

IN THE MATTER OF THE
THE APPLICATION OF
MERRITT E. OLSEN, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED ON THE EAST SIDE
FORGE PARK ROAD, 340' NORTH
OF CENTERLINE OF CARLYN ROAD
(9909 FORGE PARK ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

OPINION

The above-entitled matter has come to this Board on appeal from the decision of the Zoning Commissioner dated September 1, 1992 wherein both Petitioners' requests for variances were denied. On appeal, the Petitioners informed this Board that they were only seeking a variance to permit a side yard setback of 4 ft. in lieu of the required 11.3 ft. for the purpose of an attached carport. They abandoned their variance request for an enclosed addition.

Petitioners appeared represented by Lewis L. Fleury, Esquire, and both testified. Mr. and Mrs. Frederick R. Weitzel, adjoining property owners, and Mr. Taylor W. Thomas appeared in opposition to the variance requested.

Petitioner JoAnn Olsen testified that she and her husband reside at 9909 Forge Park Road together with two foster children ages 2 and 4 and their 16-year-old daughter. Their home is located in the Gunpowder Estates subdivision which consists of 67 lots improved with single-family dwellings. The subject property consists of 9,115 sq. ft. and is zoned D.R. 3.5. Mrs. Olsen testified that she was desirous of constructing an attached carport on the northeast side of the house. She offered into evidence Petitioners' Exhibit 2, an amended plat disclosing the location of the proposed carport. She testified, and the plat so reflects, that the proposed carport will be 13 ft. wide and 22 ft. in length,

Case No. 92-493-A Merritt E. Olsen, et ux

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attached to the side of the house. She further testified that the distance from her house to the property line between her property and the Weitzel property is 18.7 ft., and that the actual distance existing between the Olsen home and the Weitzel home is 28.8 ft.

Mrs. Olsen further testified that the variance was needed and that practical difficulty and undue hardship would exist unless the variance was granted. She testified that she experienced two previous problems in the past wherein her vehicles were damaged while parked on Forge Park Road in front of her home, and that the carport would provide safety and protection from incidents such as this occurring in the future. She also stated that the carport was necessary to protect her as well as other members of her family and the foster children living there from ice and snow and inclement weather conditions. The carport would provide for off-street parking, and it would not be necessary for the members of the household to be subjected to ice and snow conditions in leaving from the front door and walking to the car at curb side.

She informed the Board that in this development approximately 39 of the 67 residential dwellings have attached carports. In her opinion, she did not believe that the proposed carport would have any adverse effect upon the adjoining property owners. She pointed out to the Board that the Weitzels' residence has no windows on the side facing the proposed location for the carport. Mr. Olsen testified that there was no intention on their part to enclose the carport if the variance was granted.

The Protestants testified in opposition to the relief requested. Mr. Weitzel informed the Board that his property would be adversely affected by the construction of the carport. He

Case No. 92-493-A Merritt E. Olsen, et ux

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repeatedly stated to the Board that his opposition comes primarily because of the location of the two homes on their respective lots. It was clear from the photographs offered into evidence that the Weitzel home sits further back from the road than the Olsen home. The photographs disclose that upon exiting the Weitzel home the Olsen home is visually forward of the Weitzel home and closer to the road. In Mr. Weitzel's opinion, he believes that the carport structure at its proposed location would have an adverse impact on his front yard and obstruct his vision when looking toward the Olsen property.

Mr. Taylor Thomas testified as a Protestant. He informed the Board that his main objection prior to the beginning of the hearing was that an enclosed sunroom or addition should not be allowed. After realizing that the Petitioners were only seeking a carport, there seemed to be much less opposition to the Petitioners' request as long as there was no intention to enclose the carport. He offered no specific evidence to show that the proposed carport would adversely affect his property.

It is well settled that variances may be granted where it is established that strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 216, (1973). The requirements that first must be met to prove practical difficulty are the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Board is satisfied that the Petitioners have met the requirement that practical difficulty or unreasonable hardship would exist if the requested variance for a carport was denied. The Board does not find from the evidence that the granting of this variance would do substantial injustice to the adjoining property owners or to the other property owners in the development. In granting this variance, the spirit of the zoning laws for Baltimore County will be observed and the public safety and welfare of the community will be secured.

ORDER

IT IS THEREFORE this 24th day of February, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the requested variance from Sections 1802.3.B and 301.1(a) of the Baltimore County Zoning Regulations to permit a side yard setback of 4 ft. in lieu of the required 11.3 ft. for an attached carport be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

Harry E. Buchheister, Jr.

S. Diane Levero

IN RE: PETITION FOR ZONING VARIANCE
E/S Forge Park Road, 340' N of
the c/l of Carlyn Road
(9909 Forge Park Road)
11th Election District
5th Councilmanic District
Merritt E. Olsen, et ux
Petitioners

PILING ON MOTION FOR RECONSIDERATION

This matter came before me as a Petition for Zoning Variance filed by the legal owners of the subject property, Merritt E. and JoAnn R. Olsen, requesting relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the required 15 feet for an enclosed addition, or, in the event that request was denied, a variance from Sections 1802.3.B and 301.1(a) of the B.C.Z.R. to permit a side yard setback of 4 feet in lieu of the required 11.3 feet for an attached carport, all as more particularly described on Petitioner's Exhibit 1.

After due consideration of the testimony and evidence presented by both sides, the relief requested was denied by Order issued September 1, 1992 for lack of evidence to support the variances requested for either structure.

Subsequently, the Petitioners submitted a request for reconsideration, dated September 18, 1992, in which they offered additional evidence not presented at the hearing and argue the relief requested should be granted based upon the fact that there are 39 other carports existing in their community. I have reviewed the comments made in their letter but am not persuaded to reconsider my decision in this matter. It should be noted that an appeal hearing before the County Board of Appeals would be

heard de novo and the Petitioners could present new testimony and evidence in support of their position at that time.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of September, 1992 that the Request for Reconsideration in the above-captioned matter be and the same is hereby DENIED.

LES:bjjs

cc: Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road, Perry Hall, Md. 21128

Mr. & Mrs. Frederick R. Weitzel
4316 Piney Park Road, Perry Hall, Md. 21128

Mr. Taylor W. Thomas
4316 Piney Park Road, Perry Hall, Md. 21128

People's Counsel; File

IN RE: PETITION FOR ZONING VARIANCE
E/S Forge Park Road, 340' N of
the c/l of Carlyn Road
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11th Election District
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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It should be noted that the Petitioners originally filed their request through the Administrative Variance procedure. However, as a result of a request filed by Mr. & Mrs. Frederick R. Weitzel, adjoining property owners, this matter was scheduled for a public hearing.

The Petitioners appeared and testified. Appearing as Protestants in the matter were Frederick R. and Geraldine C. Weitzel, and Taylor W. Thomas, adjoining property owners.

Testimony indicated that the subject property, known as 9909 Forge Park Road, consists of 9,115 sq.ft. zoned D.R. 3.5 and is improved with a single family dwelling. Said property is located at the corner of Forge Park Road and Piney Park Road in the Gunpowder Estates subdivision.

The Petitioners are desirous of constructing either a sunroom or carport addition on the north side of the subject property in accordance with Petitioner's Exhibit 1. The Petitioners testified that they are Foster Parents for the Baltimore County Department of Social Services and that a sunroom or screened porch in the proposed location would provide a safe play area for the children. The Petitioners also testified that in the alternative, they would like to have a carport. Testimony indicated that the Petitioners have experienced problems in the past with damaged automobiles due to their corner location and that a carport would not only provide safety and protection during inclement weather but would also provide the Petitioners with off-street parking. The Petitioners argued that the adjoining property owned by the Weitzels has no windows on the side facing the proposed location for either the carport or sunroom addition and that there are many other homes in their development that have either carports or side additions.

