

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

SE side of Elmhurst Avenue, 290 feet SW of
the c/l of Chesaco Avenue
15th Election District
7th Councilmanic District
(7931 Elmhurst Avenue)

Curley P. and Pamela J. Smith
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0219-SPHA**

* * * * *

OPINION AND ORDER

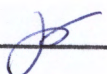
This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Curley P. and Pamela J. Smith, the legal property owners. Petitioners are requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the parking of a commercial vehicle on a residential property with a gross weight of 17,000 pounds. Petitioners are also requesting Variance relief from Section 431.1.B.3.C of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a commercial vehicle to be parked in the front of a dwelling in lieu of the required side or rear. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Petitioner Pamela J. Smith, as well as witnesses James Hager, Phil Roemer and Nancy Amberman. The Petitioner and scheduled hearing were properly advertised and the property was posted. No Protestants appeared to voice any opposition to Petitioners' request.

It should be noted that this matter came before me as a result of a Code Inspections and Enforcement Correciton Notice issued by the the Code Enforcement Division of the Department

ORDER RECEIVED FOR FILING

Date 3-17-11

By 

of Permits, Approvals and Inspections¹. The Correction Notice was issued to Petitioners on January 11, 2011, to cease the illegal outside storage of an unlicensed vehicle and cease the illegal storage of a commercial vehicle. The instant case was filed as a result.

Testimony and evidence offered revealed that the subject property is irregular in shape. Pamela Smith, the owner of the property and subject vehicle, testified that she purchased the property with her husband in 2002. She observed that the community is a blue collar working class community in which many of the residents utilize and bring home with them various vans, box trucks, tractor trailers, all of which are parked either in front of their homes or on their property.

In 2005, the subject truck was purchased by her and her husband, who presently suffers from cancer and for whom handicapped arrangements and signs are attached to the vehicle. As noted above, there was a complaint relative to the vehicle as well as a pick up in the rear yard. A notice was placed on their door January 7, 2011, relative to the parking situation of their vehicles.

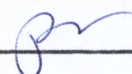
Ms. Smith testified that there is literally no where else to park the vehicle in question. The vehicle itself is a long haul tractor trailer cab and is utilized primarily for multi-day trips to Texas and other locations in the Southwest. As a result, the truck is gone for significant periods of time and, under most circumstances is only parked at the residence of the Petitioners two to three days a week at most. Often, the vehicle is gone for even longer periods of time.

Ms. Smith noted the abundance of medical bills incurred by them as a result of her husband's medical condition and as a result, the family is in serious financial hardship. The ability for her to operate the truck in question is vital to the family's continued financial existence.

¹ Case No: CO-88203

ORDER RECEIVED FOR FILING

Date 3-17-11

By 

The response of the neighbors in the area is quite striking. The two immediate neighbors on either side, Jamie Hager and Nancy Amberman both took the time to appear at the hearing and testify. Each said that they have never had any difficulty with the parking of the vehicle in question by the Petitioners on their property, and, were committed to helping to make arrangements to enable the vehicle to be parked as far towards the back of the property as possible, given its size. Petitioners have also agreed, as pointed by the Office of Planning, that they will make all efforts in conjunction with the immediate neighbors to place the truck as far toward the rear of the property as is physically possible. Moreover, Petitioners submitted a petition signed by over 70 of the immediate local residents in which it was indicated that there were no difficulties incurred by the parking of the truck by the Petitioners at their home or was there any objection on the part of the signatories to the Petitioners continuing to do so.

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 February 14, 2011, which indicate the subject property is located in a community that has several homes with commercial vehicles that are parked in the driveway and rear yard. The lot has a large rear yard; however, accessing the rear of the dwelling may be difficult for a large commercial vehicle as the side yard is narrow. The Planning Office does not oppose the request, as the commercial vehicle will not be parked in the side yard for long periods of time (the vehicle is used more than it is parked) provided a condition is met: The commercial vehicle in question (tractor trailer cab) is required to be parked as far back in the driveway toward the rear yard as possible.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. As to the variance request, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

ORDER RECEIVED FOR FILING

Date 3-17-11

By 

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 17th day of March, 2011, that Petitioners' Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the parking of a commercial vehicle on a residential property with a gross weight of 17,000 pounds be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Section 431.1.B.3.C of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a commercial vehicle to be parked in the front of a dwelling in lieu of the required side or rear be and is hereby GRANTED.

