RE: PETITIONS FOR SPECIAL HEARING and VARIANCE – W/S Kenwood Avenue, 792' N of Shady Spring Avenue (6003 Kenwood Avenue)

14<sup>th</sup> Election District

\* BEFORE THE

ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* Case No. 05-667-SPHA

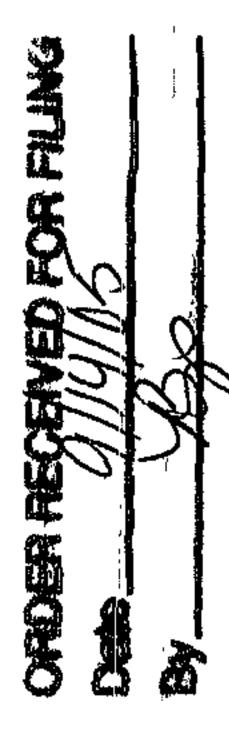
John D. Chaudron, et ux Petitioners

6<sup>th</sup> Council District

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by John D. Chaudron and Linda Lee Chaudron, his wife, property owners, for the property located at 6003 Kenwood Ave in the Golden Ring community of Baltimore County. The Petitioners request special hearing relief as follows: 1) to confirm the use of the property as a glass products manufacture or processing-restrictive production, pursuant to Sections 253.1.A (20), 253.4 and 241.1 of the Baltimore County Zoning Regulations (B.C.Z.R.); 2) to allow business or industrial parking in a residential zone, pursuant to Section 409.8(b) of the B.C.Z.R.; 3) to amend the previously approved site plan and Order issued in Case No. 93-471-A; and, 4) approval of such other and further relief as may be deemed necessary by the Zoning Commissioner. The Petitioners also request a series of variances from the B.C.Z.R. as follows: 1) from Sections 255.2 and 243.2 to allow side yard setbacks of 4 feet and 19 feet for a proposed building in lieu of the required 50 feet, respectively; 2) from Sections 255.1, 255.2, 243.1, and 102.2 to allow a front yard setback of 65 feet in lieu of the required 77.5 feet (75 feet is required by section 243.1, plus 2.5 feet is required by Section 400.1) for a proposed building; 3) from Section 400.1 to allow an existing accessory building (garage) to located 2 feet from the side lot line in lieu of the required 2.5 feet; 4) and 5) from Section 1B02.3.C.1 to allow a side yard setback for an existing residence (principal building) of 6 feet in lieu of the required 10 feet,



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and a rear yard setback of an existing residence (principal building) in lieu of the required 30 feet; 6) from Section 409.4(a) to allow a driveway width for two-way movements of as little as 10 feet and lieu of the required 20 feet; 7) from Section 253.4 of the B.C.Z.R. and Section 32-4-04 of the Baltimore County Code (pursuant to the Landscape Manual), to allow a landscape strip between a proposed parking lot and adjacent residential property of 3 feet in lieu of the required 10 feet; and 8) for other and such further variance relief as may be deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly shown on Petitioner's Exhibit 1, the Plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing in support of the request were John. D. Chaudron and Linda Lee Chaudron, property owners, Thomas J. Hoff, of Thomas J. Hoff Inc., the registered landscape architect who prepared the plan, and Lawrence E. Schmidt, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present; however a letter in support of the request was received and submitted into evidence from Franklin Toscano, an adjacent neighbor.

Testimony and evidence offered disclosed that the subject property is a roughly rectangular shaped lot, approximately 0.62 gross acres in area, split zoned DR 3.5 and ML. The property is a narrow, yet deep lot, with frontage on Kenwood Avenue southwest of the John F. Kennedy Memorial Highway (I-95) and northwest of the intersection of Kenwood Avenue and Shady Spring Avenue in Rossville. As noted above, the property is split zoned with the front portion of the site (0.23 acres) zoned DR 3.5 and the rear portion (0.33 acres) zoned ML. The front portion of the site is improved with an existing two-story dwelling which serves as the residence of Mr. and Mrs. Chaudron. In addition to the residence, the front portion of the site is also improved with a one-story garage, which is located behind the house. Vehicular access to

the property is by way of an existing driveway, which leads from Kenwood Avenue and runs along the northern boundary of the site past the residence to provide access to the garage. As noted above, Mr. and Mrs. Chaudron reside on and have occupied the property for many years. In connection with this residential use, they previously obtained variance relief to allow certain recreational vehicles to be parked on the property under Case No. 93-471-A. The Petitioners continue to park these vehicles on the site as permitted by that decision, and as more particularly shown in a series of photographs submitted at the hearing.

The rear portion of the site is vacant and wooded. As noted above, that part of the property is zoned ML. Under the instant proposal, the Petitioners seek approval to construct a one-story block or metal building, 40' x 70' in dimension, on the rear portion of the property. This building will be used in connection with the Petitioner's family business, as described hereinafter.

Mr. Chaudron is the principal of the Chaudron Glass Company, Inc., which currently maintains offices nearby in Golden Ring. The nature of the business is to manufacture and sell shower doors, windows, and similar glass based products. The business assembles these shower doors and windows from components manufactured elsewhere and then installs the product off-site. The manufacturing process is essentially to assemble components that are manufactured elsewhere by suppliers.

Testimony and evidence presented was that Mr. and Mrs. Chaudron would like to relocate the business operation to their property, to take advantage of the ML zoning of the rear portion of their property. Evidence was offered regarding the operation of the business. There are approximately seven employees, including Mr. and Mrs. Chaudron. These include two two-man teams, which arrive on site early in the morning. These two-man teams are dispersed with product to jobs and typically are not at the business during the day. They drive modified van-

type vehicles to install shower doors and doors for customers. The fifth employee is a manufacturing specialist, who remains on-site to assemble the shower doors and windows from the raw components received from manufacturers. The sixth and seventh employees are Mr. and Mrs. Chaudron. Mr. Chaudron is the principal of the company and can remain at the business to assist in the assembly operation or go to a job site for a particularly complicated installation. Mrs. Chaudron handles much of the administrative portion of the business. The business operates 5 days per week, typically from approximately 7:30 am to 5:30 pm. There are no direct retail sales from the property and no customers visit the site. There are limited deliveries to receive the glass product components. For all these reasons, it is anticipated that there will be limited vehicular activities associated with the business at this property.

Special hearing relief is requested as described above. Apparently, the Zoning Office recommended that the Zoning Commissioner confirm that the shower door/window operation be confirmed as a glass products manufacture and processing restricted production operation, pursuant to Sections 253.1.A(20), 253.4, 240.1.1 of the B.C.Z.R. Such use is expressly permitted in the M.L. zone and I easily find that the Petitioner's business operation should be classified in that manner. Secondly, although there is no proposed parking of company business vehicles in the residential zone, vehicular access to the rear of the property is by way of the existing driveway that traverses the DR 3.5 zoned portion of the site. Thus, since the driveway is used to gain access to the rear of the property, relief is requested, pursuant to Section 409.8(b). As traffic will be limited as described above, relief shall also be granted in this regard. Finally, I will permit an amendment to the prior Order issued in Case 93-471-A. As noted above, that relief was granted to allow the Petitioners to park recreational vehicles on their site. No other special hearing relief is required.

variance is generated by the unique configuration and width of the site. As noted above, the site is narrow, yet deep, and the required set back of 50 feet would not allow for any building on the property if strict adherence were required. The second variance relates to the front of the proposed building and it's relationship to the rear of the existing garage. Section 102.2 of the B.C.Z.R. mandates that a yard area for one structure cannot be utilized as a yard area for a second structure. As a result of this requirement, variance relief is necessary due to the proposed distance between buildings. This variance can be characterized as an internal to the property and does not impact other adjacent properties. Variances 3, 4, and 5 as set forth above are for existing conditions. Specifically, variance relief is neccessary to allow a slightly reduced side yard setback for the existing garage and two variances are requested for the existing residence. Both of these are warranted based upon the unique configuration of the lot and location of existing structures. The sixth variance requested is also for an existing condition and relates to the existing driveway. That driveway will be utilized by the new building in addition to the residence. The driveway is approximately 10 feet wide. It was indicated at the hearing that this width is sufficient for existing traffic and the Petitioners also believe that it will be sufficient for the modest traffic volumes generated by the business. As noted above, there are limited deliveries to the site and the 2-3 trucks associated with the business are small van type vehicles, which typically leave in the morning and return in the late afternoon. The final variance relates to the landscape strip between the proposed improvements and the subject property and is also necessitated by the narrowness of the lot.

