

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-382-A

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit an accessory structure (garage) height of 18 feet in lieu of the permitted 15 feet, as more particularly described on Petitioner's Exhibit 5.

Jacob D. Hornstein, Esquire, entered his appearance on the day of the hearing, appeared, and testified on behalf of the Petitioners. There were no Protestants present at the hearing.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of April, 1988 that an accessory structure (garage) height of 18 feet in lieu of the permitted 15 feet, in accordance with Petitioner's Exhibit 5, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED.

ZONING DESCRIPTION

Beginning on the southeast of Kelox Road at the distance of 170 feet southwest of the centerline of Fieldview Road. Being lot #33, Block H, section 2 on the revised plat of Powhatan, W.J.R. 27 folio 126 in the 2nd election district. Containing 5005 square feet, also being known as 3315 Kelox Road.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 2nd Date of Posting: March 17, 1988
Posted for: Variance
Petitioner: John Dobbins et al
Location of property: 3315 Kelox Rd. Baltimore, Md.
Location of Signs: In front of 3315 Kelox Rd.
Remarks:
Posted by: S.J. Gato
Number of Signs: 1

subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired.
2) The Petitioner shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartment.
3) The Petitioner shall not allow or cause any commercial activity to take place from the subject property.

J. Robert Haines, Zoning Commissioner of Baltimore County

88-382-A
John Dobbins, et ux
315 Side Kelox Road, 170' SW Fieldview Road, Baltimore, Md. 21204

April 11, 1988

Jacob D. Hornstein, Esquire
1209 Court Square Building
Baltimore, Maryland 21202
RE: Petition for Zoning Variance
3315 Kelox Road, 170' SW of Fieldview Road (3315 Kelox Road)
2nd Election District; 2nd Councilmanic District
John Dobbins, et ux - Petitioners
Case No. 88-382-A

Dear Mr. Hornstein:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines, Zoning Commissioner of Baltimore County

JRH:bjjs
Enclosures

cc: Mr. Henry Carp, President, Powhatan Farms Improvement Assoc., 6224 Robin Hill Road, Baltimore, Md. 21207
Ms. Adele K. Harper, 5707 Fieldview Court, Baltimore, Md. 21207
Ms. Jane Jordan, 3303 Kelox Road, Baltimore, Md. 21207
People's Counsel
File

LEGAL NOTICE

NOTICE OF HEARING
The Zoning Commission of Baltimore County, Maryland, will hold a public hearing on the proposed zoning variance for the subject property on Monday, April 4, 1988 at 9:00 a.m. in Room 113 of the County Office Building, 113 North Howard Street, Towson, Maryland 21286.

CERTIFICATE OF PUBLICATION

Pikesville, Md., March 16, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 17th day of March 1988, the first publication appearing on the 16th day of March, 1988, the second publication appearing on the 19th day of March, 1988, and the third publication appearing on the 19th day of March, 1988.

THE NORTHWEST STAR

Jan Bul, Manager

Cost of Advertisement 19.20

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
484-3333
J. Robert Haines, Zoning Commissioner

Date: 4/11/88

Mr. & Mrs. John Dobbins
3315 Kelox Road
Baltimore, Maryland 21207

Re: Petition for Zoning Variance
Case number: 88-382-A
S/E Side Kelox Road, 170' SW Fieldview Road (3315 Kelox Road)
2nd Election District - 2nd Councilmanic District
Petitioner(s): John Dobbins, et ux
HEARING SCHEDULED: MONDAY, APRIL 4, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Dobbins:

Please be advised that \$7.95 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND No. 50594
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 4/14/88 ACCOUNT Robinson
AMOUNT \$ 67.95
RECEIVED FROM John Dobbins
FOR John Dobbins, et ux

PETITION FOR ZONING VARIANCE

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 400.3 to allow accessory structure height (garage) of 18 feet in lieu of the required 15 feet.

