IN RE: PETITION FOR VARIANCE
SW/S of Quentin Avenue, 362 ft. SE
centerline of East Joppa Road
9th Election District
5th Councilmanic District
(8640 Quentin Avenue)

Kathleen & Lester Swanner Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 04-375-SPH

\_\_\_\_\_\_\_

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

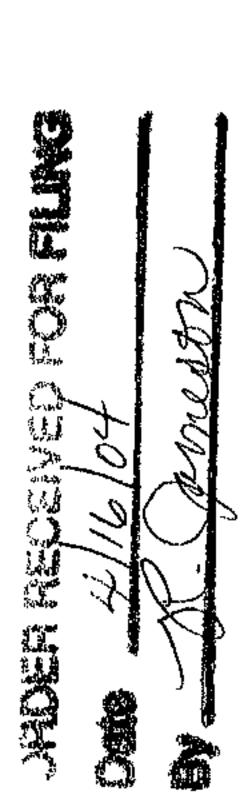
This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Kathleen and Lester Swanner. The variance request is for property located at 8640 Quentin Avenue in the "Joppa Heights Little Farms" subdivision of Baltimore County. The Petitioners are requesting relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. The continuation of existing service garage with machine shop (first floor) single-family dwelling (second floor) and detached accessory building used in conjunction with service garage machine shop plus detached single-family dwelling and any attendant accessory uses (all as nonconforming uses); and
- 2. The replacement of existing 8 ft. x 10 ft. metal shed with accessory 8 ft. x 20 ft. metal structure in same location for machine shop; and
- 3. Two zoning use division lines for possible future subdivision (not to affect the status of the nonconforming uses) and to confirm that the area for the existing two-story frame residence and area reserved for future residential development will meet all B.C.Z.R. requirements.

The property was posted with Notice of Hearing on March 22, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 23, 2004 to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 104 of the B.C.Z.R. – Nonconforming Uses.



ADER RECEIVED FOR FILING

- 104.1 A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]
- A structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction or damage but may not be enlarged. In the case of residentially used structures which are nonconforming in density, the number of dwelling units or density units rebuilt may be equal to but may not exceed the number of units which existed before the casualty. [Bill No. 124-1991]
- No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used. This provision does not apply to structures or uses restored pursuant to Section 104.2, except as authorized by the Zoning Commissioner pursuant to Section 307. [Bill No. 124-1991]

### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated March 4, 2004, a copy of which is attached hereto and made a part hereof.

### Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 03-8427) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter because of an apartment conversion above garage.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioners cannot use the fact that a structure has been modified as a precedent to allow it to continue. Nor does the fact that modifications may be costly to remove come into consideration in the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioners as some sort of an

additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this hearing of this Office.

### Interested Persons

Appearing at the hearing on behalf of the variance request were Lester Swanner, Petitioner, as well as Kenneth Wells, Scott Swanner, Jeffery Giordano, Elizabeth Swanner, William Swanner. J. Neil Lanzi, Esquire represented the Petitioners. Donna Spicer, from Loch Raven Community Council and Cromwood–Coventry Community Association appeared as an interested citizen. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### **Amended Petition**

At the outset of the hearing, the Petitioners amended their petition for special hearing to request relief from Section 104 of the B.C.Z.R. to read as follow:

- 4. The continuation of existing service garage as a nonconforming use for a machine shop (first floor) single-family dwelling (second floor) and detached accessory building used in conjunction with service garage and machine shop plus detached single-family dwelling and any attendant accessory uses (all as nonconforming uses); and
- 5. The replacement of existing 8 ft. x 10 ft. metal shed with accessory 14 ft. x 24 ft. attached metal structure in same location for machine shop and removal of existing shed pursuant to Section 104.3 of the B.C.Z.R.; and
- 6. Two zoning use division lines for possible future subdivision (not to affect the status of the nonconforming uses) and to confirm that the area for the existing two-story frame residence and area reserved for future residential development.

### **Testimony and Evidence**

Testimony and evidence indicated that the property, which is the subject of this variance request, is Lot 113 of the "Joppa Heights" subdivision which was recorded in the Land Records of Baltimore County in 1919 and consists of 34,190 sq. ft. with DR 5.5 zoning. The property is improved by an existing two-story residence with a swimming pool, an existing two story

location since she moved there. Jeffrey Giordino, who lives next door, testified in support of the petition. Finally, Donna Spicer, representing the local improvement associations, spoke in favor of the petition after surveying the community and finding no complaints about the property. She was unable to determine who complained initially triggering the violation investigation by the County. She supported the Planning Office comments except as to the location of the dumpster.

### Findings of Fact and Conclusions of Law

FOFF SEEDS

I find that the Petitioner has operated the service garage as a machine shop and lived on the premises prior to the application of the present zoning regulations in 1955, and I find that this use was a legal use before application of the DR 5.5 zone regulations. I approve the nonconforming continuation of the existing service garage as a machine shop (first floor), the single-family dwelling (second floor), and detached accessory building used in conjunction with service garage/machine shop and the detached single-family dwelling as a dwelling on the property.

I approve the extension of the nonconforming use of the service garage/machine shop by replacing the existing 8 ft. x 10 ft. metal shed with accessory 14 ft. x 24 ft. metal structure in same location attached to the machine shop; and

I further approve the two zoning use division lines for possible future subdivision (not to affect the status of the nonconforming uses) as shown on the redline Plan, Petitioner's Exhibit No. 2; and

I shall deny to confirm that the area for the existing two-story frame residence and area reserved for future residential development will meet all B.C.Z.R. requirements. As discussed at the hearing, I simply have no ability to declare that the existing residence and future residential lot will meet all of the B.C.Z.R.

THEREFORE, IT IS ORDERED, this <u>16</u> day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. That the Petitioner has operated the service garage as a machine shop and lived on the premises prior to the application of the present zoning regulations in 1955, that this use was a legal use before application of the DR 5.5 zone regulations, that the nonconforming continuation of existing service garage as a machine shop (first floor), the single-family dwelling (second floor) and detached accessory building used in conjunction with service garage/machine shop and the detached single-family dwelling as a dwelling on the property is hereby APPROVED; and.
- 2. That the extension of the nonconforming use of the service garage/machine shop by replacing the existing 8 ft. x 10 ft. metal shed with accessory an 14 ft. x 24 ft. metal structure in same location attached to the machine shop is APPROVED; and
- 3. That the two zoning use division lines for possible future subdivision (not to affect the status of the nonconforming uses) as shown on the redline Plan, Petitioner's Exhibit No. 2 is APPROVED.
- 4. That the area for the existing two-story frame residence and area reserved for future residential development will meet all B.C.Z.R. requirements is DENIED.

The above requested relief is subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners must pave the existing driveway as set forth in the Office of Planning's ZAC comments dated March 4, 2004;
- 2. The Petitioners must landscape along the street edge, and screen the dumpster with a board-on-board or masonry fence as set forth in the Office of Planning's ZAC comments dated March 4, 2004.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

m V muklus

FOR BALTIMORE COUNTY

### **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

April 15, 2004

J. Neil Lanzi, Esquire 409 Washington Avenue, Suite 617 Towson, Maryland 21204

> Re: Petition for Special Hearing Case No. 04-375-SPH Property: 8640 Quentin Avenue

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



Visit the County's Website at www.baltimorecountyonline.info

### Copies to:

Kenneth Wells 7403 New Cut Road Kingsville, MD 21087

Lester and Scott Swanner 8640 Quentin Avenue Baltimore, MD 21234

Jeffery Giordano 8632 Quentin Avenue Baltimore, MD 21234

Elizabeth & William Swanner 1632 Mussula Road Towson, MD 21286

Donna Spicer 8719 Eddington Road Baltimore, MD 21234



SHOW THOS

# Petition for Special Hearing

for the property located at 8640 Quentin Avenue

to the Zoning Commissioner of Baltimore County

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Special Hearing un County, to determine whether or not the Zoning Commissioner.  1. The continuation of existing service garage family dwelling (second flr) and detached a service garage machine shop plus detached a accessory uses (all as non-conforming uses)	Is described in the description and plat attached hereto and ider Section 500.7 of the Zoning Regulations of Baltimore should approve with machine shop (first floor) single accessory building used in conjunction with
2. The replacement of existing 8x10 metal shed location for machine shop: and	i and subdivision (not to affect the gratual
of the non-conforming uses) and to confirm residence and area reserved for future resi	that the area for the existing two story frame
Property is to be posted and advertised as prescribed by the zoll, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursu	I nosting etc. and further agree to and are to be bounded by the
	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:	<u>Legal Owner(s):</u>
Name - Type or Print	Lester Swanner Name - Type or Wrint
Signature	Signature Signature
Address Telephone No.	<u>Kathleen Swanner</u> Name - Type or Print
City State Zip Code	X Kathleen Sugman
Attorney For Petitioner:	8460 Quentin Avenue 410-665-3250 Address Telephone No.
Name - Type or Print	Baltimore Maryland 21234 City State Zip Code
Signature	Representative to be Contacted:
Company P.A.	<u>Scott Swanner</u> Name
409 Vashington Avenue Suite 617 410-296-0686 Address Telephone No.	8640 Quentin Avenue 410-665-3250 Address Telephone No.
Towson Maryland 21204 Cty State Zip Code	Baltimore Maryland 21234 City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
No. 04-375-SPH	UNAVAILABLE FOR HEARING
Deview	wed By = NB Note 2/17/04

