

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N/S Waymouth Way, 351 ft. W. of Solers Point Road
7406 Waymouth Way
12th Election District
7th Councilmanic District
Charles M. Loane, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-491-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The petitioners herein request a variance from Sections 1802.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 0 ft. setback, in lieu of the required 7.5 ft., to erect a carport, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 301.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Petitioners' site plan states that this property is not located within the Chesapeake Bay Critical Area, the Zoning Advisory Committee comment from the Department of Environmental Protection and Resource Management (D.E.P.R.M.) indicates that the property may be within the critical area and, therefore, subject to the critical area regulations. Further, D.E.P.R.M. has requested an extension to review the Petition to determine if the critical area regulations are applicable. That request for an extension is hereby granted.

In accordance with Section 50.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management shall submit recommendations which describe what steps the petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

If D.E.P.R.M. determines that the regulations are applicable to this site, their recommendations shall become a permanent part of the decision rendered in this case.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations,

and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1992 that the Petition for a Zoning Variance from Sections 1802.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 0 ft. setback, in lieu of the required 7.5 ft., to erect a carport, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioners will be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with the recommendations submitted by D.E.P.R.M. upon completion of that agency's review of this matter.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LEB/mm

ORDER RECEIVED FOR FILING
Date
By

Baltimore County Government
Planning & Zoning
Office of Planning and Zoning

Suite 113 Conference
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 23, 1992

Mr. and Mrs. Charles M. Loane
7406 Waymouth Way
Dundalk, Maryland 21222

RE: Petition for Residential Zoning Variance
Case No. 92-491-A

Dear Mr. and Mrs. Loane:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LEB/mm
6/31/92

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 and 301.1 TO REQUEST PERMIT TO ERRECT A CARPORT OF THE FOLLOWING DIMS: 10'5" W X 24'3" D X 7'0" H ON EAST SIDE OF THE DESCRIBED PROPERTY WITH A 0' SETBACK BACK IN LIEU OF THE PERMITTED 7.5 FT. 0' 0" 0'

Property to be advertised and/or posted as provided by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, 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.

Legal Owner(s)
MR. CHARLES M. LOANE
Charles M. Loane
MRS. VIRGINIA H. LOANE
Mrs. Virginia H. Loane
7406 WAYMOUTH WAY N. 284-0979
DUNDALK, MD. 21222
SOME DE ABOVE

A PUBLIC HEARING BEING BEING DISCONTINUED AND/OR DEEMED TO BE DISCONTINUED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of July, 1992, that the subject matter of this petition be as set forth in the petition and the Zoning Regulations of Baltimore County, in two paragraphs of general provisions of Baltimore County, and that the property be reported.

AFFIDAVIT
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirm under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have no knowledge to the contrary that a public hearing is scheduled in the future with respect thereto.

That the Affiant(s) desire presently make at 7406 WAYMOUTH WAY DUNDALK, MD. 21222

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance on the above address (same property or portion thereof):

TO PROVIDE AN OFF STREET PARKING LOCATION FOR FOR PROPERTY OWNERS' CARS, AS PROTECTION FROM TRAFFIC, THEFT, DAMAGE AND WEATHER.
(SEE ATTACHED)

The Affiant(s) acknowledge(s) that if a person is false, Affiant(s) will be required to pay a monetary and advertising fee and may be required to provide additional information.

Charles M. Loane
Charles M. Loane
Charles M. Loane
Charles M. Loane
Charles M. Loane
Charles M. Loane

STATE OF MARYLAND, COUNTY OF BALTIMORE, this 22nd day of July, 1992 before me, a Notary Public of the State of Maryland, to and for the County of Baltimore, personally appeared

Charles M. Loane
Charles M. Loane
Charles M. Loane
Charles M. Loane
Charles M. Loane
Charles M. Loane

who being duly sworn, depose and say that the foregoing is true to the best of their knowledge and belief.

Subscribed and sworn to before me and certified to me on this 22nd day of July, 1992.

Notary Public for Baltimore County
674 June 1992

(ADDITION) 524
HARDSHIP AND PRACTICAL DIFFICULTY
REASONS FOR LOCATING CARPORT ON
SIDE OF PROPERTY IN LIEU OF REAR:
HEAT PUMP SITE, PATIO ON HOUSE BACK,
TREE AND SHRUBBERY LANDSCAPE DOES
NOT ALLOW SPACE.

92-491-A
524

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE NORTH SIDE OF WAYMOUTH WAY WHICH IS 50' WIDE, AT THE DISTANCE OF 351.50 FEET WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, SOLLERS PT RD, WHICH IS 75' WIDE.
BEING LOT #10, BLOCK 3 IN THE SUBDIVISION OF LOGAN VILLAGE, AS RECORDED IN BALTIMORE COUNTY PLAT BOOK J.W.B. No. 14 FOLIO 8 & 9 CONTAINING 5000 SQUARE FEET. ALSO KNOWN AS 7406 WAYMOUTH WAY AND LOCATED IN THE #12 ELECTION DISTRICT.