The relief granted herein is subject to the following conditions:

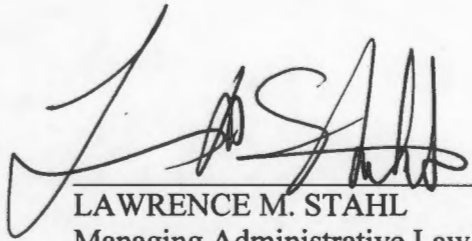
1. The commercial vehicle will not be parked in the side yard for long periods of time.
2. The commercial vehicle in question (tractor trailer cab) is required to be parked as far back in the driveway toward the rear yard as possible.

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Date 3-17-11

By 

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 3-17-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 17, 2011

CURLEY P. AND PAMELA J. SMITH
7931 ELMHURST AVENUE
ROSEDALE MD 21237

Re: Petition for Special Hearing
Case No. 2011-0219-SPH
Property: 7931 Elmhurst Avenue

Dear Mr. and Mrs. Smith:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "LMS", is written over the printed name of Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: James Hager, 7929 Elmhurst Avenue, Rosedale MD 21237
Phil Roemer, 7924 Elmhurst Avenue, Rosedale MD 21237
Nancy Amberman, 7933 Elmhurst Avenue, Rosedale MD 21237



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7931 Elmhurst Ave
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the parking of a commercial vehicle on a residential property with a gross weight of 17,000 pounds

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.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Curley P. Smith

Signature Curley P. Smith

Name - Type or Print PAMELA J. Smith

Signature Pamela J. Smith

7931 Elmhurst Ave 443-857-8488

Address _____ Telephone No. _____

Rosedale MD 21237

City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2011-0219-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 3-17-11

By [Signature]

Reviewed By [Signature] Date 1/21/11

TAX ACCOUNT # 1523505760

Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 7931 Elmhurst Ave
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 431.1.B.3.c - to permit a commercial

vehicle to be parked in the front of a dwelling in lieu of the required side or rear

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 discussed 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Date 3-17-11
Company _____
By [Signature]
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Curley P. Smith
Name - Type or Print _____
Signature _____
Pamela J. Smith
Name - Type or Print _____
Signature _____
7931 Elmhurst Ave 443-857-8488
Address _____ Telephone No. _____
Rosedale MD 21237
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

Case No. 2011-0219-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 4/21/11

**Discription of Property
at 7931 Elmhurst Ave.**

Beginning at a point on the Southeast side of Elmhurst Ave. which is 30ft. wide at a distance of 285ft. south of the centerline of the nearest improved intersecting street Chesaco Ave. which is 30ft. wide. Being lot #112A in the subdivision of Rosedale Terraces as recorded in Baltimore County Plat Book #3, Folio #90, containing 11250sq.ft. Also known as 7931 Elmhurst Ava. and located in the 15th Election District, 7th Councilmanic District.

Item # 0219

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

No. 62994

Date: 1/21/11

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
1/24/2011 1/24/2011 15:20:17 5

REG 4503 WALKIN JOHN LEE
> RECEIPT N 505532 1/24/2011 QFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.20

Total: 150.20

Rec From:
For: Zoning hearing - case #2011-0219-SPHA

CR NO. 062994
Receipt Tot 150.00
9150.00 CR 1.00 CR
Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0219 SPHA

7931 Elmhurst Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): Curley & Pamela Smith

Special Hearing: to permit the parking of a commercial vehicle on a residential property with a gross weight of 17,000 pounds. **Variance:** to permit a commercial vehicle to be parked in the front of a dwelling in lieu of the required side or rear.

Hearing: Thursday, March 3, 2011 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS 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 2/674 February 15 267163

CERTIFICATE OF PUBLICATION

2/17/2011

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 2/15/ 2011.