Turning next to the requested variances, they are noted and numbered above. The first

variance is for the proposed building to allow side yard setbacks less than that required. This

In my judgment, the variance relief requested should be granted. I find that the property is unique by virtue of the configuration and split zoning and that these factors drive a need for variance relief. Additionally, the Petitioner would suffer a practical difficulty if strict adherence to the regulations were required. Finally, there will be no detrimental impact to adjacent properties. As noted above, a letter in support of the request was received from Mr. Toscano, an adjacent residential neighbor to the south. The adjacent property to the north is used commercially. Photographs of the site show an extensive commercial operation (fence company), which will abut that portion of the subject property where the proposed building will be constructed. Aerial photos submitted at the hearing show that the proposal is consistent with the nature of the general locale.

Pursuant to the advertising and posting of the property as required, and for the reasons set forth herein and at the public hearing on the matter, the Petitions for Special Hearing and Variance shall granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this day of September 2005, that the Petition for Special Hearing seeking relief as follows:

1) to confirm the use of the property as a glass products manufacture or processing-restrictive production, pursuant to Sections 253.1.A (20), 253.4 and 241.1 of the Baltimore County Zoning Regulations (B.C.Z.R.); 2) to allow business or industrial parking in a residential zone, pursuant to Section 409.8(b) of the B.C.Z.R.; and 3) to amend the previously approved site plan and Order issued in Case No. 93-471-A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 1) from Sections 255.2 and 243.2 to allow side yard setbacks of 4 feet and 19 feet for

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a proposed building in lieu of the required 50 feet, respectively; **2**) from Sections 255.1, 255.2, 243.1, and 102.2 to allow a front yard setback of 65 feet in lieu of the required 77.5 feet (75 feet is required by section 243.1, plus 2.5 feet is required by Section 400.1) for a proposed building; **3**) from Section 400.1 to allow an existing accessory building (garage) to located 2 feet from the side lot line in lieu of the required 2.5 feet; **4**) and **5**) from Section 1B02.3.C.1 to allow a side yard setback for an existing residence (principal building) of 6 feet in lieu of the required 10 feet, and a rear yard setback of an existing residence (principal building) in lieu of the required 30 feet; **6**) from Section 409.4(a) to allow a driveway width for two-way movements of as little as 10 feet and lieu of the required 20 feet; and **7**) from Section 253.4 of the B.C.Z.R. and Section 32-4-04 of the Baltimore County Code (pursuant to the Landscape Manual), to allow a landscape strip between a proposed parking lot and adjacent residential property of 3 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

In accordance with the applicable provisions of law, any appeal from this Order shall be filed within thirty (30) days of the date of this Order.

WJW:bis

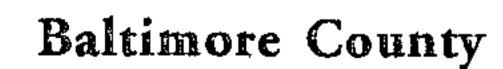
Baltimore County

Loning Commissioner for

#### Zoning Commissioner

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





James T. Smith, Jr., County Executive William J. Wiseman III , Zoning Commissioner

September 14, 2005

Lawrence E. Schmidt, Esquire Gildea & Schmidt 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE W/S Kenwood Avenue, 792' N of the c/l Shady Spring Avenue (6003 Kenwood Avenue)

14<sup>th</sup> Election District – 6<sup>th</sup> Council District John D. Chaudron, et ux - Petitioners Case No. 05-667-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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.

WILLIAM J. WISEMAN, III Zening Commissioner

for Baltimore County

cc: Mr. & Mrs. John D. Chaudron

WJW:bjs

6003 Kenwood Avenue, Baltimore, Md. 21237

Mr. Thomas J. Hoff, 406/W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; Case File

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



REV 9/15/98





to the Zoning Commissioner of Baltimore County

for the property located at 6003 Kenwood Aver	nue
which is presently zoned_	DR 3.5/ML

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. To confirm the use of property, pursuant to Sections 253.1,A(20), 253.4 and 241.1, for glass products manufacture or processing-restricted production.

2. To allow business or industrial parking in residential zones pursuant to Section 409.8(B) of the BCZR.

3. To amend site plan and order in Case No. 93-471-A

4. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

1 NO KENKING

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

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

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

Date \_\_\_\_

#### Contract Purchaser/Lessee: Legal Owner(s): Linda Les Chaudron Name - Type or Print Name - Type or Print Signature Signature Linda Lee Chaudron John D. Chaudron Address Telephone No. Name - Type or Brink City State Zip Code Signature John D. Chaudron **Attorney For Petitioner:** 6003 Kenwood Avenue Address Telephone No. Lawrence E. Schmidt Baltimore, MD 21237-2017 Name Type or Print State Zip Code Representative to be Contacted: Signature Lawrence E. Schmidt ( Gildea & Schmidt, LLC Lawrence E. Schmidt Company Name 1300 East Lombard Street, Suite 1440 410-234-0070 300 East Lombard Street Suite 1440 410-234-0070 Add ess Telephone No. Address Telephone No. Bal**é**more MD 21202 Baltimore MD 21202 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_\_ Me No. 05-667-SPHA UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By \_\_\_\_\_



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at: 6003 Kenwood Avenue which is presently zoned: DR 3.5/ ML

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):

Please see attached document.

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

To be presented at hearing.

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

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

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

#### Contract Purchaser/Lessee:

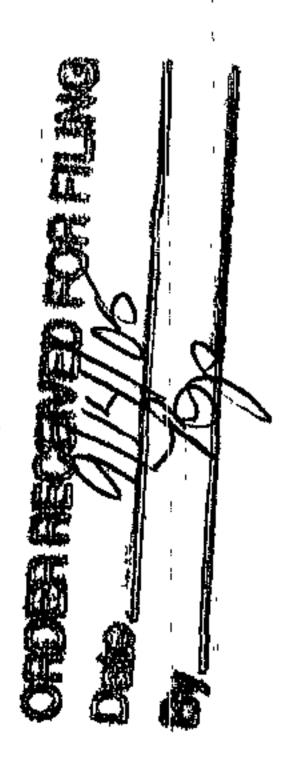
#### Legal Owner(s):

		•	!		LINDA Lee	CHAUDNOR	<i></i> _
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	Attorney For Petition	<u>er:</u>	 	/	6003 Kenwood Ave. Address	<del> </del>	Telephone No.
	Lawrence E. Schmidt		 		Baltimore, MD 2123		
	Name - Type or Print	Man		City		State	Zip Code
مبير	MMM 92	SHUMT		•	Representative to	be Contacted:	
	Signature Gildea & Schmidt, LLC				Lawrence E. Schmidt		
	Company 300 East Lombard Street, S	uite 1440	410-234-0070		Name 300 East Lombard Stre	et Suite 1440	410-234-0070
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#### Attachment to Petition for Variance

