IN THE MATTER OF THE APPLICATION OF JAMES AND JoELLEN TRADER – LEGAL OWNERS /PETITIONERS FOR VARIANCE ON PROPERTY LOCATED ON THE SE/COR ELIZABETH AND WASHINGTON AVENUES (201 ELIZABETH AVENUE) 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF BALTIMORE COUNTY CASE NO. 03-609-A

* * * * * * * * *

OPINION

This case comes to the Baltimore County Board of Appeals based upon an appeal filed by Theresa Lowry, Zoning Chairman, Lansdowne Improvement Association, Inc., from a decision of the Zoning Commissioner of Baltimore County dated November 24, 2003 in which requested variance relief was dismissed in part as moot and granted in part. The Petitioners are seeking relief from § 1B02.3.1 of the *Baltimore County Zoning Regulations* (BCZR) to allow a side yard setback of 3 feet 6 inches in lieu of the required 10 feet for a structure measuring 18 feet by 24 feet by 14 feet that was constructed prior to obtaining a permit. Relief was granted by the Zoning Commissioner with the following restriction:

> The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

The Board heard Case No. 03-609-A at a scheduled public hearing on June 1, 2004. Mr. James Trader was present for the Petitioners /Legal Owners for 201 Elizabeth Avenue. Jacob Miller and Elizabeth Yankulov appeared on behalf of the Lansdowne Improvement Association, Inc., as did several other members of the Association who did not speak at the hearing. Neither the Petitioner nor the Appellant chose to be represented by counsel at the hearing.

Mr. Trader testified first. He brought an array of photographs of the structure, a "Plat to Accompany Petition" and three letters from supportive neighbors in favor of his structure. Mr. Trader testified about his property in detail, explaining how three lots make up 201 Elizabeth Avenue measuring 100 feet by 54 feet, located on the southeast corner of the intersection of Elizabeth Avenue and Washington Avenue in Lansdowne. The property contains a gross area of 5,400 sq. ft., more or less, zoned D.R. 5.5 and is improved with a 1 ½ story frame dwelling, as well as a pool and a rather large deck, both located on the rear portion of the property.

Mr. Trader explained why he could not put the subject structure in the rear of the property due to the slope that runs with the adjacent property owners, known only as the Weilans. He testified that his neighbors also had slopes in their yards but that his was more severe due to the addition of the pool and the deck in the rear of the yard. Mr. Trader did admit to changing the topography of the property. The structure is a steel building that uses the common wall of the house for the fourth wall. Its primary use is to house his motorcycle.

Mr. Jacob Miller, who testified that he is currently President of the Lansdowne Improvement Association, Inc., lives in the community at 135 Hazel Avenue. Mr. Miller, who did not have his Rule 8 papers from the Association, testified on his own behalf and was accompanied by others from the community. Mr. Miller testified further that Mr. Trader was a contractor with heavy equipment and that he frequently brought pieces of that equipment home with him. He also stated that Mr. Trader created his own problems with the slopes on his property; that he had outgrown the space by having a pool and large deck. Mr. Miller also brought to light a 7-foot by 12-foot container that was on the rear of the property to further "crowd the yard."

The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in *North v. St. Mary's County*, 99 Md. App 502 (1994), when Judge Cathell stated:

> An applicant for variance bears the burden of overcoming the assumption that the proposed use is unsuited. That is done, if at all, by satisfying fully the dictates of the statute authorizing the variance.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995), which sets forth the legal benchmark by 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 requirements can be properly considered.

The Court defined the term "uniqueness" and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has 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.

After a thorough review of the evidence and testimony before us, the Board finds unanimously as a matter of fact 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 land itself of the subject property must be unique from others in the neighborhood to qualify for a variance. The testimony and evidence are substantial and uncontradicted that 201 Elizabeth Avenue is not different from the other lots in that

neighborhood. All of the plats, maps and photographs introduced into evidence establish that neighboring properties are of equivalent size, nature and topography.

Having found that the first prong of the standard has not been met by the Petitioner, the Board as a matter of law need not consider practical difficulty or spirit and intent.

Therefore, it is the unanimous decision of this Board to deny the request for variance seeking relief from § 1B02.3C.1 of the BCZR to allow a side yard setback of 3 feet 6 inches in lieu of the required 10 feet and will so order.

ORDER

THEREFORE, IT IS THIS 6th day of October, 2004 by the County Board of Appeals of Baltimore County

ORDERED that Petitioners' request for variance from § 1B02.3C.1 of the *Baltimore County Zoning Regulations* to allow a side yard setback of 3 feet 6 inches in lieu of the required 10 feet be and 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

Lawrence M. Stahl, Panel Chair

Edward W. Crizer, Jr.

John P. Quinn

County Board of Appeals of Baltimore County

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

October 6, 2004

Mr. and Mrs. James Trader
201 Elizabeth Avenue
Baltimore, MD 21227

RE: *In the Matter of: James and JoEllen Trader*
- Petitioners / Case No. 03-609-A

Dear Mr. and Mrs. Trader:

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

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*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /kts

Kathleen C. Bianco
Administrator

Enclosure

c: Lansdowne Improvement Assn., Inc.
by Theresa Lowry, Zoning Chairman
John Kraushofer
Jake Miller
Sadie Miller
John Yankulov
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITION FOR VARIANCE S/S Elizabeth Avenue, 26' E of the c/l Washington Avenue **(201 Elizabeth Avenue)** 13th Election District 1st Council District James H. Trader, Jr., et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 03-609-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, James H. Trader, Jr., and his wife, Joellen Lyn Trader. The Petitioners request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard in the third of the lot farthest removed from any street. 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 was James H. Trader, Jr., property owner. Several residents from the surrounding locale appeared in opposition to the request, including Theresa Lowry, Jake and Sadie Miller, John and Shirley Kraushofer, and John and Elizabeth Yankulov.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel, 54 feet wide by 100 feet deep, located on the southeast corner of the intersection of Elizabeth Avenue and Washington Avenue in Lansdowne. The property contains a gross area of 5,400 sq.ft., more or less, zoned D.R.5.5 and is improved with a 1½ story frame dwelling known as 201 Elizabeth Avenue. The variance request relates to an 18' x 24' x 14' structure that was constructed approximately 6 months ago adjacent to the side of the house without benefit of a permit. As shown on the site plan, the structure is identified as a "shed" and is located 3'6" from

ORDER RECEIVED FOR FILING
Date 11/15/03
By

the east side property line. As the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM), the Petitioners were advised to file the instant Petition to legitimize the structure's location. Mr. Trader testified at the hearing that the "shed" was constructed to provide storage for a motorcycle and household items. It is to be noted that the structure is located atop an existing driveway that leads into the property from Elizabeth Avenue.

At the request of the parties, I visited the property after the hearing. During my visit I observed that the structure is actually comprised of three walls and a roof. Essentially, there is a wall with a garage door facing Elizabeth Avenue, a side wall facing the neighbor at 203 Elizabeth Avenue, and a rear wall; however, there is not a second side wall adjacent to the house. Rather, the structure including the roof has been built into and attached to the house. Thus, it appears that the building is not actually an accessory structure, but an addition. An accessory structure is defined in Section 101 of the B.C.Z.R. as a freestanding building. In that the subject building is attached to the house and not freestanding, it is by definition not an accessory structure. Nonetheless, variance relief is requested to allow the structure to remain where located. In this regard, the setback standards for D.R. zoned land are applicable. More specifically, Section 1B02.3.C.1 of the B.C.Z.R. requires a minimum side yard setback of 10 feet for an attached structure. Thus, in that the subject "addition" is closer to the side property line than 10 feet, a variance is necessary.

I also observed from photographs submitted at the hearing and during my site visit that the Petitioners and the owners of the adjacent property at 203 Elizabeth Avenue share a common driveway. Additionally, the residents of 203 Elizabeth Avenue have erected a carport structure alongside their home, immediately adjacent to the subject addition.

Based upon the testimony and evidence presented, as well as my observations during the site visit to the property, I am persuaded that relief should be granted. It was also observed during my site visit that the rear of the subject property contains a deck/swimming pool and has a significant grade. These improvements and the grade of the property prohibit the location of the

ORDER RECEIVED FOR FILING
Date 10/15/13
By

addition/shed in the rear yard. I believe that the "addition" where situated is appropriate and consistent with the adjacent use. I am also satisfied that the Petitioners would suffer a practical difficulty if relief were denied and that the requirements of Section 307 of the B.C.Z.R. have been met. It need be emphasized that the relief granted herein is specific to the subject property and is based upon the unique circumstances associated with this corner lot. Thus, any Petition for Variance in the neighborhood would have to be considered independently.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of October 2003 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard in the third of the lot farthest removed from any street, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 3'6" in lieu of the required 10 feet for a proposed "addition", in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/15/03
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 15, 2003

Mr. & Mrs. James H. Trader, Jr.
201 Elizabeth Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
S/S Elizabeth Avenue, 26' E of the c/l Washington Avenue
(201 Elizabeth Avenue)
13th Election District – 1st Council District
James H. Trader, Jr., et ux - Petitioners
Case No. 03-609-A

Dear Mr. & Mrs. Trader:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, 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: Ms. Theresa Lowry, 2517 Hammonds Ferry Road, Baltimore, Md. 21227
Mr. Jake Miller, 135 Hazel Avenue, Baltimore, Md. 21227
Ms. Sadie Miller, 103 Hazel Avenue, Baltimore, Md. 21227
Mr. & Mrs. John Kraushofer, 220 Hazel Avenue, Baltimore, Md. 21227
Mr. & Mrs. John Yankulov, 27 Hazel Avenue, Baltimore, Md. 21227
Code Enforcement Division, DPDM; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 201 ELIZABETH 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) 400.1 BCZR.