### kjWellsInc

Trading for Kenneth J. Wells, Inc. Land Surveying and Site Planning

Telephone: (410) 592-8800 Fax: (410) 817-4055

email: kjWellsInc@msn.com

7403 New Cut Road Kingsville, Md. 21087-1132

December 22, 2003

Zoning Description 8640 Quentin Avenue

Baltimore County

Maryland

9<sup>th</sup> Election District

5<sup>th</sup> Councilmanic District

Beginning at a point in the southwest side of Quentin Avenue (40 feet wide) at a distance of 362 feet southeast of the centerline of East Joppa Road (Right-of-Way varies), thence with the southwest side of Quentin Avenue South 16 degrees 47 minutes 56 seconds East 165.00 feet; thence leaving said Quentin Avenue South 73 degrees 12 minutes 04 seconds West 220.53 feet; thence North 6 degrees 56 minutes 35 seconds West 132.70 feet; thence North 23 degrees 14 minutes 56 seconds West 34.48 feet; thence North 73 degrees 12 minutes 04 seconds East 201.69 feet to the place of beginning. Containing 0.7849 acres or 34,190 square feet of land more or less.

**Being a portion of** Lot 113 as shown on a plat entitled "Joppa Heights Little Farms" recorded among the Land Records of Baltimore County in Plat Book 6 folio 166.



BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE No.	
MISCELLANEOUS RECEIPT  DATE ACCOUNT PODE 006-6150	PLOTATION ACTUAL TITLE TO A CONTROL OF THE PARTY OF THE P
AMOUNT \$ 335.00	der 128 Julius Verification: Child. 013071  Recot fot 125,00
RECEIVED   LAC   A	baltimere Comb. Amplind
FOR: - Docial Heaving - 76+0 Division Fine	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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### 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 <u>Towson</u>. Maryland on the property identified herein as follows: Case: # 04-375-SPH

8640 Quentin Avenue

SW/side of Quentin Avenue, \$62 feet southeast of East Joppa Road

9th Election District - 5th Councilmanic District

Legal Owner(s): Lester and Kathleen Swanner

Special Hearing: to permit the continuation of existing service garage with machine shop (first floor), a single service garage with machine shop (lifet hoor), a single family dwelling (second floor), and detached accessory building used in conjunction with service garage machine shop plus detached single-family dwelling and any attendant accessory uses (all as nonconforming uses) and to permit the replacement of existing 8x20 metal structure in same location for machine shop, and two zoning use division lines for possible future subdivision and to confirm that the area for the existing two story frame residence. that the area for the existing two story frame residence. Hearing: Thursday, April 8, 2004 at 9:00 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.

JT 3/771 Mar. 23

C655977

### CERTIFICATE OF PUBLICATION

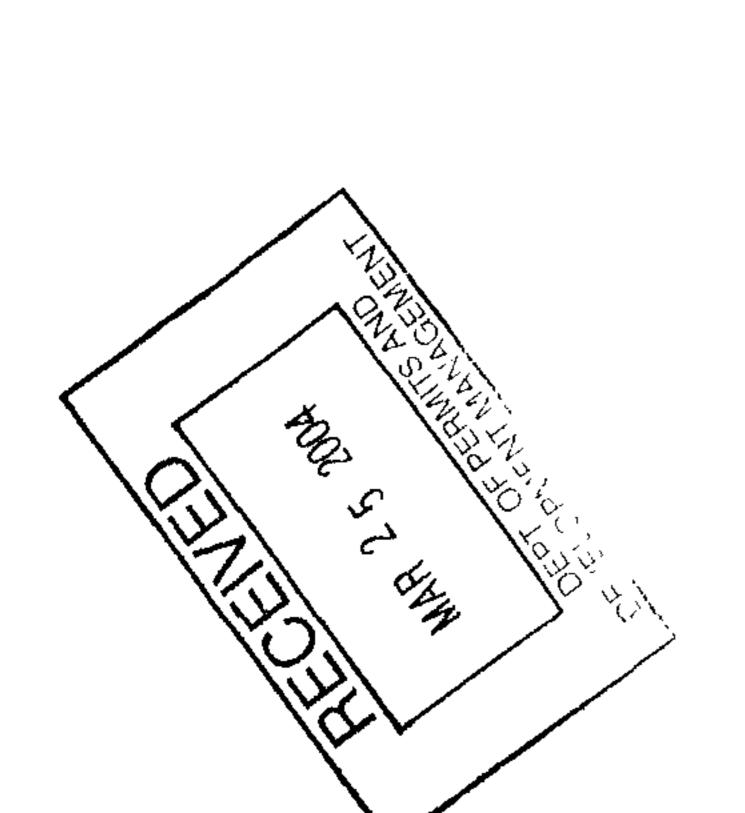
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., successive weeks, the first publication appearing The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

RE: Case No.: 04-375-9PH

Petitioner/Developer: LESTEIL & Date of Hearing/Closing: APRIL 8, **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 **ATTN:** Kristen Matthews {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 8640 QUENTIN AVE The sign(s) were posted on \_\_\_\_\_ Sincerely, (Signature of Sign Poster) **SSG Robert Black** PUBLIC HEARING WILL BE HELD BY THE TONING COMMISSIONER (Print Name) 1位 自與20位 前往 THE PART OF COUNTY OWNER THE THE PART OF MACKET IN 1508 Leslie Road THE THE WAY TO BE TOWN CHANGE BY THE COMMON COMM (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)



# Department of Permits and Development Management

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



# Baltimore County

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

March 1, 2004

### **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: 04-375-SPH

8640 Quentin Avenue

SW/side of Quentin Avenue, 362 feet southeast of East Joppa Road

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Lester and Kathleen Swanner

Special Hearing to permit the continuation of existing service garage with machine shop (first floor), a single family dwelling (second floor), and detached accessory building used in conjunction with service garage machine shop plus detached single-family dwelling and any attendant accessory uses (all as nonconforming uses) and to permit the replacement of existing 8x20 metal structure in same location for machine shop, and two zoning use division lines for possible future subdivision and to confirm that the area for the existing two story frame residence.

Hearing: Thursday, April 8, 2004, at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204 Lester & Kathleen Swanner, 8640 Quentin Avenue, Baltimore 21234 Scott Swanner, 8640 Quentin Avenue, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 24, 2004.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 23, 2004 Issue - Jeffersonian

Please forward billing to:

Scott Swanner 8640 Quentin Avenue

Baltimore, MD

410-665-3250

### **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: 04-375-SPH

8640 Quentin Avenue SW/side of Quentin Avenue, 362 feet southeast of East Joppa Road 9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District Legal Owners: Lester and Kathleen Swanner

<u>Special Hearing</u> to permit the continuation of existing service garage with machine shop (first floor), a single family dwelling (second floor), and detached accessory building used in conjunction with service garage machine shop plus detached single-family dwelling and any attendant accessory uses (all as nonconforming uses) and to permit the replacement of existing 8x20 metal structure in same location for machine shop, and two zoning use division lines for possible future subdivision and to confirm that the area for the existing two story frame residence.

Hearing: Thursday, April 8, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

en Estate

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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number: 04-375-5PH	
Petitioner: <u>SWANN€R</u>	
Address or Location: 8640 QUENTIN AVENUE	
PLEASE FORWARD ADVERTISING BILL TO:  Name:Scott_Swanner	, <u>u</u>
Address: 8640 Quantin avenue	
Baltomore MD 21234	
Telephone Number: 410 - 665-3750	

# Department of Perios a Development Management

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





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

Æ.

March 31, 2004

J. Niel Lanzi 409 Washington Avenue, Suite 617 Towson, Maryland 21204

Dear Mr. Lanzi:

RE: Case Number: 04-375-SPH, 8640 Quentin Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 17, 2004.

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,

u. Callilal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel Lester and Kathleen Swanner 8460 Quentin Avenue Baltimore 21234 Scott Swanner 8640 Quentin Avenue Baltimore 21234

### Fire Department

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





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 23, 2004

Item No.:

367-375

Dear Ms. Hart:

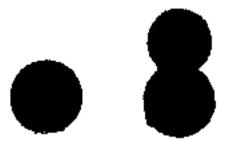
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

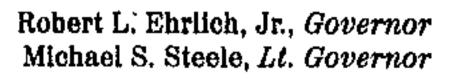
6. The Fire Marshal's Office has no comments at this time.

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

cc: File









Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.

2.24.04

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

RE:

Baltimore County

Item No. 375

JHP

Dear, Ms.Matthews:

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,

4

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

1. 1. Dredl

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley M9

DATE:

March 22, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 23, 2004

The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-365

04-367

04-368

04-370

04-371

04-372

05-375 64-375

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc



## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** March 4, 2004

RECEIVED

ZONING COMMISSIONER

MAR

4 2004

**SUBJECT:** 

8640 Quentin Avenue

INFORMATION:

**Item Number:** 

4-375

Petitioner:

Lester Swanner

Zoning:

DR 5.5

Requested Action:

Special Hearing

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow the continuation of an existing service garage in combination with a single family dwelling and any attendant accessory uses contingent upon the following:

- 1. Pave the existing driveway.
- 2. Provide landscaping along the street edge, and screen the dumpster with a board-on-board or masonry fence.