The Protestants are generally opposed to the relief requested. Evidence presented by Mr. & Mrs. Weitzel, the adjoining affected property owners, revealed that the subject property is located at a curve in Forge Park Road where it then becomes Piney Park Road. The Weitzels' home sits further back on their property and as a result, any structure on the north side of the subject property would have an adverse impact on the Weitzels' front yard. Taylor Thomas testified that if the Petitioners were granted a variance, he would prefer they be granted the variance for a carport over an addition.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

ORDER RECEIVED FOR FILING
Date 9/24/92
By [Signature]

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By [Signature]

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By [Signature]

ORDER RECEIVED FOR FILING
Date 9/24/92
By [Signature]

Gentlemen;

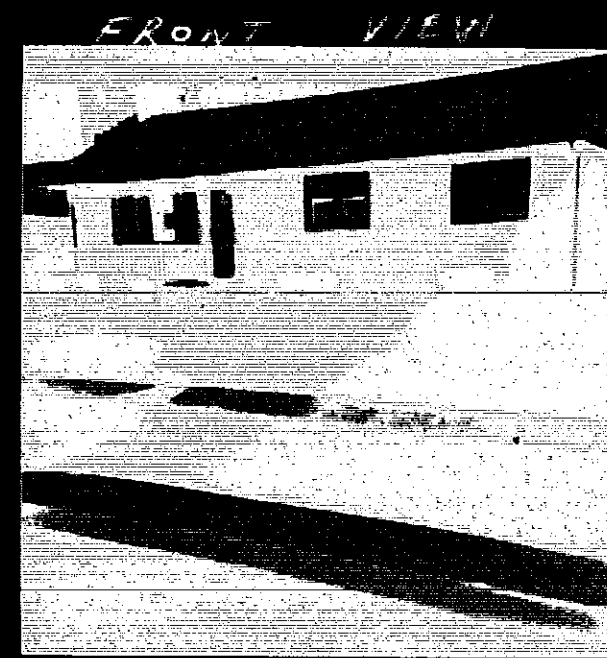
I dislike having to be here today but I honestly believe it is necessary to defend my position and to ask your help in establishing the present balance and appearance between my property and that of the Olsen's and thus preserve the original plans and intentions of the builder.

Perhaps, I can take this matter more easily understood by explaining that the Olsen's home at 9909 Forge Park Road is the last home before the name of the road changes to Piney Park Road. It should be pointed out that the front of the Olsen home is in line with the rest of their neighbors on Forge Park Road. This is where the real problem begins, my home is the first one located on the turn of the road into Piney Park Road in line with those on Forge Park Road. As a result it was placed approximately 18 feet further back on our lot. The Olsens have an Ashley home which is either 18 or 20 feet deep and since 18 feet of it protrudes further forward than my home the greater part of their home is next to my front lawn. This situation is one of the major reasons for my objection but there is also another. After my ground was purchased in 1966 there were only two level lots. That of 9909 Forge Park Road and 4318 Piney Park Road and my lot. It was my lot that a support could not be sighted on Forge Park Road because of insufficient ground I chose my present site. The Olsens were not the original owners of their property and were never really familiar with the builder's original plans.

