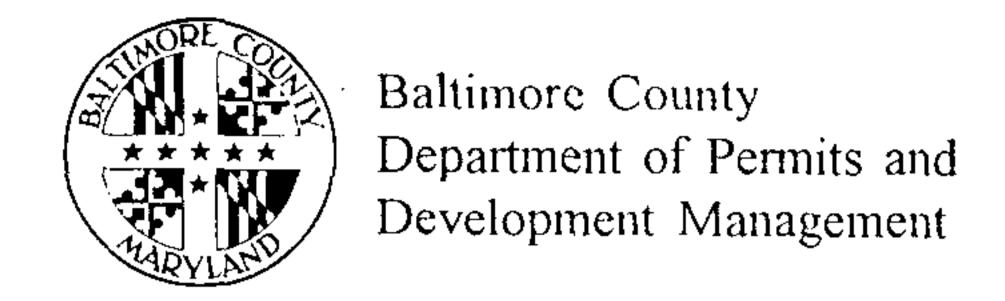
Arnold Jablon Director

C: Ailene Harris, 10233 Bird River Road, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 15, 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.



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

July 26, 2002

Ailene Harris 10233 Bird River Road Baltimore MD 21220

Dear Ms. Harris:

RE: Case Number: 02-563-A, 10233 Bird River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 13, 2002.

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. GDZ

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

June 24,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 24, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

(563) 564, 566-569, 572-574

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 2, 2002

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 1,2002

Item Nos. 563) 565,566, 567, 568, 569,

571, and 574

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 20, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

10233 Bird River Road

INFORMATION:

Item Number:

02-563

Petitioner:

Ailene Harris

Zoning:

DR 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request providing the petitioner submits to this office, written support from all the property owners living on the shared panhandle drive.

Prepared by:

Section Chief:

AFK/LL:MAC:

JJN 2 4

Sec. 2. 6

Sim

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 25, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JIM 26 7012

SUBJECT:

10233 Bird River Road

INFORMATION:

Item Number:

02-563

Petitioner:

Ailene Harris

Zoning:

DR 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request providing the petitioner submits to this office, written support from all the property owners living on the shared panhandle drive.

Prepared by:

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 6.25.02

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

RE:

Baltimore County

Item No.

RDD

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,

1. 1. Heed land Land Chief

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

RE: PETITION FOR VARIANCE 10233 Bird River Road, SE/side of Bird River Road 15th Election District, 5th Councilmanic

Legal Owner: Ailene Harris
Contract Purchaser: Ailene Harris
Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-563-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