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

S. Wilkinson

LEGAL ADVERTISING

Laped *2/28/11*
9:30 AM

LS
3-3

CERTIFICATE OF POSTING

2011-0219-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Curley & Pamela Smith

Mar 3, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Matthews:

Ladies and Gentlemen:

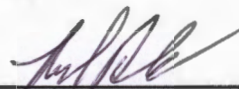
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7931 Elmhurst Ave

February 16, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



February 20, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE 2011-0219-SPHA

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

Room 205 JEFFERSON BUILDING
PLACE 105 WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME THURSDAY, MARCH 3, 2011 AT 2:30 P.M.

REQUEST SPECIAL HEARING TO PERMIT THE PARKING OF A
COMMERCIAL VEHICLE ON A RESIDENTIAL PROPERTY WITH A
GROSS WEIGHT OF 12,000 POUNDS. VARIANCE TO PERMIT A
COMMERCIAL VEHICLE TO BE PARKED IN THE FRONT OF A
DWELLING IN LIEU OF THE REQUIRED SIDE OR REAR.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 15, 2011 Issue - Jeffersonian

Please forward billing to:
Pamela Smith
7931 Elmhurst Avenue
Rosedale, MD 21237

443-857-8488

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0219 SPHA

7931 Elmhurst Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Curley & Pamela Smith

Special Hearing to permit the parking of a commercial vehicle on a residential property with a gross weight of 17,000 pounds. Variance to permit a commercial vehicle to be parked in the front of a dwelling in lieu of the required side or rear.

Hearing: Thursday, March 3, 2011 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL
ACCOMODATIONS, PLEASE CONTACT THE OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT
THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 4, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0219 SPHA

7931 Elmhurst Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Curley & Pamela Smith

Special Hearing to permit the parking of a commercial vehicle on a residential property with a gross weight of 17,000 pounds. Variance to permit a commercial vehicle to be parked in the front of a dwelling in lieu of the required side or rear.

Hearing: Thursday, March 3, 2011 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director, PAI

AJ:kl

C: Mr. & Mrs. Smith, 7931 Elmhurst Avenue, Rosedale 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 16, 2011.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE OFFICE OF ADMINISTRATIVE HEARINGS AT 410-887-3868.**
- (3) **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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2011-0219-SPHA
Petitioner: PAMELA Smith
Address or Location: 7931 Elmhurst AVE ROSEDALE, MD 21237

PLEASE FORWARD ADVERTISING BILL TO:

Name: PAMELA J Smith
Address: 7931 Elmhurst AVE
ROSEDALE, MD 21237

Telephone Number: 443-857-8488



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 24, 2011

Mr. & Mrs. Curley Smith
7931 Elmhurst Avenue
Rosedale, MD 21237

RE: Case Number 2011-0219 SPHA, 7931 Elmhurst Avenue, Rosedale, MD 21237

Dear Mr. & Mrs. Smith,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 21, 2011. 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:mcn

Enclosures

c: People's Counsel



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

State Highway
Administration

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

Maryland Department of Transportation

3/3/11

Date: 2-14-2011

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

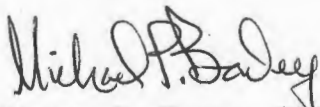
RE: Baltimore County
Item No 2011-0219-SPHA
7931 ELMHURST AVE
SMITH PROPERTY
SPECIAL HEARING &
VARIANCE

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. 2011-0219-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


FOA Steven D. Foster, Chief
Access Management 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.marylandroads.com

3/3 2:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: February 14, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

SUBJECT: 7931 Elmhurst Avenue

FEB 17 2011

INFORMATION:

ZONING COMMISSIONER

Item Number: 11-219

Petitioner: Curley P. Smith

Zoning: DR 5.5

Requested Action: Special Hearing and Variance

To permit the parking of a commercial vehicle with a gross weight of 17,000 pounds in the front and side yard of a single-family dwelling.

SUMMARY OF RECOMMENDATIONS:

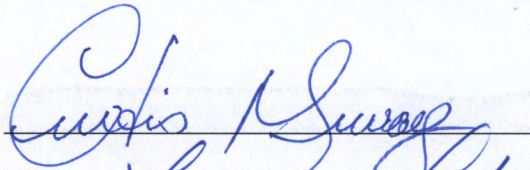
The Office of Planning has reviewed the petitioner's request and accompanying site plan. The subject property is located in a community that has several homes with commercial vehicles that are parked in the driveway and rear yard.