The reasons why I want to vary are as follows: Because I need the storage room, and the way the lot is built, the 15' height would be a problem. I had to build the garage and the way the lot is built, the 15' height would be a problem. I had to build the garage and the way the lot is built, the 15' height would be a problem.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I 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: John Dobbins
Signature: John Dobbins
Address: 3315 Kelox Road 21207
City and State: Baltimore, MD

Attorney for Petitioner: Jacob D. Hornstein
Address: 1209 Court Square Bldg, Baltimore, MD 21202

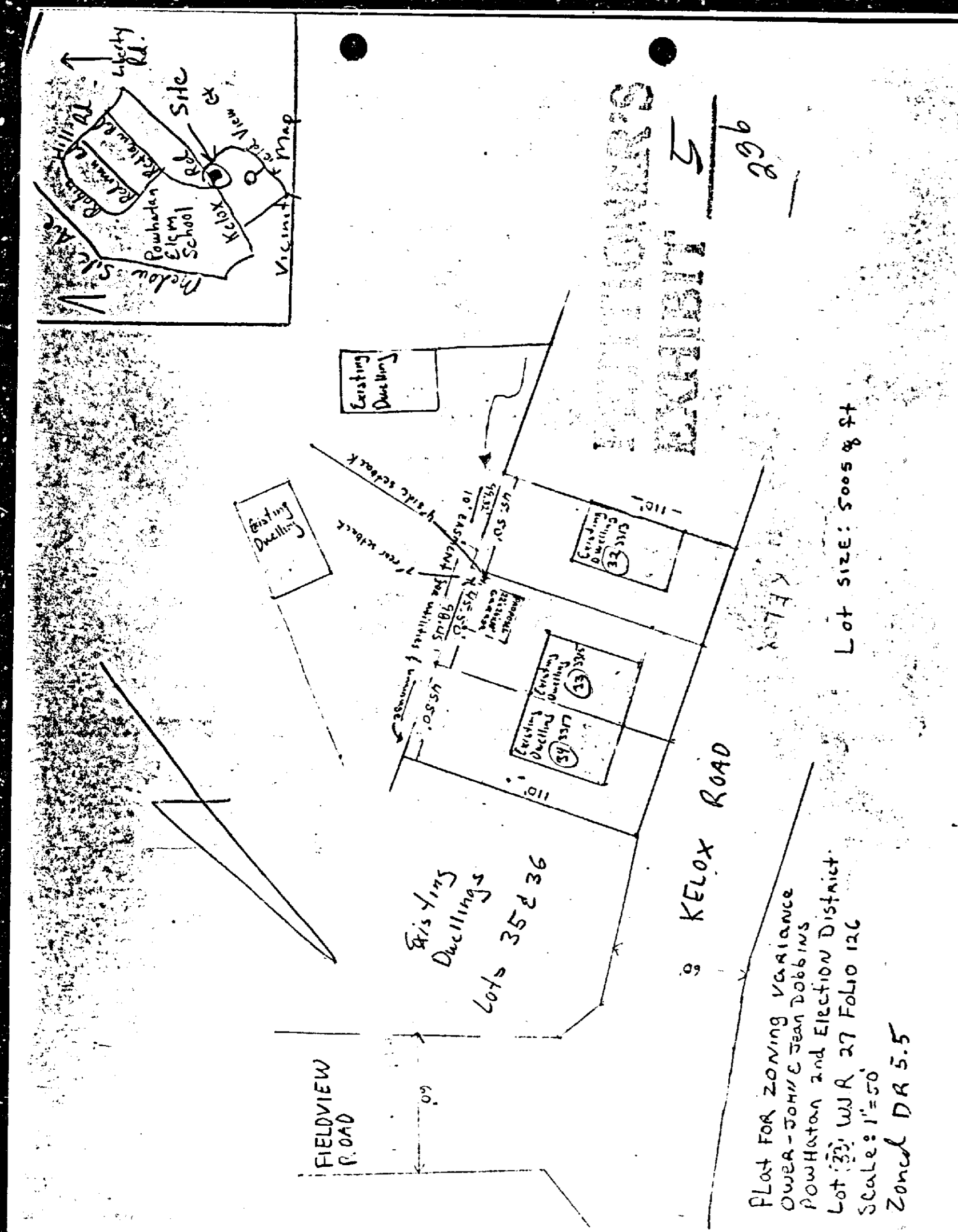
ORDERED By the Zoning Commissioner of Baltimore County, this 11th day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 113, County Office Building in Towson, Baltimore County, on the 11th day of April, 1988, at 9:00 o'clock a.m.

J. Robert Haines, Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 17, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 17, 1988.

THE JEFFERSONIAN, Publisher



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

JAN 27 1988

**NOTICE OF HEARING**

Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

**Petition for Zoning Variance**  
Case number: 88-382-A  
S/E Side Kelox Road, 170' SW Fieldview Road  
(3313 Kelox Road)  
2nd Election District - 2nd Councilmanic District  
Petitioner(s): John Dobbins, et ux  
HEARING SCHEDULED: MONDAY, APRIL 4, 1988 at 9:00 a.m.