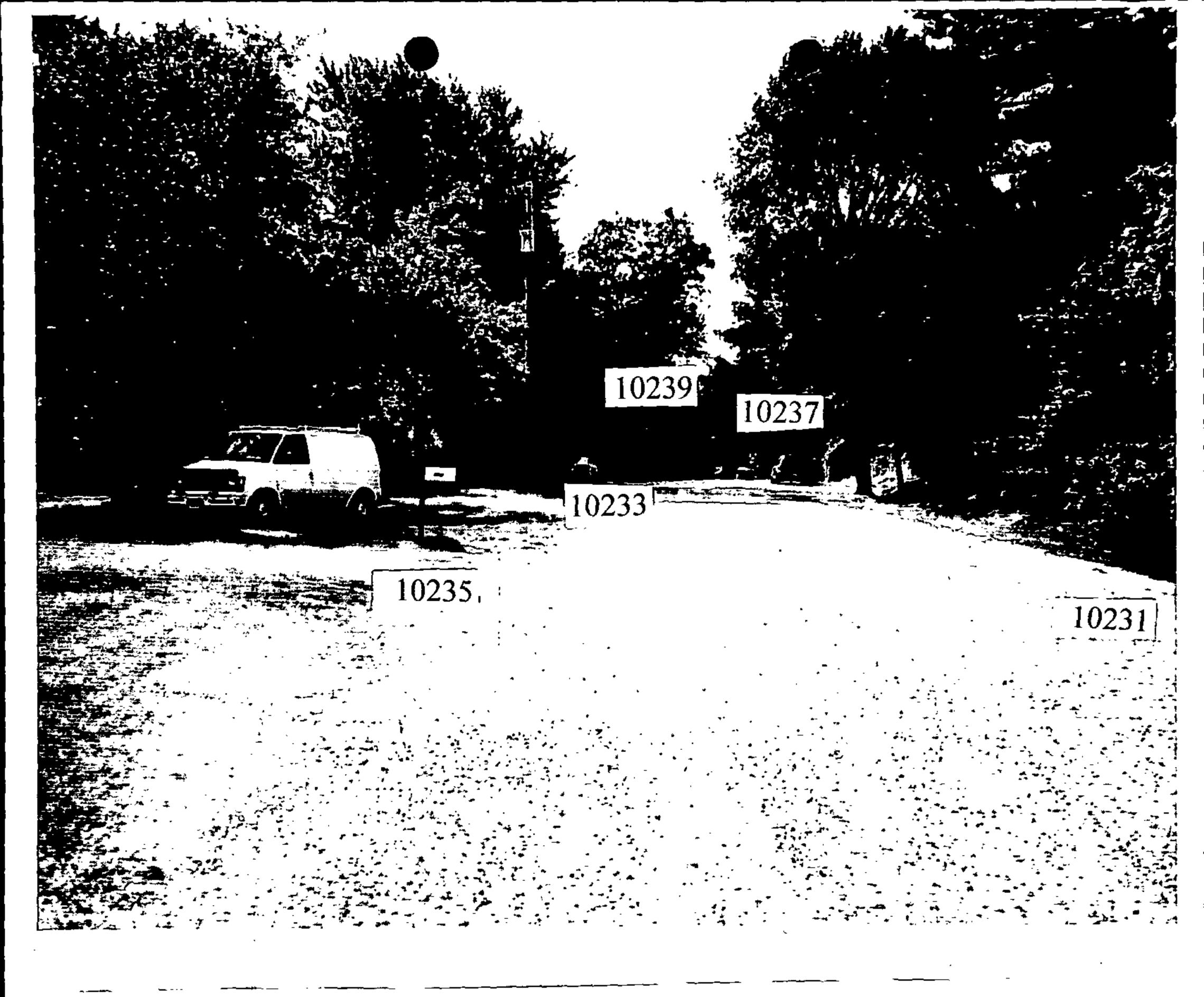
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July, 2002 a copy of the foregoing Entry of Appearance was mailed to Ailene Harris, 10233 Bird River Road, Baltimore, MD 21220, Petitioners.

PETER MAX ZIMMERMAI

PREPARED BY 12 June	100, BIRD RIVER ROAD	PLAT BOOK # FOLIO # LOT # SECTOWNER ALLOW HAVE	OPERTY ADDRESS 10233
SCALE OF DRAWING: 1" = 50	5 47° 03' E 200' DRIVEWAY FRONT FRONT ORIVEWAY FOR PARKING VANS FOR PARKING VANS		SEE PAGES 5 & 6 OF THE CHECKLI
REVIEWED BY ITEM # CASE # CASE #	LOCATION INFORMATION ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 15 ("=200' SCALE MAP # NE 7 ZONING DR 2 LOT SIZE 0, 459 ACREAGE SOUARI PUBLIC PRIVA SEWER X CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING	HILLTOR RD RIVER RD	ST FOR ADDITIONAL REQUIRED INFORMATION



Bird River Road looking back right of way

10235 Bird River Road owned by Lester Stufft

10233 Bird River Road owned by Ailene Harris

10239 Bird River Road owned by James & Susan Chanoski

10237 Bird River Road owned by Donald & Susan Stufft

10231 Bird River Road owned by Florence Atkins

FOPOGRAPH

75

BEEN REVISED IN SELECTED

AREAS.