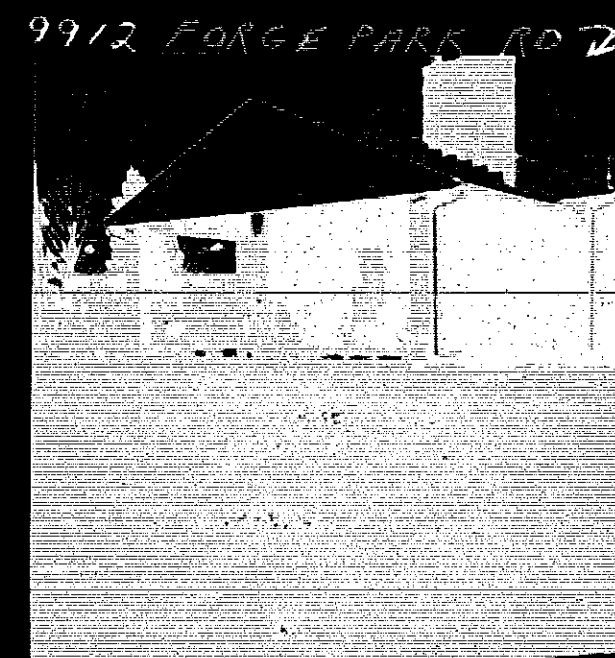
STRIKE AS HEARSAY

Prot. Sch # 4

92-493 A 531



9909 FORGE PK. RD.
M. & J. OLSEN #531

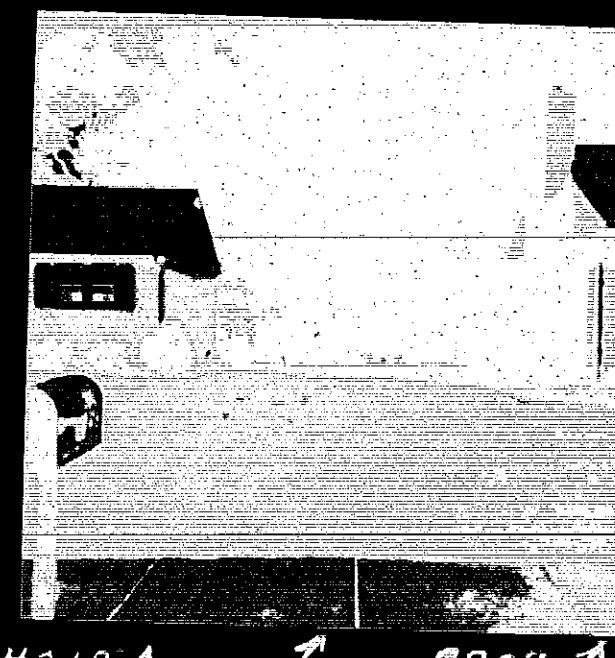


9912 FORGE PARK RD
CARPORT TO BE
SIMILAR TO ABOVE



9909 FORGE PARK RD
INTERSECTION OF FORGE
PARK RD AND PINEY PARK RD
ROADS (SOUTHWARD)
MERRITT + JOHNN OLSEN

92-493 A 531