This office also supports the zoning use division line as shown on the site plan.

The replacement of the existing 8' x 10' metal shed with one that is 8' x 20' would exceed the permitted 25% enlargement of a non-conforming use. As such, this office does not support this request.

Prepared by:

**Section Chief:** 

AFK/LL:MAC:

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

**DATE:** March 15, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For March 1, 2004

Item Nos. 365, 367, 368, 370, 371, 372, 373, and 375

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING 8640 Quentin Avenue; SW/side of Quentin	*	BEFORE THE
	Avenue, 362' SE of East Joppa Road  9th Election & 5th Councilmanic Districts	*	ZONING COMMISSIONER
	Legal Owner(s): Lester & Kathleen Swanne Petitioner(s)	r*	FOR
		*	BALTIMORE COUNTY
		*	04-375-SPH

### 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 and documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MAR 0 4 2004 CAROLES 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 4<sup>th</sup> day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to Scott Swanner, 8640 Quentin Avenue, Baltimore, MD 21234, and to J. Neil Lanzi, P.A., 409 Washington Avenue, St 617, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DATE:

March 2, 2004

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

James Thompson, Supervisor

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 04-375-SPH

Legal Owner/Petitioner: Lester & Kathleen Swanner

Property Address: 8640 Quentin Avenue

Location Description: SW/ side of Quentin Ave., 362 ft SE of East Joppa Rd

INFORMATION:

Case No.: 03-8427

Please be advised that the aforementioned petition is the subject of an active violation case.

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:

Code Enforcement Report
Baltimore County Correction Notice

Photos (4)

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

JHT/lrs

c: Christina Frink, Code Enforcement

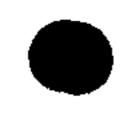
DE ENFO	DRCEMENT REPO	NCF
DATE: 10 / 16-107 INTAKE BY: Wm	W: 77 CASE #: 03-84	427 INSPEC: 2
COMPLAINT 8640 QUENTIN	•	
<del></del>	ZIP CO	DE: <u>2/234</u> DIST: 9
COMPLAINANT ANDOW 4 MOUS	PHONE #: (H)	(W)
ADDRESS:		ZIP CODE:
PROBLEM: APT CONVERSION A	PhoNE GARAGE	· · · · · · · · · · · · · · · · · · ·
IS THIS A RENTAL UNIT?  IF YES, IS THIS SECTION 8?  OWNER/TENANT INFORMATION:	NO NO	
TAX ACCOUNT #: 09/99/0000	<u>zo</u>	NING:
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B.





Baltin County
Department of Permits and
Development Management



Code Inspections ar Inforcement County Office Build 111 West Chesapeake Avenue Towson, MD 21204

Code Enforcement: Building Inspection: 410-887-3351

Plumbing Inspection: Electrical Inspection:

410-887-3620 410-887-3960

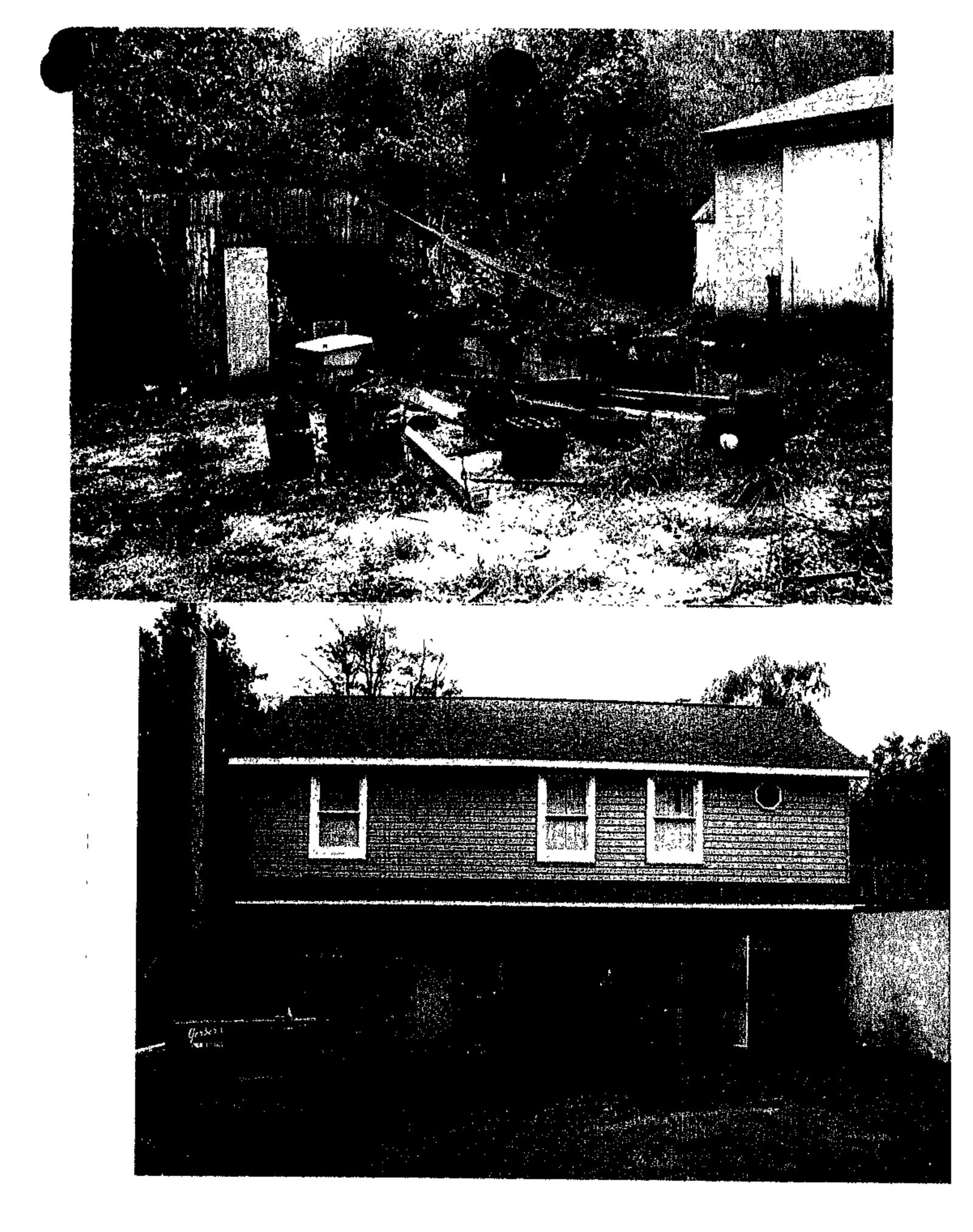
### BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

(a) 1 (a)	*I	1 December No.	<del></del>	<del></del>	77 1	
Citation/Case	<u> 8 </u>	Property No.	110000		Zoning: DE S5, 5	
Name(s):	Les	7.97	Swanner			
	Kar	hieen	Swanne	,-		
Address:	8640	Quenti	n Are B	4 Hm	Dre my 212	134
Violation	82.11	A . T.	A n 2 \a	<b>4</b> ~		
Location:					RE COUNTY LAWS	
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YOU ARE HE	REBY ORDER	ED TO CORRECT	THESE VIOLATIO	N(S) ON OR	BEFORE:	
Ou or Before:	11-21-	-0 <sup>3</sup>	Date Issued:	10.	21-03	
•	·				NOR. A CONVICTION	-
	-		OR 90 DAYS IN JAI	•	00, OR \$1000 PER D. H.	AI, PE
Print Name	( f~	<u> </u>	500			<u>'</u>
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### PLEASE PRINT CLEARLY