- 1. A variance from Sections 255.2 and 243.2 of the BCZR to allow side yard setbacks of 4 feet and 19 feet in lieu of the required 50 feet, respectively.
- 2. A variance from Sections 255.1, 255.2, 243.1 and 102.2 of the BCZR to allow a front yard setback of 65 feet in lieu of the required 77.5 feet (75 feet as required by Section 243.1 plus 2.5 feet as required by Section 400.1).
- 3. A variance from Section 400.1 of the BCZR to allow an existing accessory building (garage) to be located 2 feet from the side lot line in lieu of the required 2.5 feet.
- 4. A variance from Section 1B02.3.C.1 of the BCZR to allow for a side yard setback of the existing residence (principal building) of 6 feet in lieu of the required 10 feet.
- 5. A variance from Section 1B02.3.C.1 of the BCZR to allow for a rear yard setback of the existing residence (principal building) of 12 feet in lieu of the required 30 feet.
- 6. A variance from Section 409.4(A) of the BCZR to allow a driveway width for two-way movements of as little as 10 feet in lieu of the required 20 feet.
- 7. A variance from Section 253.4 of the BCZR and Section 32-4-404 of the Baltimore County Code (pursuant to the Landscape Manual) to allow a landscape strip between parking lot and adjacent residential property of 3 feet in lieu of the required 10 feet.
- 8. For such other and further relief as may be deemed necessary by the Zoning Commissioner.



#### THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

June 13, 2005

Description of 6003 Kenwood Avenue, to Accompany Petition for Special Hearing and Variances.

**BEGINNING FOR THE SAME** at a point on the west side of Kenwood Avenue, State Route 588, (60' R/W), 792 feet more or less north of the intersection of the west side of Kenwood Avenue and the centerline of Shady Spring Avenue.

Thence leaving the west side of Kenwood Avenue,

- 1) North 89 degrees 49 minutes 11 seconds West 387.37 feet, thence,
- 2) North 24 degrees 24 minutes 11 seconds West 69.50 feet, thence,
- 3) South 89 degrees 49 minutes 11 seconds East 388.78 feet, thence binding on the west side of Kenwood Avenue,
- 4) South 23 degrees 20 minutes 22 seconds East 68.93 feet to the place of beginning.

Containing 0.56 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

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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 Towson, Maryland on the property identified herein as follows:

Case: #05-667-8PHA

6003 Kenwood Avenue W/side of Kenwood Avenue @ the distance of 792 ft:

n/of centerline of Shady Spring Avenue

-: 14th Election District — 6th Councilmanic District

Legal Owner(s): Linda Lee & John D. Chaudron Spacial Hearing: to allow for glass products manufacture or processing-restricted production, to allow business or industrial parking in residential zones, to amend site plan and order in case No. 93-471-A and for such other and further relief as may be deemed necessary by the Zoning Commissioner, Variance: to allow side yard satbacks of 4 feet and 19 feet in lieu of the required 50 feet respectively, to allow a front yard setback of 65 feet in lieu of the required 77.5 feet to allow an existing accessory building (garage) be located 2 feet from the side lot line in lieu of the required 2.5 feet to allow for a side yard setback of the existing residence (principal bidg.) of 6 ft. in lieu of the required 10 ft., to allow for a rear yard setback of the existing residence (principal bidg.) of 12 feet in lieu of the required 30 feet, to allow a driveway width the two-way movements of as little as 10 feet in lieu of the required 20 feet to allow a driveway negligible. feet, to allow a landscape strip between parking lot and adjacent residential property of 3 feet in lieu of the required 10 feet and for such other relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Monday, August 15, 2005 at 2:00 p.m. in:

Room 407, County Courts Building, 401 Bosley

Avenue, Towson 21204.

WILLIAM J. WISEMAN, III 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.

7/229 July 28 60345

## CERTIFICATE OF PUBLICATION

$\sqrt{28}$ , $2005$
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $728$ ,2005.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

1 Willing LEGAL ADVERTISING

#### CERTIFICATE OF POSTING

RE: 05-667-SPHA

Petitioner/Developer: Linda Lee & John D. Chaudron Hearing Date: 8/15/05

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Kristen Matthews

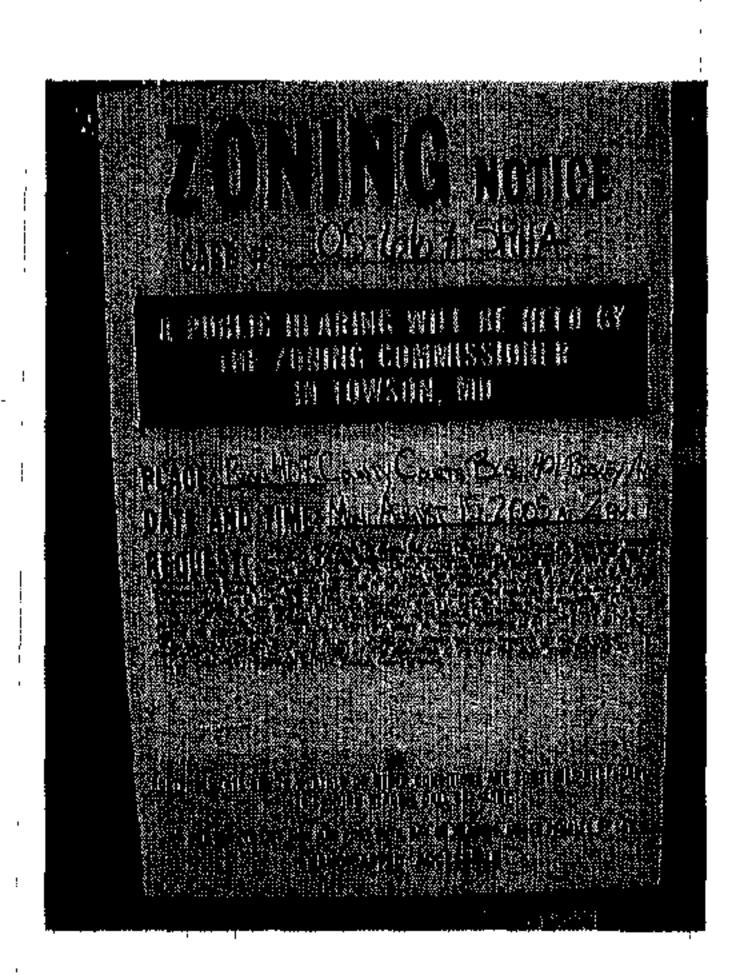
Ladies and Gentlemen:

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 6003 Kenwood Ave.

The sign(s) were posted on 7/30/05.