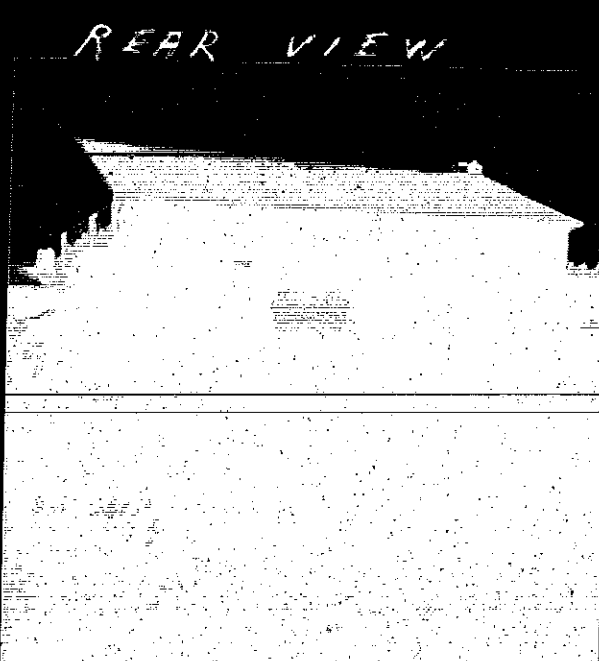


4318 PINEY
PARK
ROAD



9909 FORGE
PARK
ROAD

9907A FORGE
PARK
ROAD



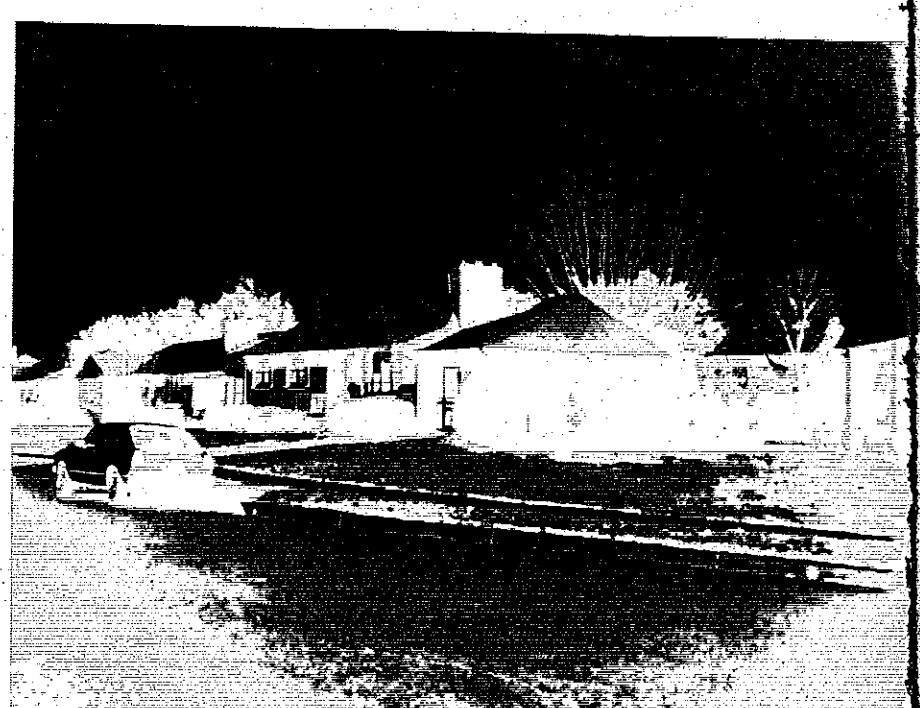
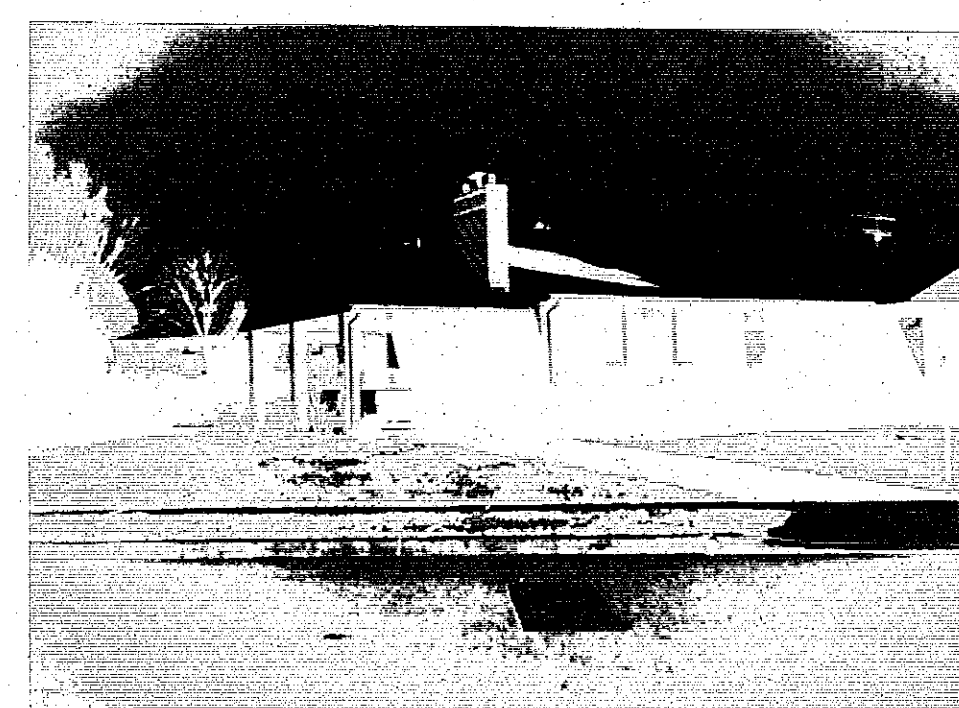
9909 FORGE PK. RD.
M. & J. OLSEN



FORGE PARK ROAD
(NORTHWARD)

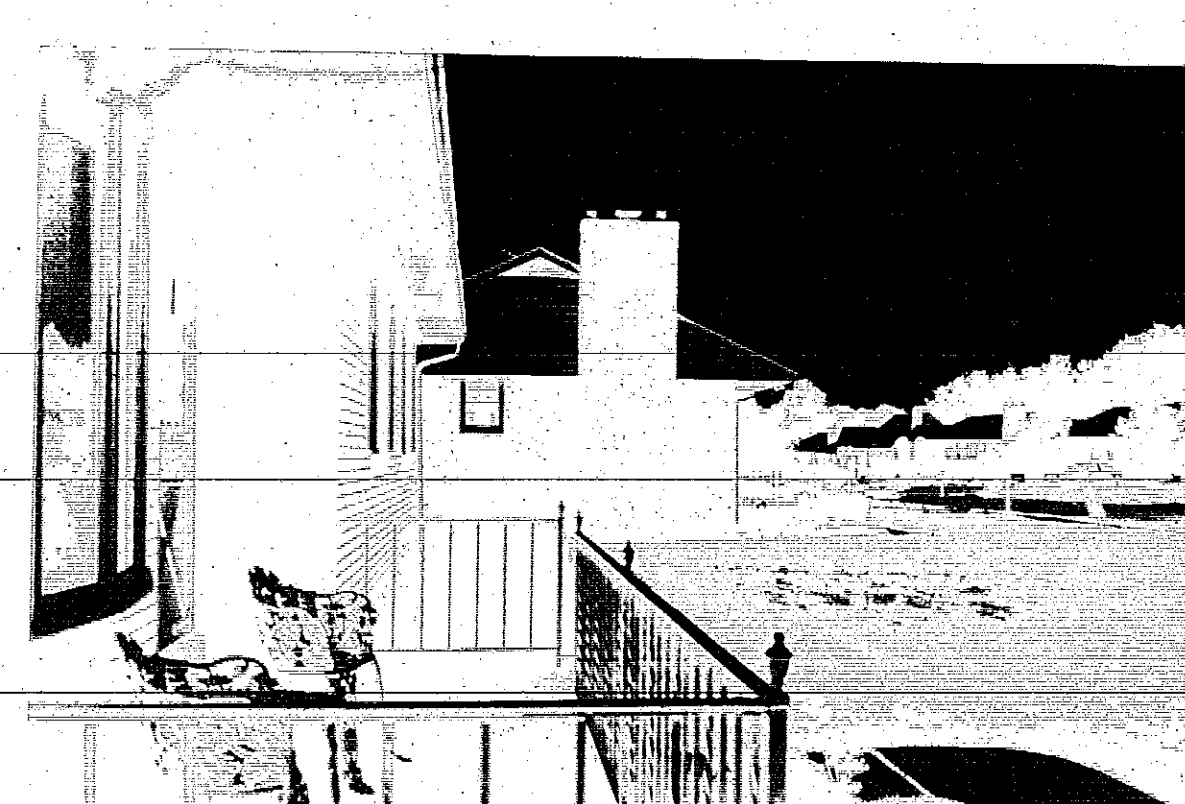
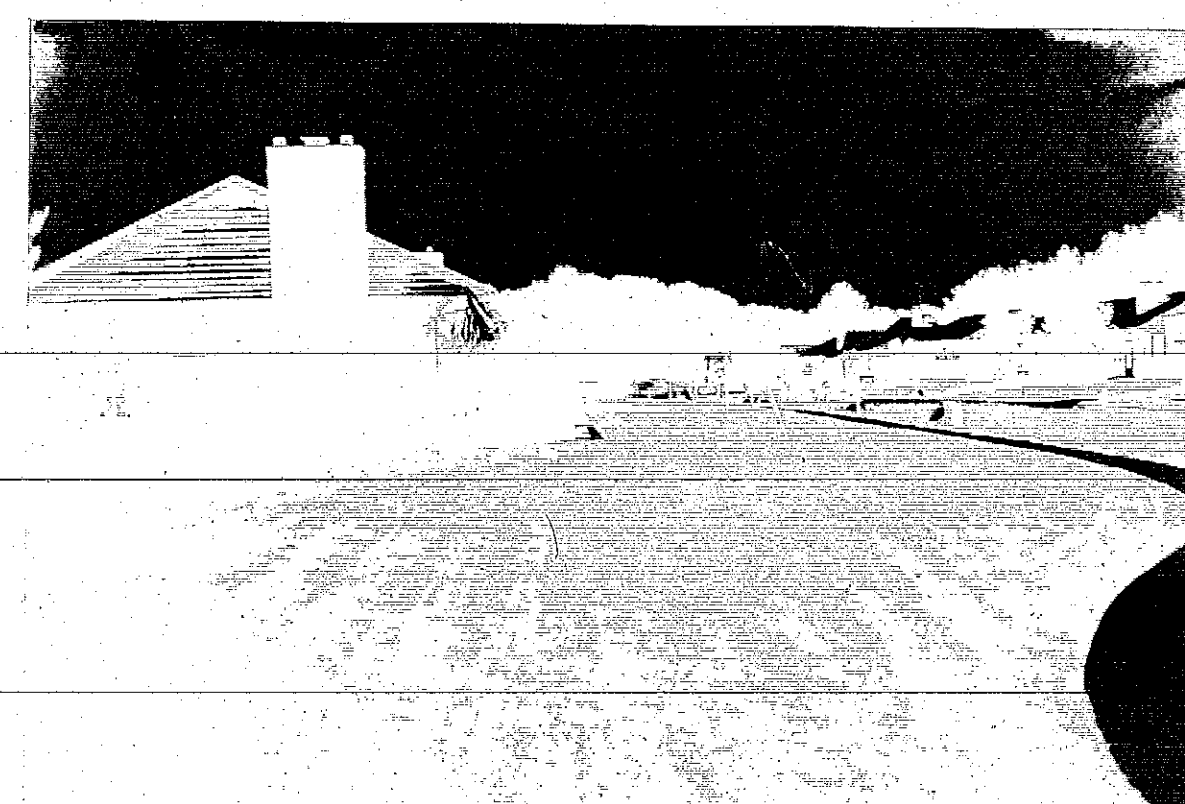
Petitioners' 4 thru 11 (photos)