The subject lot has a large rear yard; however accessing the rear of the dwelling may be difficult for a large commercial vehicle as the side yard is narrow. The Office of Planning does not oppose the petitioner's request, as the commercial vehicle will not be parked in the side yard for long periods of time (the vehicle is used more than it is parked) provided the following condition is met:

The commercial vehicle in question (tractor trailer cab) is required to be parked as far back in the driveway toward the rear yard as possible.

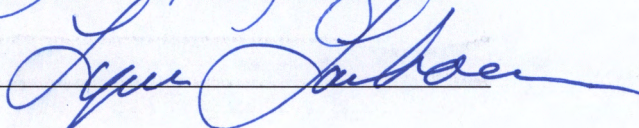
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:



Division Chief:

JM/LL: CM





KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, Chief
Fire Department

February 3, 2011

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

ATTENTION: Zoning Review

3-3

Distribution Meeting of: **January 31, 2011**

Item No.:

Administrative Variance: 2011-0215A – 0216A, 2011-0224A

Special Hearing: 2011-0213-SPH, 2011-0219-SPHA, 2011-0220-SPH, 2011-0225-SPHA

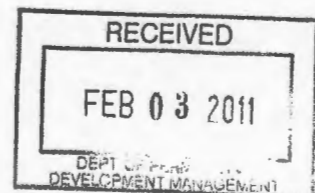
Variance: 2011-0217A, 2011-0219-SPHA, 2011-0221-XA, 2011-0222A – 0223A, 2011-0225-SPHA

Special Exception: 2011-0221-XA,

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 2, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For February 7, 2011
Item Nos. 2011- 213, 215, 216, 217,
219, 220, 221, 222 and 223

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-02072011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 15, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-219-SPHA
Address 7931 Elmhurst Avenue
(Smith Property)

Zoning Advisory Committee Meeting of January 31, 2011.

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

Reviewer: JWL Date: 2/14/11

RECEIVED

FEB 15 2011

ZONING COMMISSIONER

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3896

FA 0293487

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER CO 88203	PROPERTY TAX ID 15-23-505760	DATE ISSUED 1/11/11
NAME(S): CORLEY P Smith PAMELA Smith		
MAILING ADDRESS: 7931 ELM HURST Ave		
CITY BALTIMORE	STATE MD	ZIP CODE 21237
VIOLATION ADDRESS Same		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNEAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION:

- ☐ DR1 ☐ DR2 ☐ DR3 ☒ DR3.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50(1A05) ☐ RC6(1A07) ☐ MR(240) ☐ CM(253) ☐ MH(256)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC(1A06) ☐ RC7(1A08)
☐ OTHER: ☐ OTHER:

NON-RESIDENTIAL CLASSIFICATION

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
☒ 1B01.1: DR Zones-use regulations
☒ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)
☒ 1B01.1D: Remove open dump/ junk yard
☒ 431: Remove commercial vehicle(s)
☐ 101; 102.1: Remove contractors equip. storage yard
☐ 101; 102.1 ZCPM: Cease service garage activities
☐ 402: Illegal conversion of dwelling
☐ 101; 102.1: ZCPM: Illegal home occupation
☐ 415A: License/ remove untagged recreation vehicle
☐ 415A: Improperly parked recreation vehicle
☐ 415A: One recreational vehicle per property
☒ 410: Illegal Class II trucking facility
☐ 400: Illegal accessory structure placement
☐ 1B02.1; 270; 421.1: Illegal kennel/ Limit 3 dogs
☐ 102.5: Residential site line violation/ obstruction
☐ 408B: Illegal rooming/ boarding house
☐ BCC: 132-3-102; 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
☐ 13-7-115: County to abate nuisance & lien costs
☐ 13-7-310: Remove all trash & debris from property
☐ 13-7-312: Remove accumulations of debris, materials, etc.
☐ 13-7-201(2): Cease stagnant pool water
☐ 12-3-106: Remove animal feces daily
☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
☐ 13-4-201(b)(d): Store garbage in containers w/ tight lids
☐ 35-2-301: Obtain building/ fence/ sign permit
☐ 18-2-601: Remove all obstruction(s) at street, alley, road
☐ 13-7-310(2): Remove bird seed/ other food for rats
☐ 32-3-102: Violation of development plan/ site plan
☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C.)