METHODS

COMPILED

BY PHOTOGRAMMETRIC

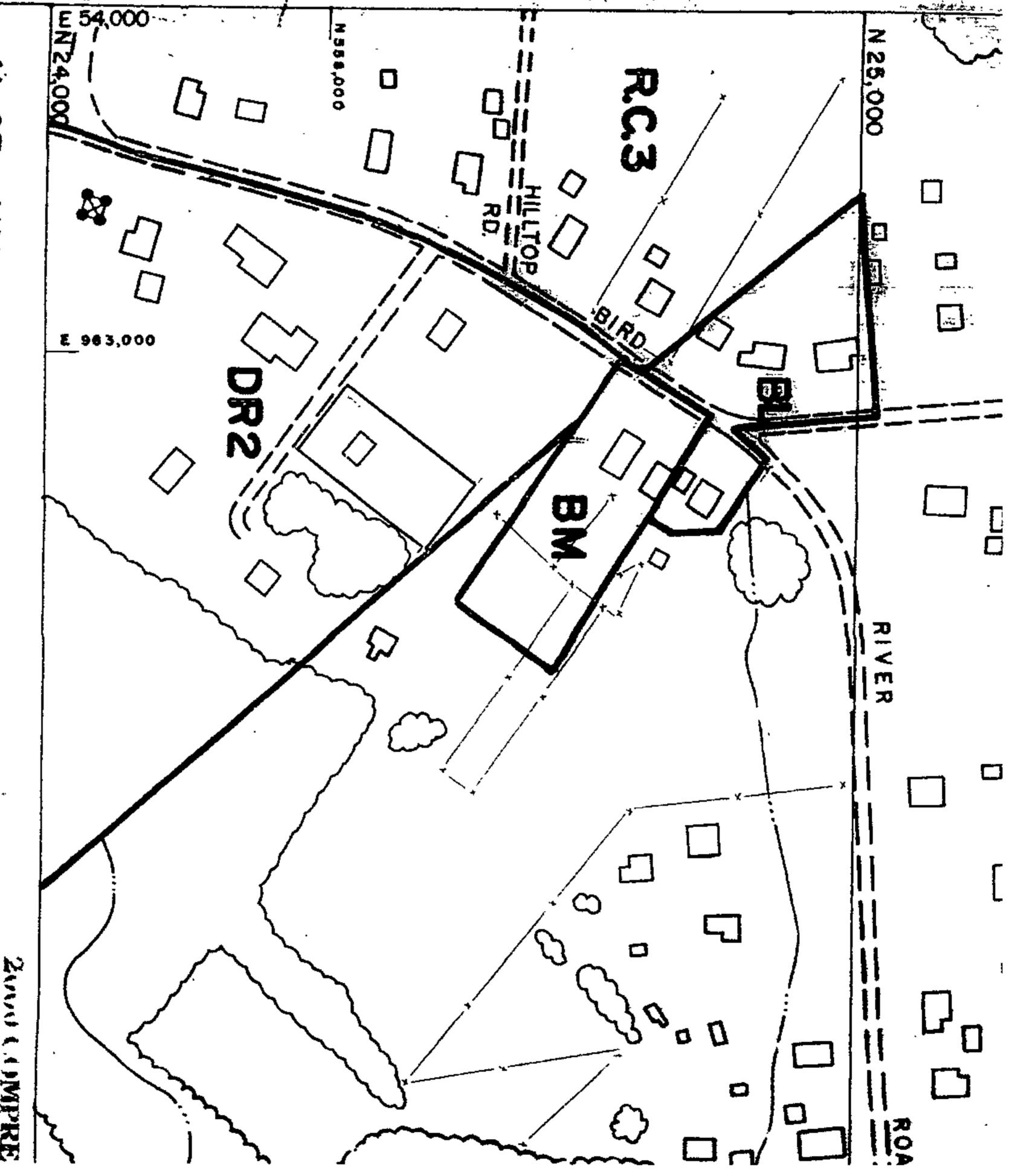
