IN RE: PETITION FOR VARIANCE

* BEFORE THE

S & E/S of an existing alley located to the rear

Of the S/S Edsworth Road and the E/S

Aldworth Road, N of German Hill Road

(7433 Edsworth Road)

12th Election District

7th Council District

ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 05-219-A

Alvin Lloyd, et ux Petitioners

* * * * * * * *

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, Alvin Lloyd and his wife, Mary Lloyd. The Petitioners request a variance from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non-residential principal building setback of 20 feet in lieu of the required 25 feet, and side and rear setbacks of 0 feet each in lieu of the required 20 feet and 50 feet, respectively, for a proposed community garage. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Alvin Lloyd, property owner, Richard E. Matz, the Professional Engineer who prepared the site plan for this property, and David Cosner, builder. Also appearing as interested citizens were Joshua Manley and Susan Buckland. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located immediately adjacent to an alleyway that runs along the rear of existing townhomes which front on Edsworth Road and Aldworth Road in eastern Baltimore County. The property contains a gross area of 7,318 sq.ft., more or less, split zoned B.L. and D.R.10.5 and abuts a recreational area owned by Baltimore County to the rear. As shown on the site plan, the D.R.10.5 zoned portion of the property is unimproved; however, the B.L. zoned portion of the site

PADER RECEIVED FOR FILLING

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contains a commercial building, 22' x 62' in dimension, which is presently vacant. Apparently, that building was at one time a convenience store, a museum, a beauty shop, and most recently, an electrical supply store; however, is now used for storage of electrical supplies by Mr. Lloyd. The Petitioners are desirous of constructing a "community garage" on the D.R.10.5 zoned portion of the site. Mr. Lloyd indicated that given the nature of this townhouse community, there is a need for additional parking in the neighborhood. He indicated that that the garage will be solely for the purpose of storing cars and is not intended for commercial or business use. There will be no oil changes, or body/fender work conducted therein. The garage, which is permitted as of right in the D.R. zone, will feature five 12' x 24' parking bays. Due to the unusual shape of the property, the southernmost corner of the proposed building will be located immediately adjacent to the side and rear property lines. In addition, the front of the building will be setback 20 feet from the boundary of the alley, which provides access to Edsworth Road to the north and east. Thus, the requested variance relief is necessary.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. It is clear that strict compliance with the zoning regulations would be unreasonably burdensome and that there will be no detriment to the health, safety and general welfare of the surrounding locale. In this regard, photographs were submitted depicting other similar garage structures that exist within the community. Thus, it appears that the proposal is consistent with the neighborhood and will, in fact, provide a needed benefit to the community. Finally, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one appeared in opposition to the request. Thus, I am persuaded that the relief requested is appropriate in this instance and should therefore be granted.

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

this ______day of January 2005 that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non-residential

principal building setback of 20 feet in lieu of the required 25 feet, and side and rear setbacks of 0 feet each in lieu of the required 20 feet and 50 feet, respectively, for a proposed community garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

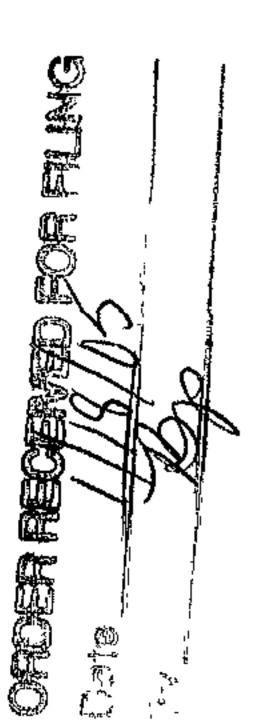
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The garage units shall not be used for commercial or business purposes and shall be limited to the storage of vehicles, only. There shall be no maintenance of vehicles or body/fender work conducted therein.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs

WILLIAM J. WISEMAN, III

Zoning Commissioner 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 William J. Wiseman III, Zoning Commissioner

January 18, 2005

Mr. & Mrs. Alvin Lloyd 7712 Trappe Road Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE

S & E/S of an existing alley located to the rear of the S/S Edsworth Road and the E/S Aldworth Road, N of German Hill Road

(7433 Edsworth Road)

12th Election District – 7th Council District Alvin Lloyd, et ux - Petitioners

Case No. 05-219-A

Dear Mr. & Mrs. Lloyd:

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 tryly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Richard E. Matz, Colbert Matz Rosenfelt 2835 Smith Avenue, Suite G, Baltimore, Md. 21209

Mr. David Cosner, 6814 Fifth Avenue, Baltimore, Md. 21222

Mr. Joshua Manley, 7940 Shirley Avenue, Baltimore, Md. 21237

Ms. Susan Buckland, 28/S. Highland Avenue, Baltimore, Md. 21222

People's Counsel; Case File



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

Is the subject of this Petition.

for the property located at 7433 Edsworth Road which is presently zoned BL and DR-10.5

I/We do solemnly declare and affirm, under the penalties of

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

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, 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 of thereof, bereby petition for a Variance from Section(s)

1B01.2.C.1.a, BCZR, for non-residential principal building setbacks of 20 ft. front 0 ft. side and 0 ft. rear, respectively, in lieu of 25 ft. front, 20 ft. side and 50 ft. rear required, for a community garage.