CASE NAME_			
CASE NUMBE DATE	R.04	-375-	SPH
DATE 4/	8/04		

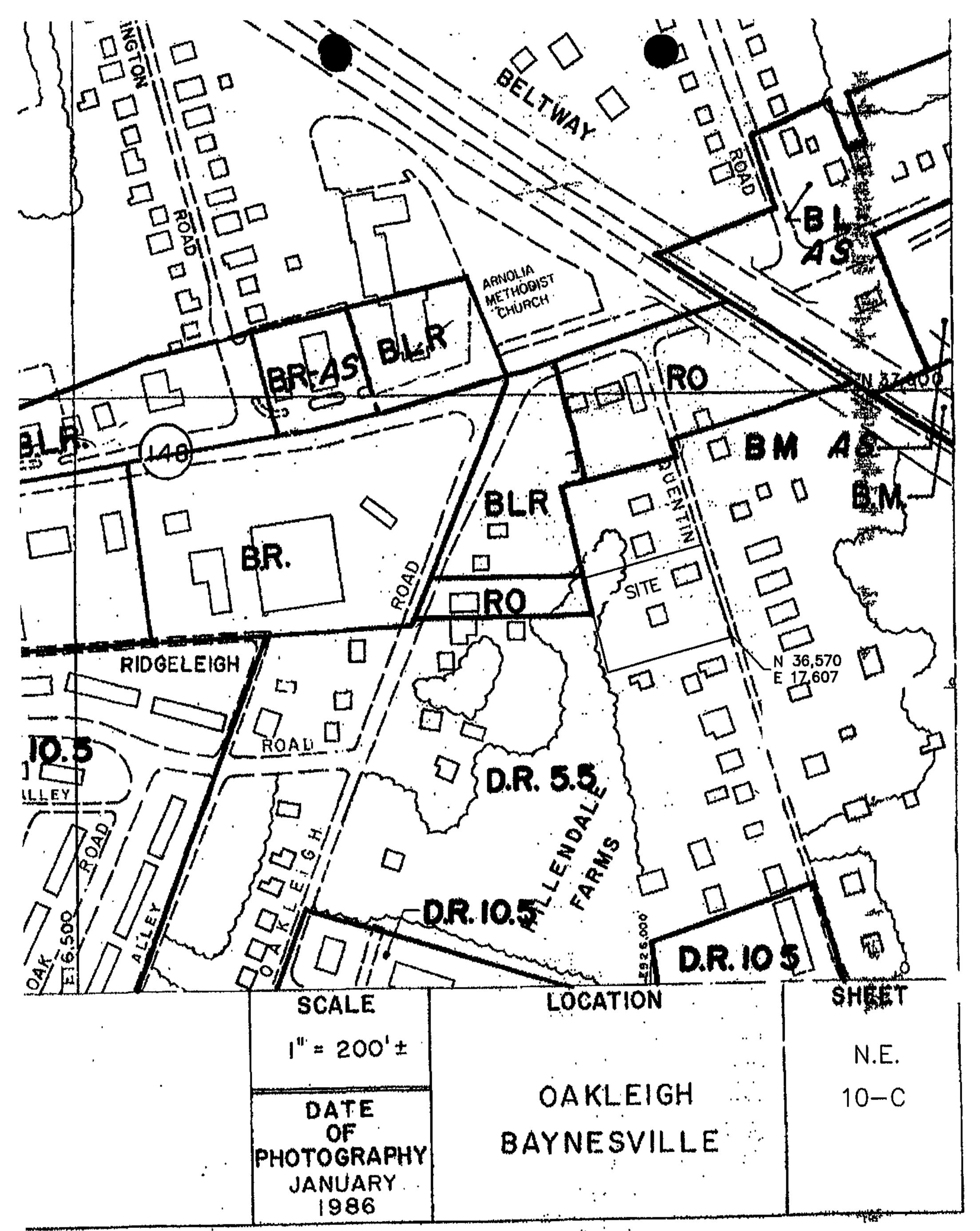
## CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DONNA SPICER	8719 Eddington Rd	Balto. MD. 21234	FAX 410-668-0569
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DATE	(//87/	54		

## PETITIONER'S SIGN-IN SHEET

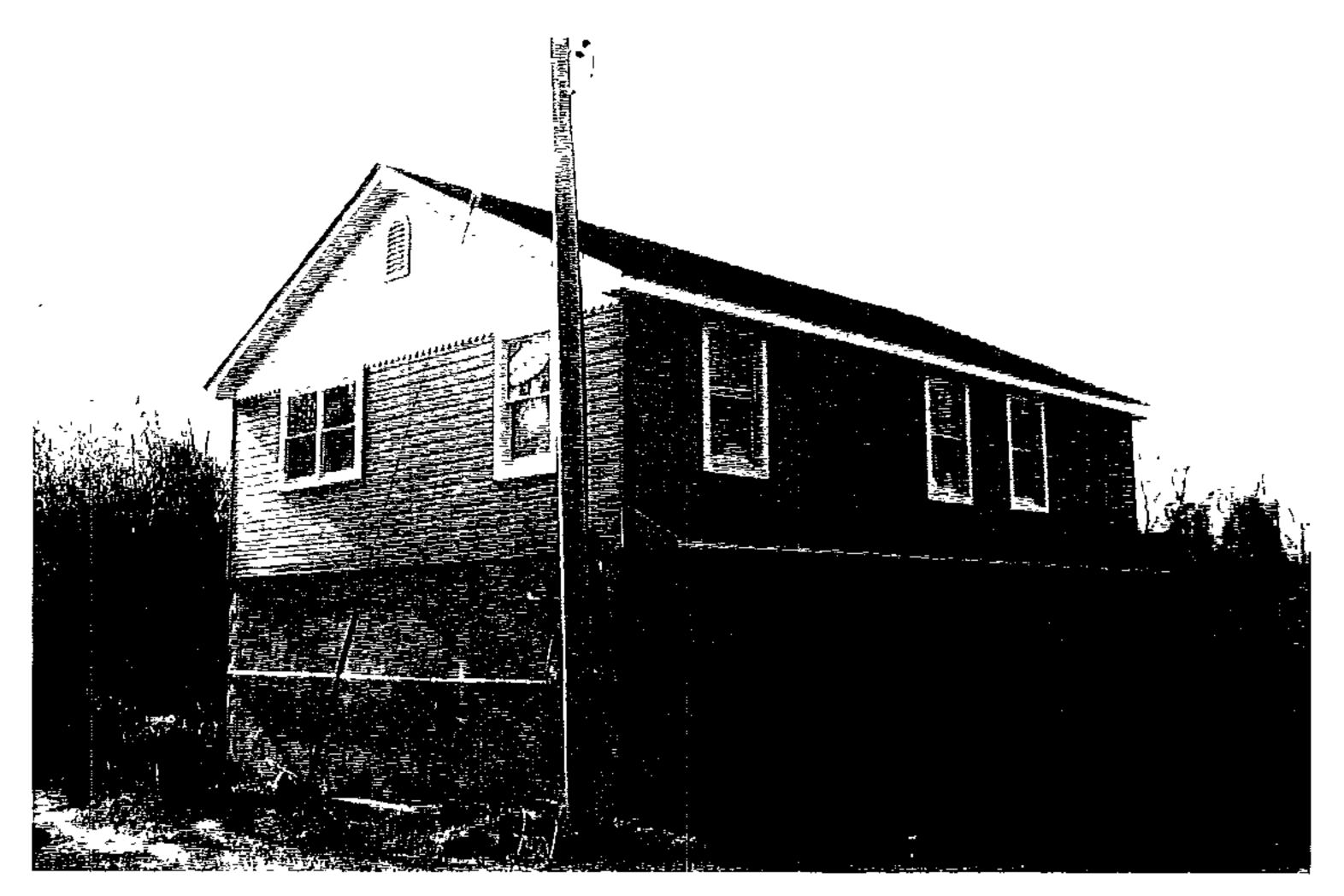
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
KENNETH WELLS	7403 NEW CUT ROAD	KINGSVILLE, MD 21087	Kyldells Inc Pmsn. com
LESTER R SWAWNER	8640 QUEATIN AUR.	BAYNEUILLE md. 21234	
Scott A. SWANNER	8640 Quentien Ane	Baynesville M.D. 21234	
Seffery A Grordero	8632 Quentin Ave	Baltimen MP. 21234	
Elizabah Swanner	1632 Mussula Rd	Dawson Nrd 21286	
William Swanner	1632 Mussala RA	500000 Md 21286	<u> </u>
Nec Cenzi	409 Washington Ove #617	Towson 21204	<u></u>
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04-375-SPH