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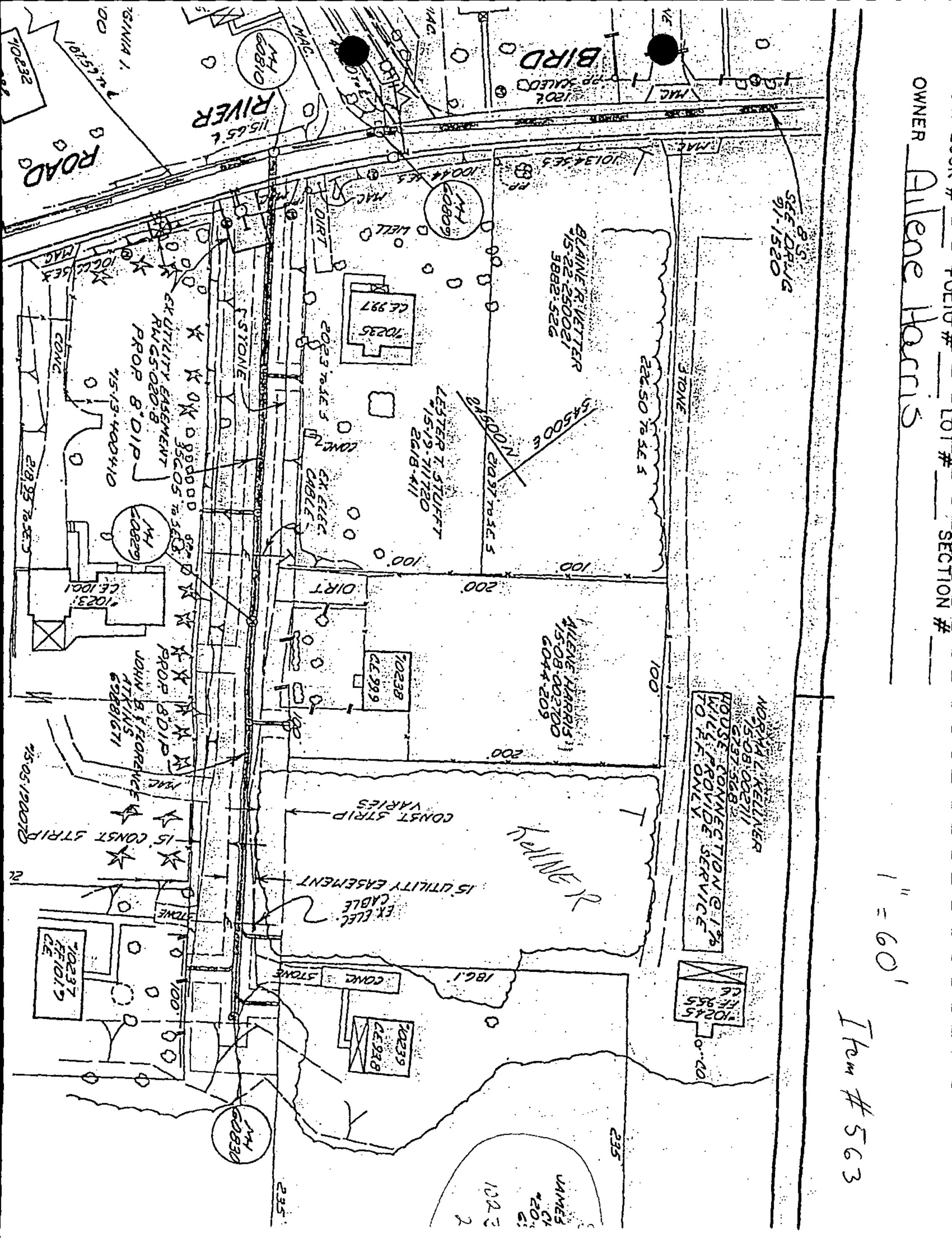
