

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – SW/S East Avenue,
500' NW of the c/l Sperl Avenue
(3023 East Avenue)
11th Election District
6th Council District

William E. Tharp, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-359-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, William E. and Evelyn E. Tharp. The Petitioners request a special hearing to permit parking of two commercial vehicles on a residential lot and a determination as to whether dispatching is a home occupation. In addition, variance relief is requested from Sections 409.6 and 409.8.B.1.d&e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the parking of two commercial vehicles on a residential lot. 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.

Appearing at the requisite public hearing in support of the request were William and Evelyn Tharp, property owners, and their son, Johnny Tharp, who resides on the adjacent property at 3025 East Avenue. Appearing as a Protestant in the matter was Michael Malinowski, a nearby resident, and Ruth Baisden, a representative of the Greater Parkville Community Council.

The subject property is a rectangular shaped parcel located on the southwest side of East Avenue, between Harford Road and Avondale Road in Parkville. The property contains a gross area of 20,225 sq.ft., more or less, zoned D.R.5.5, and is improved with a one-story brick dwelling in the front portion of the site and a detached garage to the rear of the parcel. The garage is 30' x 40' in dimension and was built approximately 15 years ago. The rear of the property abuts an area of woods and the Baltimore Beltway (I-695) beyond. In addition to the house and garage,

ORDER RECEIVED FOR FILING
Date 6/24/03
By [Signature]

a blacktop driveway along the east side of the property leads from East Avenue to the garage and a large paved parking area. As noted above, Mr. & Mrs. Tharp's son resides immediately next door on the side where the driveway is located.

This zoning case relates to the use of the subject property, specifically the garage to the rear of the property and the two tow trucks which are parked and stored in that location. Photographs of the garage and trucks were submitted at the hearing. One of the trucks is a flatbed model, while the other is a pick-up truck with a hydraulic lift. Apparently, the rollback is too big to park within the garage.

Apparently for many years, the elder Mr. Tharp, who is now disabled, towed vehicles as an extra source of income. A telephone line maintained in the dwelling for the business, known as Tharp's Towing, would receive calls from individuals needing towing services. Mr. Tharp would take one of the trucks to the location of the accident or disabled vehicle and tow it to a service garage or repair center. The damaged or disabled vehicles are not brought to the subject property; rather, the property is used only for the purpose of storing the tow trucks when not in use. There is no office, per se, however, the business is technically run from the house via a phone line that is maintained in the dwelling.

Mr. & Mrs. Tharp have resided on the property for 23 years and the business has apparently operated from this location for some time. As noted above, Mr. Tharp is now disabled and his son has largely taken over the business. When a call is received, Mrs. Tharp will call her son next door and he will take one of the tow trucks and drive to the site of the accident or disabled vehicle. Apparently, there is a younger brother who also occasionally drives one of the vehicles for the family. The younger brother resides in Pennsylvania.

As noted above, Mr. Malinowski and Ms. Baisden appeared in opposition to the request. Mr. Malinowski resides immediately adjacent to the subject property at 3127 East Avenue. Both he and Ms. Baisden are generally opposed to any commercial use of the subject property.

Special hearing and variance relief is requested to legitimize the business and permit the continued operation. Under the Petition for Special Hearing, the Petitioners request a determination as to whether their use is considered a "home occupation." As noted above, the property is zoned D.R.5.5 and the use regulations for the D.R. zone are set out in Section 1B01.1 of the B.C.Z.R. Only the uses listed within that Section are permitted in the D.R. zone. That is, the zoning regulations are written in the inclusive, so that only those uses specifically identified as permitted may be allowed. A review of the D.R. regulations identifies no land use that specifically fits this operation. Therefore, in an attempt to legitimize the operation, the Petitioners argue that the activity is that of a home occupation. Home occupations may be permitted as an accessory use to the primary use of the property as a residential dwelling.

Home occupations are defined in Section 101 of the B.C.Z.R as "Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign...to indicate that the building is being utilized for any purpose other than that of a dwelling..."

Clearly, the use as described above is not a home occupation. The use is not conducted entirely within the dwelling in that the tow trucks are stored out of doors. Additionally, the tow trucks and writing thereon constitute "exterior evidence" of the business operation. Based upon the foregoing analysis, it is clear that the subject use is not permitted on the property. I am appreciative of the relatively minor character of the operation and that the activity has little impact on the surrounding locale. Nonetheless, the business operation does not meet either the strict language nor the spirit and intent of the D.R. zoning regulations. This is a business activity in a residential zone which is simply not permitted. The Petitioners would be well advised to relocate their tow trucks to another location in order to continue the business.