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OLSEN

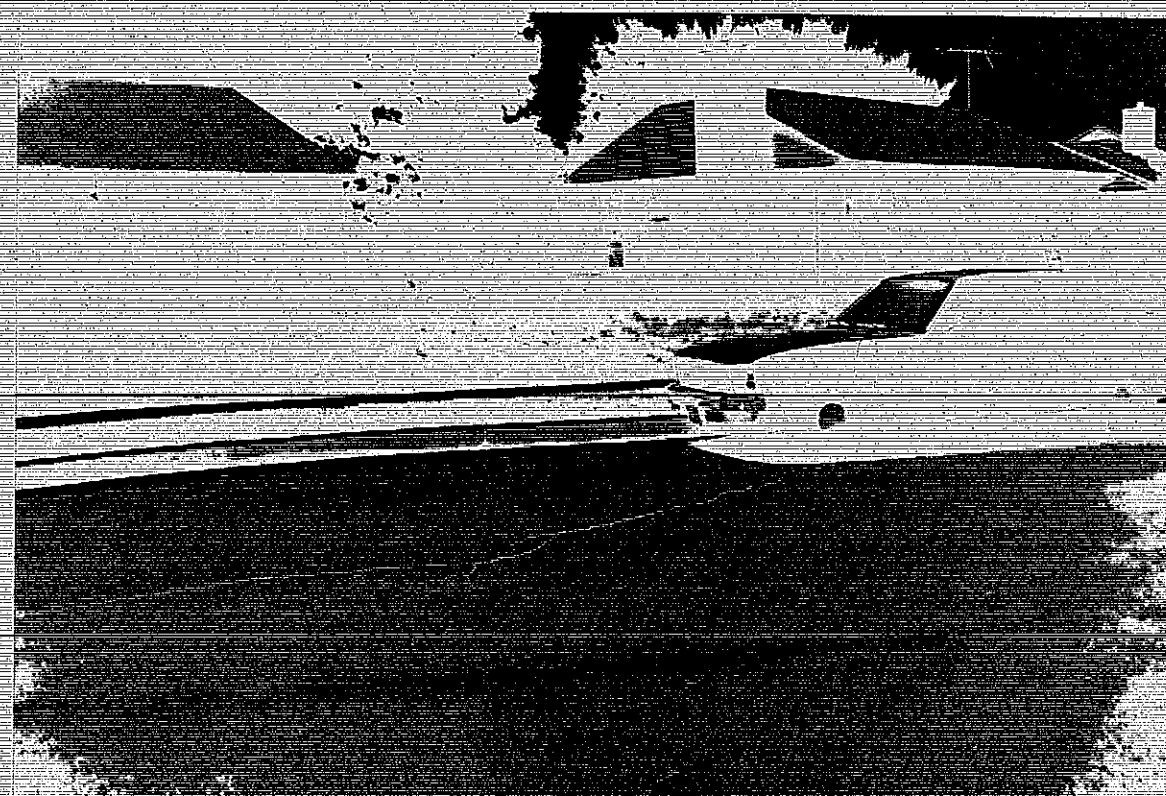
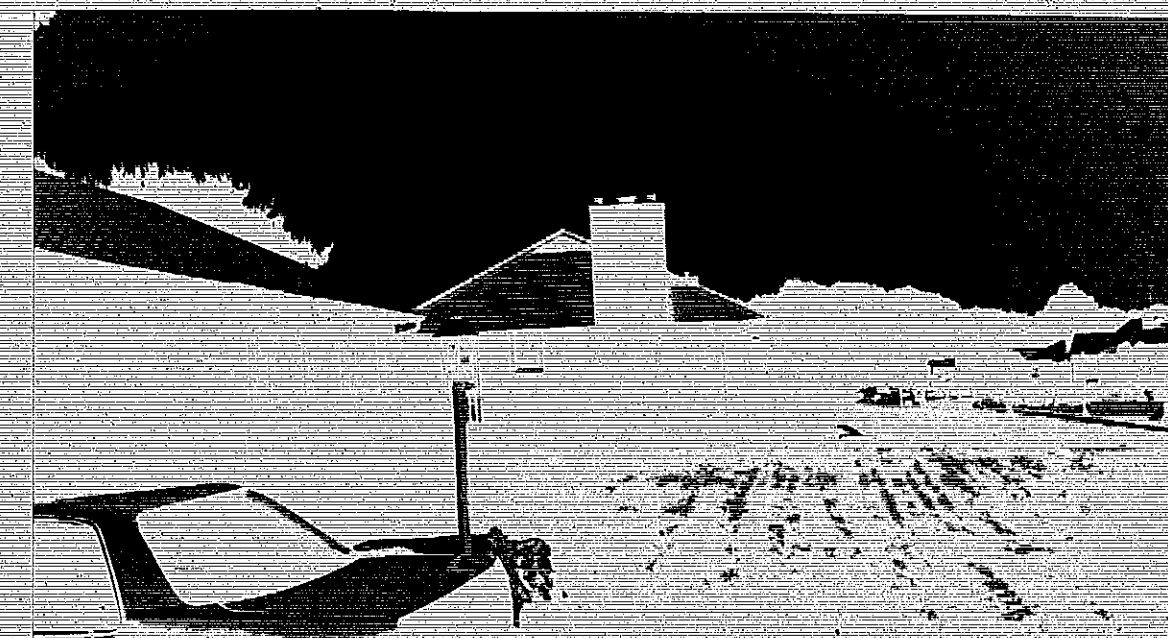
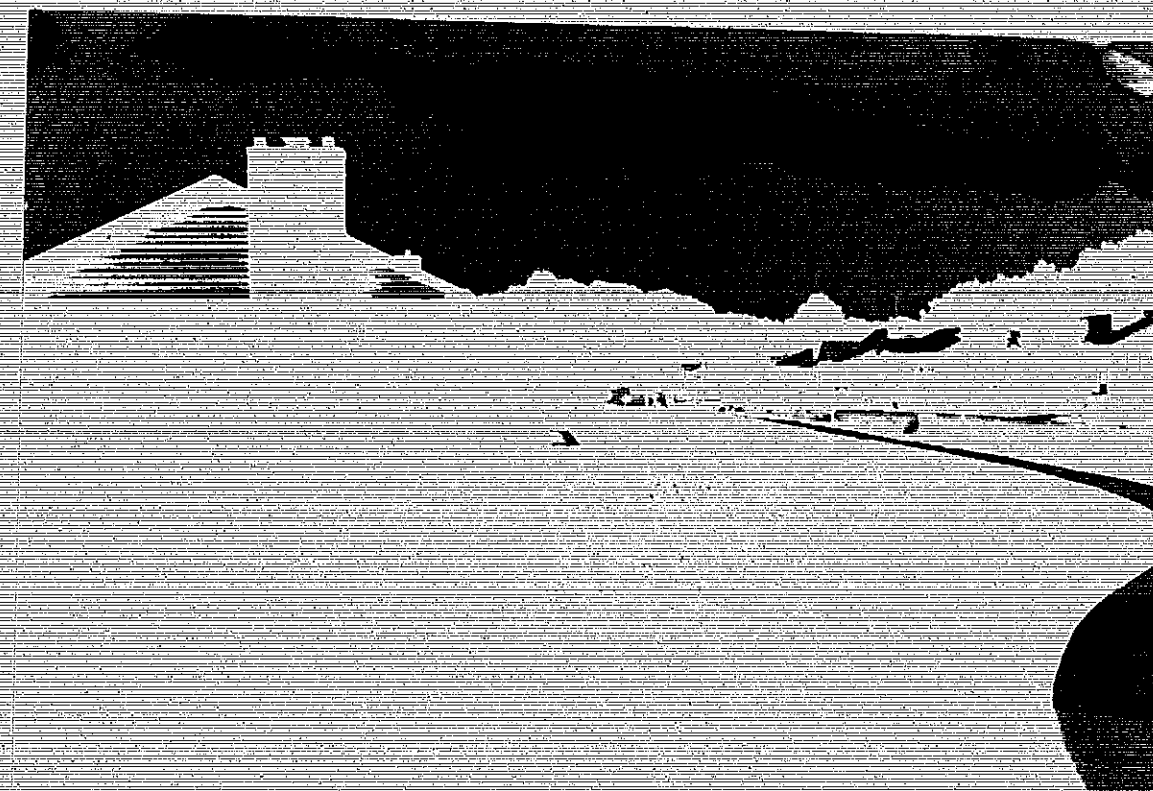