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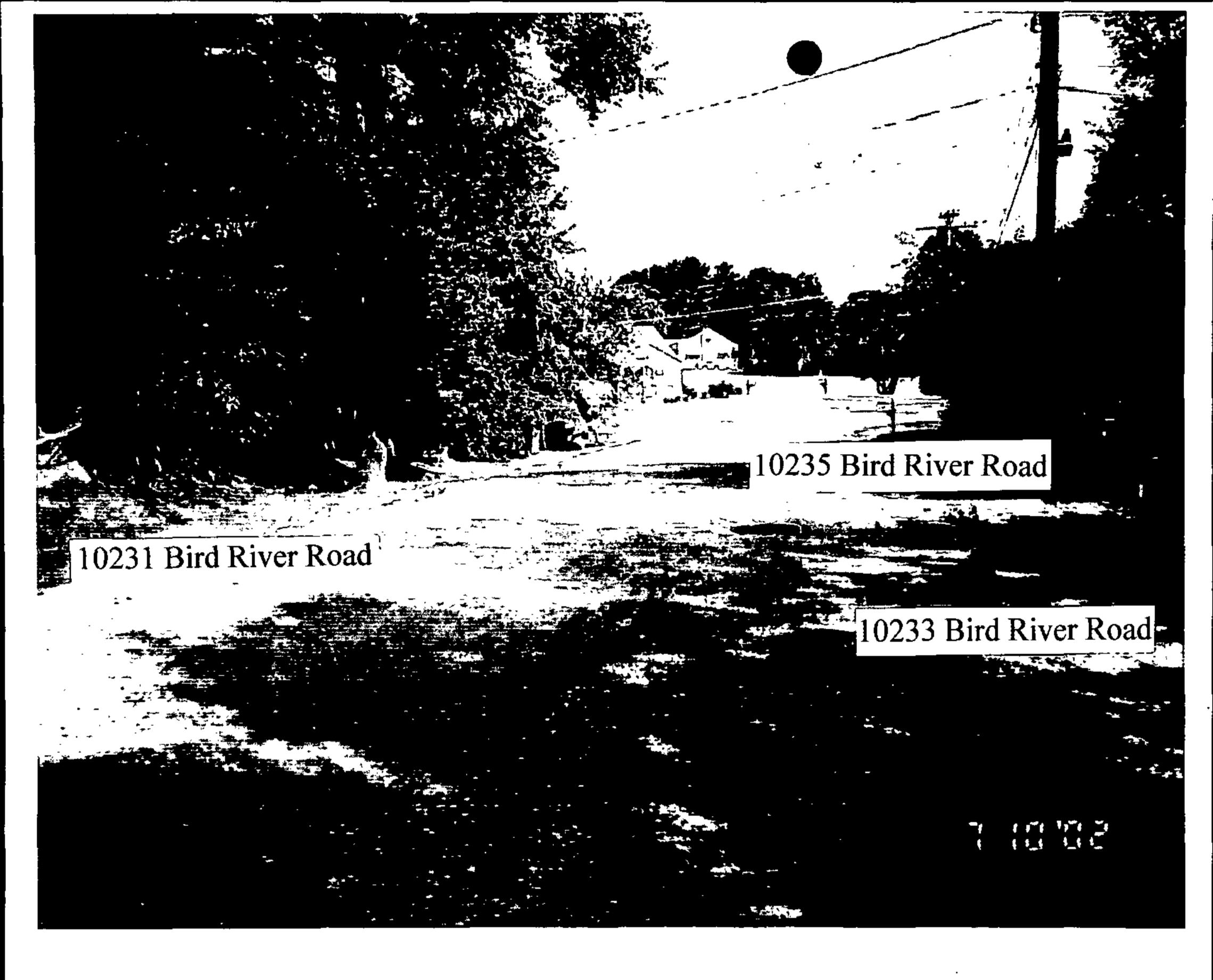
Chairman