Having determined that the special hearing must be denied, the Petition for Variance is rendered moot. As noted above, variance relief is requested to allow the parking of the tow trucks on the subject property. The parking regulations contained in Section 409 pre-suppose that a lawful activity occurs on a given property and that the parking regulated by that Section is

accessory thereto. In this case, the business activity occurring on the site has been determined to be improper and not in compliance with the B.C.Z.R. Thus, the parking of the tow trucks on the subject property is not controlled by Section 409. Rather, the relevant provision is Section 431, which regulates the parking of commercial vehicles on residential properties. That Section allows a single commercial vehicle not exceeding 10,000 lbs. gross vehicle weight (GVW) to be parked on a residential lot under certain circumstances. The Petitioners may or may not comply with Section 431; it was not determined whether the trucks are under 10,000 GVW. If so, one of the vehicles could remain on the subject property, if stored within the garage. However, that issue is not properly before me in the present case and I make no determination as to the applicability of Section 431 here.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of June 2003 that the Petition for Special Hearing to permit the parking of two commercial vehicles on the subject residential lot and a determination that dispatching is a home occupation, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 409.6 and 409.8.B.1.d&e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the parking of two commercial vehicles on a residential lot, be and is hereby DISMISSED AS MOOT.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

6/24/03
LES
bjs



Baltimore County
Zoning Commissioner

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

June 24, 2003

Mr. & Mrs. William E. Tharp
3023 East Avenue
Baltimore, Maryland 21234

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/S East Avenue, 500' NW of the c/l Sperl Avenue
(3023 East Avenue)
11th Election District – 6th Council District
William E. Tharp, et ux - Petitioners
Case No. 03-359-SPHA

Dear Mr. & Mrs. Tharp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petition for Variance dismissed, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Michael Malinowski
3127 East Avenue, Baltimore, Md. 21234
Ms. Ruth Baisden, 7706 Oak Avenue, Baltimore, Md. 21234
People's Counsel; Case File

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3023 EAST AVE.
which is presently zoned DR-SS.

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

PARKING OF TWO COMMERCIAL VEHICLES ON A RESIDENTIAL LOT & TO DETERMINE IF DISPATCHING IS A HOME OCCUPATION.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

William E. THARP

Name - Type or Print

William E. Tharp

Signature

Evelyn E. THARP

Name - Type or Print

Evelyn E. Tharp

Signature

3023 EAST AVE. 410-882-0134

Address

Telephone No.

Ba/to.

City

MD

State

21234

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By STO Date 01-31-03

ORDER RECEIVED FOR FILING

Case No. 03-359-SP1A

REV 9/15/98

Date 1/24/03
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3023 EAST AVE
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6 & 409.8 B 1. d re: 500.7 & 502.1
To Permit The Parking of Two Commercial Vehicles on a Residential
Lot.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) 1. BUSINESS USE HAS BEEN HERE FOR MANY YEARS & NECESSARY TO
STAY ON SITE & WORK FROM HOME TO CARE FOR FATHER W/ ALZHEIMERS, & MOTHER.
2. PARKING LOCATION IS SEVERAL HUNDRED FEET FROM NEIGHBORS
AND NEXT TO EXPRESSWAY (695) 4. OTHER TO BE DISCUSSED AT HEARING.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 03359 SPH A

REV 9/15/98

Legal Owner(s):

WILLIAM E THARP
Name - Type or Print

William E Tharp
Signature

EVELYN E THARP
Name - Type or Print

Evelyn E. Tharp
Signature

3023 EAST AVE 410.582.0134
Address Telephone No.

BALTO MD 2123234
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By SPH Date 01-31-03

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

75007

No. 21009

DATE 01-30-03

ACCOUNT R.C.C. 006-6130

AMOUNT \$

65.00

RECEIVED
FROM:

DILLIANA S EUGENE TURNER

FOR:

SPECIAL REPORTING
65.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

03-359-SP-1

DATE RECEIVED
Folio Account

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No. 21984

AMOUNT \$ 65⁰⁰

RECEIVED
FROM: _____

FOR:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved.