Sincerely,

Thomas J. Joff
Thomas J. Hoff, Inc.
406 West Pennsylavnia Avenue
Towson, MD 21204
410-296-3668



# 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

June 29, 2005

#### CORRECTED 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: 05-667-SPHA

6003 Kenwood Avenue

W/side of Kenwood Avenue @ the distance of 792 ft. n/of centerline of Shady Spring Avenue 14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Linda Lee & John D. Chaudron

Special Hearing to allow for glass products manufacture or processing-restricted production, to allow business or industrial parking in residential zones, to amend site plan and order in case No. 93-471-A and for such other and further relief as may be deemed necessary by the Zoning Commissioner. Variance to allow side yard setbacks of 4 feet and 19 feet in lieu of the required 50 feet respectively, to allow a front yard setback of 65 feet in lieu of the required 77.5 feet to allow an existing accessory building (garage) be located 2 feet from the side lot line in lieu of the required 2.5 feet to allow for a side yard setback of the existing residence (principal bldg.) of 6 ft. in lieu of the required 10 ft., to allow for a rear yard setback of the existing residence (principal bldg.) of 12 feet in lieu of the required 30 feet, to allow a driveway width or two-way movements of as little as 10 feet in lieu of the required 20 feet, to allow a landscape strip between parking lot and adjacent residential property of 3 feet in lieu of the required 10 feet and for such other relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Monday, August 15, 2005 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm.

C: Lawrence Schmidt, 300 E. Lombard St., Ste. 1440, Baltimore 21202 Mr. & Mrs. John Chaudron, 6003 Kenwood Avenue, Baltimore 21237-2017

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 30, 2005.

- (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.

Visit the Countr's Wahaira at www. L. I.i.

## 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

June 29, 2005

Lawrence E. Schmidt Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

Dear Mr. Schmidt:

RE: Case Number: 05-667-SPHA, 6003 Kenwood Avenue

The above matter, previously scheduled for August 10, 2005, has been postponed because there are no hearing officer's available on that date. The hearing has been rescheduled and the corrected notice is attached. We apologize for any inconvenience this may have caused.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Director

TK:klm

C: Linda Lee & John D. Chaudron, 6003 Kenwood Avenue, Baltimore 21237-2017

Visit the Countrie Wakair

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 28, 2005 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC 300 East Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

## **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: 05-667-SPHA

6003 Kenwood Avenue

W/side of Kenwood Avenue @ the distance of 792 ft. n/of centerline of Shady Spring Avenue 14<sup>th</sup> Election District -- 6<sup>th</sup> Councilmanic District

Legal Owners: Linda Lee & John D. Chaudron

Special Hearing to allow for glass products manufacture or processing-restricted production, to allow business or industrial parking in residential zones, to amend site plan and order in case No. 93-471-A and for such other and further relief as may be deemed necessary by the Zoning Commissioner. Variance to allow side yard setbacks of 4 feet and 19 feet in lieu of the required 50 feet respectively, to allow a front yard setback of 65 feet in lieu of the required 77.5 feet to allow an existing accessory building (garage) be located 2 feet from the side lot line in lieu of the required 2.5 feet to allow for a side yard setback of the existing residence (principal bldg.) of 6 ft. in lieu of the required 10 ft., to allow for a rear yard setback of the existing residence (principal bldg.) of 12 feet in lieu of the required 30 feet, to allow a driveway width or two-way movements of as little as 10 feet in lieu of the required 20 feet, to allow a landscape strip between parking lot and adjacent residential property of 3 feet in lieu of the required 10 feet and for such other relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Monday, August 15, 2005 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

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

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

June 24, 2005

#### 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: 05-667-SPHA

6003 Kenwood Avenue

W/side of Kenwood Avenue @ the distance of 792 ft. n/of centerline of Shady Spring Avenue 14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

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Hearing: Wednesday, August 10, 2005 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotrocb

Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard St., Ste. 1440, Baltimore 21202 Mr. & Mrs. John Chaudron, 6003 Kenwood Avenue, Baltimore 21237-2017

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 26, 2005.

- (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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 26, 2005 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC 300 East Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

#### **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: 05-667-SPHA

6003 Kenwood Avenue

W/side of Kenwood Avenue @ the distance of 792 ft. n/of centerline of Shady Spring Avenue 14th Election District – 6th Councilmanic District

Legal Owners: Linda Lee & John D. Chaudron

Special Hearing to allow for glass products manufacture or processing-restricted production, to allow business or industrial parking in residential zones, to amend site plan and order in case No. 93-471-A and for such other and further relief as may be deemed necessary by the Zoning Commissioner. Variance to allow side yard setbacks of 4 feet and 19 feet in lieu of the required 50 feet respectively, to allow a front yard setback of 65 feet in lieu of the required 77.5 feet to allow an existing accessory building (garage) be located 2 feet from the side lot line in lieu of the required 2.5 feet to allow for a side yard setback of the existing residence (principal bldg.) of 6 ft. in lieu of the required 10 ft., to allow for a rear yard setback of the existing residence (principal bldg.) of 12 feet in lieu of the required 30 feet, to allow a driveway width or two-way movements of as little as 10 feet in lieu of the required 20 feet, to allow a landscape strip between parking lot and adjacent residential property of 3 feet in lieu of the required 10 feet and for such other relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, August 10, 2005 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

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.

For Newspaper Advertising:
Item Number or Case Number: 05-667-5PHA
Petitioner: JOHN & LINDA CHAUDRON
Address or Location: 6003 KENWOOD AVE, BALTIMORE, MD. 2123
PLEASE FORWARD ADVERTISING BILL TO:
Name: GILDEA & SCHMIDT, LLC
Address: 300 EAST LOMBARD ST. SUITE 1440
BALTIMORE, MD. 21202
<del>~</del>
Telephone Number: 410-234-0070

Revised 2/20/98 - SCJ

# 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

August 8, 2005

Lawrence E. Schmidt Gildea & Schmidt, LLC. 300 East Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Dear Mr. Schmidt:

RE: Case Number: 05-667-SPHA, 6003 Kenwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 16, 2005.

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.

U. Callinal S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Linda Lee and John D. Chaudron 6003 Kenwood Avenue Baltimore 21237-2017

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



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 5, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 30, 2005

Item Nos. 664, 666 (667), 668, 669, 670,

671,673, 674, 676, 677, and 678

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-07052005.doc

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
6003 Kenwood Avenue; W/side Kenwood
Avenue, 792' N c/line Shady Spring Avenue
14<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts
Legal Owner(s): Linda & John Chaudron
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

\* BALTIMORE COUNTY

\* 05-667-SPHA

#### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

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 27<sup>th</sup> day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, , Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

JUN 27 2015

Per

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET

**SUITE 1440** 

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072

www.gildeallc.com

June 20, 2005

To: Plamon who

TOWSON: MD-OFFICE 220 HOSLEY AVENUE TOWSON, MARYLAND 21204 TELEPHONE 410-337-7057

D, DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

SEBASTIAN A. CROSS

JASON T. VETTORI
JYETTQRIQGILDEALLQ.COM

DAVIDGILDEA@GILDEALLC.COM

LECHMIDT@GILDEALLC.COM

JWOOLMAN@GILDEALLC.COM

SCROSSOGILDEALLO.COM

JOSEPH R. WOOLMAN, III

W. Carl Richards, Jr.
Zoning Review Supervisor

Permits and Development Management 111 W. Chesapeake Avenue Towson MD 21204

Re:

Chaudron/6003 Kenwood Avenue

Correction Copy of Petition for Special Hearing

Dear Mr. Richards:

Enclosed please find the correction copy of the Petition for Special Hearing. The previous petition that was filed listed the property address as 6002 Kenwood Avenue. The enclosed Petition for Special Hearing lists the correct address, 6003 Kenwood Avenue. Please replace the Petition for Special Hearing in the file, which lists the property located at 6002 Kenwood Avenue, with the enclosed petition for Special Hearing, listing the property located at 6003 Kenwood Avenue.

Thank you in advance for your anticipated cooperation.