To permit an accessory structure (shed) to be located in the side yard in lieu of required rear yard in the third of the lot farthest removed from any street.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

JAMES H TRADER JR
Name - Type or Print

James H Trader Jr
Signature

JOELLEN LYN TRADER
Name - Type or Print

Jo Ellen Lyn Trader
Signature

201 Elizabeth AVE
Address — Telephone No.

Balto — MD — 21227
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 JRP **Date** 6/30/03

ORDER RECEIVED FOR FILING
Date 11/15/03
By

Case No 03-609-A

REV 9/15/98

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - ***DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"***. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 201 Elizabeth AVE
(address)

Beginning at a point on the South side of Elizabeth AVE
(north, south, east or west)

Elizabeth AVE which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 26' East of Washington of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Washington AVE
(name of street)

which is 50' wide. *Being Lot # 60-61-62 + Part of 63
(number of feet of right-of-way width)

Block _____, Section #_____ in the subdivision of Joshua
(name of subdivision)

as recorded in Baltimore County Plat Book # 1, Folio # 144,

containing 5400. Also known as 201 Elizabeth AVE
(square feet or acres) (property address)

and located in the 13 Election District, 1 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

009

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 30593

DATE 11/12/03 ACCOUNT 001-006-615°

AMOUNT $ 300.00

RECEIVED FROM: Lemmon Signs Corp

FOR: Appeal - 03-609-A
301 Eastern Blvd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
11/13/2003	11/12/2003	14:25:40	4

REG WRK WALKIN KMCM KRM
>>RECEIPT # 209947 11/12/2005 OPEN
Dept 5 526 ZONING VERIFICATION
CR NO. 030595
Recpt Tot $300.00
$300.00 CK $0.00 CA
Baltimore County, Maryland

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: #03-609-A
201 Elizabeth Avenue
S/east corner of Elizabeth Avenue and Washington Avenue
13th Election District - 1st Councilmanic District
Legal Owner(s): James and Jo Ellen Trader

Variance: to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

Hearing: Monday, September 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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/198 Aug. 21 C621781

CERTIFICATE OF PUBLICATION

8/21, 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 8/21, 2003.

- [X] 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: August 25, 2003.

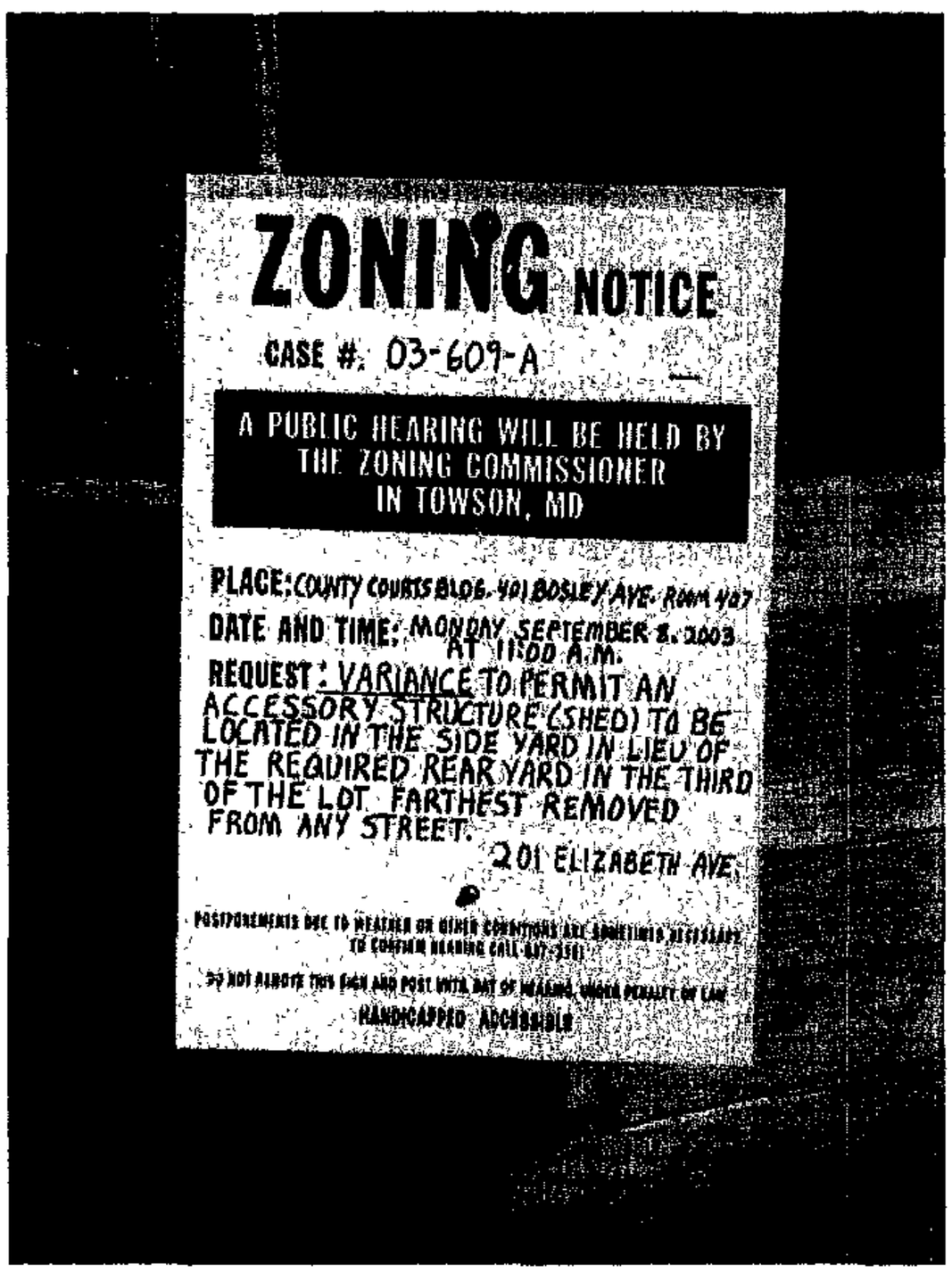
RE: Case Number 03-609-A

Petitioner/Developer: JAMES AND JO ELLEN TRADER

Date of Hearing/Closing: SEPTEMBER 8, 2003

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 201 ELIZABETH AVE

The sign(s) were posted on August 21, 2003
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

42 E8

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-609-A

JAMES AND JOELLEN TRADER, JR

201 ELIZABETH AVENUE - 21227

13TH ELECTION DISTRICT APPEALED: 11/12/03

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

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

CERTIFICATE OF POSTING

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

Attention: Kathleen Bianco
Administrator

RE: CASE NO.: 03-609-A

Petitioner/Developer:

JAMES AND JOELLEN TRADER, JR

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

201 ELIZABETH AVENUE - 21227

The sign was posted on 1/6, 2003 4

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-609-A

JAMES AND JOELLEN TRADER, JR

201 ELIZABETH AVENUE - 21227

13TH ELECTION DISTRICT

APPEALED: 11/12/03

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

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

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: 609

Petitioner: JAMES H TRADER JR & ELLEN L TRADER

Address or Location: 201 ELIZABETH AVE BALTO MD 21227

PLEASE FORWARD ADVERTISING BILL TO

Name: JAMES H TRADER JR & ELLEN L TRADER

Address: 201 ELIZABETH AVE BALTO MD 21227

Telephone Number: 410-247-7916

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

July 8, 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: 03-609-A
201 Elizabeth Avenue
S/east corner of Elizabeth Avenue and Washington Avenue
13th Election District – 1st Councilmanic District
Legal Owners: James and Jo Ellen Trader

Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

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

Timothy Kotroco
Director

TK:klm

C: James and Jo Ellen Trader, 201 Elizabeth Avenue, Baltimore 21227

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 23, 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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 21, 2003 Issue - Jeffersonian

Please forward billing to:
James and Jo Ellen Trader 410-247-7916
201 Elizabeth Avenue
Baltimore, MD 21227

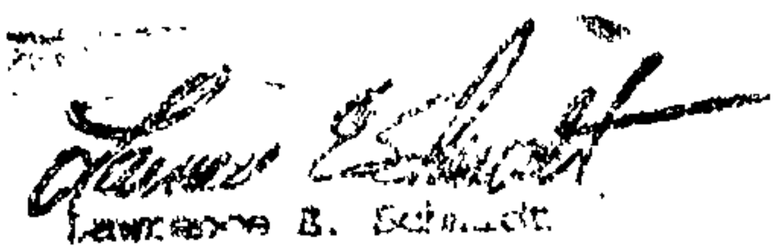
NOTICE OF ZONING HEARING

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: 03-609-A
201 Elizabeth Avenue
S/east corner of Elizabeth Avenue and Washington Avenue
13th Election District – 1st Councilmanic District
Legal Owners: James and Jo Ellen Trader

Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard in the third of the lot farthest removed from any street.

Hearings: Monday, September 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 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.

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 9, 2004

NOTICE OF ASSIGNMENT

CASE #: 03-609-A

IN THE MATTER OF: ***JAMES AND JoELLEN TRADER*** -Legal Owners
Petitioners 210 Elizabeth Avenue
13th Election District; 1st Councilmanic District

10/15/03 - Z.C.'s Order in which requested variance relief was dismissed in part as moot and **GRANTED in part.**

ASSIGNED FOR: **TUESDAY, JUNE 1, 2004 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: Appellants /Protestants : Lansdowne Improvement Assn., Inc.
by Theresa Lowry, Zoning Chairman

Petitioners /Legal Owners : James and JoEllen Trader

John Kraushofer
Jake Miller
Sadie Miller
John Yankulov

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

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 4, 2004

NOTICE OF DELIBERATION

IN THE MATTER OF:

JAMES AND JoELLEN TRADER
Legal Owners /Petitioners
Case No. 03-609-A

Having heard this matter on 6/01/04, public deliberation has been scheduled for the following date /time:

DATE AND TIME : TUESDAY, JUNE 29, 2004 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Appellants /Protestants : Lansdowne Improvement Assn., Inc.
by Theresa Lowry, Zoning Chairman

Petitioners /Legal Owners : James and JoEllen Trader

John Kraushofer
Jake Miller
Sadie Miller
John Yankulov

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

FYI: 2-7-6

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

September 5, 2003

Mr. and Mrs. James Trader, Jr.
201 Elizabeth Avenue
Baltimore, MD 21227

Dear Mr. and Mrs. Trader:

RE: Case Number: 03-609-A, 201 Elizabeth Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 30, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

Baltimore County
Fire Department

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

ounty Office Building, Room 111
ail Stop #1105
11 West Chesapeake Avenue
owson, Maryland 21204

July 2, 2002

TTENTION: Rebecca Hart

istribution Meeting of: July 7, 2003

tem No.: 602-610 609

ear Ms. Hart:

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

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

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

: File

inted with Soybean Ink
on Recycled Paper

GS
9/8

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 8, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 14, 2003
Item Nos. 602, 603, 604, 605, 606,
607, 608, 609, and 610

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: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 15, 2003

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

RECEIVED
JUL 1 5 2003
ZONING COMMISSIONER

SUBJECT: 201 Elizabeth Avenue

INFORMATION:

Item Number: 03-609

Petitioner: James H. Traver, Jr.