080139Z APR 66 THE
FM JCRC 274/2005 1500Z
TO JCS JCRC APR 2005 PRIORITY
SUBJ: 17505 274/2005 (U)
1. 6 800 2005 VERIFICATION
2. 0100

Board Fee	465.00
for OK	70.00
	5.00
Call Home (local) Maryland	

CASHIER'S VALIDATION

Zoning Description

Zoning Description for 3023 East Ave, Balto Md 21234

Beginning at a point on the South-West side of East Ave

which is 20 FT wide at the distance of 950 Ft East of the

centerline of the nearest improved intersecting street Harford Road which is 60 FT. wide.

Also known as 3023 East Ave and located in the 11 Election District, 6 Councilmanic District.

03-359-SPHA

**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 #03-359-SPHA
3023 East Avenue
S/west side of East Avenue
500 feet northwest center-
line of Spert Avenue
11th Election District
6th Councilmanic District
Legal Owner(s): William
and Evelyn Tkarp

Special Hearing: to permit parking of two commercial vehicles on a residential lot and to determine if dis-
patching is a home occupa-
tion. **Variance:** to permit the parking of two commer-
cial vehicles on a residential lot.
Hearing: Tuesday, April 8, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

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

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-3391.
3/25/03 Mar 20 0593010

CERTIFICATE OF PUBLICATION

3/21, 2003

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 3/20/2003.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 4/2/03

RECEIVED

APR 7 2003

RE: Case Number 03-359-SPHA

Petitioner/Developer: WILLIAM THARP

Date of Hearing/Closing: 4/8/03

ZONING COMMISSIONER

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3023 EAST
AVENUE

The sign(s) were posted on APRIL 2, 2003
(Month, Day, Year)

Charles E. Merritt
(Signature of Sign Poster)

CHARLES MERRITT
(Printed Name of Sign Poster)

9831 MAGLEDT ROAD
(Street Address of Sign Poster)

BALTIMORE MD 21234
(City, State, Zip Code of Sign Poster)

410 665-5562
(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
3023 East Avenue; SW/side East Ave; 500' * ZONING COMMISSIONER
NW ctrline Sperl Avenue
11th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): William E. & Evelyn E. Tharp
Petitioner(s) * BALTIMORE COUNTY
* 03-359-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
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 10th day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to William & Evelyn Tharp, 3023 East Avenue, Baltimore, MD 21236, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 20, 2003 Issue - Jeffersonian

Please forward billing to:
William and Evelyn Tharp
3023 East Avenue
Baltimore, MD 21234

410-882-0134

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: 03-359-SPHA

3023 East Avenue

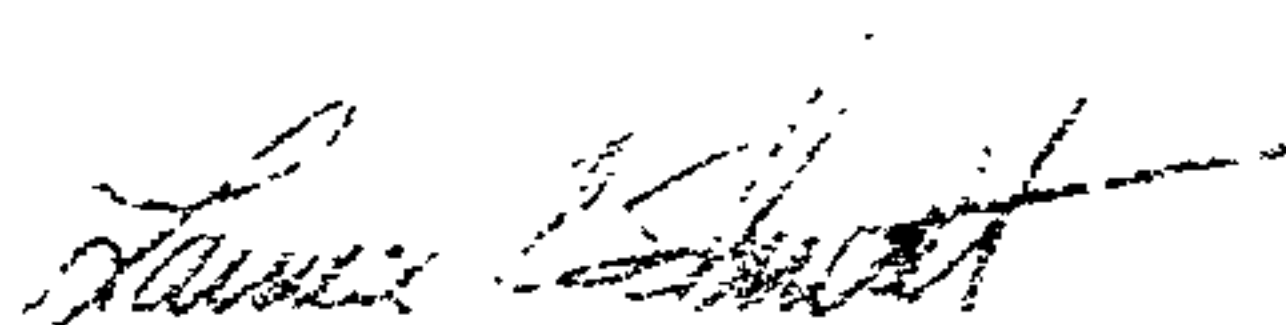
S/west side of East Avenue 500 feet northwest centerline of Sperl Avenue

11th Election District – 6th Councilmanic District

Legal Owners: William and Evelyn Tharp

Special Hearing to permit parking of two commercial vehicles on a residential lot and to determine if dispatching is a home occupation. Variance to permit the parking of two commercial vehicles on a residential lot.

