

IN RE: PETITION FOR VARIANCE

N side of Clearwood Road; 512 feet E
of the c/l of Oakleigh Road
9th Election District
5th Councilmanic District
(1818 Clearwood Road)

Charles T. and Eugunia G. Robinson
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0358-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Charles T. and Eugunia G. Robinson. Petitioners are requesting Variance relief from Section 415A.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a recreational vehicle to be stored in the front yard in lieu of the required 8 feet to the rear of a lateral projection of the front foundation line of the dwelling. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Petitioners Charles and Eugunia Robinson. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is rectangular shaped and consists of approximately 18,173 square feet or 0.417 acre, more or less, zoned D.R.5.5. As shown on the site plan and the zoning map that was marked and accepted into evidence as Petitioners' Exhibit 2, the property is located on the north side of Clearwood Road, east of Oakleigh Road, in the Parkville area of Baltimore County. The property also has frontage to the north on Putty Hill Avenue. The property is improved with an existing 1½-story dwelling that

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Date 9-23-10

By 

according to property tax records was constructed in 1956 and consists of approximately 1,485 square feet. There is an existing paved driveway/parking area that runs along the left side of the property from Clearwood Road to the front of the dwelling. There is also a concrete walkway running from the front door to Clearwood Road. This matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management. A Code Inspections and Enforcement Correction Notice was issued to Petitioners for parking a recreational vehicle ("RV") in the front yard.¹ Hence, Petitioners filed the instant request for variance. Aerial photographs that were marked and accepted into evidence as Petitioners' Exhibits 3A and 3B depict the improvements as well as location of the RV parked in the driveway in the front yard.

In support of the requested variance relief, Petitioners indicated that they have lived at the subject location for 46 years and have had an RV since 1968. They have always parked the RV in the exact same location in their driveway that is now the subject of the Code Enforcement violation. They then recounted the various RV's they have owned and have parked in the front yard driveway of their home. Initially, they began with a Montgomery Ward pop tent trailer for about 4-5 years. Then they purchased a Hi-Lo Trailer that was about 16 feet long and elevated to a normal height. Next was a Sunline Travel trailer that was about 21 feet long. Finally, Petitioners purchased their present RV, a 1990 Mallard 27 foot motor home. They have parked this RV in its present location in the driveway since 1997, and have parked all of their RV's there continuously since 1968. Mr. Robinson also pointed out that there is no room between his home and the side yards on each side of his property to park the RV in the rear yard as required by the Regulations.

¹ Case No: CO-0079167. The Active Violation Case Documents were contained in the case file and marked as Baltimore County Exhibit 1.

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Date 9-23-10 ²

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated July 28, 2010 which indicates that they do not support Petitioners' request. The individual request by itself would not negatively affect the neighborhood character, but it would set the precedence for other similar requests (the neighboring property also has a parked recreational vehicle in the front yard) that would negatively impact the neighborhood.

In reviewing the testimony and evidence in this matter, it is difficult to find in favor of Petitioners on their variance request, given their relatively unremarkable lot. Although Putty Hill Avenue cuts through this "Hillendale" subdivision and gives the subject property double frontage on Clearwood Road and Putty Hill Avenue, this feature is largely unrelated to the instant variance request and does not drive the need for the requested relief.

However, near the conclusion of the hearing, based on the testimony adduced from Petitioners as to their continuous parking of the various RV's on the driveway of the subject property located in the front yard since at least 1968, I reviewed Section 415A of the B.C.Z.R. to determine whether Petitioners' parking of the RV's in the front yard of the property for this length of time would constitute a legal nonconforming use as permitted by Sections 101 and 104.1 of the B.C.Z.R. This is because it appears that Section 415A of the B.C.Z.R. is not codified in the B.C.Z.R. until 1974. The undersigned then reviewed the legislative history of this Regulation.