Zoning: Dr 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request to permit an accessory structure to be located in the side yard in lieu of the required rear be **DENIED.**

This office has determined that there are no special circumstances or conditions that are peculiar with the subject property where strict compliance of the zoning regulations would result in practical difficulty or unreasonable hardship. There appear to be ample room in the rear yard of the subject property to construct the desired shed.

Prepared by: Mark H Cunningham

Section Chief: Lyn Lanham
AFK/LL:MAC:

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel
MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

Date: 7-7-03

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

RE: Baltimore County
Item No. 609 JRF

Dear. Ms. Hart:

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

RE:	PETITION FOR VARIANCE 201 Elizabeth Avenue; SE corner of Elizabeth Avenue and Washington Avenue 13th Election & 1st Councilmanic Districts Legal Owner(s): James H & Jo Ellen Trader Petitioner(s)	* * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-609-A

* * * * * * * * * * * * *

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

RECEIVED
JUL 03 2003
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to, James and Jo Ellen Trader, 201 Elizabeth Avenue, Baltimore, MD 21227, Petitioner(s).

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

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

November 25, 2003

RECEIVED
NOV 25 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Mr. James H. Trader, Jr.
Ms. JoEllen Trader
201 Elizabeth Avenue
Baltimore, MD 21227

Dear Mr. and Mrs. Trader:

RE: Case : 03-609-A, 201 Elizabeth Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on November 12, 2003. 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,

Timothy Kotroco

Timothy Kotroco
Director

KT:rlh

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel

Printed on Recycled Paper

APPEAL

Petition for Variance
201 Elizabeth Avenue
S/e corner of Elizabeth Avenue and Washington Avenue
13th ED 1st CD
James and JoEllen Trader

Case No.: 03-609-A

✓ Petition for Variance (6/30/03)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (7/8/03)

✓ Certification of Publication (8/21/03)

✓ Certificate of Posting (8/21/03) Linda O' Keefe

✓ Entry of Appearance by People's Counsel (7/3/03)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
One Sheet

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibit → 1. site plan

Miscellaneous
A. Photographs
B. Standard Assessment Inquiry
C. Code Enforcement Document

Protestants' Exhibits: none

✓ Miscellaneous [redacted]

✓ Zoning Commissioner's/Zoning Commissioner's Order (10/15/03)

✓ Notice of Appeal received on November 12, 2003
Theresa Lowry - Landsdowne Comm.

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Jim Thompson (cc-)

JAMES H TRADER JR
JOELLEN TRADER
201 ELIZABETH AVENUE
BALTIMORE MD 21227
Petitioners

JOHN KRAUSHOFER
220 HAZEL AVENUE
BALTIMORE MD 21227

JOHN YANKULOV
27 HAZEL AVENUE
BALTIMORE, MD 21227

JAKE MILLER
135 HAZEL AVENUE
BALTIMORE MD 21227

SADIE MILLER
103 HAZEL AVENUE
BALTIMORE MD 21227

THERESA LOWRY
LANDSDOWNE IMPROVEMENT
ASSOC. INC.
2517 HAMMONDS FERRY ROAD
BALTIMORE MD 21227
Appellant

Case No. 03-609-A

In the Matter of: James and JoEllen Trader -Petitioners /Legal Owners

VAR – To permit accessory structure (shed) to be located in theh side yard ilo required rear yard in the third of the lot farthest removed from any street.

10/15/2003 – Z.C.'s Order in which requested variance relief was dismissed in part (he found that the structure is "an addition" and not a freestanding building; that variance is dismissed as moot; variance from required 10' setback for attached structure is GRANTED (addition is closer to side property than 10').

4/09/04 –Notice of Assignment sent to following; assigned for hearing on Tuesday, June 1, 2004 at 10 a.m.:

Lansdowne Improvement Assn., Inc.
by Theresa Lowry, Zoning Chairman
James and JoEllen Trader
John Kraushofer
Jake Miller
Sadie Miller
John Yankulov
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

6/01/04 – Board convened for public hearing (Stahl, Crizer, Quinn); concluded case this date; to be assigned for public deliberation on 6/29/04 (confirmed with panel).

6/04/04 – Notice of Deliberation sent to parties; assigned for Tuesday, June 29, 2004 at 9:30 a.m.
FYI copy to 2-7-6.

6/29/04 – Board convened for public deliberation (2-7-6); unanimous decision that variance request is DENIED. Written opinion/order to be issued; appellate period runs from date of written Order. (Crizer)

Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

July 29, 2003

Mr. & Mrs. James Harold Trader, Jr.
201 Elizabeth Avenue
Baltimore, Md. 21227

Re: Case No. 03-2854, 201 Elizabeth Avenue

Dear Mr. & Mrs. James Trader Jr.:

Please be advised that a Code Enforcement Hearing has been rescheduled for October 8 2003 at 9:00 a.m. in Room 116 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204. This Hearing is based on a civil citation issued with respect to certain violations concerning the above property. It is important that you appear for the hearing and state your side of the case. If you have any questions regarding this matter, please call Code Enforcement Inspector, Paul Hohne, 410-887-3953.

Sincerely,

Kitty Popelarski

Kitty Popelarski
Code Enforcement

c: Paul Hohne, Code Enforcement Inspector
Theresa Lowery, Lansdowne Improvement Assoc, 2517 Hammonds Ferry Road
Baltimore, Md. 21227

03-2854

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: July 29, 2003

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

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

SUBJECT:		
	Item No.:	609
	Legal Owner/Petitioner	Trader, James & Jo Ellen
	Contract Purchaser:	N/A
	Property Address:	201 Elizabeth Ave.
	Location Description:	S/E corner Elizabeth Ave. & Washington Ave

VIIOLATION INFORMATION:		
	Case No.	03-2854
	Defendants:	Trader, James & Jo Ellen

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Theresa Lowery	410-247-2325

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

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

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

RSW/ph
C: Code Enforcement Officer

Bal · County
Department of Permits and
Development Management

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

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 03-2854
Property No. 13-13-129520
Zoning:

Name(s): JAMES HAROLD TRADER JR
JO ELLEN LYNN TRADER

Address: 201 ELIZABETH AVE BALT MD 21227

Violation Location: 201 ELIZABETH AVE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCZR 101; 102.1; 1B01.1A; 431
CEASE ILLEGAL STORAGE OF COMMERCIAL. REMOVE TRUCK FROM RES. PROPERTY

BCZR 101; 102.1, 1B01.1A; 428
CEASE ILLEGAL STORAGE OF UNLICENSED INOPERATIVE MOTOR

BCZR 101; 102.1;
CEASE ILLEGAL HOME OCCUPATION

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

On or Before: 6-7-03
Date Issued: 5/7/03

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

Print Name: M STUART Kelly

INSPECTOR: MSKelly

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WOR UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CA RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMEN THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:
Date Issued:

INSPECTOR:

AGENCY

99-8299 01-2434

CODE ENFORCEMENT REPORT

01-2792

DATE: 5/6/3 INTAKE BY: JC CASE #: 03-2854 INSPEC: 9

COMPLAINT LOCATION: 201 Elizabeth Ave

ZIP CODE: 21222 DIST:

COMPLAINANT NAME: Teresa Lowery PHONE #: (H) 410-247 2325 (W)

ADDRESS: ZIP CODE:

PROBLEM: CV; Business from residence

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 13 13 129520 ZONING:

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

RA1001B

DATE: 05/06/2003 STANDARD ASSESSMENT INQUIRY (1)
TIME: 10:57:49

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
13 13 129520	13	1-3	04-00	H	NO		01/08/03

TRADER JAMES HAROLD,JR DESC-1.. IMPSLT 60-61-62 PT 63
TRADER JO ELLEN LYNN DESC-2.. JOSHUA
201 ELIZABETH AV PREMISE. 00201 ELIZABETH AVE
00000-0000
BALTIMORE MD 21227-0000 FORMER OWNER: MCLANE LILLIAN M

---------- FCV ----------			---------- PHASED IN ----------		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	27,900	27,900				
IMPV:	48,080	49,700	TOTAL..	77,600	77,600	77,060
TOTL:	75,980	77,600	PREF...	0	0	0
PREF:	0	0	CURT...	77,600	77,600	77,060
CURT:	75,980	77,600	EXEMPT.		0	0
DATE:	10/97	08/00				

---- TAXABLE BASIS ----		FM DATE
03/04 ASSESS:	77,600	11/09/00
02/03 ASSESS:	77,060	05/30/02
01/02 ASSESS:	76,520	06/01/01

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

Baltimore County
Department of Permits and
Development Management

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

13

Code Enforcement:	410-887-3351	Plumbing Inspection:	410-887-3620
Building Inspection:	410-887-3953	Electrical Inspection:	410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No.	Zoning:
03-2854	1313 129520	

Name(s): Trader James Harold, Jr
Trader Jo Ellen Lynn

Address: 201 Elizabeth Ave

Violation Location: Same

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IBC sec R105.1 · accessory structure constructed on side of House without Building Permit - Obtain Permit - May require Variance for set back to side Property Line

$500.00 Fine

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

On or Before:	Date Issued:
6/2/02	5/19/03

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

Print Name: Paul C Hobbs

INSPECTOR: [signature]

STOP WORK NOTICE

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

Not Later Than:	Date Issued:

INSPECTOR: _____

AGENCY

CODE ENFORCEMENT REPORT

DATE: 5/13/3 INTAKE BY: fc CASE #: 03-2854 INSPEC: 15

COMPLAINT LOCATION: 201 Elizabeth.