Hearings: Tuesday, April 8, 2003 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

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

March 5, 2003

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: 03-359-SPHA

3023 East Avenue

S/west side of East Avenue 500 feet northwest centerline of Sperl Avenue

11th Election District – 6th Councilmanic District

Legal Owners: William and Evelyn Tharp

Special Hearing to permit parking of two commercial vehicles on a residential lot and to determine if dispatching is a home occupation. Variance to permit the parking of two commercial vehicles on a residential lot.

Hearings: Tuesday, April 8, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

AJ:rlh

C: William and Evelyn Tharp, 3023 East Avenue, Baltimore 21236
James Thompson, Code Enforcement, Case No. 02-7973

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 24, 2003.**
- (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.



ZONING REVIEW

APPROVED SIGN POSTERS

Staff Sergeant Robert A. Black
1508 Leslie Road
Dundalk, MD 21222

Telephone: 410-282-7940
Cell: 410-499-7940
Pager: 410-373-9662
Work: 410-288-3284

Bruce E. Doak
Gerhold, Cross & Etzel, Ltd.
Suite 100, 320 E. Towsontown Boulevard
Towson, MD 21286

Telephone: 410-823-4470
Fax: 410-823-4473

Stacy Gardner
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Eldersburg, MD 21784

Telephone: 410-781-4000
Toll Free: 800-368-2295
Fax: 410-781-4673

Thomas J. Hoff
406 W. Pennsylvania Avenue
Towson, MD 21204

Telephone: 410-296-3668
Fax: 410-296-5326

Richard Hoffman
904 Dellwood Drive
Fallston, MD 21047

Telephone: 410-879-3122

Linda M. Jones
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286
Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

Telephone: 410-296-3333
Fax: 410-296-4705

Telephone: 410-242-4263
Mobile: 410-382-4470

Charles E. Merritt
9831 Magledt Road
Baltimore, MD 21234

Telephone: 410-665-5562

J. Lawrence Pilson, R.S.
McKee & Associates, Inc.
5 Shawan Place Suite 1
Cockeysville, MD 21030

Telephone: 410-527-1555
Fax: 410-527-1555

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 03-359-SP4A
Petitioner: WM. T. TAPP
Address or Location: 3023 EAST AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM & GOELYNN TAPP
Address: 3023 EAST AVE
BALT. MD. 21234
Telephone Number: 410-882-0134



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

April 4, 2003

William and Evelyn Tharp
3023 East Avenue
Baltimore, MD 21234

Dear Mr. and Mrs. Tharp:

RE: Case Number: 03-359-SPHA, 3023 East Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 31, 2003.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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





**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 11, 2003

Item No.: 351-360

Dear Ms. Hart:

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.

7. *The Fire Marshal's Office has no comments at this time.*

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

cc: File



Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March ~~11~~, 2002
4

ATTENTION: Rebecca Hart

Distribution Meeting of: March 3, 2003

Item No.: 359, 369, 370, 374-380, 382, 383, 386

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 14, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For March 10, 2003
Item Nos. ~~359~~, 369 REVISED,
370 REVISED, 372, 373, 374,
375, 376, 377, 378, 379, 380,
381, 382, 383, and 386

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
Department of Permits and
Development Management

DATE: April 18, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-359, 03-393, 03-405,

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:

Yan Jablon to Mark Cunningham

Section Chief:

Yan Jablon

AFK/LL:MAC



MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., *Governor* • Michael S. Steele, *Lt. Governor* • Trent M. Kittleman, *Acting Secretary*

Date: 3.4.03

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

RE: Baltimore County
Item No. 359 JRA

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,


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

My telephone number/toll-free 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 • Phone 410.545.0300 • www.marylandroads.com



Baltimore County
Department of Permits and
Development Management

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

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 02-7973	Property No. 11000011981	Zoning: DR 5.5
Name(s): William E. Tharp Evelyn E. Tharp Trustees		
Address: 3023 East Ave Baltimore MD 21231		
Violation Location: 3023 East Ave Baltimore MD 21231		
Violation Dates: October 30, 2002 thru December 19, 2002		

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS.

Sec 22 101 102.1 180114 4105A 4.31

**Failure to cease operation of a storage
garage in a residential zone
Failure to cease storage of commercial
vehicles (tow trucks) in a residential
zone**

Pursuant to Section 1-8, Baltimore County Code, a civil penalty
has been assessed, as a result of the violation cited herein, in
the amount indicated:

\$ **20,000.00**

A quasi-judicial hearing has been pre-scheduled in Room 116,
111 West Chesapeake Avenue, Towson, Maryland, for:

Date: **2/15/03**

Time: **9:00 AM**

Citation must be served by:

Date: **2/16/03**

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true
and correct to the best of my knowledge, information, and belief.