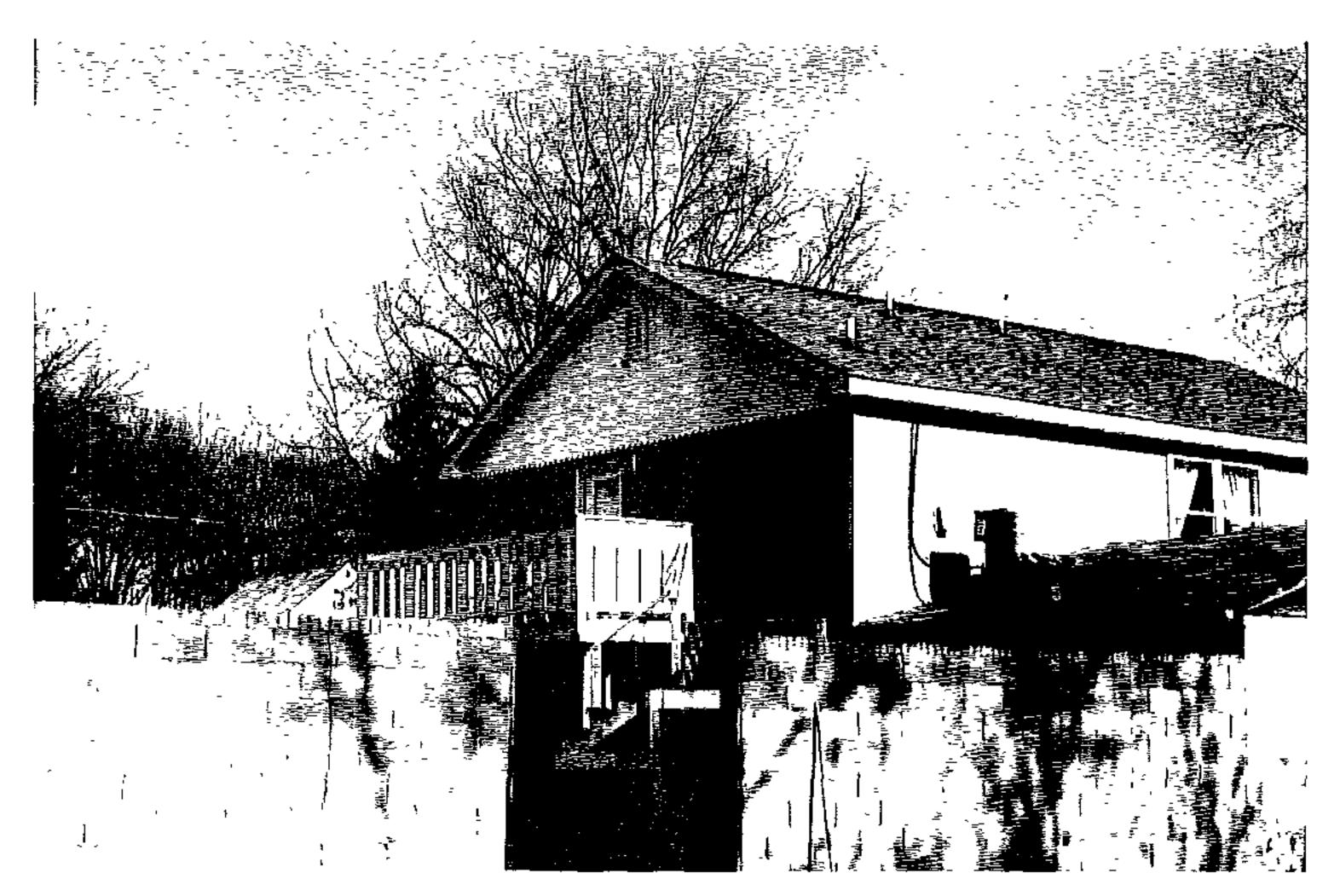


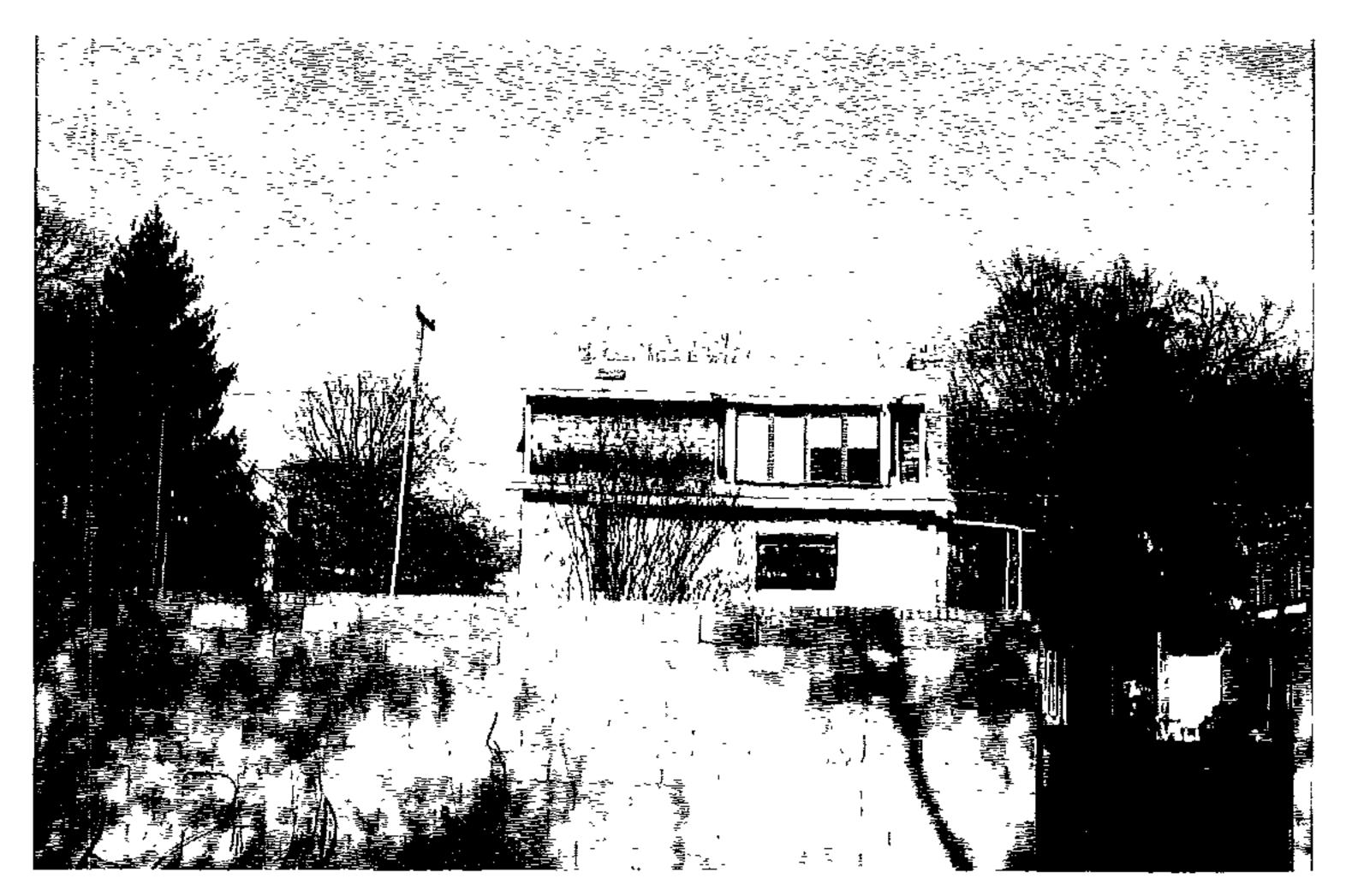






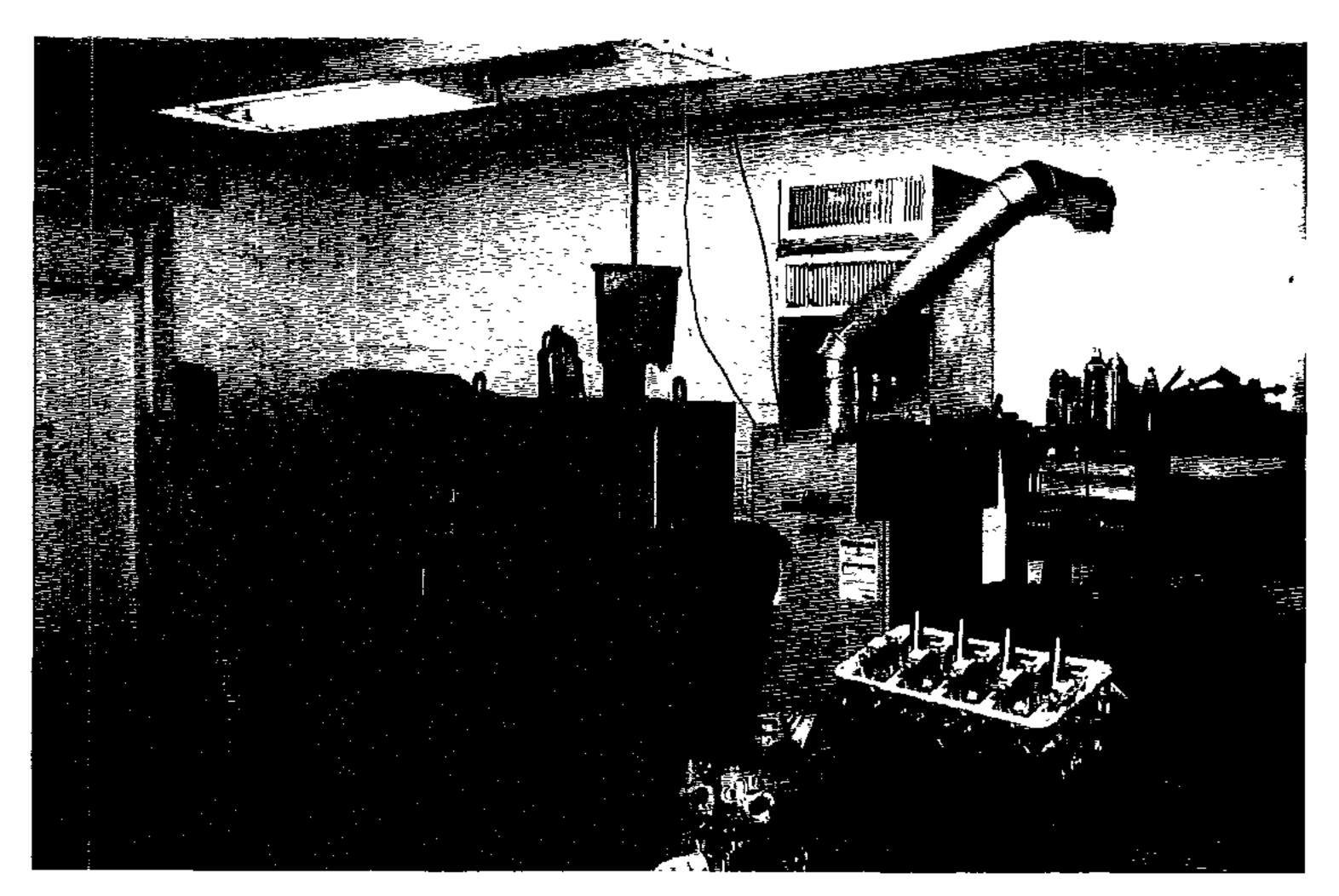




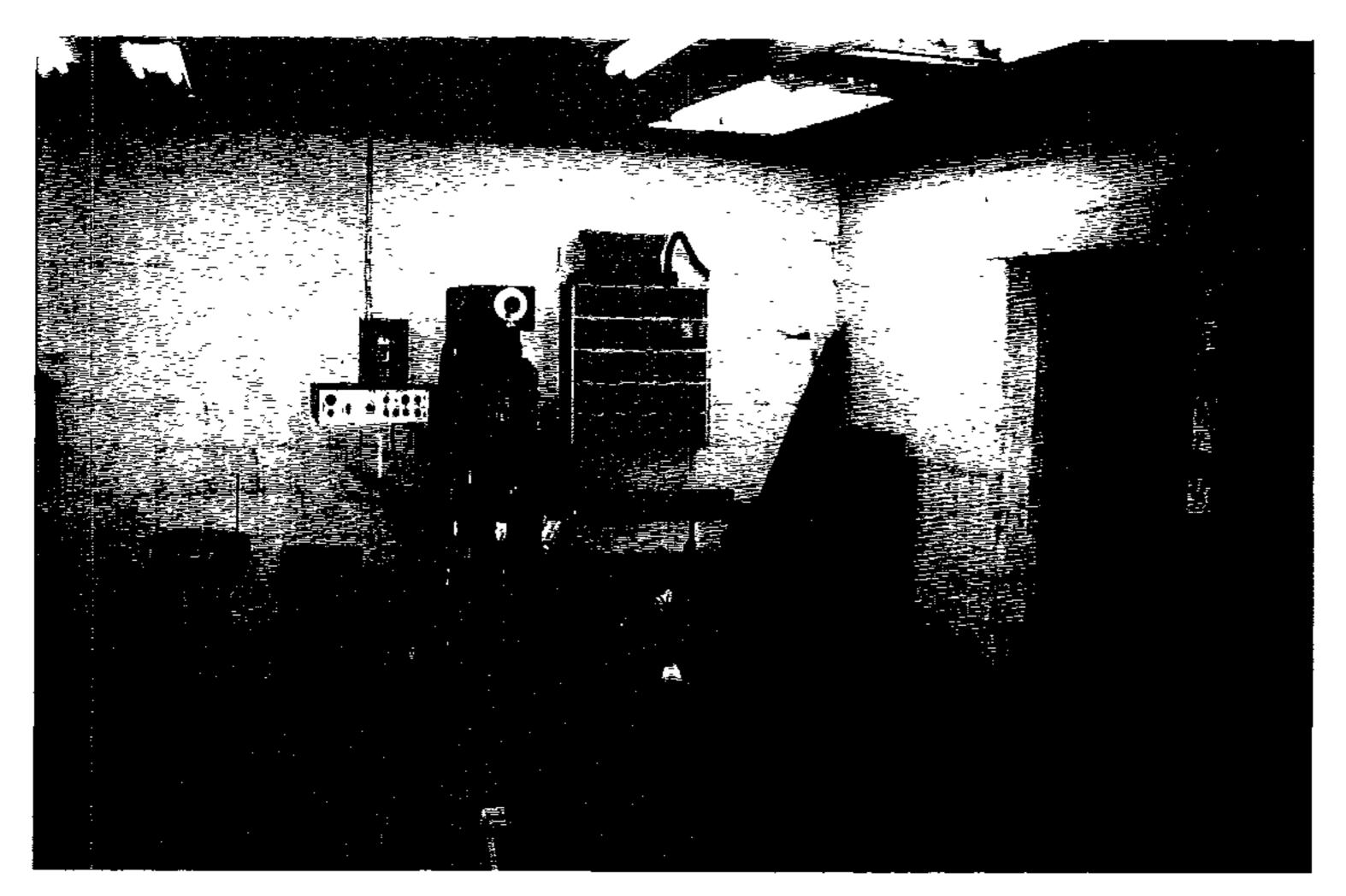








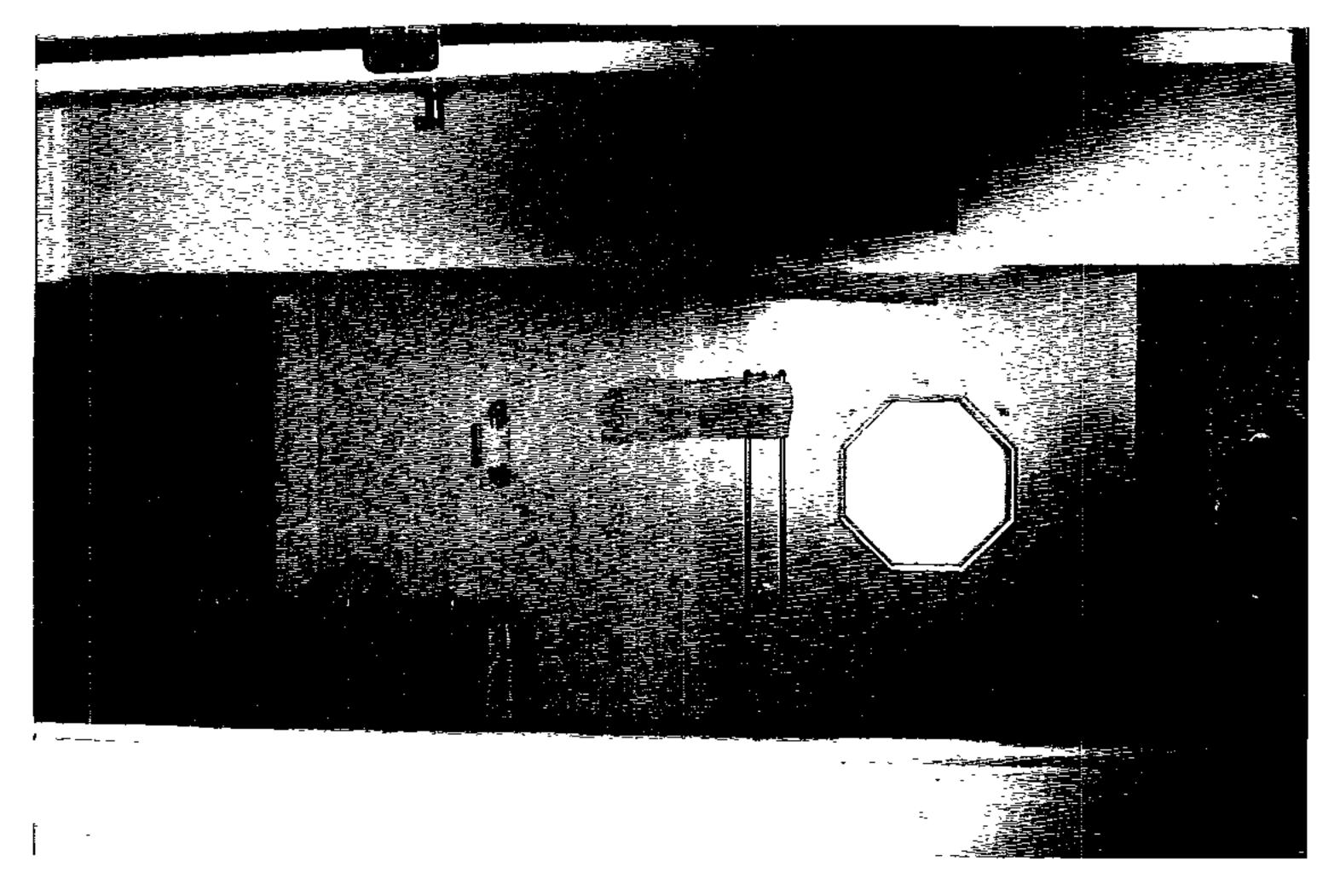














Baltimore County Zoning Commissioner Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photograph 30 years of the Authority of 3 th Split

HENRY D. BLAIR, Jr. P.A. ATTORNEY-AT-LAW

THIS DEED, made this

day of May

in the year

one thousand nine hundred and

eighty-seven between

LESTER R. SWANNER (sometimes known as LESTER R. SWANNER, JR.) and DOROTHY A. BROWN, Remaindermon, of Baltimore County, in

the State of Maryland, Grantor a , of the first part, and

lst

LESTER R. SWANNER and KATHLEEN H. SWANNER, his wife, of Baltimore County, in

the State of Maryland, Grantee a , of the second part.

WITNESSETH, that in consideration of the sum of Fifteen Thousand (\$15,000.00)

the receipt whereof is hereby acknowledged, the said

JEED.