Section 415A of the B.C.Z.R. was enacted into law through Bill No. 29-1974 during the County Council's 1974 legislative session. A copy of the Bill indicates the regulation took effect on May 10, 1974. In reviewing the previous editions of the B.C.Z.R., it does not appear that there was a similar regulation in effect prior to Bill No. 29-1974. This Bill essentially carved out

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Date 9.23.10 3

By RB

a specific section in the B.C.Z.R. for the storage of recreational vehicles and delineated the manner and location in which a recreational vehicle could be stored on residential lots, and also defined the term "recreational vehicle" for the first time in Section 101 of the B.C.Z.R. Subsequently, in Bill No. 54-1993, the term "jet-propelled skis" was added to Section 101 of the B.C.Z.R. and this section was also amended to include certain "boats" within the definition of "recreational vehicle." In addition, Section 415A was amended to include the storage of "recreational boats." Finally, in Bill No. 84-2006, Section 415A.1 was amended to include a provision that recreational vehicles not be parked or stored on any street in a residential zone except during a 24 hour period for loading or unloading. Based on the testimony introduced at the hearing and my review of Section 415A of the B.C.Z.R. and its legislative history, a compelling argument can be made that Petitioners' parking of their RV's on the driveway located in the front yard of the subject property is legally nonconforming and, therefore, should be permitted to continue.

After reviewing the relevant Regulation and its legislative history, and considering of all the testimony and evidence presented, I find that Petitioners' parking of their various RV's through the years on their driveway located in the front yard of the subject property continuously since at least 1968 constitutes a legal nonconforming use pursuant to the definition of that term in Section 101 of the B.C.Z.R. and the use provision of Section 104.1 of the B.C.Z.R.; thus, I am persuaded to grant the relief requested as a special hearing to allow this use to continue. Although the request for relief was couched as a Petition for Variance and posted and advertised as such, the specific request was to permit a recreational vehicle to be stored in the front yard. The fact that I am granting the relief as a special hearing rather than a variance is a distinction without a difference because the evidence presented by Petitioners is the same in either case.

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By B

It is also worth noting that Petitioners Mr. and Mrs. Robinson are 79 and 75 years of age, respectively, and testified that, while they still use their RV on a regular basis with their grandchildren and extended family, they do not expect to keep the RV for the long-term future. With that in mind, the undersigned indicated to Petitioners at the hearing that if this use is permitted as a nonconforming use, it would not run with the land and be permissible for any subsequent property owners or family members, but would in this case be personal to Petitioners and would terminate upon their abandonment of the use and/or their sale, rental, or other conversion of the subject property to anyone other than themselves. Petitioners were in agreement with this restriction. Petitioners must also be mindful of Section 104.1 of the B.C.Z.R. which states 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."

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be dismissed as moot and the relief should be granted as a request for special hearing for a nonconforming use.

THEREFORE, IT IS ORDERED this 23rd day of September, 2010 by this Deputy Zoning Commissioner that Petitioners' Variance request from Section 415A.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a recreational vehicle to be stored in the front yard in lieu of the required 8 feet to the rear of a lateral projection of the front foundation line of the dwelling be is hereby **DISMISSED** as **MOOT**; and

IT IS FURTHER ORDERED that Petitioners' request to permit a recreational vehicle to be stored in the driveway of the front yard of the subject property as shown on the site plan and

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Date 9.23.10

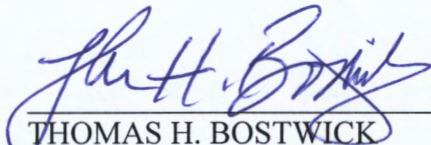
5

By PO

the aerial photographs accepted into evidence as Petitioners' Exhibits 1 and 3A-3B, respectively, and approved as a request for Special Hearing in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as a legal nonconforming use, be and is hereby **GRANTED**, subject to the following:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The relief granted herein shall be "*in gross*" and is personal to Charles and Eugenia Robinson for so long as they reside at 1818 Clearwood Road, and the approval shall not continue/pass to any successors in title, whether they be family descendants or others.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 9.23.10

By PS 6



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 23, 2010

CHARLES T. AND EUGUNIA G. ROBINSON
1818 CLEARWOOD ROAD
BALTIMORE MD 21234

Re: Petition for Variance
Case No. 2010-0358-A
Property: 1818 Clearwood Road

Dear Mr. and Mrs. Robinson:

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,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Jeff Radcliffe, Baltimore County Code Enforcement Office



TAX. ACCO#

0918474460

Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 1818 CLEARWOOD RD
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415A-1.(A)

TO PERMIT A RECREATIONAL VEHICLE TO BE STORED IN THE
FRONT YARD IN LIEU OF THE REQUIRED 8 FEET TO THE REAR
OF A LATERAL PROJECTION OF THE FRONT FOUNDATION LINE
OF THE DWELLING

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 THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Date

Telephone No.