Variance to allow accessory structure height (garage) of 18 feet in lieu of the required 15 feet.

In the event that this Petitioner's permit may be issued within 10 days, however, entertain during this period for good lived in this office by the date

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 47414

DATE: 1/27/88 ACCOUNT: 21-115  
AMOUNT: \$ 25.00  
RECEIVED FROM: [Signature]  
FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**  
March 23, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. John Dobbins  
3315 Kelox Road  
Baltimore, Maryland 21207

Item No. 236 - Case No. 88-382-A  
Petitioners: John Dobbins, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Dobbins:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
James E. Dyer, Jr.  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:cer  
Enclosures

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reineke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

January 11, 1988

Re: Property Owner: John Dobbins, et ux  
Location: SE side Kelox Rd., 170' SW of Fieldview Road  
Item No.: 236 Zoning Agenda: Meeting of 1/12/88

Gentlemen:

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

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 1-11-88 Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

7/31

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

February 18, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 236, 237, 238 and 239.

Very truly yours,  
Michael S. Flanagan  
Traffic Engineer Associate II

MSP/pml-b

88-382-A

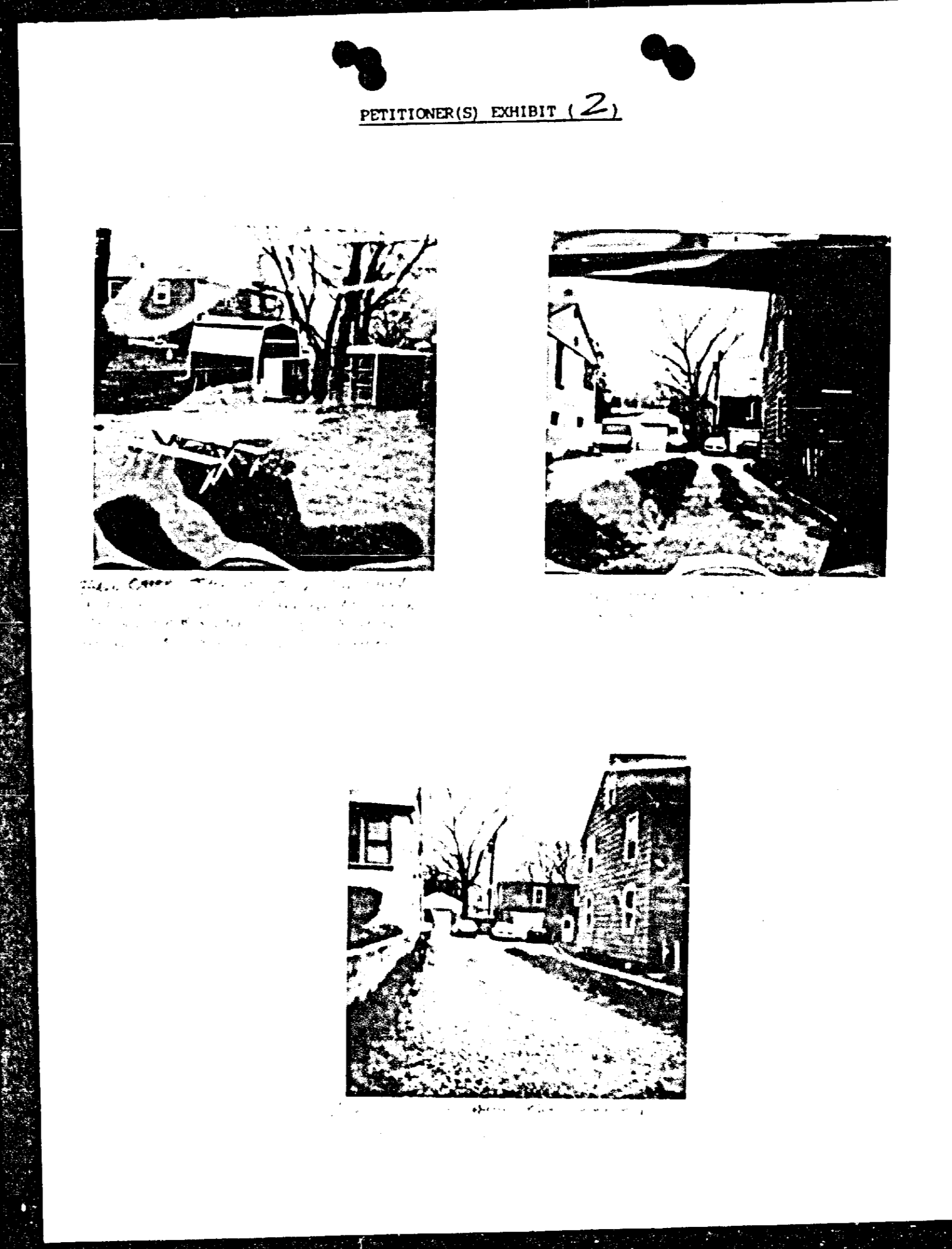
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 7th day of January, 1988.