Very truly yours

Lawrence E. Schmidt

JTV: sf

CASE NAME Charan CASE NUMBER 657-667-

DATE NUMBER OUS - 6

# PETITIONER'S SIGN-IN SHEET

								THOMAS J. HOFF	L. CHRU	MACIDAN	Almond & Shall	NAME
								· W. *	Kentwood 1	KERNASOON AVA	15 to ambumo & St	ADDRESS
								TOWSON, MD 21204	Daco - 177 - 2727	ROSPAINE MY 21227	512 JM/ 2/12	CITY, STATE, ZIP
		1						TONG THOMAS SHOFT, a			202	E- MAIL

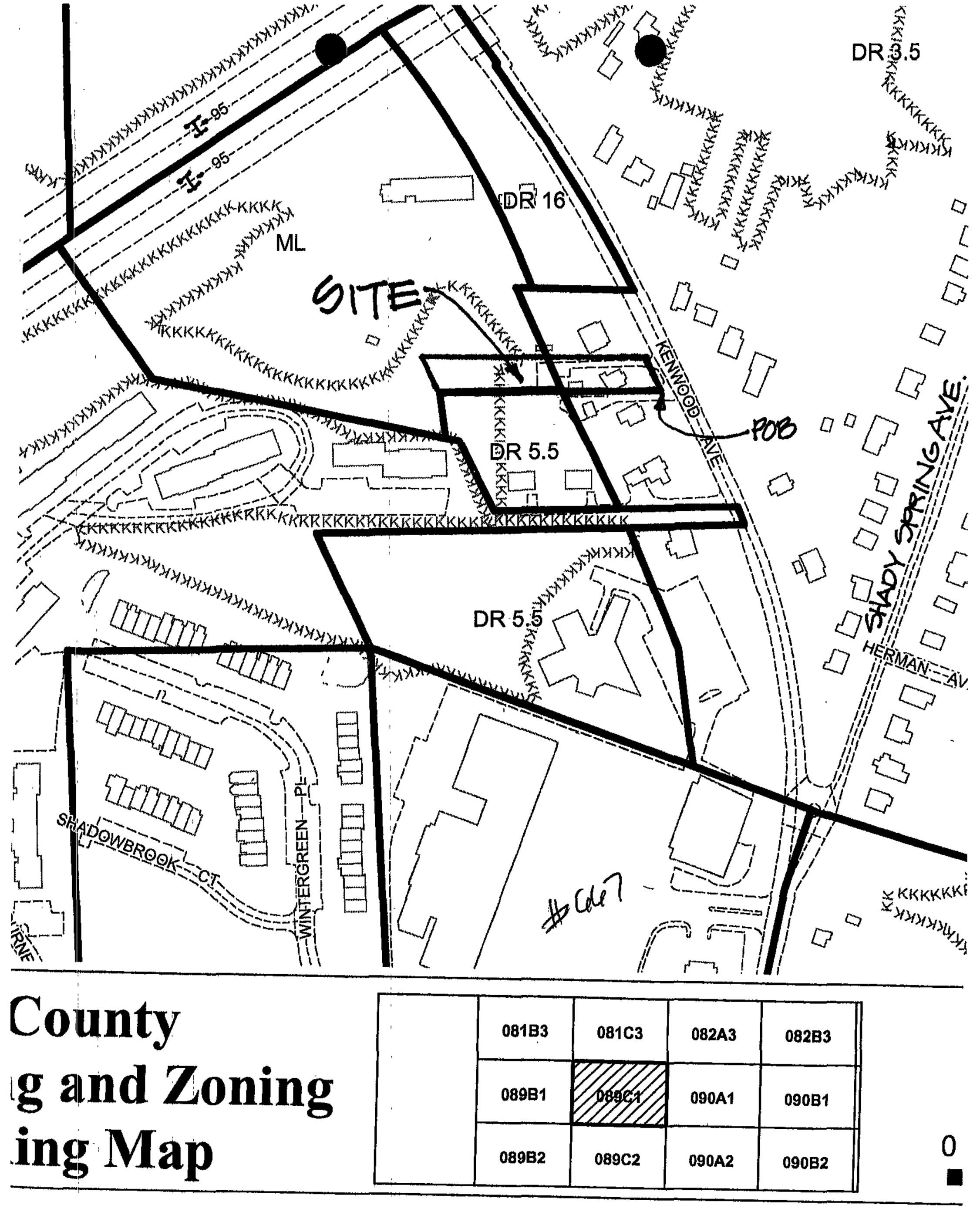
		, ,	0.1
Case No.:	05-	661	SPH A

## **Exhibit Sheet**

## Petitioner/Developer

#### Protestant

No. 1		,	
	514	$(A\Lambda)$	
No. 2	!		
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No. 5	Julian		
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#### (SIGN IN SHEETS - OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning - My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. THESE PROCEEDINGS ARE BEING RECORDED

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number 05-667 SPHA

·
This is a Petition for <u>Variance</u> Special Hearing
Cussial Everation
filed by John LINDA CHAUDRON for property located at
6003 KEN WOOD AVE and zoned DR 3.5 ML
SPECIFICALLY PATIONERS ASK ME TO APPROVE OR - GO to PETITION "Read language from file"
AND 7 VARIANCES FOR BLDGSET BACKS AS SET OUT PRICED The Code requires that notice of today's hearings be provided to neighbors and interested A HACH parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted 7-30-05 by Thomas Hoff
an approved sign poster and shows the time, date, place and subject matter of the hearing.
The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.
I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS

LOOK AROUND ROOM - AND ASK - IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST?

NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. , since there is no opposition, if you want to make AN INFORMAL PROFFER of the testimony and evidence, you're welcome to do so.

IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you to sign so that we can mail you a copy of the decision in this case.

#### **EXPLAIN PROCESS:**

First the owner of the property will have an opportunity to present testimony and evidence regarding the request for the property at
Listen carefully, if you have any questions that you want to ask of any witness who testifies, I'll give you an opportunity to do so.
Once Petitioner is finished putting forward their testimony, and you've had an opportunity to ask questions, you will be given an opportunity to present testimony and evidence for me to consider in this request. I'll tell you when it's appropriate to ask questions and when it's appropriate to testify – help you along as we proceed.
PRESENT CASE
SWEAR WITNESS – NAME AND ADDRESS – HAVE A SEAT
All right Mr./Ms, please proceed with your case:
TO PROTESTANTS: Do you have any questions about the testimony that Mr./Ms.  just gave? I don't want to hear any testimony from you at this point, but if you would like to ask him/her any questions go ahead.
CLOSE OF PETIONERS CASE: This is your opportunity to tell me why you might be opposed to this Where do you live? How long have you lived there? What is it about the that bothers you/or what would you like to tell me about this case.
CONCLUSION: ALRIGHT – THANK YOU. THIS WILL CONCLUDE THE MATTER. THANK YOU FOR ATTENDING
I'm not prepared to make a decision here and now.
I want some time to think about the evidence presented – might want to look at the property
Hopefully, within a few weeks, I'll issue a written decision in the case
If you do not like my decision, YOU HAVE A RIGHT TO APPEAL TO THE Board of Appeals. This must be done within 30 days from date of my Order.