ZIP CODE: 21227 DIST:

COMPLAINANT NAME: Landsdowne Assoc. Lowry PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: New Accessory Structure attached to side home. Violation on setbacks

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

TAX ACCOUNT #: ZONING:

INSPECTION: 5/20/03 Found Metal Shed/ Addition on side of SFD issued CN to obtain permit. Will likley require Variance for side set back if addition and if shed it is side yard. Recheck 6/2/03 jpk

REINSPECTION: Called complainant left message JN
AB

REINSPECTION:

REINSPECTION:

PDLV0102F Permits Development - Livability System
View Cases

O.K

Case No: 03-2854

Address: 00201 ELISABETH AVE 21222
Cmd No: 009 District: 000 Date Rcv: 5/06/2003 Grp: ENF Intk: JC
Inspec: Inspec2: Date Inspec: 6/07/2003
Close: 0/00/0000 Activity: Delete:

Problem: CV. BUSINESS FROM RESIDENCE;

MAP: 4
2 E 8

CL Name: LOWERY TERESA
CL Address: 00000

CL Home Phone: 410-247-2325 CL Work Phone: Tax Acct. 1313129520

Enter=Continue F12=Cancel

5-13-03 Open case inspect FOR New Accessory structure. (Temp. GARAGE. NTB Building permits

NSE

(Area 15 per PSU)

RA1001F

DATE: 05/13/2003 ASSESSMENT TAXPAYER SERVICE
TIME: 10:36:10

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
13 13 129520	13	1-3	04-00	H	NO		01/08/03

TRADER JAMES HAROLD,JR
TRADER JO ELLEN LYNN
201 ELIZABETH AV

DESC-1.. IMPSLT 60-61-62 PT 63
DESC-2.. JOSHUA
PREMISE. 00201 ELIZABETH AVE
00000-0000

BALTIMORE MD 21227-0000 FORMER OWNER: MCLANE LILLIAN M

FCV	PRIOR	PROPOSED	TRANSFER DATA		PROPERTY ID	
			NUMBER.....	7479	LOT.....	60
LAND:	27,900	27,900	DATE.....	10/13/88	BLOCK.....	4
IMPV:	48,080	49,700	PURCHASE PRICE..	52,000	SECTION..	
TOTL:	75,980	77,600	GROUND RENT.....	0	PLAT.....	
PREF:	0	0	DEED REF LIBR..	07997	BOOK.....	0001
CURT:	75,980	77,600	DEED REF FOLIO..	440	FOLIO....	0144
DATE:	10/97	08/00	YEAR BUILT.....		MAP.....	0109
			NEW CONSTR YR...		GRID.....	0002
					PARCEL...	0357

TAXABLE BASIS					
03/04	77,600	LOT WIDTH.. 54.00	SB 1952		.00
02/03	77,060	LOT DEPTH.. 100.00	WB 1926		.00
01/02	76,520	LAND AREA.. 5400.000 S	SS		483.54
			WD		54.33

ENTER-INQUIRY1 PA1-PRINT PF4-MENU PF5-QUIT

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 119
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. Trader James, Defendant

Case # 032854 Violation Address 201 Elizabeth Zip 21227

Hearing Date 7/24/03 Issued Date 6/9/03 Expiration Date 6/24

Author of Citation Paul Hohne

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

___ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

___ A Citation and all other papers filed with it were served by personal delivery to _____, Individual or agent served

201 Elizabeth Ave (At this address) Zip _____, on 6/18/03 (Date) 2:20 (Time) a.m./(p.m.)

Description of Person Served: Race White Sex: (M) F Height: 6' ft. 0" in. Wt. 185 lbs.

Age: 40 yrs. Other: _____

Telephone verification of citation acknowledgment from _____ on / /.

I was unable to serve:

1st Attempt 6/9/03 _____ a.m./(p.m.) because No one Home Initials

2nd Attempt 6/10/03 _____ a.m./(p.m.) because No one Home Initials

3rd Attempt / / _____ a.m./p.m. because _____ Initials

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

111 W. Chesapeake Ave. Towson, MD 21204
Server's Address

410-887-3351
Telephone

_____
Server's Name (Print)

/ /
Date

_____
Server's Signature

Baltimore County
Department of Permits and
Development Management

7-24

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.	Property No.	Zoning:
03-2854	1313 129520	

Name(s): Trader James Harold Jr.
Trader Jo Ellen Lynn

Address: 201 Elizabeth Ave

Violation Location: 201 Elizabeth Ave

Violation Dates: 5/19/03 thru 6/9/03

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

IBC Sec R105.1 - Failure to obtain building Permit for Addition on side of dwelling

Reset Sept. 2003
Hrg Sept. 5th

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: $ 1000 00

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: 7/24/03 Time: 9:00 AM

Citation must be served by: Date: 6/24/03

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: Paul Hohne

6/9/03 — Date — Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: | Citation/Case No.:

Address:

Date — Defendant's Signature

VIOLATION SITE

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:	James and JoAnn Trader Case No.: 03-609-A	
DATE:	June 29, 2004	
BOARD/PANEL:	Lawrence M. Stahl John P. Quinn Edward W. Crizer, Jr.	LMS JPQ EWC
RECORDED BY:	Theresa R. Shelton / Legal Secretary	
PURPOSE:	To deliberate the Petition for Variance requested by James and JoEllen TRADER to permit an accessory structure to be located in the side yard ilo the req'd rear yard.	

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- Slope does not make property unique
- His property is not the only one with a slope
- Land has been over-utilized
- Petitioner admitted changing the topography by adding to the slope
- A person can not intentionally make a property unique and then call it 'unique'

DECISIONS BY BOARD MEMBERS: Unanimous decision to deny the Petitioner's request.

FINAL DECISION: That the Petitioner's request for Variance to permit an accessory structure to be located in the side yard ilo the req'd rear yard is DENIED.

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

Theresa R. Shelton
County Board of Appeals

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

DATE: November 30, 2004

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

FROM: Theresa R. Shelton TRS
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

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

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
03-609-A	*03-609-A*	JAMES AND JOELLEN TRADER	201 ELIZABETH AVENUE
CR-02-153	*CR-02-153 CYCLE II 2001/2002 ITEM #1*	THE KENT-MAR CORPORATION	RECLASS PLEASANT HILL ROAD
02-533-SPH	*02-533-SPH*	MIMIBA LLC WILLIAM MITCHERLING	3 THELMA STREET

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

September 5, 2003

227 Elizabeth Avenue
Lansdowne, Md. 21227

To whom it may concern,

Please accept my letter as a supportive vote in the Variance Hearing for Mr. Trader who resides at 201 Elizabeth Avenue, Landsdowne Maryland 21227 scheduled for September 8, 2003., I am a Lansdowne resident. I am not able to attend this hearing due to work conflicts.

If any questions please feel free to contact me, 410 247-7187.

Sincerely,

Kathleen Agnes

Kathleen Agnes
Lansdowne Resident

November 12, '03

To whom it may concern:

The Lansdowne Improvement Assoc. Inc. is Appealing - Zoning Case #03-609-A 201 Elizabeth Ave. - 13th Election District 1st Council District. of Balto. County.

Respectfully,
Theresa Lowry
Zoning Chairman
Lansdowne Improvement Assoc. Inc.
2517 Hammonds Ferry Road
#21229

RECEIVED
NOV 12 2003
Per

To: Baltimore County Dept. of Zoning

This letter is written in support of granting a varience to the following:
To permit an accessory structure to be located in the side yard in lieu of required rear yard in the third of the lot farthest from any street at 201 Elizabeth Ave Balt. Md 21227

I have been a longtime resident of the Lansdowne Community and support Mr Traeder in his endeavor. The property at 201 Elizabeth Ave has always been well kept and maintained. There fore I hope Mr Traeder will prevail and this matter put to rest

Thank you in advance for any consideration in this matter

Glenn A. Wellner

Glenn A. Wellner
322 1st Ave
Balt Md
21227
443-872-6913

To: Baltimore County Dept. of Zoning

This letter is written in support of granting a varience to the following:
To permit an accessory structure to be located in the side yard in lieu of required rear yard in the third of the lot farthest from any street at 201 Elizabeth Ave Balt. Md 21227

I have been a longtime resident of the Lansdowne Community and support Mr Traeder in his endeavor. The property at 201 Elizabeth Ave has always been well kept and maintained. There fore I hope Mr Traeder will prevail and this matter put to rest