City

By

State

Zip Code

Legal Owner(s):

Charles T. Robinson

Name - Type or Print

Charles T. Robinson

Signature

Eugenia G. Robinson

Name - Type or Print

Eugenia G. Robinson

Signature

1818 Clearwood Rd. 410-668-2163

Address

Balto. Md.

City

State

21234

Zip Code

Representative to be Contacted:

Eugenia G. Robinson

Name

1818 Clearwood Rd. 410-668-2163

Address

Balto. Md.

City

State

21234

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By A-TSUI Date 6/22/10

Case No. 2010-0358-A

ZONING DESCRIPTION FOR 1818 Clearwood Rd.
(address)

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

Clearwood Rd. which is 40 ft
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 512 Feet EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street OAKLEIGH RD
(name of street)

which is 40 Feet wide. *Being Lot # 120
(number of feet of right-of-way width)

Block —, Section # — in the subdivision of HILLENDALE FARMS
(name of subdivision)

as recorded in Baltimore County Plat Book # 8, Folio # 92,

containing 18,173 ft². Also known as 1818 Clearwood Rd.
(square feet or acres) (property address)

and located in the 9th Election District, 5th Councilmanic District.

2010-0358-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors 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: 2010-0358-A

Petitioner: CHARLES T. ROBINSON

Address or Location: 1818 CLEARWOOD ROAD,
BALTIMORE, MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES T. ROBINSON

Address: 1818 CLEARWOOD ROAD
BALTIMORE, MD 21234

Telephone Number: 410-668-2163

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				

Total: _____

Rec From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Date: 8-18-10

RE: Case Number: 2010-0358-A

Petitioner/Developer: Jean Robinson

Date of Hearing/Closing: Sept 2, 2010 10AM

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: # 2010-0358-A

1818 Clearwood Road

N/side of Clearwood Road, 512 feet east of the centerline of Oakleigh Road

9th Election District — 5th Councilmanic District

Legal Owner(s): Charles & Eugenia Robinson

Variance: to permit a recreational vehicle stored in the front yard in lieu of the 8 feet to rear of the lateral projection of the front foundation line of the dwelling.

Hearing: Thursday, September 2, 2010 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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.

JT 8/799 August 17

251068

CERTIFICATE OF PUBLICATION

8/19/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/17/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 2010-0358-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

COUNTY OFFICE BUILDING ROOM 106
W. CHESAPEAKE AVE. TOWSON MD 21204

PLACE: 111
DATE AND TIME: SEPT. 2, 2010, 10AM THURS.

REQUEST: VARIANCE TO PERMIT A
RECREATIONAL VEHICLE STORED

IN THE FRONT YARD IN LIEU OF THE RE-
QUIRED 8 FT. TO THE REAR OF A LATERAL

PROJECTION OF THE FRONT FOUNDATION
LINE OF THE DWELLING

TO HEARD OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
CONFIRM HEARING CALL 337-3391
DAY OF HEARING, UNDER PENALTY OF LAW

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 17, 2010 Issue - Jeffersonian

Please forward billing to:
Charles Robinson
1818 Clearwood Road
Baltimore, MD 21234

410-668-2163

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: 2010-0358-A

1818 Clearwood Road

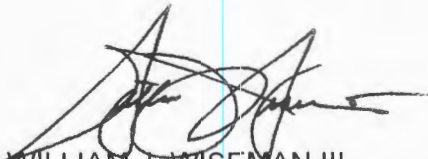
N/side of Clearwood Road, 512 feet east of the centerline of Oakleigh Road

9th Election District – 5th Councilmanic District

Legal Owners: Charles & Eugunia Robinson

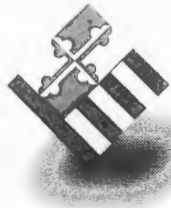
Variance to permit a recreational vehicle stored in the front yard in lieu of the required 8 feet to rear of the lateral projection of the front foundation line of the dwelling.