Petitioners 1, 2 & 3 (photos)

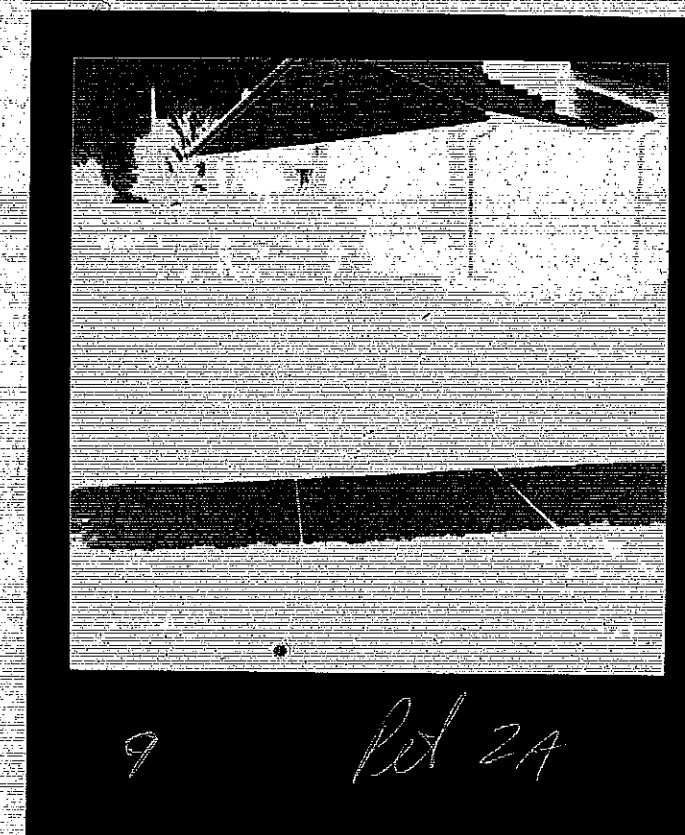
Case # 92-493-A
OLSEN



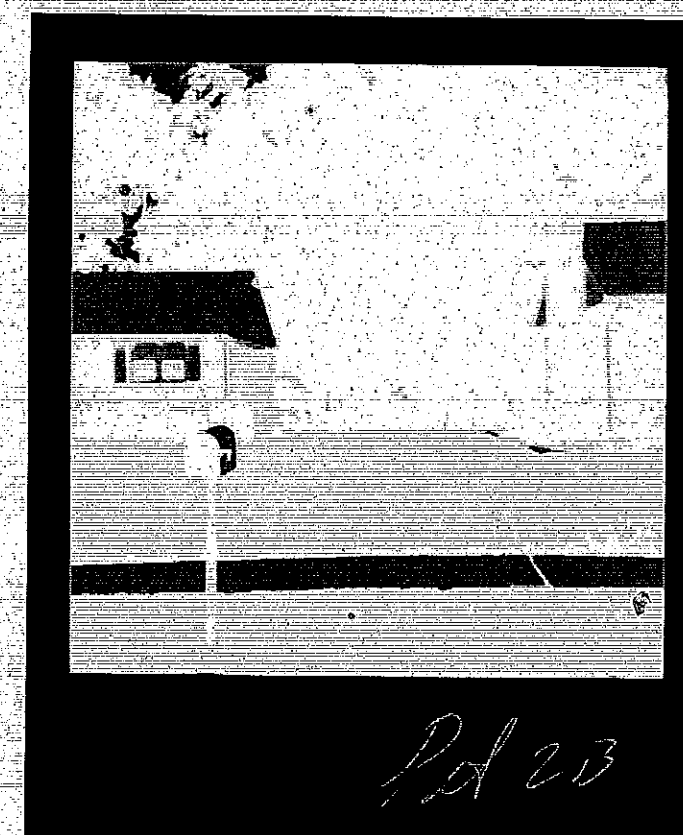
Photostat.
Exhibits
1A - 1C
92-493-A



Petterson's
Exhibits
2A - 2G
92-493-A



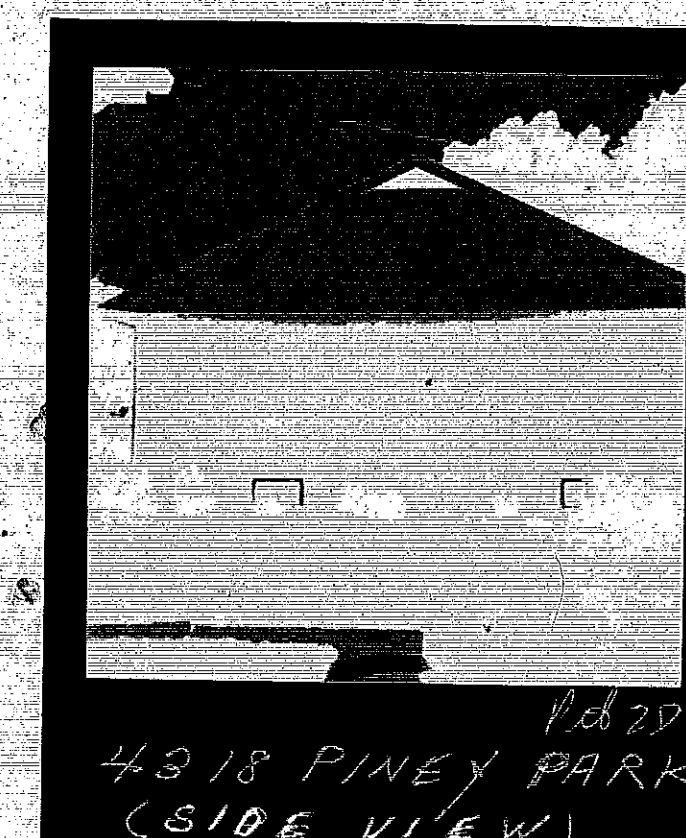
9 Pct 2A



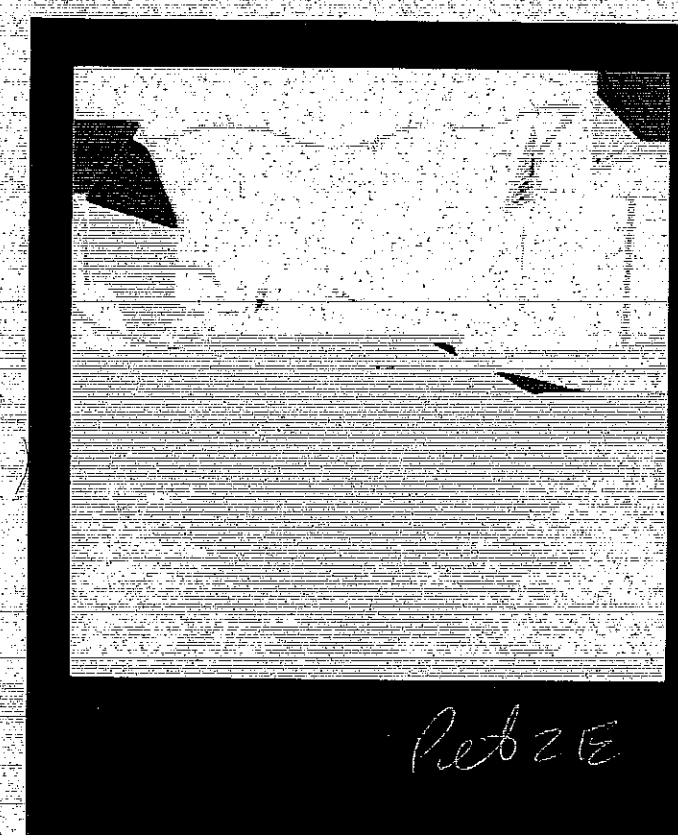
Pct 2B



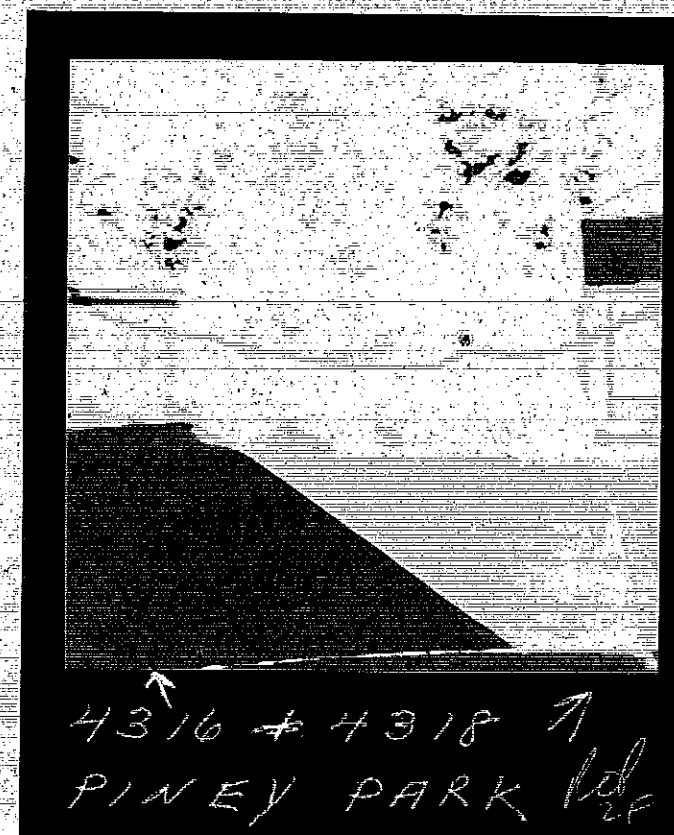
FLAG SHOWS 13' EXTENSION Pct 2C



Pct 2D
4318 PINEY PARK (SIDE VIEW)



Pct 2E



4316 + 4318 ↑
PINEY PARK Pct 2F



4318 PINEY PARK
Pct 2G

IN THE MATTER OF THE
THE APPLICATION OF
MERRITT E. OLSEN, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED ON THE EAST SIDE
FORGE PARK ROAD, 340' NORTH
OF CENTERLINE OF CARLYN ROAD
(9909 FORGE PARK ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-493-A

OPINION

The above-entitled matter has come to this Board on appeal from the decision of the Zoning Commissioner dated September 1, 1992 wherein both Petitioners' requests for variances were denied. On appeal, the Petitioners informed this Board that they were only seeking a variance to permit a side yard setback of 4 ft. in lieu of the required 11.3 ft. for the purpose of an attached carport. They abandoned their variance request for an enclosed addition.

Petitioners appeared represented by Lewis L. Fleury, Esquire, and both testified. Mr. and Mrs. Frederick R. Weitzel, adjoining property owners, and Mr. Taylor W. Thomas appeared in opposition to the variance requested.

Petitioner JoAnn Olsen testified that she and her husband reside at 9909 Forge Park Road together with two foster children ages 2 and 4 and their 16-year-old daughter. Their home is located in the Gunpowder Estates subdivision which consists of 67 lots improved with single-family dwellings. The subject property consists of 9,115 sq. ft. and is zoned D.R. 3.5. Mrs. Olsen testified that she was desirous of constructing an attached carport on the northeast side of the house. She offered into evidence Petitioners' Exhibit 2, an amended plat disclosing the location of the proposed carport. She testified, and the plat so reflects, that the proposed carport will be 13 ft. wide and 22 ft. in length,

Case No. 92-493-A Merritt E. Olsen, et ux

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attached to the side of the house. She further testified that the distance from her house to the property line between her property and the Weitzel property is 18.7 ft., and that the actual distance existing between the Olsen home and the Weitzel home is 28.8 ft.

Mrs. Olsen further testified that the variance was needed and that practical difficulty and undue hardship would exist unless the variance was granted. She testified that she experienced two previous problems in the past wherein her vehicles were damaged while parked on Forge Park Road in front of her home, and that the carport would provide safety and protection from incidents such as this occurring in the future. She also stated that the carport was necessary to protect her as well as other members of her family and the foster children living there from ice and snow and inclement weather conditions. The carport would provide for off-street parking, and it would not be necessary for the members of the household to be subjected to ice and snow conditions in leaving from the front door and walking to the car at curb side.

She informed the Board that in this development approximately 39 of the 67 residential dwellings have attached carports. In her opinion, she did not believe that the proposed carport would have any adverse effect upon the adjoining property owners. She pointed out to the Board that the Weitzels' residence has no windows on the side facing the proposed location for the carport. Mr. Olsen testified that there was no intention on their part to enclose the carport if the variance was granted.