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

Reasons to be presented at hearing.

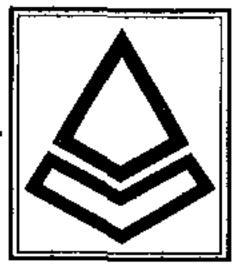
Property to be posted and advertised as prescribed by the zoning regulations.

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.

Contract Purchaser/Lessee	<u>.</u>	Legal Owner(s):	
Name - Type or Print	<u> </u>	Alvin Lloyd Name - Type of Print	,
Signature		Signature	
Address.	Telephone No.	Mary Lloyd Name – Type or Print	
City	State Zip Code	Signature June June June June June June June Jun	<u></u>
Attorney For Petitioner:	-	7712 Trappe Road Address.	#10 -282 - 455 Telephone No.
		Baltimore	Md. 21222
Name - Type or Print		City	State Zip Code
Clarachura		Representative to be Contac	ted:
Signature		Richard E. Matz, P.E.	
Company		COLBERT MATZ ROSENFELT, I	NC
		2835 Smith Avenue, Suite G	410-653-3838
Address	Telephone No.	Address	Telephone No.
City	State Zip Code	Baltimore City	MD 21209 State Zip Code
87 8 No. 05 2/9		OFFICE USE ESTIMATED LENGTH OF HE UNAVAILABLE FOR HEARING Reviewed By	ONLY ARING 24P

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

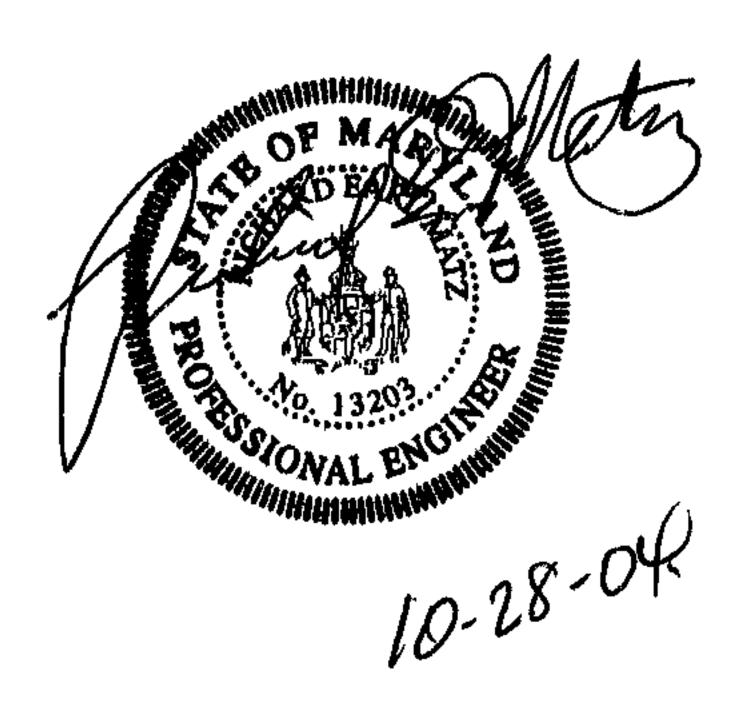


ZONING DESCRIPTION 7433 EDSWORTH ROAD 219

Beginning at a point on the east side of an alley 16 feet wide, at the distance of 158 feet south of the centerline of Edsworth Road, which is 60 feet wide, at the distance of 145 feet east of the intersection of Aldworth Road and Edsworth Road. Thence the following courses and distances:

N 65°21'15" E, 15.11 ft.; S 69°17'12" E, 91.79 ft.; S 55°46'00" W, 82.36 ft.; S 27°26'22" E, 77.37 ft.; S 82°50'40" W, 125.74 ft, thence N 20°10'08" E, 167.07 ft. to the Point of Beginning.

As recorded in Deed Liber 11798, folio 402 and containing 7,318 square feet (0.17 acre), more or less. Also known as 7433 Edsworth Road and located in the 12th Election District and 7th Councilmanic District.



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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: #05-219-A
7433 Edsworth Road

Beginning at a point on the e/side of a 16 foot wide alley, 158 feet s/or a point on the centerline of Edsworth Road, a 60 foot R/W which is 145 feet e/of Aldworth Road 12th Election District - 7th Councilmanic District Legal Owner(s): Alvin and Mary Lloyd Variance: for non-residential principal building setbacks of 20 feet front, 0 feet side and 0 feet rear, respectively, in fleu of the 25 foot front, 20 foot side and 50 foot rear required.

Hearing: Tuesday December 14, 2004 at 11:00 a.m. In

Hearing: Tuesday, December 14, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue,

WILLIAM WISEMAN
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/11/818 Nov. 30 31361

CERTIFICATE OF PUBLICATION

122,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 1130,2004.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

CENTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date Ducember 1, 2004

RE: Case Number 05-219-A

Petitioner/Developer ALVIN + MARY LloyD/RICHARD MATZ

Date of (Hearing) Closing DECEMBER 14, 2004

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 7433. EDS WORTH ROAD

The sign(s) were posted on NOVEMBER 28, 2004



CASE # 05-219-A

IN TOWSON, MD

ROOM 407 COUNTY COURTS BUILDING

PLACE: 401 BOSLEY AVE

DATE AND TIME: AT 11 00 A.M.