Hearing: Thursday, September 2, 2010 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Zoning Management
~~August 2, 2010~~

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: 2010-0358-A

1818 Clearwood Road

N/side of Clearwood Road, 512 feet east of the centerline of Oakleigh Road

9th Election District – 5th Councilmanic District

Legal Owners: Charles & Eugunia Robinson

Variance to permit a recreational vehicle stored in the front yard in lieu of the required 8 feet to rear of the lateral projection of the front foundation line of the dwelling.

Hearing: Thursday, September 2, 2010 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco.
Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Robinson, 1818 Clearwood Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 18, 2010**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

August 27, 2010

Charles & Eugunia Robinson
1818 Clearwood Road
Baltimore, MD 21234

Dear: Charles & Eugunia Robinson

RE: Case Number 2010-0358-A, 1818 Clearwood Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

TB - 9/2 - 10 Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 13 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 13, 2010
SUBJECT: Zoning Item # 10-358-A
Address 1818 Clearwood Road
(Robinson Property)

Zoning Advisory Committee Meeting of June 28, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 8/13/10

TB- 9/2 10Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 28, 2010

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

RECEIVED

SUBJECT: 1818 Clearwood Road

AUG 06 2010

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-358

Petitioner: Charles Robinson

Zoning: DR 5.5

Requested Action: Variance

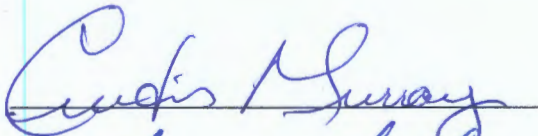
The petitioner is seeking to permit a recreational vehicle to be stored in the front yard in lieu of the required 8 feet to the rear of a lateral projection of the front foundation line of the dwelling.

SUMMARY OF RECOMMENDATIONS:

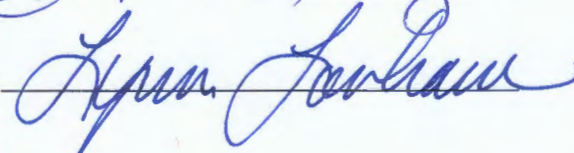
The Office of Planning does not support the petitioner's request. The individual request by itself would not negatively affect the neighborhood character but it would set the precedence for other similar requests (the neighboring property also has a parked Recreational Vehicle in the front yard) that would negatively impact the neighborhood.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 29, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: June 28, 2010

Item No.: **Variance:** 2010-0334A, 2010-0358A, 2010-0362A.

Administrative Variance: 2010-0356A - 0357A, 2010-0359A.

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 30, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 12, 2010
Item Nos. 2010- 356, 357, 358, 359,
and 362

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07122010 -NO COMMENTS.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-24-2010

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

RE: Baltimore County
Item No. 2010-0358-A
1818 CLEARWOOD RD
ROBINSON PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0358-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael P. Bailey" or similar, written over the typed name of Steven D. Foster.

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE
1818 Clearwood Road; N/S Clearwood Road, *
512' E of c/line Oakleigh Road * ZONING COMMISSIONER
9th Election 5th Councilmanic Districts
Legal Owner(s): Charles & Eugunia Robinson* FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 10-358-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUL 06 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2010, a copy of the foregoing Entry of Appearance was mailed to Eugunia Robinson, 1818 Clearwood Rod, Baltimore, MD 21234, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Patricia Zook
To: Heinbach, Kaitlyn; Radcliffe, Jeffrey
Date: 9/23/2010 9:39 AM
Subject: Case 2010-0358-A - located at 1818 Clearwood Road
Attachments: 10-0358-A.doc

Good morning -

Please find attached the Deputy Zoning Commissioner's Order for the above-referenced property which is the subject of a code violation. The Order was signed today, September 23, 2010.