August 14, 2005

Frank Toscano 6005 Kenwood Ave. Baltimore, MD. 21237

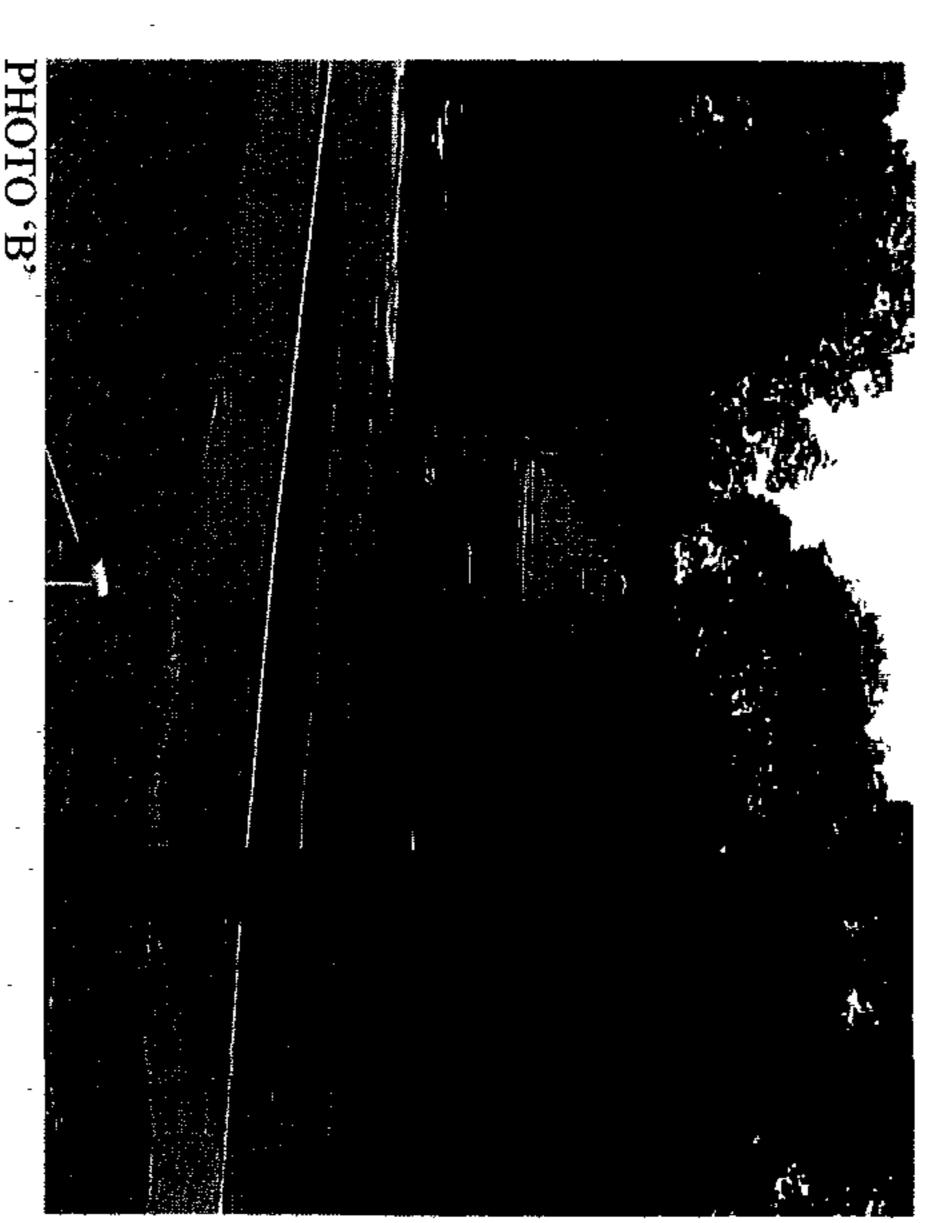
#### To Whom It May Concern:

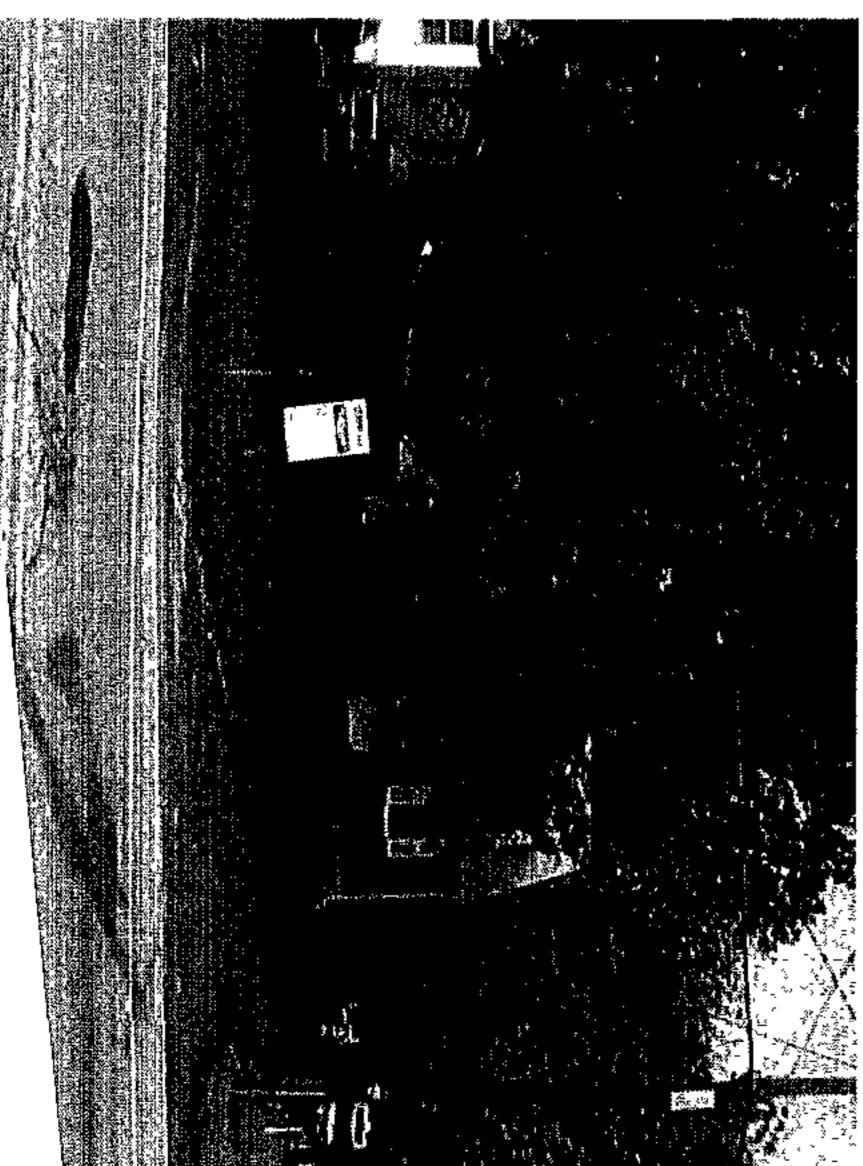
John Chaudron has discussed with me his plans to erect a building in the back lot and I have no objections to his proposal.