The Protestants testified in opposition to the relief requested. Mr. Weitzel informed the Board that his property would be adversely affected by the construction of the carport. He

Case No. 92-493-A Merritt E. Olsen, et ux

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repeatedly stated to the Board that his opposition comes primarily because of the location of the two homes on their respective lots. It was clear from the photographs offered into evidence that the Weitzel home sits further back from the road than the Olsen home. The photographs disclose that upon exiting the Weitzel home the Olsen home is visually forward of the Weitzel home and closer to the road. In Mr. Weitzel's opinion, he believes that the carport structure at its proposed location would have an adverse impact on his front yard and obstruct his vision when looking toward the Olsen property.

Mr. Taylor Thomas testified as a Protestant. He informed the Board that his main objection prior to the beginning of the hearing was that an enclosed sunroom or addition should not be allowed. After realizing that the Petitioners were only seeking a carport, there seemed to be much less opposition to the Petitioners' request as long as there was no intention to enclose the carport. He offered no specific evidence to show that the proposed carport would adversely affect his property.

It is well settled that variances may be granted where it is established that strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 216, (1973). The requirements that first must be met to prove practical difficulty are the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

Case No. 92-493-A Merritt E. Olsen, et ux

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3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Board is satisfied that the Petitioners have met the requirement that practical difficulty or unreasonable hardship would exist if the requested variance for a carport was denied. The Board does not find from the evidence that the granting of this variance would do substantial injustice to the adjoining property owners or to the other property owners in the development. In granting this variance, the spirit of the zoning laws for Baltimore County will be observed and the public safety and welfare of the community will be secured.

ORDER

IT IS THEREFORE this 24th day of February, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the requested variance from Sections 1802.3.B and 301.1(a) of the Baltimore County Zoning Regulations to permit a side yard setback of 4 ft. in lieu of the required 11.3 ft. for an attached carport be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

Harry E. Buchheister, Jr.

S. Diane Levero

IN RE: PETITION FOR ZONING VARIANCE
E/S Forge Park Road, 340' N of
the c/l of Carlyn Road
(9909 Forge Park Road)
11th Election District
5th Councilmanic District
Merritt E. Olsen, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-493-A

PILING ON MOTION FOR RECONSIDERATION

This matter came before me as a Petition for Zoning Variance filed by the legal owners of the subject property, Merritt E. and JoAnn R. Olsen, requesting relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the required 15 feet for an enclosed addition, or, in the event that request was denied, a variance from Sections 1802.3.B and 301.1(a) of the B.C.Z.R. to permit a side yard setback of 4 feet in lieu of the required 11.3 feet for an attached carport, all as more particularly described on Petitioner's Exhibit 1.

After due consideration of the testimony and evidence presented by both sides, the relief requested was denied by Order issued September 1, 1992 for lack of evidence to support the variances requested for either structure.

Subsequently, the Petitioners submitted a request for reconsideration, dated September 18, 1992, in which they offered additional evidence not presented at the hearing and argue the relief requested should be granted based upon the fact that there are 39 other carports existing in their community. I have reviewed the comments made in their letter but am not persuaded to reconsider my decision in this matter. It should be noted that an appeal hearing before the County Board of Appeals would be

heard de novo and the Petitioners could present new testimony and evidence in support of their position at that time.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of September, 1992 that the Request for Reconsideration in the above-captioned matter be and the same is hereby DENIED.

LES:bjbs

cc: Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road, Perry Hall, Md. 21128

Mr. & Mrs. Frederick R. Weitzel
4318 Piney Park Road, Perry Hall, Md. 21128

Mr. Taylor W. Thomas
4316 Piney Park Road, Perry Hall, Md. 21128

People's Counsel; File

IN RE: PETITION FOR ZONING VARIANCE
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* Case No. 92-493-A

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

ORDER RECEIVED FOR FILING

Date 9/24/92 By [Signature]

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Date 9/24/92 By [Signature]

JOHN J. PRATT
C.W.B. 996-236

CURVE DATA					
No.	RADIUS	Δ	ARC	TANG	LONG CHORD
1	50'	36°52'12"	32.18'	16.67'	31.62'
2	50'	162°58'44"	141.94'	327.62'	98.86'
3	50'	36°52'12"	32.18'	16.67'	31.62'
4	11746'	88°54'20"	182.26'	115.24'	169.52'
5	975'	7°33'12"	122.86'	61.51'	122.78'
6	1025'	4°08'42"	74.15'	37.09'	74.14'
7	725'	11°49'54"	147.71'	75.13'	147.45'
8	675'	11°30'13"	135.52'	67.99'	135.30'
9	25'	44°01'01"	20.08'	10.62'	19.54'
10	50'	276°7'51"	241.12'	66.72'	157.93'
11	25'	50°36'31"	22.08'	11.82'	21.37'
12	492.55'	98°18'52"	742.22'	500.36'	654.45'
13	475'	98°18'52"	815.06'	549.46'	718.68'

O.T.G. 31 FOLD 14

NOV 5 1965 at AM
same day recorded in liber
O.T.G. No. folio
One of the Records of
Baltimore County and ex-
amined, per

Sharon Dale, Inc.

GUNPOWDER ESTATES ADDITION

11TH ELEC. DIST. - BALTO. CO., MD.
SCALE: 1"=50' AUG. 12, 1965

OWNERS:
SHARONDALE, INC.
9549 BELAIR ROAD
BALTO. 6, MARYLAND

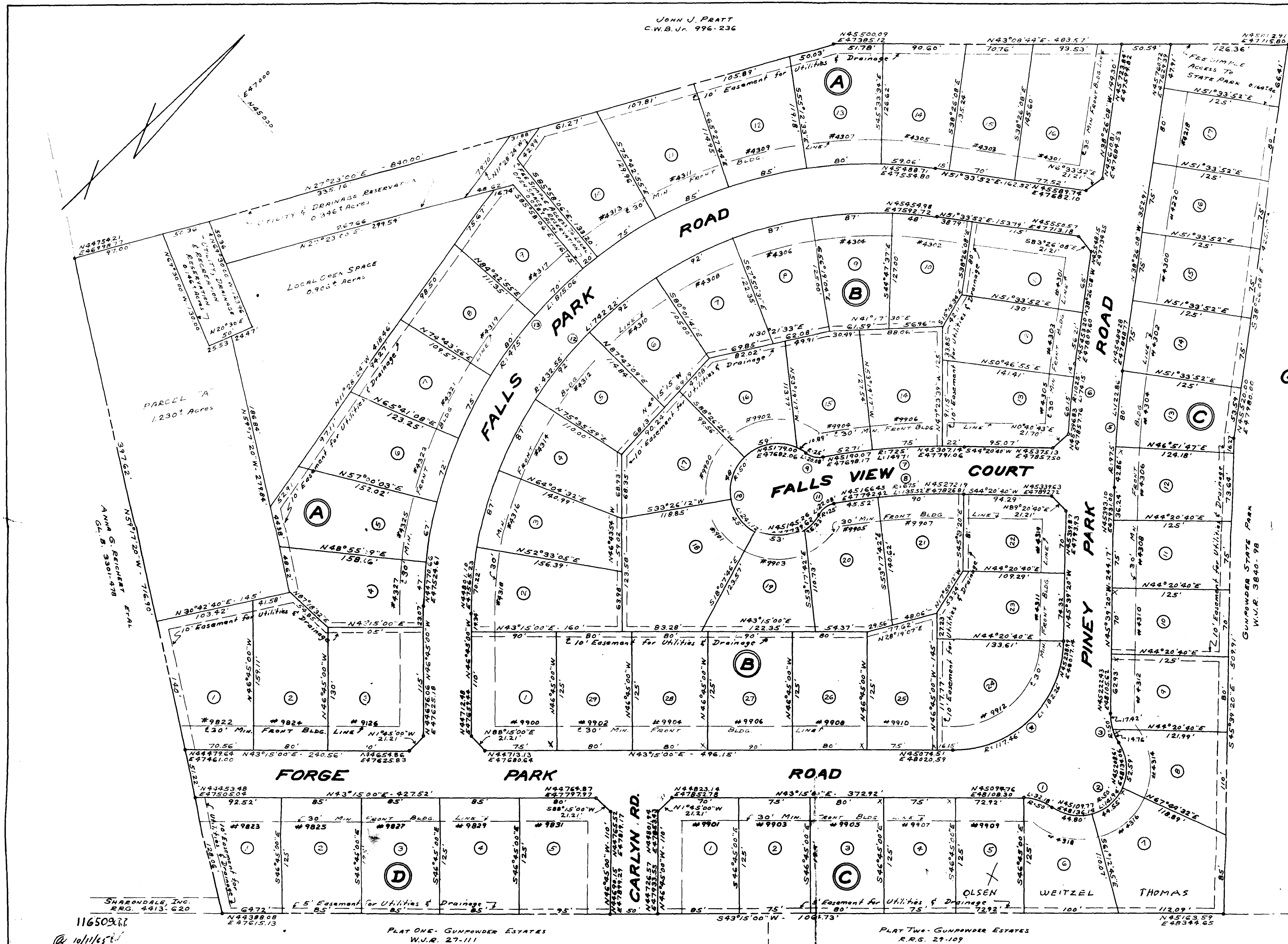
NOTES:
The streets and/or roads as shown hereon and the mention
thereof in deeds are for the purpose of description only and the
same are not intended to be dedicated to public use; the fee
simple title thereto is expressly reserved in the grantors of the
deed to which this plat is attached, their heirs and assigns.