- ☐ 35-5-302(a)(1): Unsanitary conditions.
☐ 35-5-302(a)(3): Cease infestation from prop.
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc.
☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions
☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)
☐ 35-5-302(a)(2): Store all garbage in trash cans
☐ 35-5-302(b)(1): Repair exterior structure
☐ 35-5-302(b)(1)(3): Repair exterior extensions.
☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
☐ 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)(iii): Repair roof or horizontal members
☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below)
☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
☐ 35-2-404(a)(1)(iv): Repair exterior chimney
☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof/ foundations
☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS:

CEASE ILLEGAL OUTSIDE STORAGE of UNLICENSED vehicle
Remove or tag Pickup + step van
Cease Illegal storage of commercial vehicle

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: 2/1/11

INSPECTOR NAME: M Stuart Kelly

PRINT NAME (Rev 9/05)

VIOLATION SITE

Item #0219

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Case No.:

2011-0219-SPHA

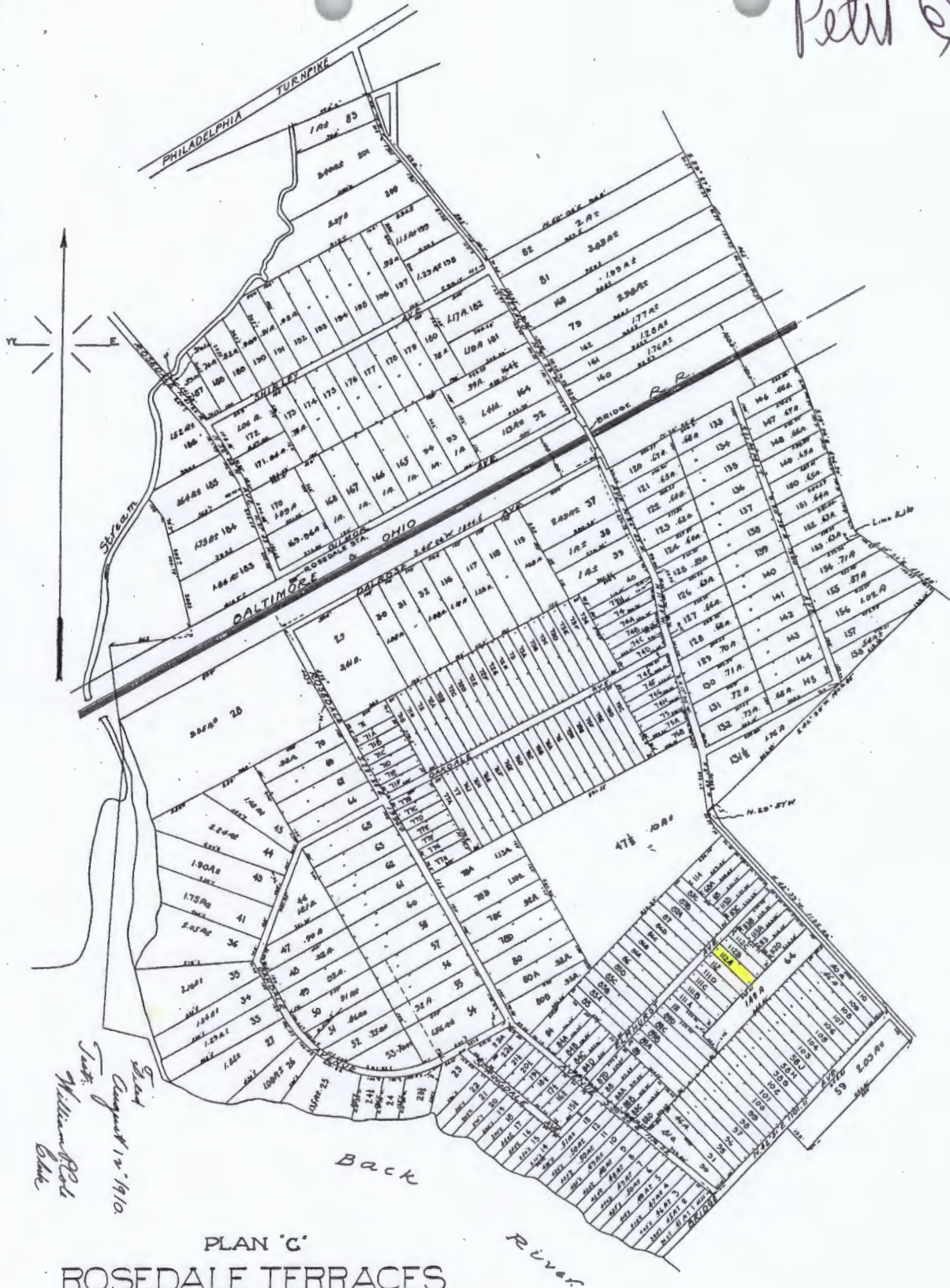
Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	Original Plot of Submission	
No. 2	Zoning Map of Area	
No. 3	A, B, C - photos of Site	
No. 4	Neighborhood Petition in Favor of Request	
No. 5	Plot to Accompany Petition	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Petition #1