Van in side driveway



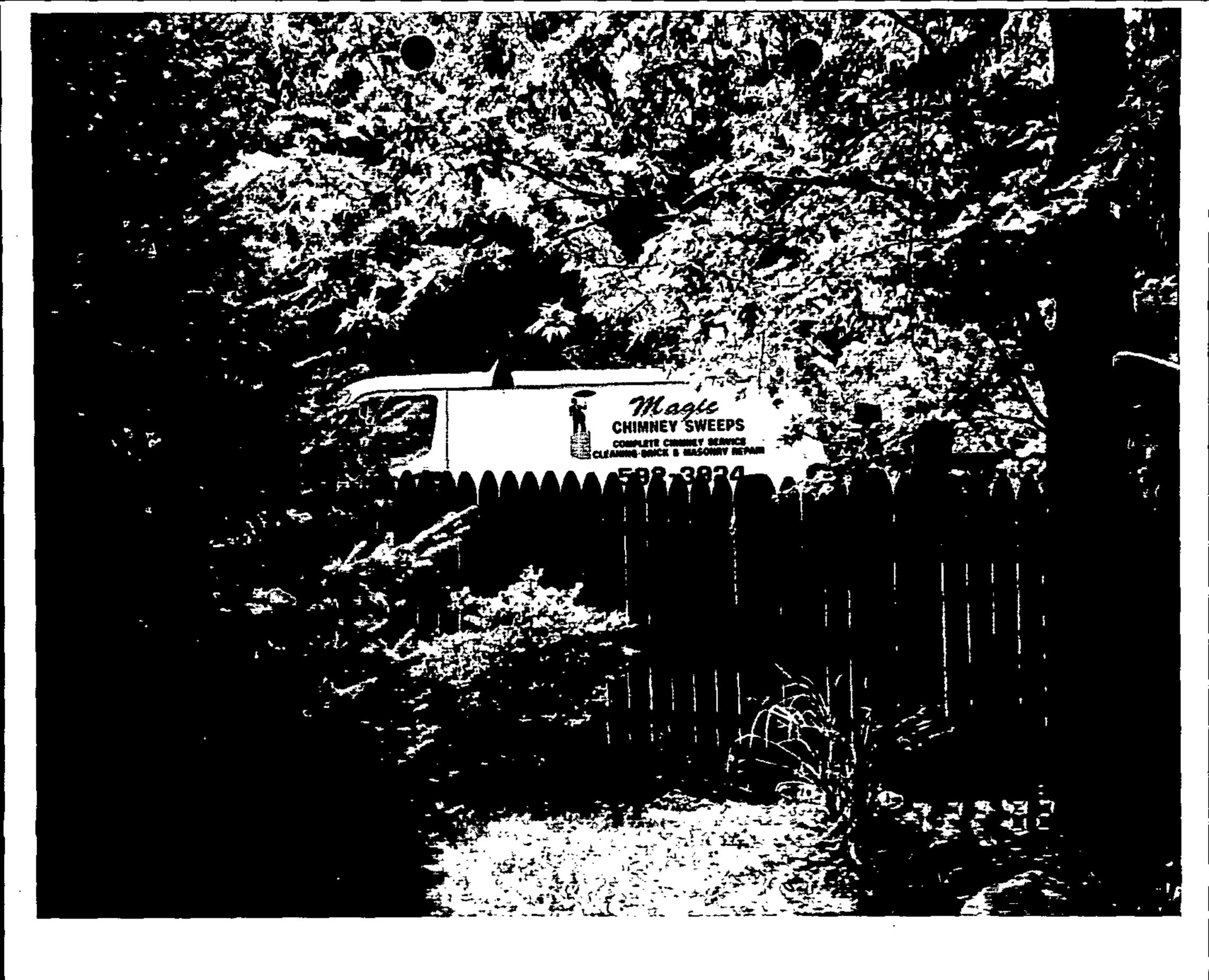
Front of 10233 Bird River Road looking toward Bird River Road