ORDER RECEIVED FOR FILING
Date
By



Baltimore County
Zoning Commission
County Office Building
71 West Commerce Avenue
Towson, Maryland 21204

receipt

Amount: \$201.4100
Number:

6/16/92

PUBLIC HEARINGS FEES
010 - ZONING VARIANCE (FEE) 1 X \$50.00
080 - POSTING STORM / ADVERTISING 1 X \$35.00
LAST NAME OF OWNER: LOANE
TOTAL: \$85.00

Please Make Check/Cashable to Baltimore County - 485.00
PA 001121406-16-92

Order Validation

July 13, 1992

(410) 887-3353

Mr. & Mrs. Charles M. Loane
7405 Waymouth Way
Dundalk, MD 21222RE: Item No. 524, Case No. 92-491-A
Petitioner: Charles M. Loane, et al
Petition for Administrative Variance

Dear Mr. & Mrs. Loane:

The Zoning Planning Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions which the requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: July 10, 1992
FROM: J. Lawrence Pilson, JLP
Development Coordinator, DEPRM
SUBJECT: Zoning Item 524
87405 Waymouth Way
Zoning Advisory Committee Meeting of June 29, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

JLP:sp

JABLON/S/TATSBP

RECEIVED
JUL 14 1992
ZONING OFFICE

DEPRM/Developers Engineering Division (Public Services) 07/06/92
Development Review Committee Response For
Authorized signature: *Robert Bowling* Date: 7/6/92

File Number	Waiver Number	Zoning Issue	Meeting Date
52476	TE	(Waiting for developer to submit plans first)	6-1-92
COUNT 1			
Rita M. and Edward R. Raab, Sr.	514	W/C	6-29-92
DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DEPRM RP STP TE			
✓ Francis D. and Patricia M. Hull	526	N/C	
DEPRM RP STP TE			
✓ RNS Noinee, Inc.	527	W/C	
DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	N/C	
DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	W/C	
DEPRM RP STP TE			
✓ Baltimore County - Southwestern Bell Mobile Systems	533	N/C	
DEPRM RP STP TE			

700 East Joppa Road Suite 901
Towson, MD 21204-5500

JUNE 25, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204RE: Property Owner: CHARLES M. LOANE AND VIRGINIA H. LOANE
Location: 87405 WAYMOUTH WAY
Item No.: *524 (JLP) Zoning Agenda: JUNE 29, 1992

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Patricia J. ...* Noted and Approved
Planning & Inspection Division
Fire Prevention Bureau
JP/KERRECEIVED
JUN 29 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bayley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management
FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: June 30, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 29, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Edward & Rita Raab - Item 514
Jeffrey & Deanna Deegan - Item 523
Charles & Virginia Loane - Item 524
Herschel & Ruth Polakoff - Item 525
Francis Hull - Item 526
Juanita Cottrell - Item 529
Middle River Baptist Church - Item 530
Merritt & Joann Olsen - Item 531
Michael & Eugenia Zavodny - Item 532

If there should be any further questions or if this office can provide additional information, please contact Francis Hursey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUL 7 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response For
Authorized signature: *Walter K...* Date: 7/6/92

File Number	Waiver Number	Zoning Issue	Meeting Date
Rita M. and Edward R. Raab, Sr.	514	W/C	6-29-92
DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DEPRM RP STP TE			
✓ Francis D. and Patricia M. Hull	526	N/C	
DEPRM RP STP TE			
✓ RNS Noinee, Inc.	527	W/C	
DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	N/C	
DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	W/C	
DEPRM RP STP TE			
✓ Baltimore County - Southwestern Bell Mobile Systems	533	N/C	
DEPRM RP STP TE			

COUNT 11

DEPRM/Traffic Engineering
Development Review Committee Response For
Authorized signature: *Robert Bowling* Date: 7/6/92

File Number	Waiver Number	Zoning Issue	Meeting Date
52476	TE	(Waiting for developer to submit plans first)	6-1-92
COUNT 1			
Rita M. and Edward R. Raab, Sr.	514	W/C	6-29-92
DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DEPRM RP STP TE			
✓ Francis D. and Patricia M. Hull	526	N/C	
DEPRM RP STP TE			
✓ RNS Noinee, Inc.	527	W/C	
DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	W/C	
DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	N/C	
DEPRM RP STP TE			
✓ Baltimore County - Southwestern Bell Mobile Systems	533	N/C	
DEPRM RP STP TE			