Filed
August 12, 1910
J. William Rice
Clerk

PLAN 'C'
ROSEDALE TERRACES
ON BALTIMORE & OHIO R.R.

BALTIMORE CO. MD.
LOTS FOR SALE BY
CITYCO REALTY CO.

RESURVEYED & PLATTED BY
REDING & HOWARD - CIVIL & LANDSCAPE ENGRS.
BALTIMORE MD. MAR - 1910
SCALE: 1 IN = 200 FT.

Item #0219

W.P.C. N23-90

7931 Elmhurst Avenue

Retitled #2



Publication Date: January 19, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200 Feet

1 inch = 100 feet

Item #0219



Att G #4

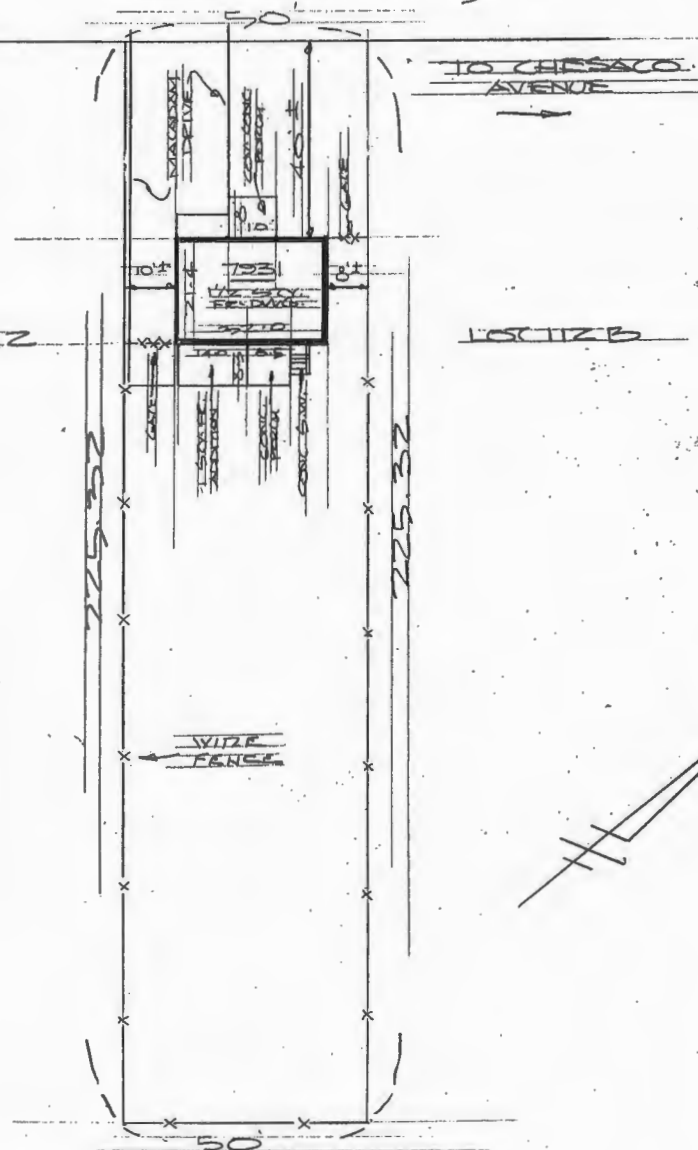
Petition to Park My Tractor on my Property

Petition summary and background	I received a notice on 1/1/11 from zoning that the Association filed a complaint about my tractor being parked at my residence. It is my own personal truck, and our only means of support. We have been parking it there without incident for almost 5 years.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to allow Curley and Pamela Smith to park their tractor on their property.