I will also send you a signed 'hard' copy for your files.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

From: Jeffrey Radcliffe
To: Debra Wiley
Date: 8/30/2010 8:00 AM
Subject: Re: 1818 Clearwood Road - Case No. 2010-0358-A

Thank you!

>>> Debra Wiley 8/27/2010 2:47 PM >>>
Hi Jeff,

In reviewing our case files received today for next week, it appears there's a memo addressed to Carl Richards from Meg Ferguson, dated June 28, 2010, advising to contact you when this matter has been scheduled. As I am not sure whether or not that has taken place, I am advising you of same.

The hearing is scheduled for Thursday, Sept. 2nd @ 10 AM in the County Office Bldg., Rm. 106, before Deputy Zoning Commissioner Tom Bostwick.

Please contact Tom if you have any concerns and/or questions and have a great weekend.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose No Comment</u>
<u>6-30</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>8-13</u>	DEPRM	<u>None</u>
<u>6-29</u>	FIRE DEPARTMENT	<u>None</u>
<u>8-6</u>	PLANNING (if not received, date e-mail sent _____)	<u>Does Not Support</u>
<u>6-24</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. <u>CO-0079-167</u>)	
PRIOR ZONING	(Case No. <u>2007-0231-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>8-17-10</u>	
SIGN POSTING	Date: <u>8-18-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

CASE NAME 1818 Clearwood Road
CASE NUMBER 2010-0358-A
DATE 9-2-10

CASE NAME 1818 Clearwood Road
CASE NUMBER 2010-0358-A
DATE 9-2-10

[illegible]

IN RE: PETITION FOR VARIANCE

S side of Putty Hill Avenue, 500 feet +/-
C/1 of Oakleigh Road
9th Election District
5th Councilmanic District
(1818 Clearwood Road)

Charles T. and Eugunia G. Robinson
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-231-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Charles T. and Eugunia G. Robinson. The Petitioner is requesting variance relief for property located at 1818 Clearwood Road. The variance request is from Section 1B02.3.C.1 to permit a proposed lot width of 50 feet in lieu of the required 55 feet in a DR 5.5 zone.

The property was posted with Notice of Hearing on January 16, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 16, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area,

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT
ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY

EXHIBIT NO. 1

CO-0079167
1818 Clearwood Road

20-0358-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: June 28, 2010

TO: W. Carl Richards, Jr.

FROM: Meghan Ferguson, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2010-0358-A
Legal Owner/Petitioner: Charles & Eugunia Robinson
Property Address: 1818 Clearwood Rd
Location Description: North side of Clearwood Road; 512 feet east of the
centerline of Oakleigh Road.

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

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:

Case No: CO-79167
Correction Notices
Citation
Photographs

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Kaitlyn Heinbach in Room 213 in order that the appropriate action may be taken relative to the violation case.

MF/kh
C: Jeff Radcliffe; Code Enforcement Officer



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 79167	PROPERTY TAX ID 0918474460	DATE ISSUED 6/8/10
NAME(S): Charles T. + Eugenia G. Robinson		
MAILING ADDRESS 1818 Clearwood Rd.		
CITY BALTO.	STATE MD.	ZIP CODE 21234
VIOLATION ADDRESS SAME		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

FA0016050

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☒ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☒ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☒ 1B01.1: DR Zones-use regulations | ☒ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement. |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease _____ infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extentions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS: RV must be parked in the side or rear yard, 8' behind the front foundation line of house + 2 1/2' from side + rear property line. You may also apply for a variance.

☒ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☒ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: 7.8.10

INSPECTOR NAME: J. Radcliffe

PRINT NAME (Rev 9/05)

AGENCY

PHOTOGRAPHIC RECORD

Complaint Number: CO 79167 Facility Number: FA 0016050
Property Address: 1818 Clearwood Rd. 21234
Date of Photographs: 6/8/10



I HEREBY CERTIFY that I took the 1 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced complaint number on the date set out above.