Thank you in advance for any consideration in this matter

Glenn A. Willner

Glenn A. Willner
322 1st Ave
Balt Md
21227
443-872-6913

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

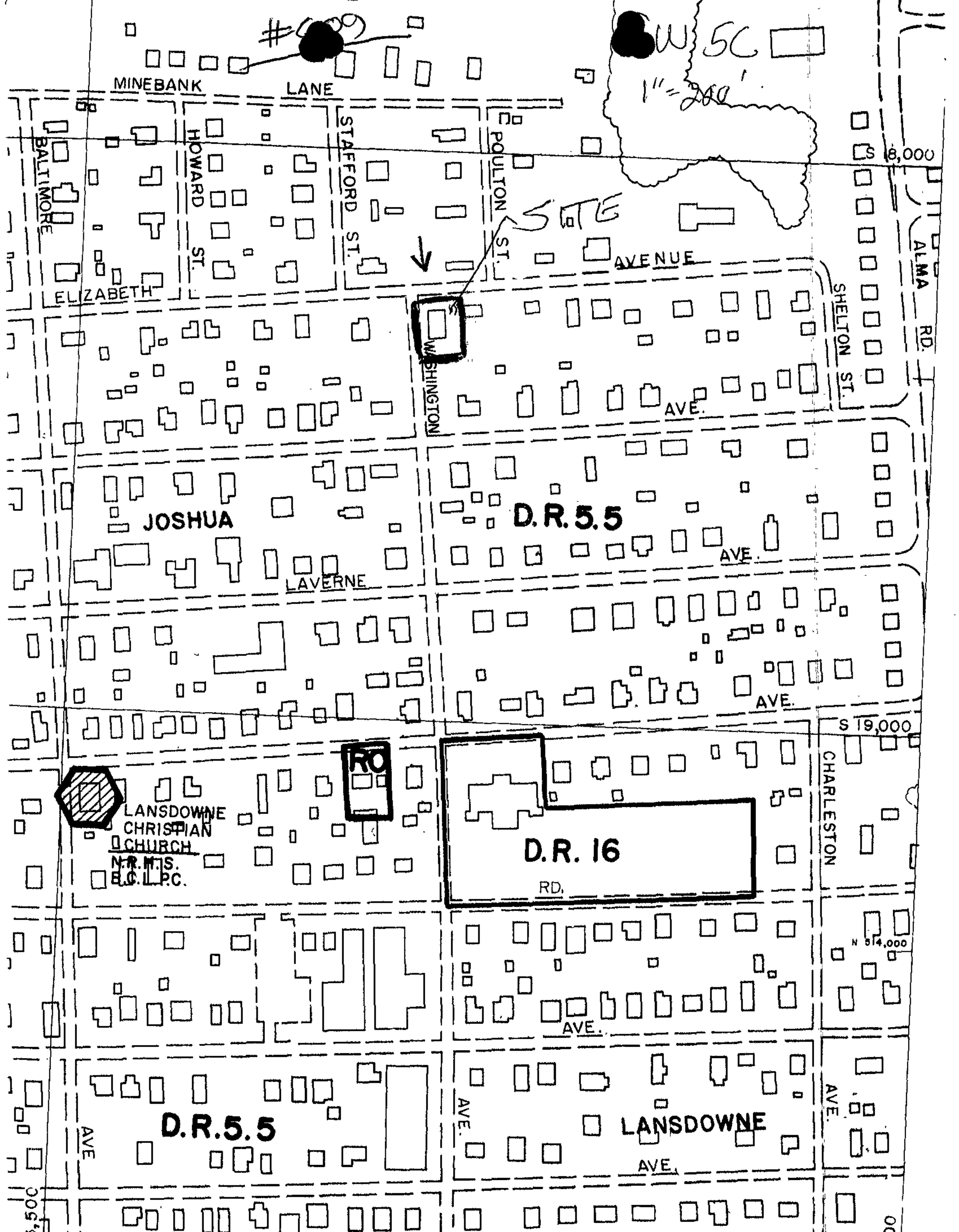
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL small letters
Theresa Lowry	2577 Hammonds Ferry	Balto. Md 21227	Yahoo.com theresamaylowry
JAKE MILLER	135 HAZEL AVE	BALTO. MD. 21227	
Sadie Miller	103 Hazel Ave	Balto. Md. 21227	
Shirley Krausbofer	220 Hazel Ave	Balto Md 21227	
John Krausbofer	220 Hazel Ave	Balto Md 21227	
Elizabeth Yankulov	27 Hazel Ave	" " " "	
John Yankulov	27 Hazel Ave	" " " "	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 03-3 609-A
DATE 9-8-03

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
James H Trader	201 Elizabeth	Balto MD 21227	
James H Trader			


#6089
W 5C
1" = 200'
MINEBANK
LANE
BALTIMORE
HOWARD
ST.
STAFFORD ST.
POULTON ST.
SITE
S 8,000
ELIZABETH
AVENUE
WASHINGTON
SHELTON ST.
ALMA RD.
AVE.
JOSHUA
D.R.5.5
LAVERNE
AVE.
AVE.
S 19,000
RO
LANSDOWNE
CHRISTIAN
CHURCH
N.R.H.S.
B.C.L.P.C.
D.R. 16
RD.
CHARLESTON
N 514,000
AVE.
D.R.5.5
AVE
AVE.
LANSDOWNE
AVE.
AVE.
S 3,500

Denied 6/01/04

EXHIBIT PAGE 03-609-A

JAMES & JOELLEN TURDEN | 200 ELIZABETH AVE.

PETITIONER | RESPONDENT

✓ (1) Plat To Accompany Petition

✓ (2) A-4 photos

✓ (3) Letter - Jenny Wieland

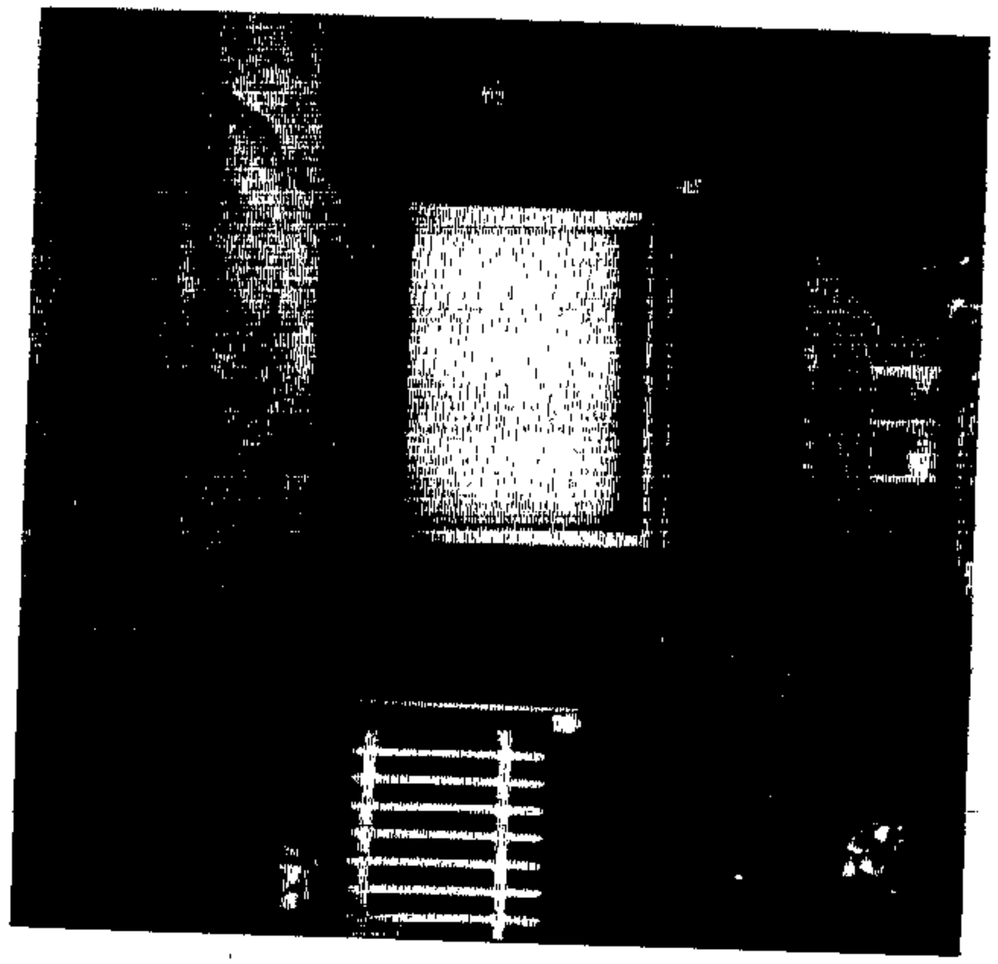
✓ (4) Letter &

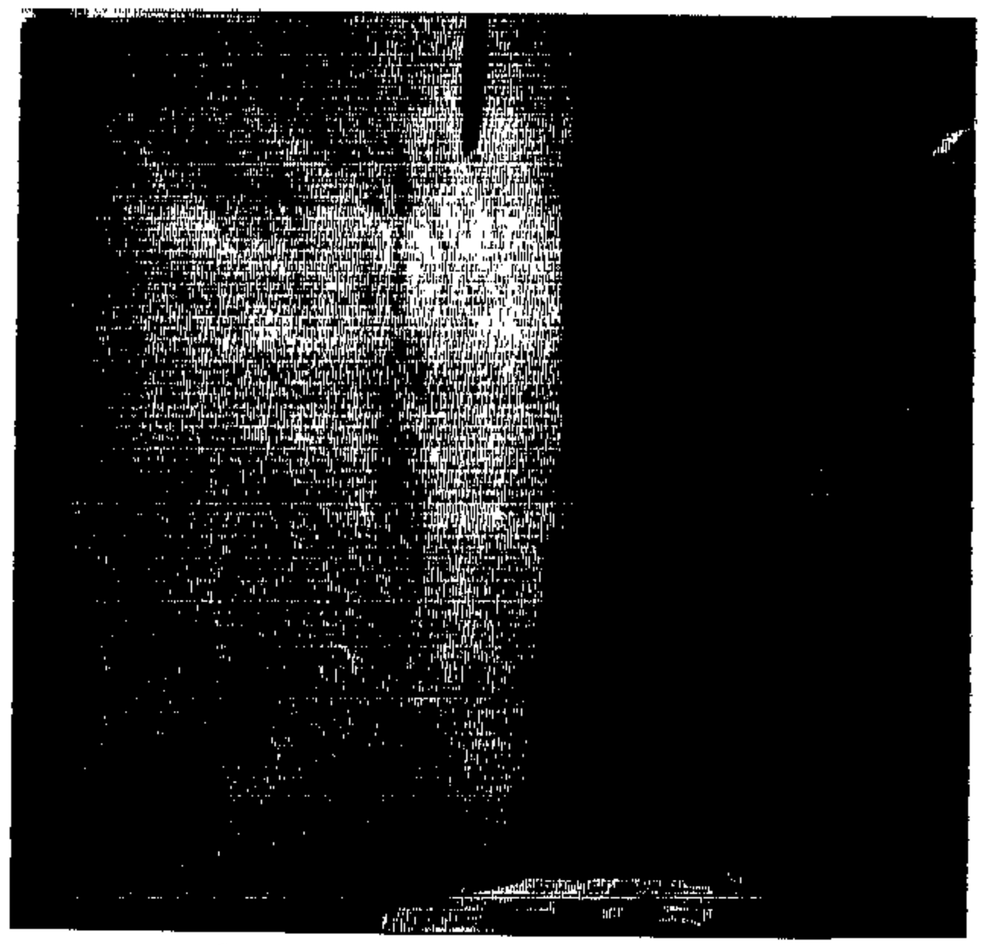
✓ (4-A) Photo of Property owned by William Loeffler