	Printed Name	Signature	Address	Comment	Date
1	Lisa Harle	Lisa Harle	7933 Elmhurst Ave.	I have no Problem with the truck.	1-15-11
2	NANCY AMBERMAN	Nancy Amherman	7933 Elmhurst Ave	There is no PROBLEM with the TRUCKS	1-15-11
3	Robert Harle	Robert Harle	7933 Elmhurst Ave	there is no Problem with truck	1-15-11
4	Michael Milby	Michael Milby	7937 Elmhurst Ave		1-15-11
5	Albert Blumen	Albert Blumen	7939 Elmhurst Ave	I have NO Problem her having her TRUCK in the yard	1-15-11
6	MARY Joette Hess	Mary Joette Hess	829 Chesaco Avenue	I have no problem with the truck in the yard.	1-15-11
7	IDA Bubczyk	Ida Bubczyk	821 Chesaco Ave	me either	1-15-11
8	FRANK BUBCZK	Frank J. Bubczyk	821 Chesaco Ave	OKAY with me	1-15-11
9	Darlene Ciocka	Darlene M. Ciocka	932 Rosedale Ave.	—	1-15-11
10	ADDIE CARTON	Addie Carton	7938 BRIDGE AVE	OKAY with me	1-15-11
11	LEROY KELLER	Leroy Keller	7936 BRIDGE AVE.	—	1-15-11
12	HARRY MAURER	Harry Maurer	2926 BRIDGE AVE	OKAY WITH ME	1-15-11

ELMHURST AVENUE (36 FT. WIDE)

This property is not located in a Flood-Identified Special Flood Hazard Area. Flood Hazard Map Interpretation though believed accurate is not guaranteed.



- 1) This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
- 2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 3) This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.

This is to certify that this drawing meets the Minimum Standards of Practice of the State of Maryland.

Lot No. 112-A, Plan C, ROSEDALE TERRACES, Plat Book W.P.C. No. 3, Folio 90

All setback dimensions are + or - one foot unless otherwise noted.

8/14/02

James B. Miller

REG. NO. 135

	LOCATION DRAWING		SCALE
	7931 ELMHURST AVENUE, BALTIMORE COUNTY, MARYLAND		1" = 30'
	OFFICE OF MANK & KUNST POST OFFICE BOX 5448 TOWSON, MARYLAND 21285		DATE 8/14/02
			JOB NO. 1025/02T