Print Name:

Christina Frank

Date:

12-17-02

Inspector's Signature

Christina Frank

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:

Citation/Case No.:

02-7973

Address:

Date:

Defendant's Signature

DEFENDANT

03-359 SPHA

To whom it may concern;

We residents of East Ave have no problems or complaints with the 2 tow trucks sitting on neighbors property 3023 East Ave. My signature and address confirms that I have no problems or concerns with the tow trucks at 3023 East Ave.

NAME

ADDRESS

Johnny Thong	3025 EAST AVE
Terry Mann	3024 East Ave
William Mann	3022 EAST AVE.
Charles ML	3024 EAST AVE —
(Lena) Son	3027 EAST AVE
Thomas Edwards	3032 EAST AVE
Ethel Spurl	3031 East Ave.
Nancy Spurl	3033 EAST AVE. #21234
Dorothy Smith	3102 East Ave 21234
James W Carter	3039 East Ave 21234
Jennifer Pina	3035 East Ave 21234
Mrs Mrs Paul Hunter	3034 East Ave 21234
Eleanor E Jay	3028 East Ave 21234

03-359. SPWA

Case Number _____

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

DATE _____

E-MAIL

Baltimore 21234
BALTIMORE 21234
BALTIMORE 21238

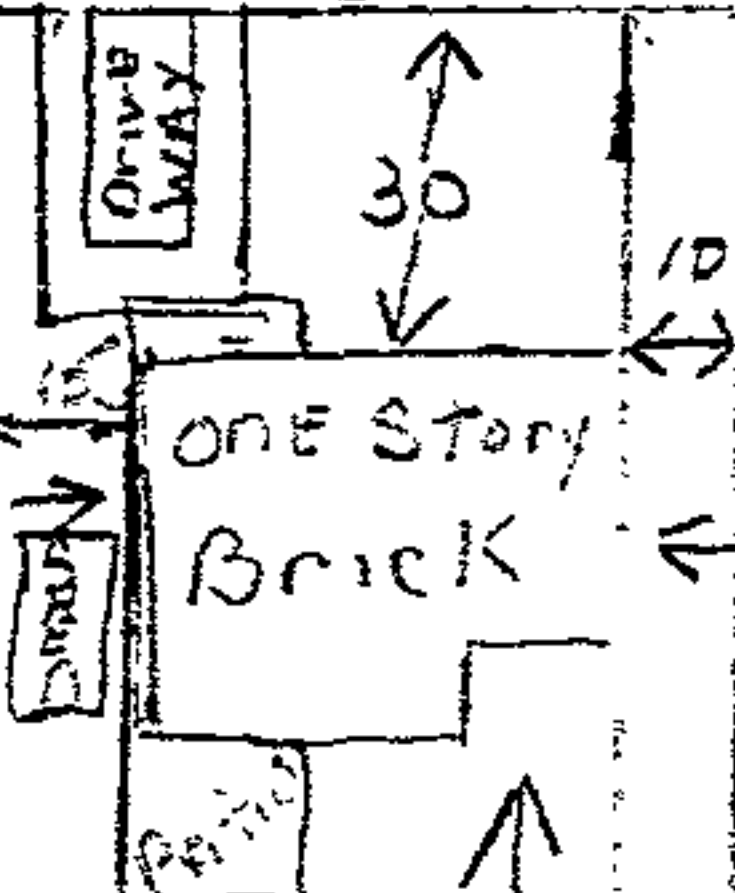
PLAT TO ACCOMMODATE PETITION FOR ZONING
Property ADDRESS 3023 EAST AVE SPECIAL HEARING
OWNER WILLIAM EVELYN THARP

EAST AVENUE $\uparrow 20$ $N 46^{\circ} 30' W$ $\downarrow 20$ EAST AVENUE
 65.00
 3023