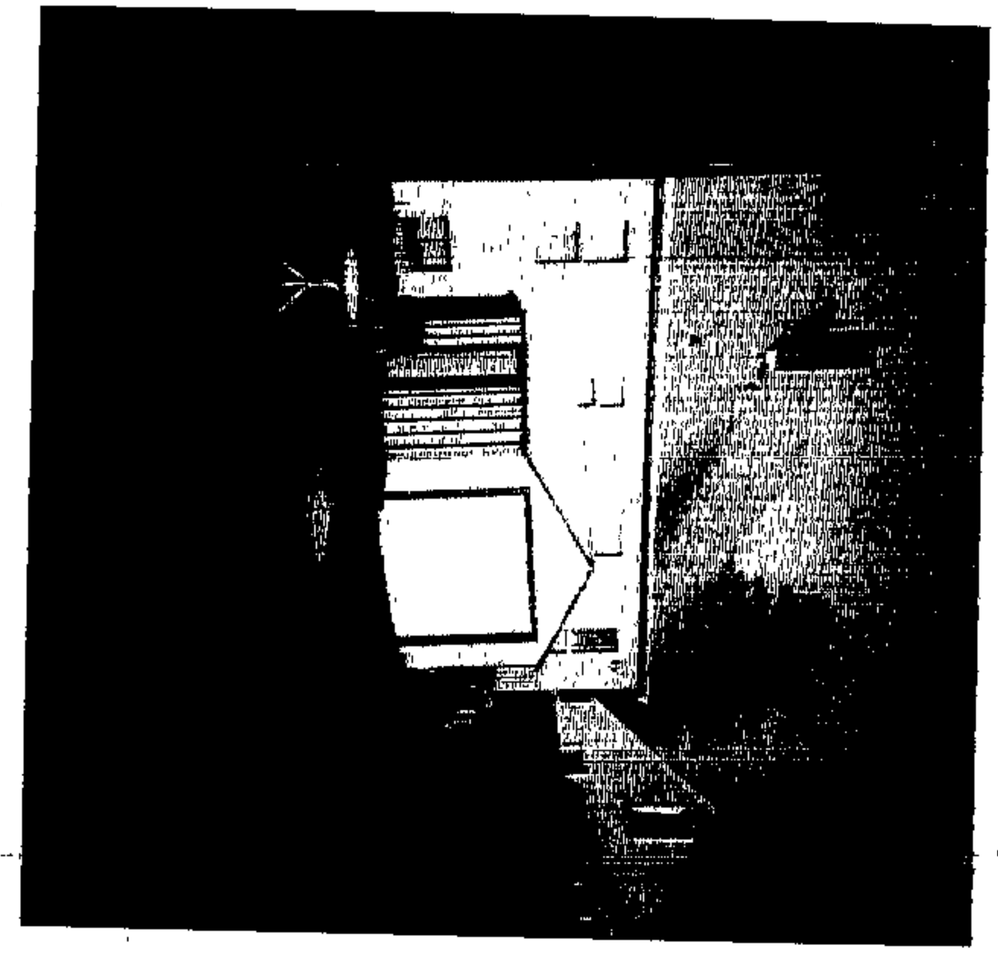
✓ (5) Letter from John & Wolfe

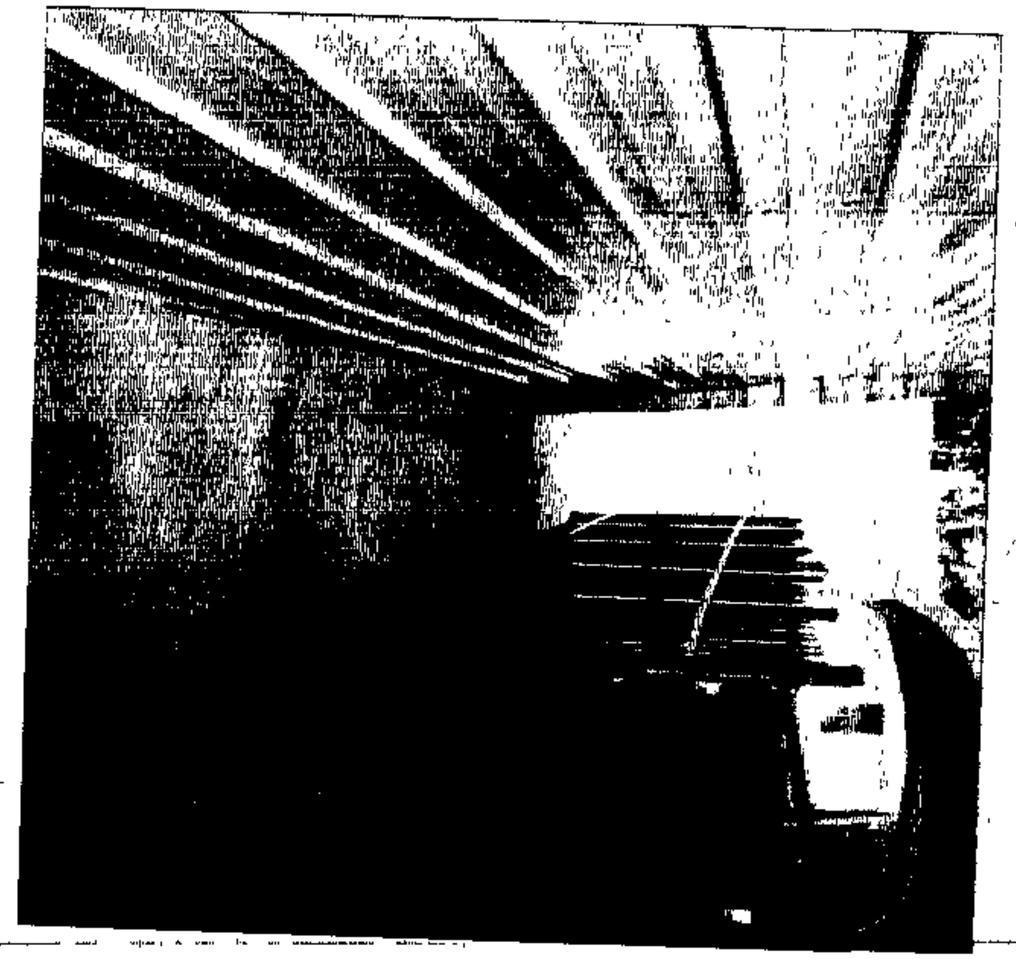
~~(6)~~ ~~" " Mike Harnett 827 Lot Hill Rd, Hamilton~~