J. Radcliffe

Code Enforcement Officer

Case No.: 2010-0358-A

Exhibit Sheet

Petitioner/Developer

Bald. County
Protestant

No. 1	site plan	Code Enforcement file
No. 2	zoning map	
No. 3 A+B	aerial photographs	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

3B



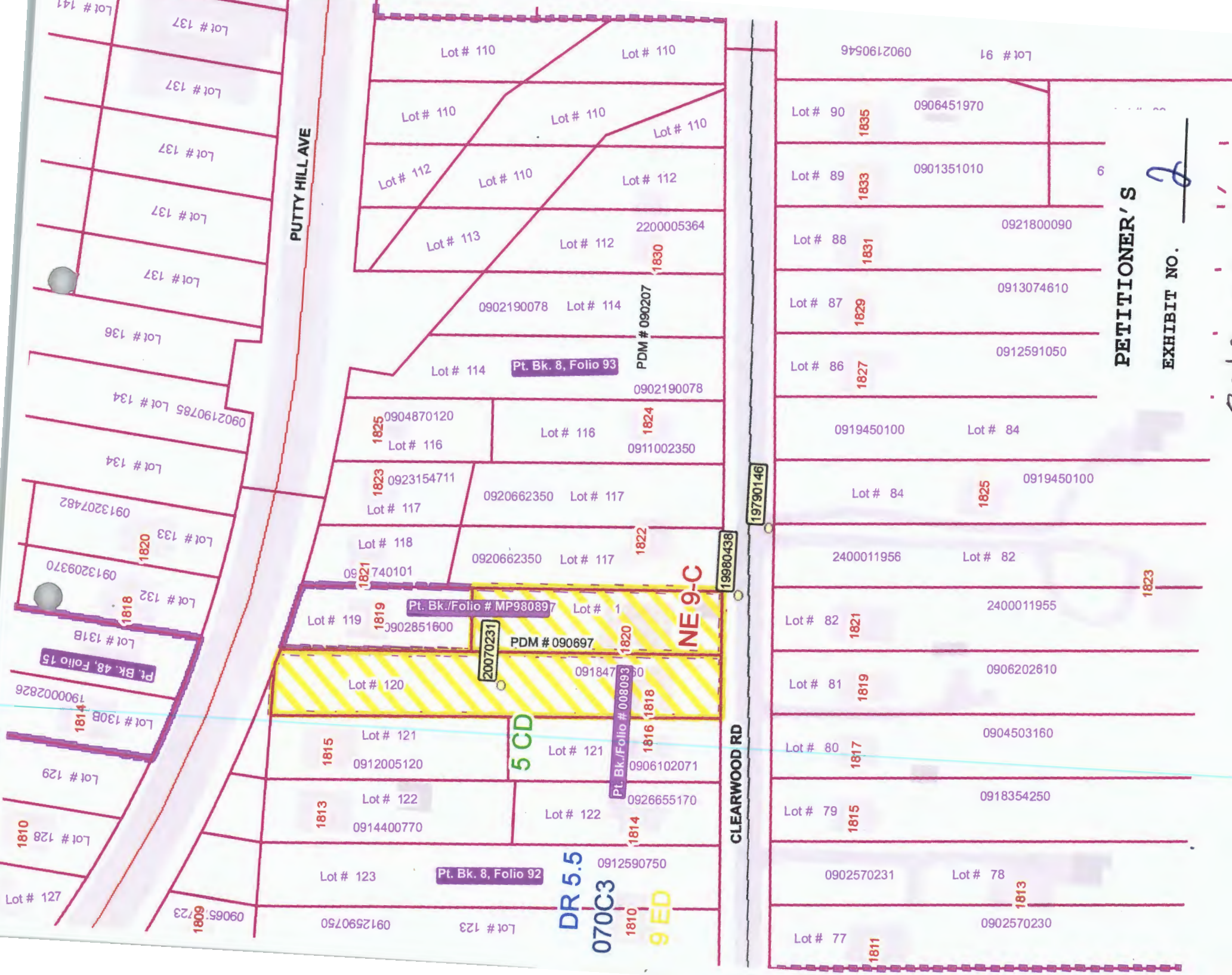
PETITIONER'S

EXHIBIT NO.