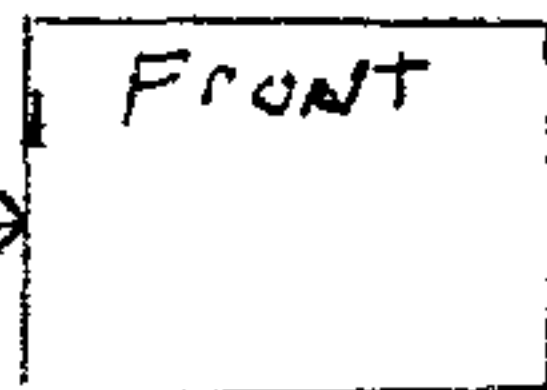
3021



$S 43^{\circ} 30' W$ 308.66

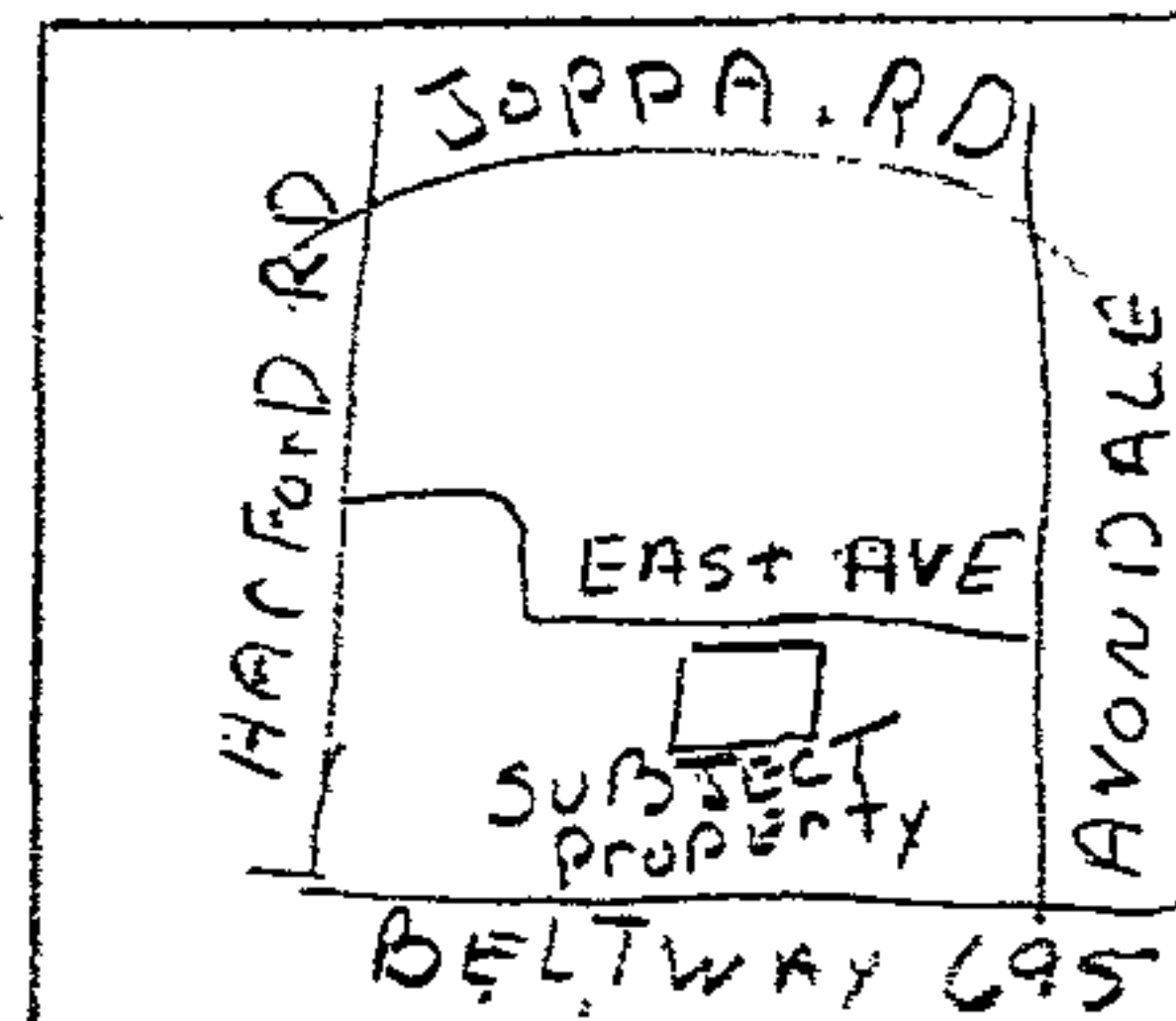


3025



206 $Black Top Drive Way$

$N 43^{\circ} 30' E$ $311.16'$



ELECTION DISTRICT 11
COUNCILMANIC DISTRICT 6
1"=200' SCALE MAP NE 9 E
ZONING DR 5.5
LOT SIZE 65 X 311.16
PUBLIC SEWER 29225'
PUBLIC WATER