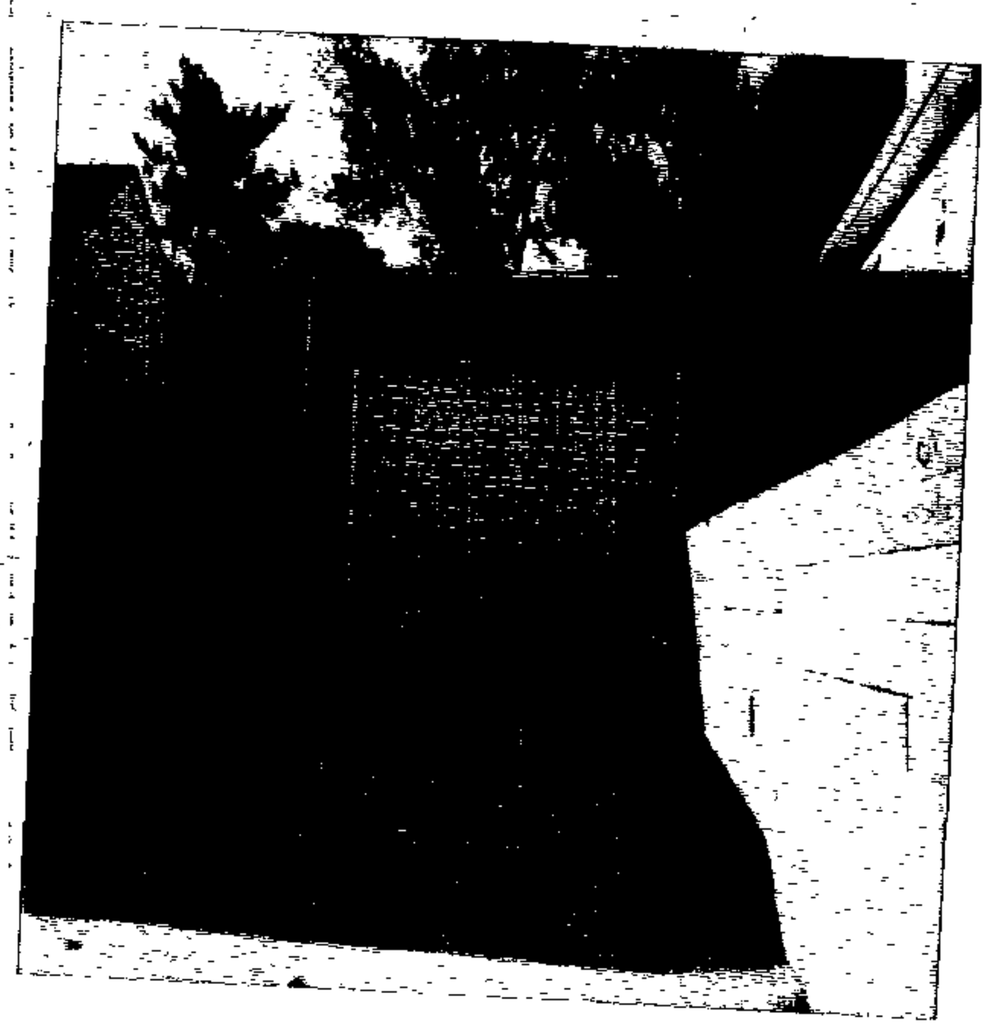
Protestant Exhibits

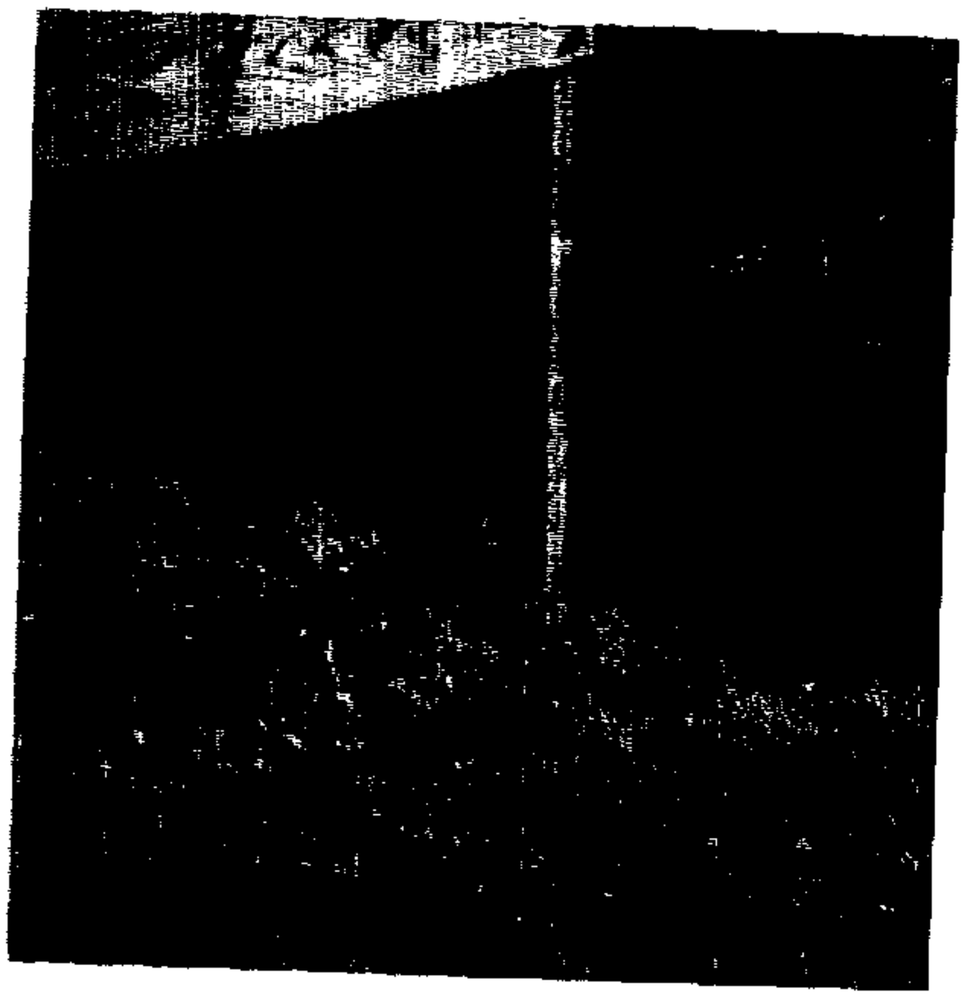


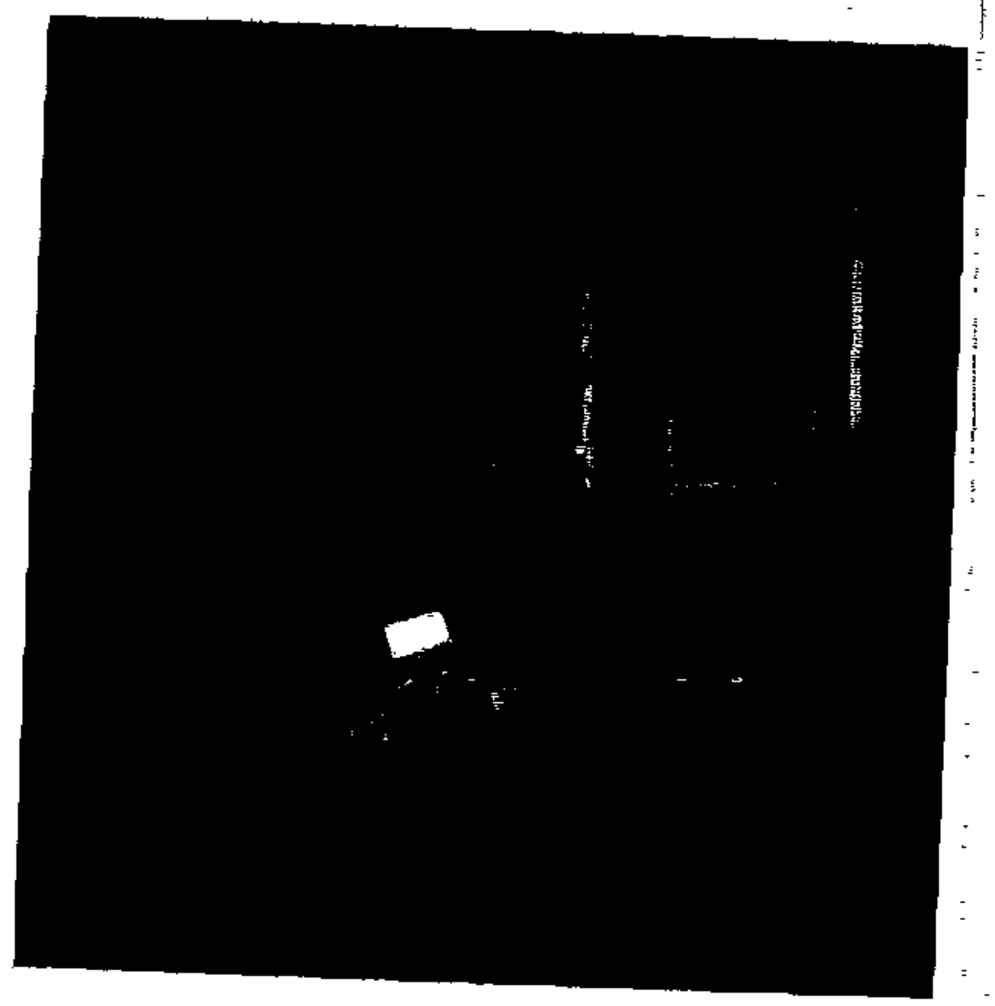


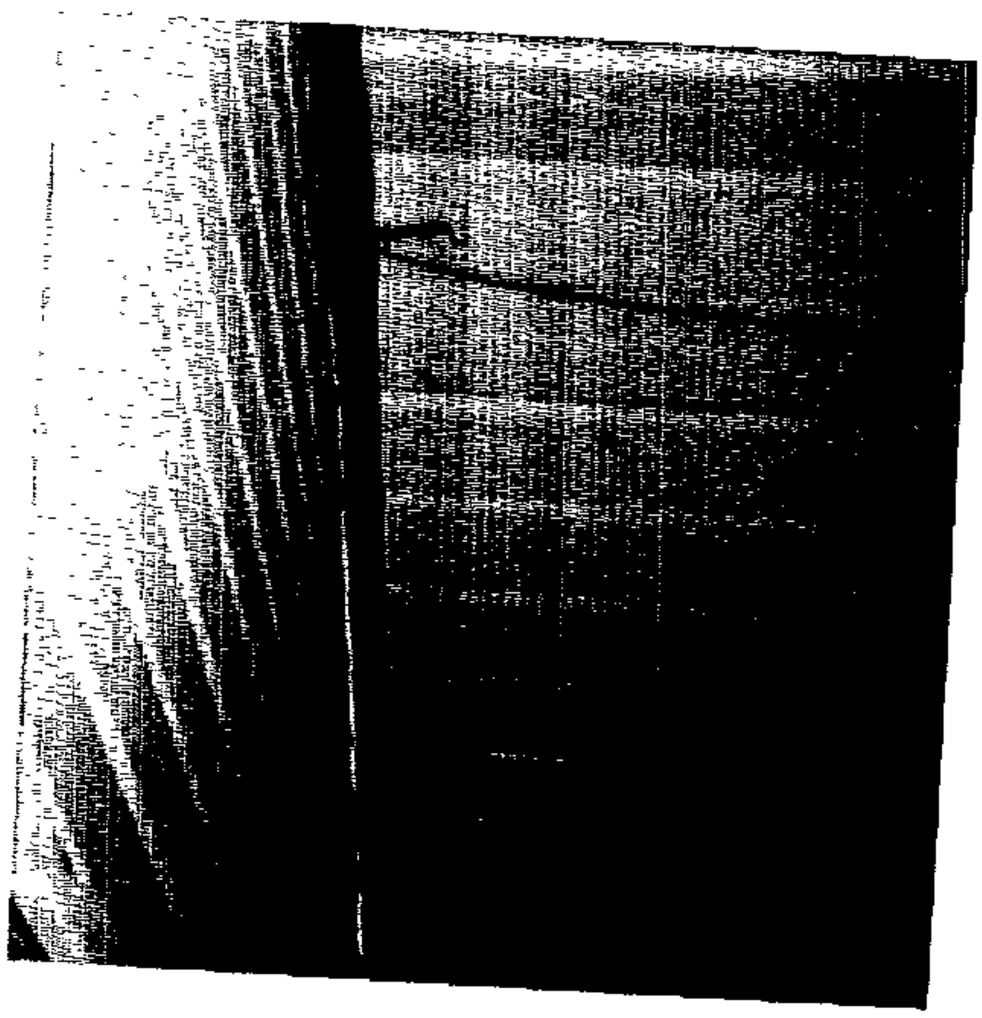












unty Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

Petitioner's 4-A

Petitioners 2 A-L

(11 photos)