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: August 4, 1992
FROM: J. Lawrence Pilson, JLP/MP
Development Coordinator, DEPRM
SUBJECT: Zoning Item 524
87405 Waymouth Way
Zoning Advisory Committee Meeting of June 29, 1992

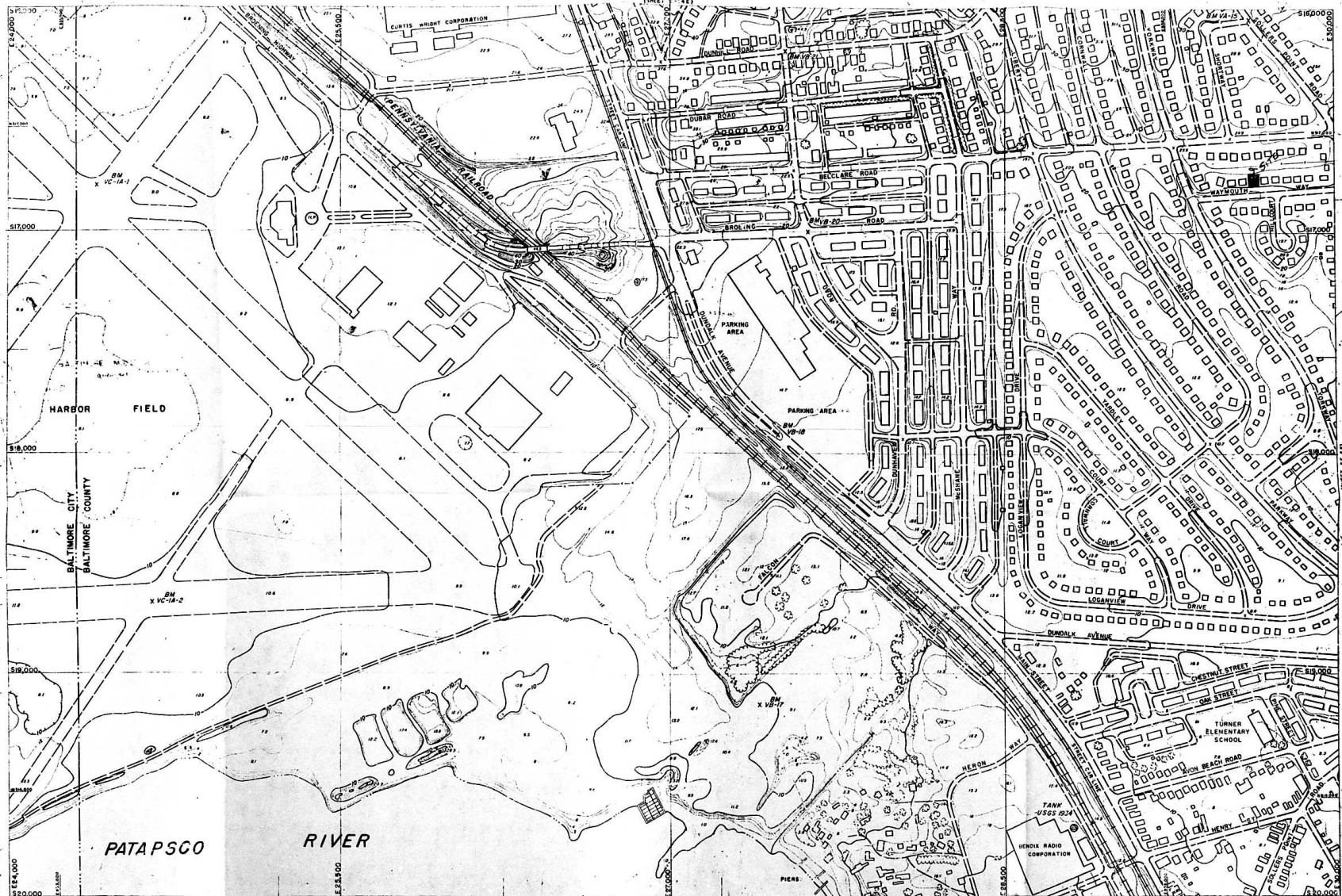
Further review of this zoning item revealed the property lies just outside the Chesapeake Bay Critical Area. Therefore, the Department of Environmental Protection and Resource Management has no comment.

JLP:sp

JABLON/S/TATSBP

RECEIVED
JUL 14 1992
ZONING OFFICE

92-491A



F-SE E-SW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	DUNDALK	S-E 5-E
EN	12/15/54			
DATE OF PHOTOGRAPHY				
DEC. 1954				
Topography Compiled by Photogrammetric Methods AERIAL SURVEY CORP.				

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP. LANGING, MICH.