HOUSE LOCATION
3023 EAST AVENUE
DEED REF: E.H.K. Jr. 6360-4
BALTIMORE COUNTY
SCALE-1"=50

Woods

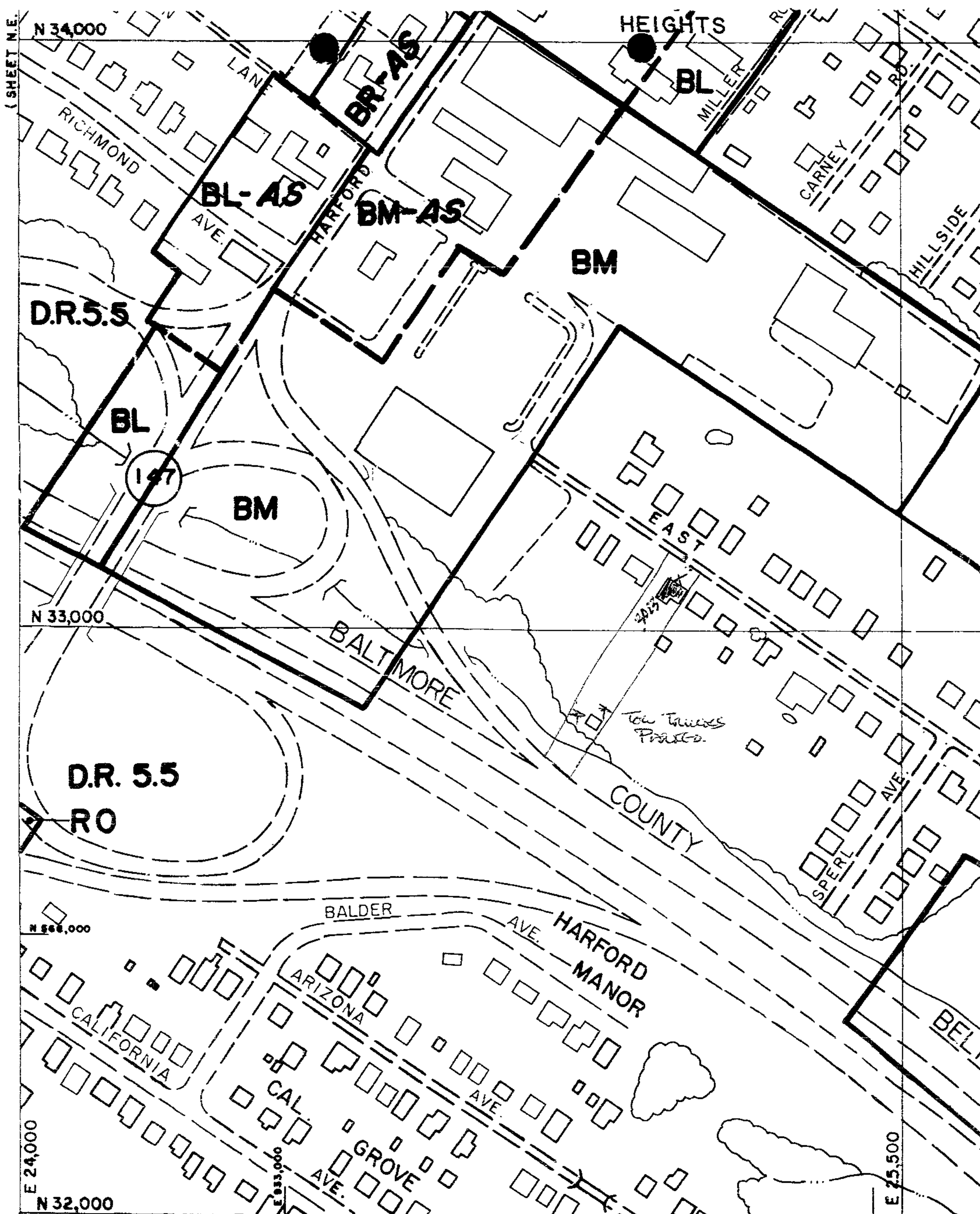
$\uparrow 60$ 65.05 $S 44^{\circ} 18' 06' E$ $\downarrow 60$
Woods

Woods

BELTWAY 695

CHESAPEAKE Bay CRITICAL AREA	☐ NO
100-YEAR FLOOD PLAIN	☐ NO
HISTORIC PROPERTY BUILDING	☐ NO

03-359-SPHC1



(SHEET N.E.)