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

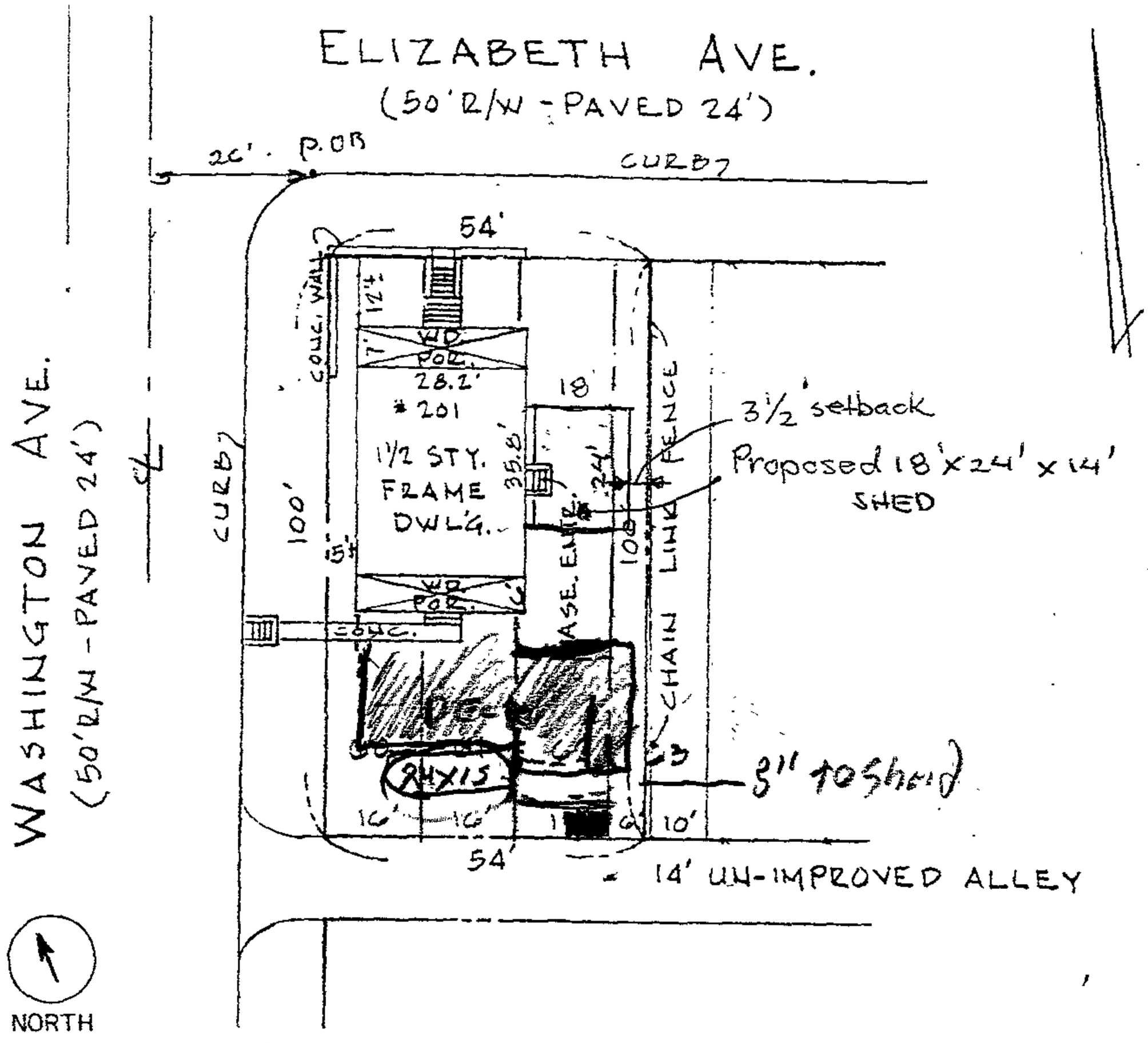
PROPERTY ADDRESS 201 Elizabeth Ave

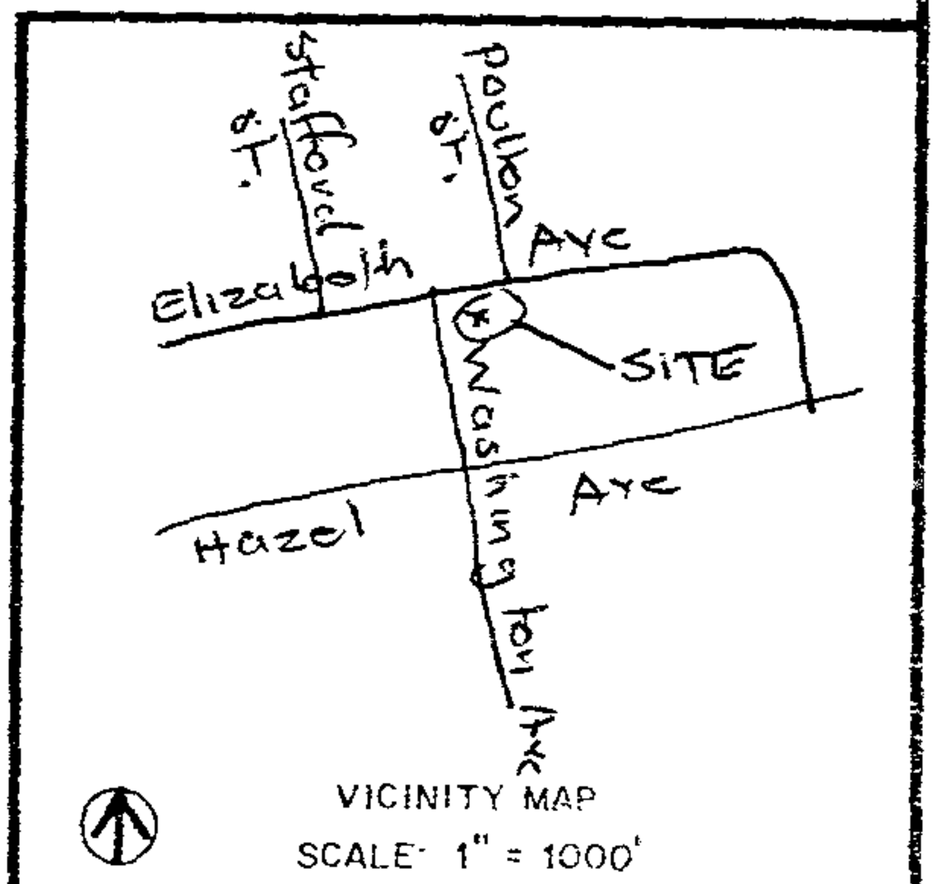
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME PLAT OF JOSHUA
60-61-62 AND PART OF 63 = 6'

PLAT BOOK # 1 FOLIO # 144 LOT # ___ SECTION # ___

OWNER James H Trader Jr + Joellen L Trader





LOCATION INFORMATION

ELECTION DISTRICT 13TH

COUNCILMANIC DISTRICT 1

1"=200' SCALE MAP # SW 5-C

ZONING DR 5.5

LOT SIZE ACREAGE ___ SQUARE FEET 5,400

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JRF	609	03-609-A

PREPARED BY KG

SCALE OF DRAWING: 1" = 30'

-15-

Pet Exhibit 1

Exhibit #3

May 25, 2004

To Whom It May Concern,

I live immediately next door to Mr. Trader and his family. We have been neighbors for almost 16 years.

The houses in Saxadowne are very old. Most built before anyone needed a garage.

Mr. Trader over the years has been putting his time and money into improving his home. He has taken an old house and turned it into a beautiful home. I am very proud to live next door to him.

His garage absolutely ought to be able to stay as it is for it is bringing value to both of our properties.

Thank You

Jerry Wallace
Raymond Wallace

William & Lisa Loeffler
170 Poulton Street
Baltimore, MD 21227
410-242-5738

May 27, 2004

To Whom It May Concern:

We are writing this letter in regards to a recent complaint filed in our neighborhood. We are neighbors of Mr. & Mrs. James Trader. Mr. Trader recently added a car port to his home, apparently, much to the dismay of one or more of our other neighbors. We would like to express our opinion on this issue in defense of the Traders. We simply cannot find any reason why anyone would object to the addition to their home. The car port is visually attractive and, we feel, only adds to the property value. In our opinion, improvements to any home in the neighborhood should be a welcome change. We can only benefit from such upgrades to our properties.

Sincerely,

William and Lisa Loeffler

Exhibit
4

John J. and Diane L. Wolfe
151 Elizabeth Avenue
Baltimore, MD 21227

May 31, 2004

To Whom It May Concern:

We are neighbors of Mr. and Mrs. James Trader. We are writing this letter regarding a recent complaint to a car port enclosure added to their home.

This letter is in defense of the Traders. The car port enclosure is a sound and an attractive structure that adds improvement to their home and to the neighborhood. As residents of Lansdowne we have always thought making improvements to your property was a good thing. We do not understand why this complaint was made and we are very much in favor of the improvement made by Mr. and Mrs. Trader.

Sincerely,

John and Diane Wolfe

Exhibit
(5)