J. Robert Haines  
ZONING COMMISSIONER

Petitioner John Dobbins, et ux  
Petitioner's Attorney

Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee



I AM GATHERING SIGNATURES IN REFERENCE TO:  
**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

**Petition for Zoning Variance**  
Case number: 88-382-A  
S/E Side Kelox Road, 170' SW Fieldview Road  
(3313 Kelox Road)  
2nd Election District - 2nd Councilmanic District  
Petitioner(s): John Dobbins, et ux  
HEARING SCHEDULED: MONDAY, APRIL 4, 1988 at 9:00 a.m.

Variance to allow accessory structure height (garage) of 18 feet in lieu of the required 15 feet to stay as is.

I AM GATHERING SIGNATURES  
DATE: 1/11/88  
3

PETITIONER(S) EXHIBIT (4)



Back Shape view of house at corner of Kellax and Liberty Rd. This prop. Sharp Road has not depended on the community



Back Shape view Kellax Rd

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO Zoning Commissioner  
P. David Fields  
FROM Director of Planning and Zoning  
Zoning Petition Nos. 88-389-A,  
SUBJECT 88-382-A, 88-383-A

Date February 22, 1988

RECEIVED  
MAR 1 1988  
ZONING OFFICE

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. Howell  
P. David Fields  
Director

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

cc: Mr & Mrs Dobbin's  
3/24/88/JS

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO James Dyer  
Zoning Supervisor  
Date 12/28/87  
FROM James Thompson  
Zoning Enforcement Coordinator  
Item No. 236 (if known)  
SUBJECT Petitioner: (if known)

VIOLATION CASE # C-88-265  
LOCATION OF VIOLATION 3315 Kellax Rd  
DEFENDANT John Dobbin ADDRESS 3315 Kellax Rd (2100)

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 persons:

NAME ADDRESS  
Claudine Poole 5706 Fieldview Ct (21207)  
Barbara Savage 3309 Rellow Rd (21207)  
Henry Corp 6224 Robin Hill Rd (21200)

#236

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

5707 Fieldview Court  
Baltimore, Md 21207

To Mr David Green Inspector  
Mr. Robert Haines Zoning Commissioner

Reference to 3315 Kellax Rd  
Case # John Dobbin  
88-382-A  
Garage Variance from 15' to 18'  
Opposed

I am very sorry that I will not be able to attend the hearing in reference to give a variance to the 18' garage.

① That garage is an eyesore to the neighbors on the back in Fieldview Ct. ② It is too high (higher than the houses in the block and Court. ③ It really detracts from the neighborhood. ④ Mr. Dobbin was not concerned when the neighbors complained to him about the size of the garage. ⑤ He is also planning to repair cars. That is the reason he wants it that size.

Please consider my vote against the variance.

Thank You  
Allele K. Harper  
5707 Fieldview Ct  
Baltimore Md 21207

Powhatan Farms  
IMPROVEMENT ASSOCIATION, INC.  
6224 Robin Hill Road  
Baltimore, Maryland 21207

March 7, 1988

J. Robert Haines  
Zoning Commissioner of  
Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204

Dear Commissioner Haines:

Reference petition for a zoning variance Case number 88-382-A.

At a community meeting of the Powhatan Farms Improvement Association held February 10, 1988, the residents in attendance passed a motion opposing the granting of a zoning variance in case number 88-382-A, which would allow the height of the garage to be higher than the authorized 15 feet.

Sincerely,

Henry Corp  
HENRY CORP  
PRESIDENT

RECEIVED  
MAR 9 1988  
ZONING OFFICE