NE 9 E

03 359 SPHA

2000 COMPREHENSIVE ZONING ORDINANCE



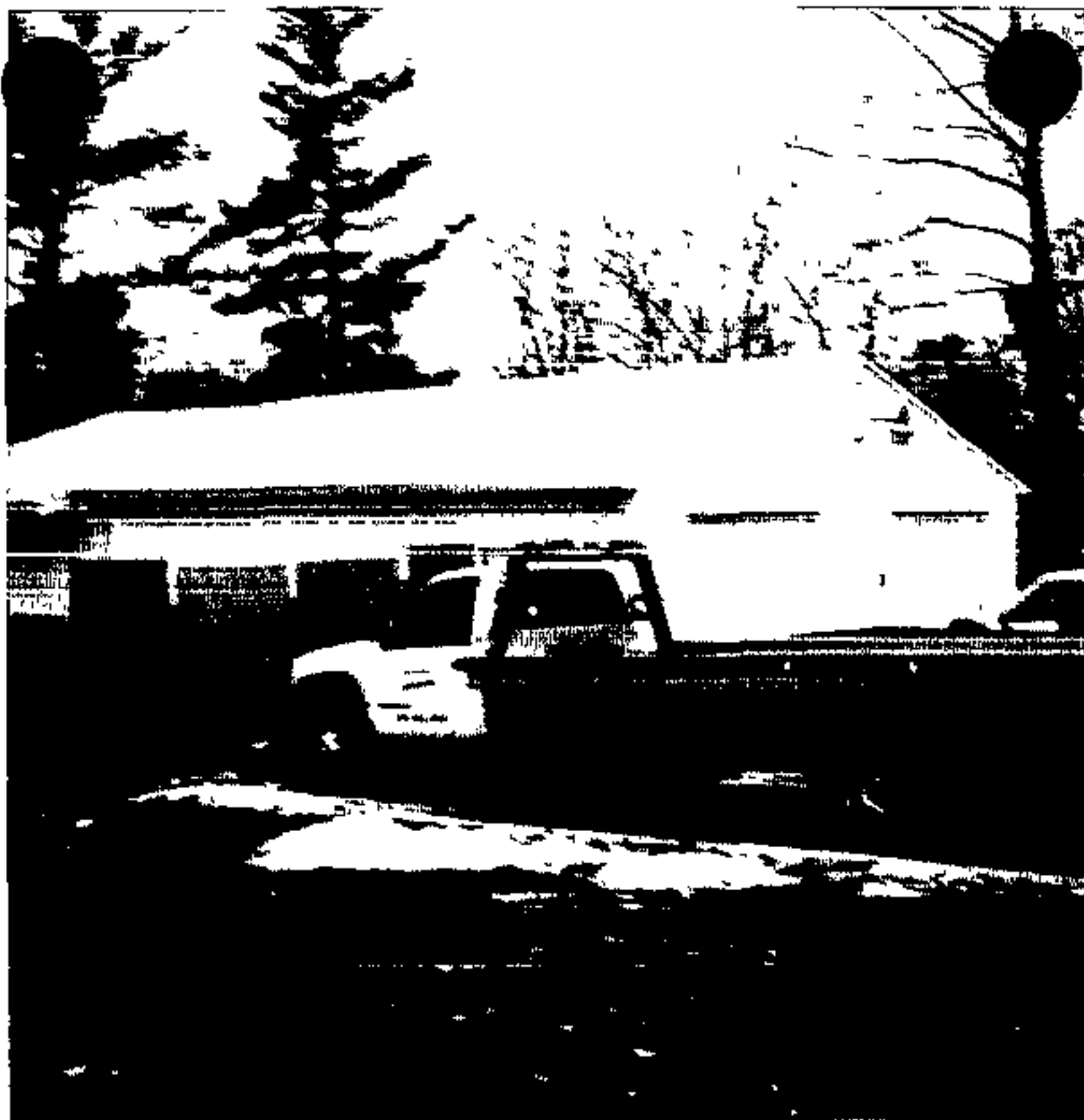
View of just
from Arkua? A



View of Parkhouse
- Pad From Lot



Two Tow Truck



FLAT BED - LOW
Gross.