REQUEST: VARIANCE FOR NON-RESIDENTIAL

PRINCIPAL BUILDING SETBACKS OF 20 FEET. OFEET SIDE AND OFEET REAR RESPECTIVELY.

IN LIEU OF THE 25 POOT FRONT, 20 FOOT SIDE

AND 50 FOOT REAR REQUIRED EDSWORTH ROAD

POSTPONEMENTS DUE TO WEATING ON UTILER CONDITIONS AND SOMETIMES PLEESSARY To confirm Heading Call 867 3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW HANDIOAPPED ACCESSIBLE

(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

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

November 10, 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: 05-219-A

7433 Edsworth Road

Beginning at a point on the e/side of a 16 foot wide alley, 158 feet s/of a point on the centerline of Edsworth road, a 60 foot R/W which is 145 feet e/of Aldworth Road

12th Election District – 7th Councilmanic District

Legal Owners: Alvin and Mary Lloyd

Variance for non-residential principal building setbacks of 20 feet front, 0 feet side and 0 feet rear, respectively, in lieu of the 25 foot front, 20 foot side and 50 foot rear required.

Hearing: Tuesday, December 14, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Alvin & Mary Lloyd, 7712 Trappe Road, Baltimore 21222 Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 29, 2 004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFF ICE 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, November 30, 2004 Issue - Jeffersonian

Please forward billing to:

Cos's Concrete Construction, LLC

David Cos

6800 Holabird Avenue, Rear Entrance

Baltimore, MD 21222

443-829-8665

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:

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401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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.

For Newspaper Advertising:
Item Number or Case Number: 219 . $65-219-A$.
Petitioner: AUVING MARY LLOYD.
Address or Location: 1433 Environth EDSWORTH POAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: COS'S CONCRETE CONSTRUCTION, LLC. DAVI
Address: 6800 HOLABIRD AVE, REAR ENTRANCE
BAUTIMORE, MP 21222
Telephone Number: 443-829-8665

Department of Permits od 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

December 7, 2004

Alvin Lloyd Mary Lloyd 7712 Trappe Road Baltimore, Maryland 21222

Dear Mr. and Mrs. Lloyd:

RE: Case Number: 05-219-A, 7433 Edsworth Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 29, 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, Calling Calling Control of Calling C

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Richard E. Matz, P.E. 2835 Smith Avenue, Ste. G. Baltimore 21209



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



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

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

Maryland Department of Transportation

Date:

11.9.04

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

RE:

Baltimore County

Item No. 219

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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.

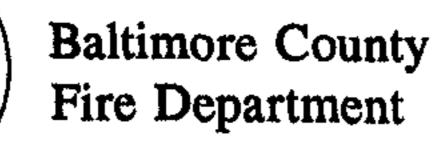
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1. Gredl.

Engineering Access Permits Division



Country And fice Building, Room 111

Mail Stop #1105

111 West Chesapeake Avenue

Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: November 8, 2004

Item No.:

207-220

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

700 East Joppa Road

410-887-4500

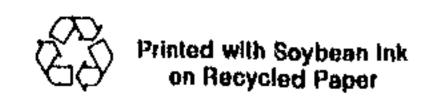
November 8, 2004

Towson, Maryland 21286-5500

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



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

Zoning Advisory Petition(s): Case(s) 5-219

DATE: November 16, 2004

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 12, 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 November 15, 2004

Item Nos. 208, 209, 210, 211, 213,

216, 219, and 220

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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr \mathcal{I}^{00}

DEPRM

DATE:

December 6, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 8, 2004.

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

05-208

05-209

05-211

05-213

05-216

€5-219

05-220

Reviewers:

Sue Farinetti, Dave Lykens

RE: PETITION FOR VARIANCE

7433 Edsworth Rd; W/side of 16' alley,

158' S c/line of Edsworth Road, 60' R/W is *

145' E Adworth Rd

12th Election 7 7th Councilmanic Districts

Legal Owner(s): Alvin & Mary Lloyd

Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-219-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

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

mmurman

PLEASE PRINT CLEARLY

CASE NAME 7423 ESSURATE ROSE OF -219-4

PETITIONER'S SIGN-IN SHEET

E- MAIL								
ITY, S	10, 100 212.	Secre mo 2122						
DDR	7/12-TRAPPERES	285 Higher Ave						
NAME NAME	HAUMUND TONE	SUSAN BUCKLAND						

Case No.:	05-219A	
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Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	affidav. + - NO.	
No. 3	BOUNDRY Exptistion of Property INSS	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8	· · · · · · · · · · · · · · · · · · ·	
No. 9	-	
No. 10		•
No. 11		
No. 12		



CALBIT 3A



PETTIONER'S EXHIBIT 33



PETITIONER'S EXHIBIT 3c