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15/14/91

more, the set hereit

LESTER R. SWANNER and DOROTHY A. BROWN

Grantor s do hereby grant and convey unto the said

LESTER R. SWANNER and KATHLEEN H. SWANNER, his wife, as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns of such survivor,

in fee simple, all that lot of ground situate, lying and being in Joppa Weights, Carney, WF Baltimore County, State of Maryland.

and described as follows, that is to say:

BEGINNING for the same at a point on the dividing line between Lot No. 113 and the tear lot line of Lot No. 114, said point of beginning being on the west side of Quentin Avenue, as laid out on the plat of Joppa Heights Little Earns, recorded in Plat Book No. 6, folio 168; and running thence southerly and binding on the west side of Quentin Avenue 165 feet to the north side of the lot of ground heretofore conveyed by William A. Goetze and wife to Milton E. Fidinger and wife by deed dated October 16, 1929, and recorded in Liber Limelan, No. 840 folio 80; and running thence westerly and binding on the north side of early Fridinger let the distance of 220 feet, more or less, to the fear Lot line of lot No. 113 on said plat; and running thence northerly sing the rear lot line of lot No. 113 to intersect the rear lot line of lots life of lots and running thence and binding on the rear lot lines of lots Nos. 115 and 114 215 feet to Quentin Avenue, the place of beginning. The improvements thereon are now known as No. 8640 Oventin Avenue.

BEING the same lot of ground and premises which by Doed dated August 25, 1975, and recorded among the Land Records of Bultimore County in Militer Edition.

No. 5562 folio 75 was granted and conveyed by Leater Rigdon Swanner (reserving unto himself a life estate with full powers of disposition) and the remainder to Leater R. Swanner, Jr. (now known as Leater R. Swanner) and Dorothy A. Brown, his children. The said Leater Rigdon Swanner departed this life on or about August 15, 1977, without having exercised the powers of disposition reserved by him in said Deed thereby leaving title wested in Leater R. Swanner and Dorothy A. Brown, the Grantors herein.

ASSEST TOUR ANALYTIC

Out It 5

I, Linda Mulling live at \_\_\_\_\_ Quentin Avenue, and have lived at this residence for \_\_\_\_\_ years. The Swanner family has operated their machine shop business at 8640 Quentin Avenue since I have lived here. I have never experienced any problems (noise ect...) from the machine shop. I have no objection to the combined use of the property as a machine shop and residence.