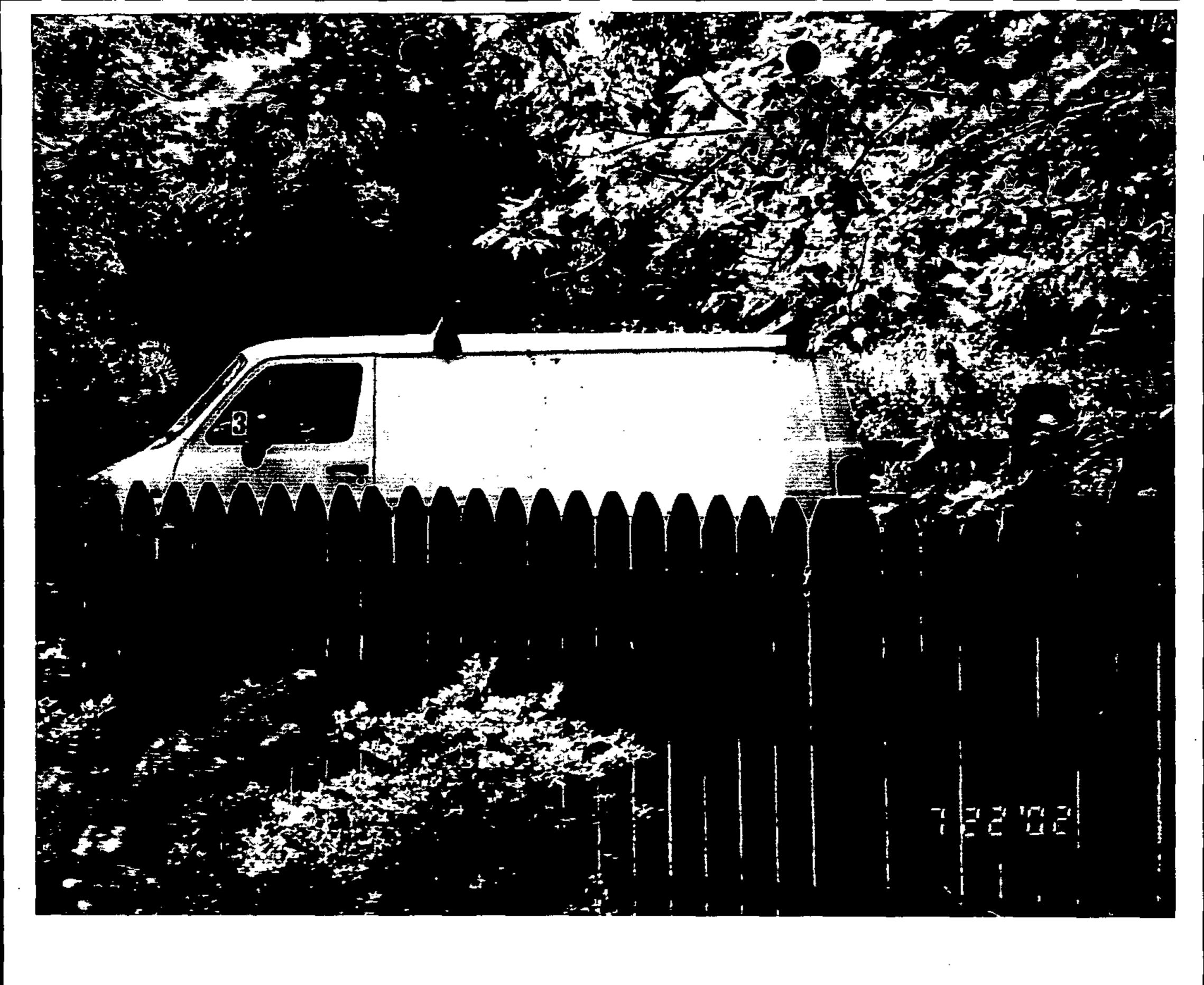
Bird River Road looking toward 10233 Bird River Road



Front corner of 10233 Bird River Road showing Van in side driveway



Van in side driveway



Van in side driveway covered



This is the front yard of 10233 Bird River Road looking at the side yard of 10231 Bird River Road