V rendle V Orlen Frank Toscano

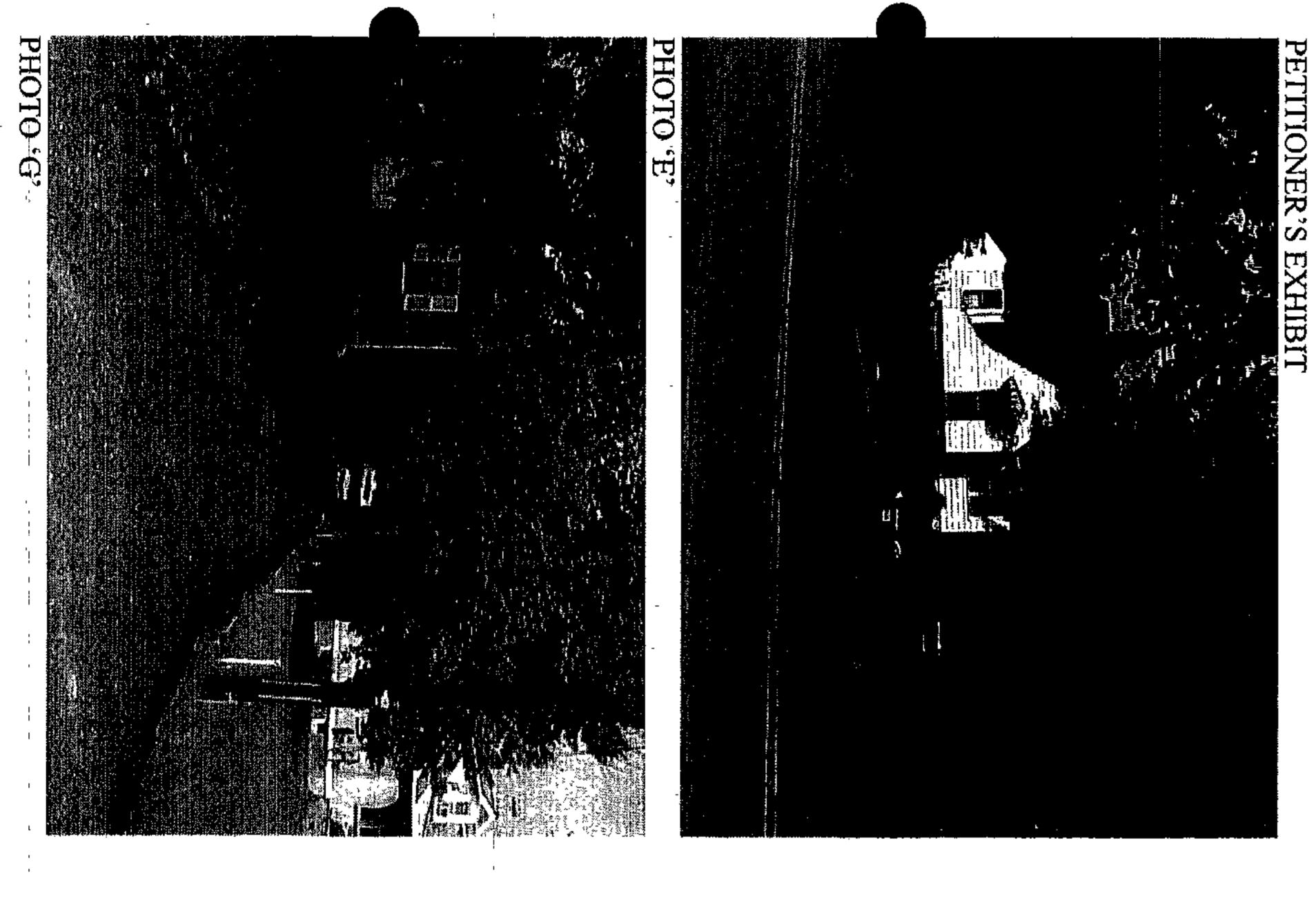
PETITIONER'S

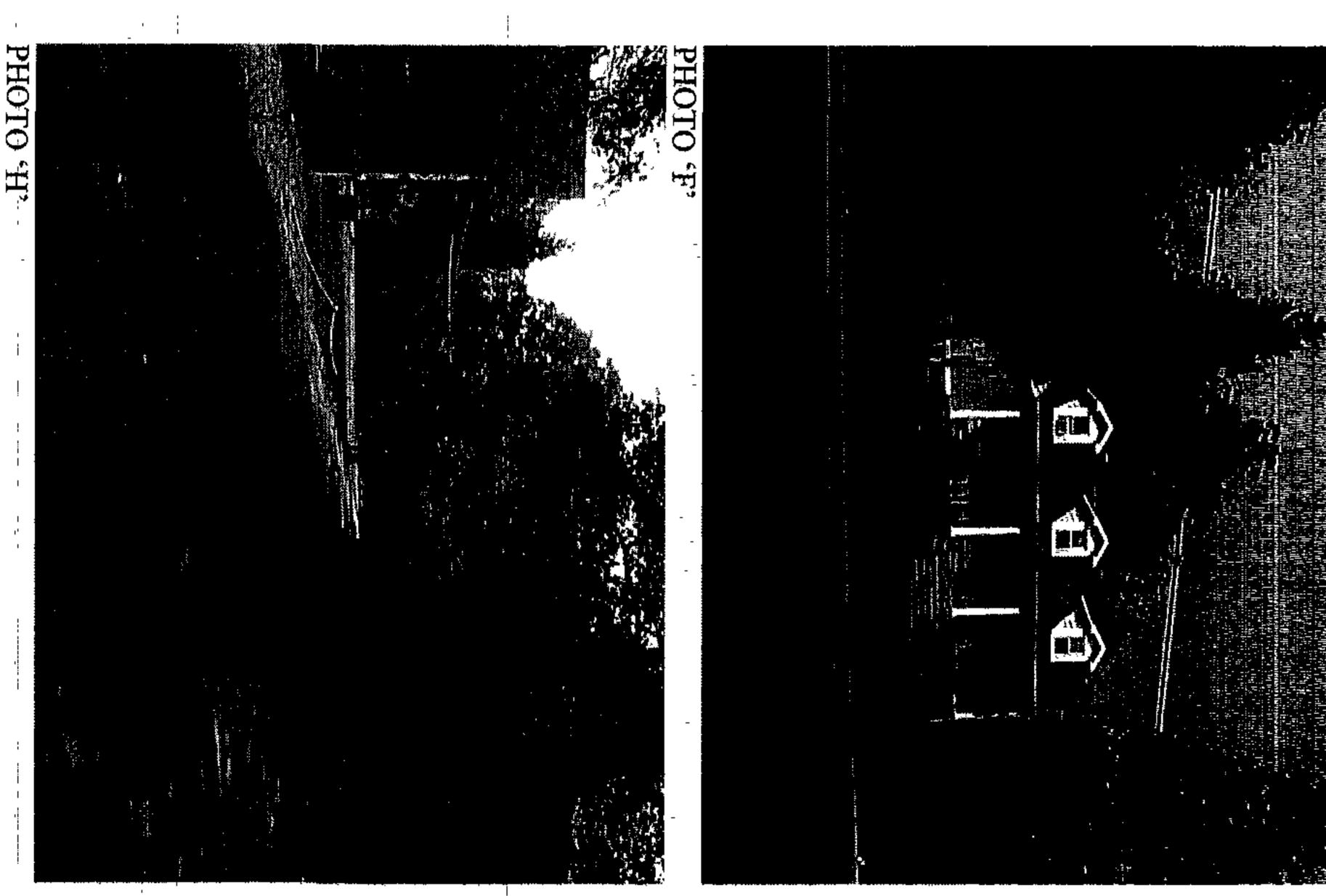
EXHIBIT NO. 2