3A

EXHIBIT NO.

2010-0358-A



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1818 Clearwood Rd. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

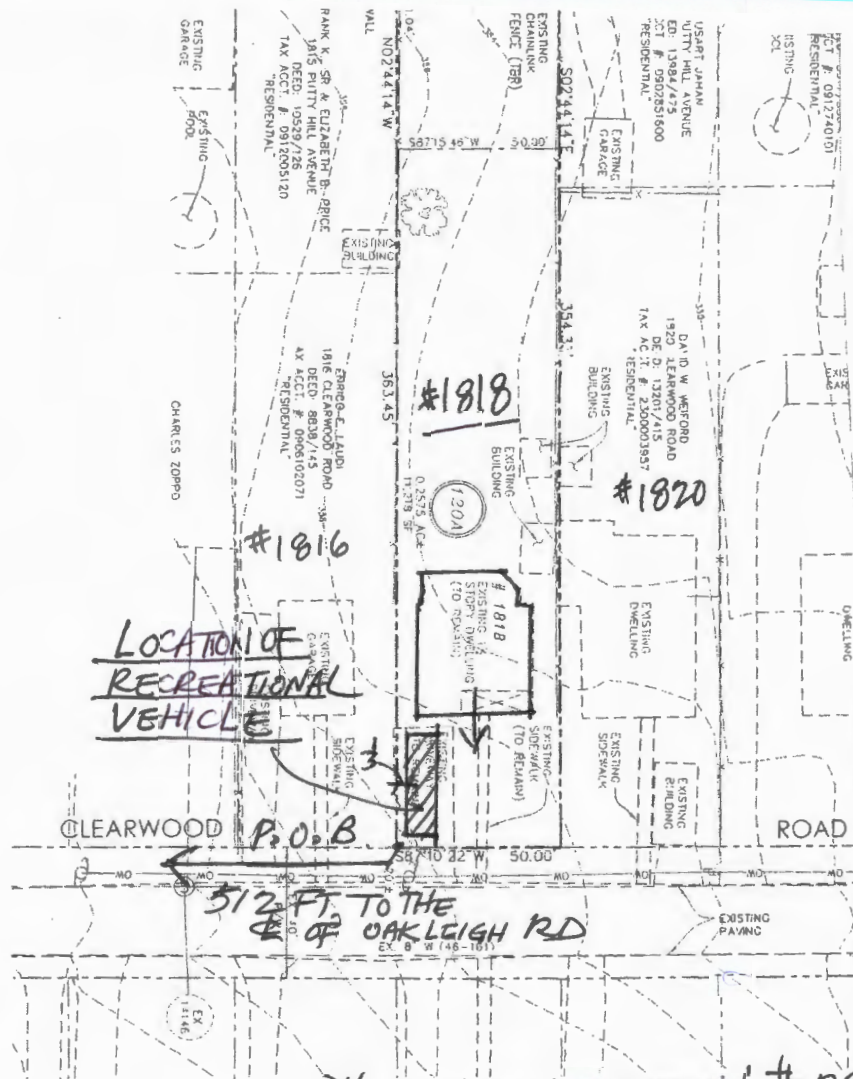
SUBDIVISION NAME Willendale Farms

PLAT BOOK # 8 FOLIO # 92 LOT # 120 SECTION #

OWNER Charles I. Robinson

PETITIONER'S 1

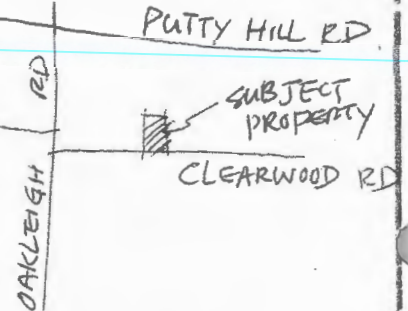
EXHIBIT NO.



NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 60' 0"



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9TH
COUNCILMANIC DISTRICT 5TH
1" = 200' SCALE MAP # 070C3
ZONING DR5.5
LOT SIZE 18,173
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>2007-0231A</u>	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

A.T.SUI 10358 12010-0358-A