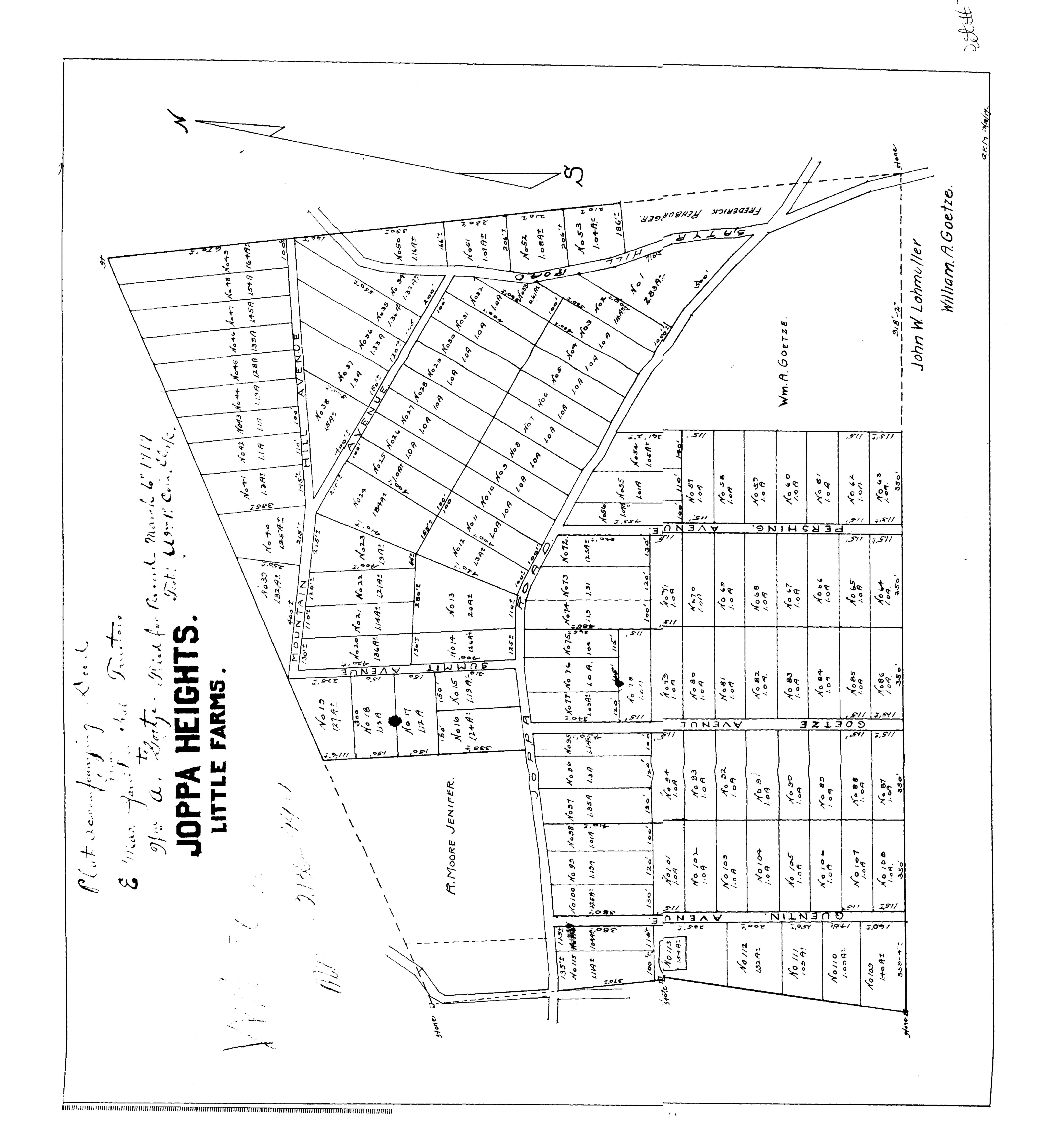
Date

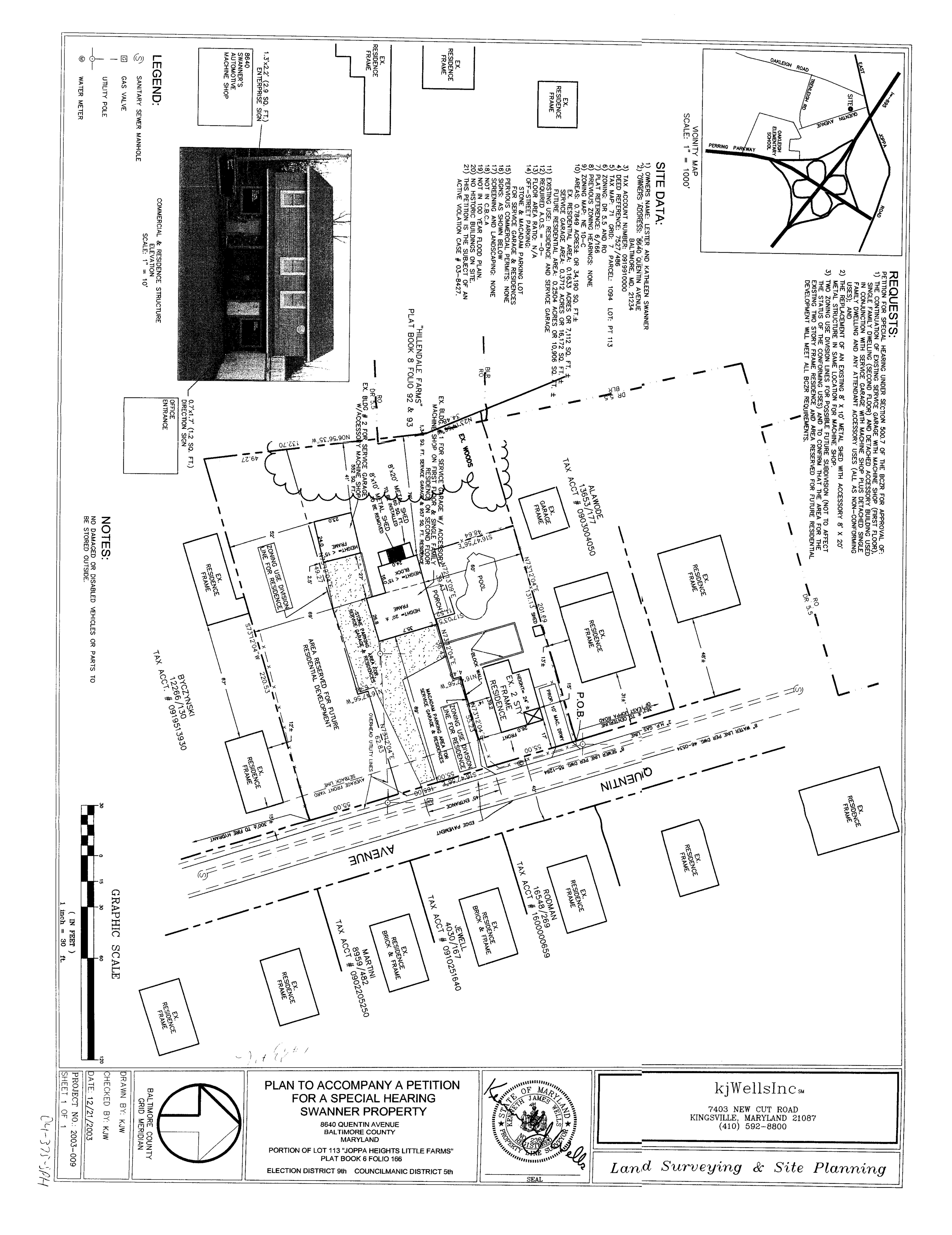
Signature

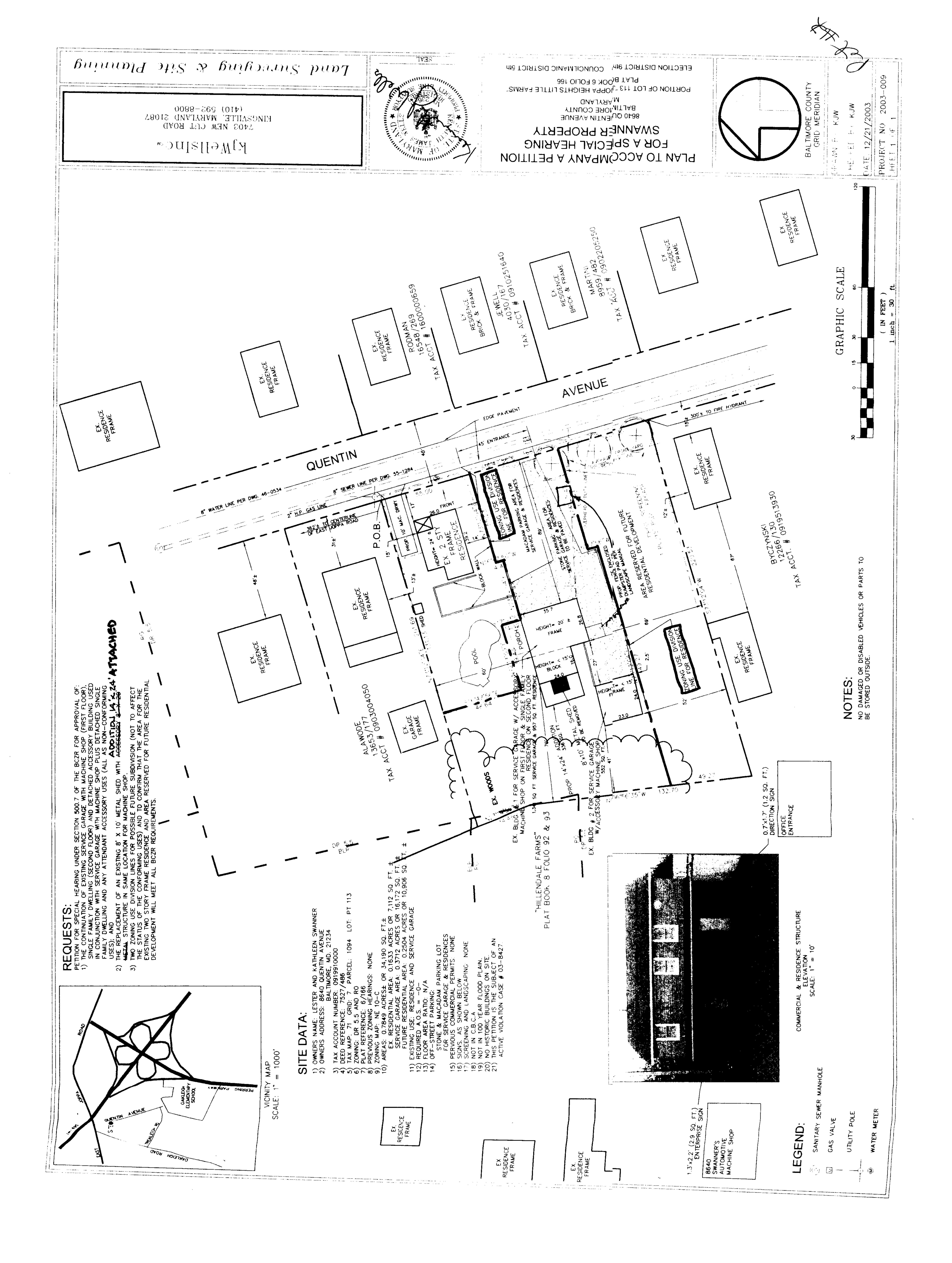
AND THE COMPANY OF THE CONTROL OF TH THE CONTROL OF THE PROPERTY OF AND VIOLOGICATION OF THE TIER THE REPORT OF THE STATE OF THE CHAIN TO THE PROPERTY OF THE PROPERTY OF THE COUNTY STORES OF MERCHANDER OF THE PROPERTY O as follows Beginning for the same at a point on the cuving suines peckethic to the continues of the co lot 14he of Lot-no 114 sevil sound of beginning being found leavest at 15 of five brains were laid out on the plat of Jodge Helphtol Little Jephe Tecephed the Linc Hookshose Children runing the noe Bouther-Ly and pandbig on the west elucion out the visit of the List of the target of the sing of the Lot of ground heretofore conveyed by William Microsoffind witesto William 19 nd vire by deed dated Optober 18 1029 and recorded in the best Lydown end a content with a ning thence weaverly and binding on tho morth side of sead Hadinger lougger during the checking to the rest more ou less to the rest Lot Line of Lot No. Ltg. on a wind blackeries withing sommer butter along the rear lot line of seld lot No lis to a scone enderunning the nessenger lot. the rear lot line of lot No 113 to inverseot the rear loveline or dotallo assist the coneald plate and running whence and binding on the mear lovel messor loves not libration feet to Quentin Avenue the place of beginning Boing full and the seme lot or parcel of ground and premises which have been day additional and the seme lot or parcel of ground and premises will be a selected as a second and the sementary a December 1958 recorded among the Land Records of Balulmore County (10) Lubers Cew Block No. 1048 folio:52 eto was granted and conveyed by willing P. Bolton Assignes unto wishing Constitution Corporation the grantor herein Together with the bulldings and improvements thereon and the recurrence of the recur privileges appurtenances and advantages thereto belonging over recovery To have and to hold the storessid lot of groundward premises uncomined as the second second Swanner and Loretve Helen Swenner his wife as tenents by the settles the Loretve British and the constant of the content of th REAL CREATER OF THE STRUCTURE OF THE LEFT BUILDING THE STRUCT OF THE SURVEYOUR IN CERTAIN THE And the sald Home Cymers! Loan Corporation hereby coverents with the salidy les years was a Swanner and Loretta Relem Swanner his wife other it will wante for a constitution of the constitution of t by conveyed and that it will execute anong tribler assurances for several and that it will execute anone as the And this deed cunther witheseth that the said liones come and conformation of the said of the contract of the Constitute and appoint Pater M. Siewierski of Ealt Inovaluation Larving Constitution it and in its hame and as end for its corporate south deed to school bages the deed. before any person having authority by using of the structure of Many Inno Fortise such action legent menting the intent that the same may be quivred ded. of Trank Prince 2/8 8/8 tent regions 11/2/19891 ture reciving the 11/2/1980 of 1887 resolution of 1887.

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WEREPUBLICATION FILE

building with a machine shop on the first floor with metal storage shed, with a residence on the second floor, and an existing accessory building as shown on the redline Plan to Accompany Petitioner's Exhibit No. 2. There is an undeveloped portion of the property as well. Mr. Lanzi explained that the category of "service garage" includes machine shops but regrettably there is no separate category for machine shop per se. He assured all that the Petitioners did not repair vehicles, but rather the machine shop repaired motors of vehicles among other metal working and machining operations.

He proffered that this machine shop and the residence above the machine shop had been at this location since the 1930's. The hours of operation are Monday through Friday 8:00 AM to 5:00 PM with pickup and drop off service after regular business hours. In addition to finding the existing uses nonconforming, the Petitioners would like to expand their nonconforming uses to replace an 8 ft. x10 ft. metal shed attached to the machine shop building with a 14 ft. x 24 ft. metal shed again which would be attached to the building. Thus the nonconforming machine shop would expand 25% which is the maximum allowed under the statute.

Petitioners' Exhibit No. 2 shows several changes as compared to the original plan (Exhibit No. 1) submitted with the application. These changes were primarily made to reflect comments from the Office of Planning with which the Petitioners agreed. In addition, the redline plan reflects a suggestion by Donna Spicer to move the dumpster toward Quentin Avenue to make access to the dumpster easier for the Petitioners. Finally, the redline plan clarifies the location of the Zoning Use Divisions Lines which are now shown in red.

Mr. Lester Swanner testified that that he grew up on the property, had been working in the machine shop since 1964, and remembered his father operating the machine shop and living on the premises since the 1940's. A letter from Linda McWilhelm indicated that she has lived on Quentin Avenue for the past 50 years and the machine shop always operated at the subject