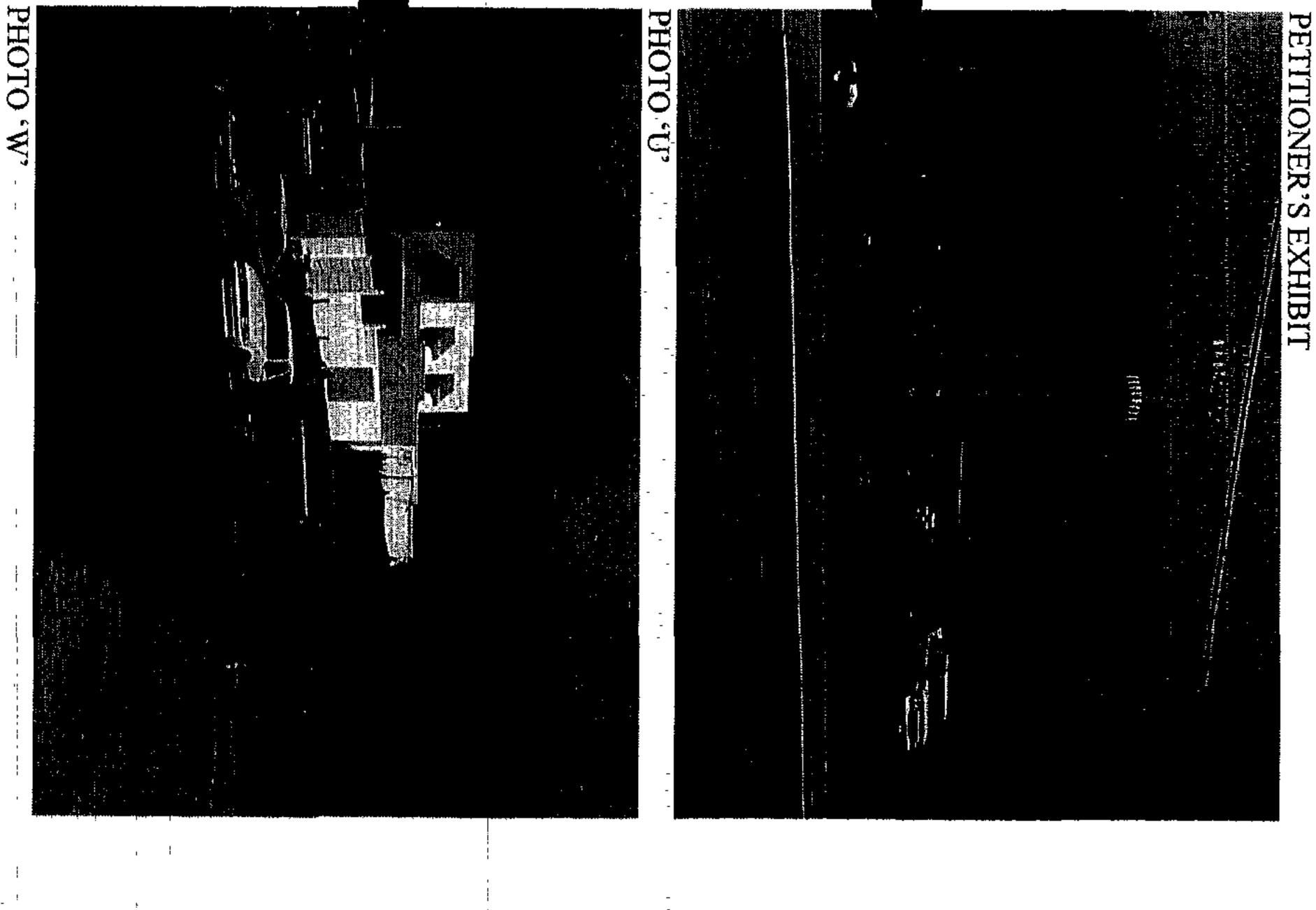
PETITIONER'S

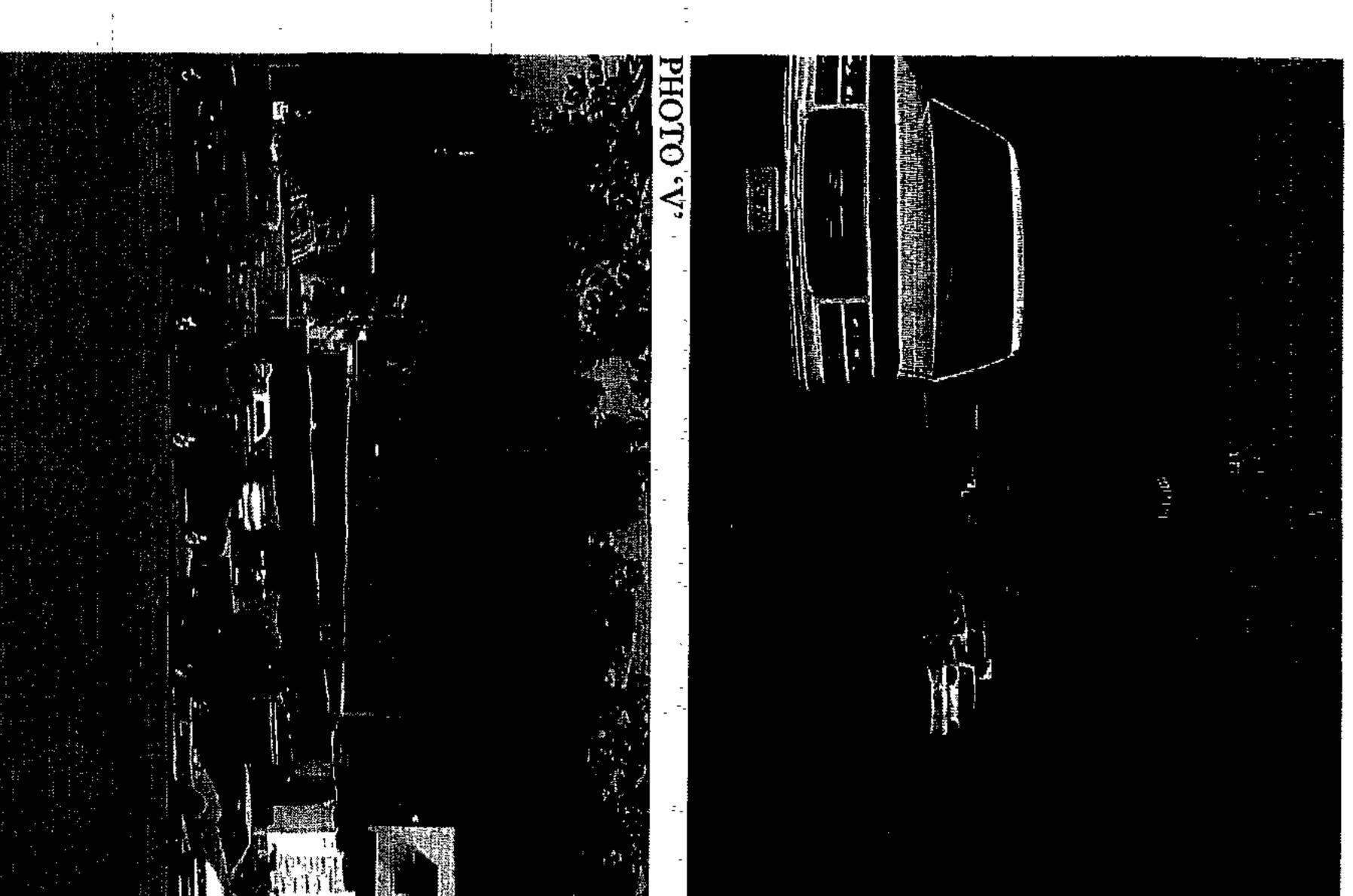




PETITIONER'S EXHIBIT

KHIBIT





PHOTO



Detiloner #14 6/7/2005