Vacant lot owned by Norma L. Kellner next to 10233 Bird River Road



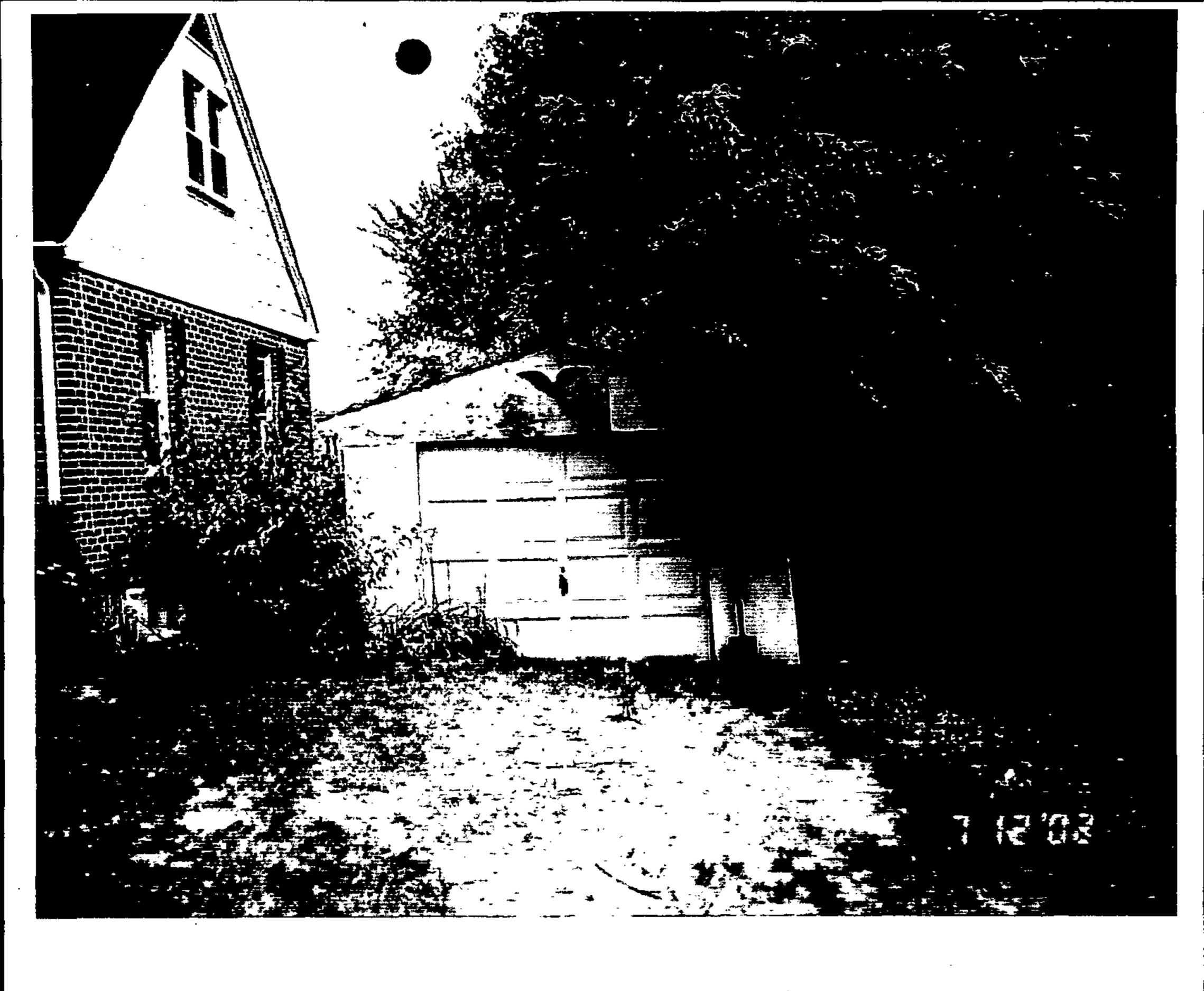
Vacant lot owned by Norma L. Kellner next to 10233 Bird River Road



Vacant lot between 10233 and 10239 Bird River Road. The driveway at 10233 Bird River Road cannot be seen from the house at 10239 Bird River Road.



Vacant lot between 10233 and 10239 Bird River Road. The driveway at 10233 Bird River Road cannot be seen from the house at 10239 Bird River Road.



Side driveway and garage of 10233 Bird River Road