Item #0219

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

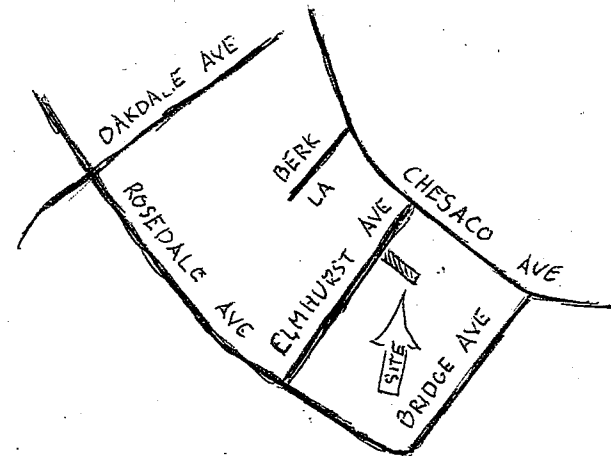
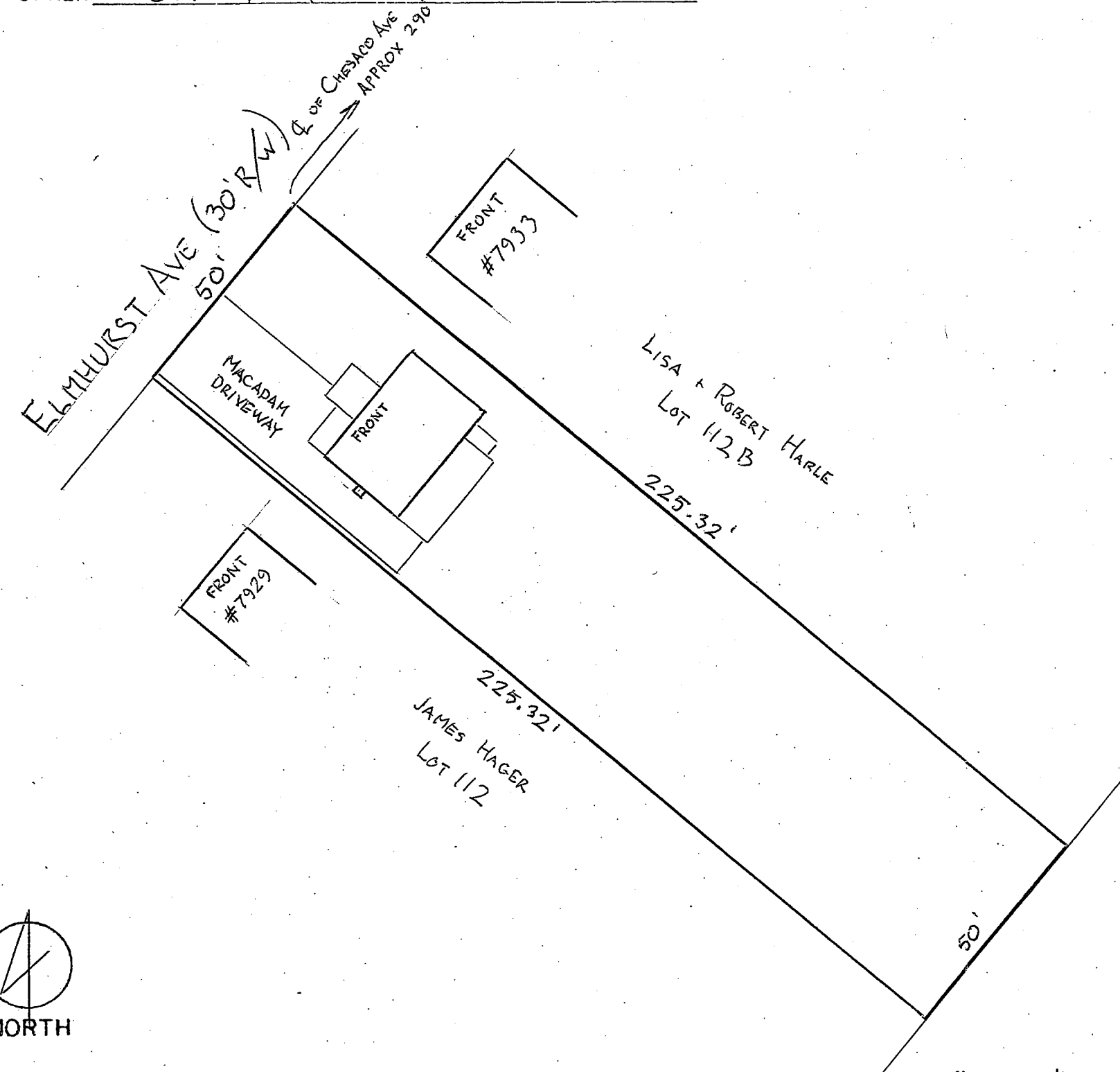
PROPERTY ADDRESS 7931 ELMHURST AVE

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

SUBDIVISION NAME ROSEDALE TERRACES

PLAT BOOK # 3 FOLIO # 90 LOT # 112A SECTION #

OWNER CURLEY & PAMELA SMITH



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT 7TH

1" = 200' SCALE MAP # 096C1

ZONING DR 5.5

LOT SIZE 0.14 11,250
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/ BUILDING	☐	☒
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PRIOR ZONING HEARING VIOLATION CO 88203

ZONING OFFICE USE ONLY

REVIEWED BY KTJ ITEM # CASE # 2011-

0219-SPHA



NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 30'