Coordinates shown on this plat are based on Metropolitan
District of Baltimore County coordinate system.

The requirements of Sections 72A, 72B and of Article 17
of the Annotated Code of Md., 1939 Edition (Title: Clerks of
Court, Subtitle: Clerks of Circuit Courts) as far as they relate
to the making of this plat and setting the markers have
been complied with.

Sharon Dale, Inc. William J. Schaffer, Pres.
W. H. Primrose
REGISTERED LAND SURVEYOR #1231

NOTE: Coordinates Based On
Baltimore County Metropolitan
District Traverse Stations:
BCMD#20 N43305.82 E46890.58
BCMD#61 N43021.85 E48688.38



HIGHWAYS DEPARTMENT OF BALTIMORE COUNTY
APPROVED FOR STREET ALIGNMENT AND LOCATION

By *Sharon Dale, Inc.*
ROADS ENGINEER

APPROVED FOR BALTIMORE COUNTY PLANNING BOARD

By *George E. Ravelle*
DIRECTOR

APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT

By *Sharon Dale, Inc.*
DEPUTY STATE & COUNTY HEALTH OFFICER

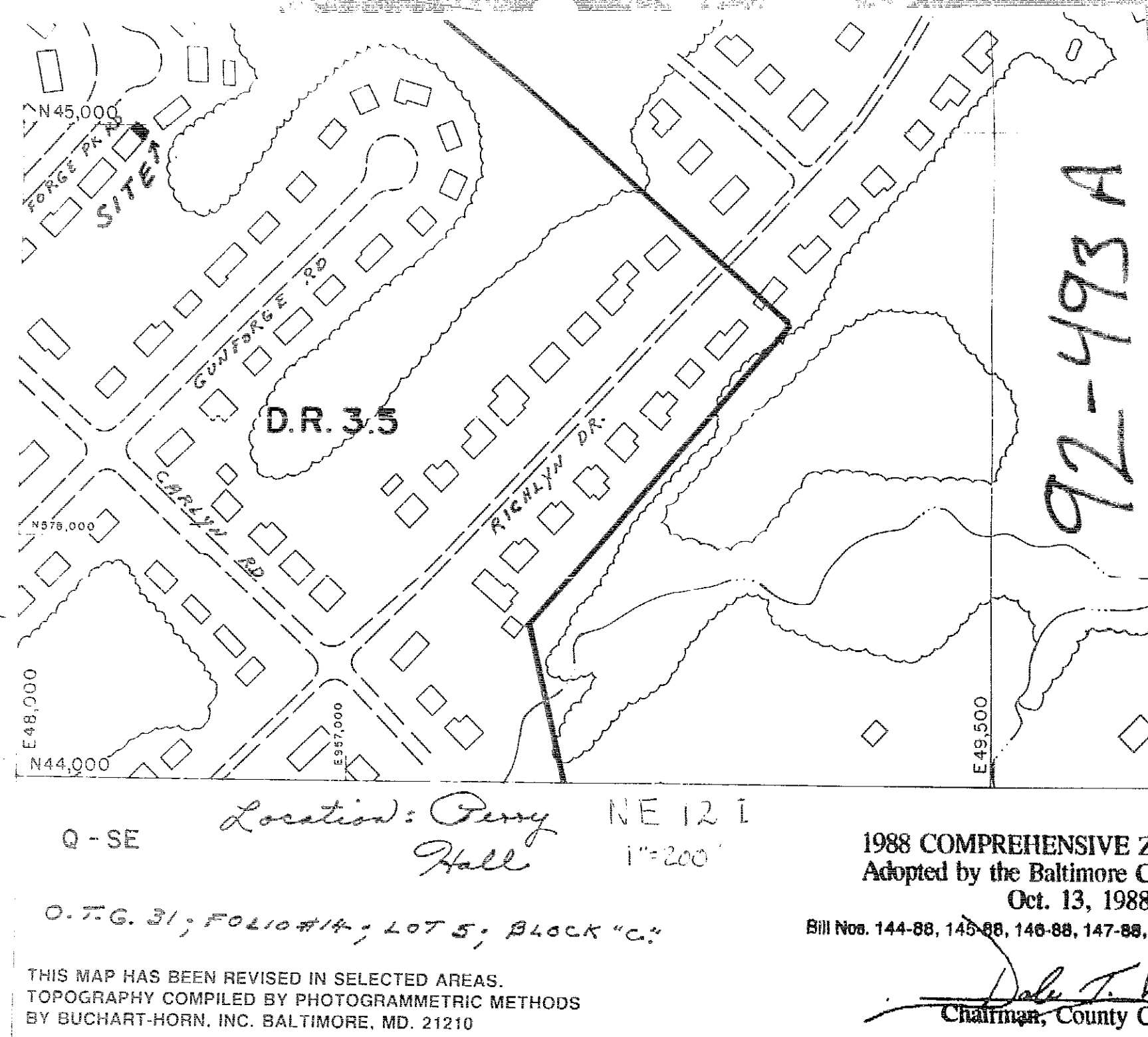
W. H. PRIMROSE & ASSOCIATES

21 W. PENNSYLVANIA AVE.
TOWSON 4, MD.

PET EX #1

Pruitt & Joan Olsen
 9909 Long Park Road
 Chevy Chase, Md. 21228

#531



92-493A



Pruitt & Joan Olsen
 9909 Long Park Road
 Chevy Chase, Md. 21228
 256-2390

#531

92-493A

PREPARED BY AIR PHOTOGRAPHICS, INC.
 MARTINSBURG, W.V. 25401



BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	GUN POWDER VICINITY	N.E. 12-1
DATE OF PHOTOGRAPHY		
JANUARY 1986		

his property. Melan v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The test for determining the granting of a variance is whether practical difficulty or unreasonable hardship would result without the requested relief. The fact that the Petitioners requested alternative relief indicates that there is no real hardship or practical difficulty in complying with the zoning regulations. That is, the Petitioners' concerns about the safety of their automobiles pale in view of the fact that they also express concern about play space for the children. It is clear that the Petitioners want relief in some fashion, however, they could provide no compelling argument to support either a carport or sunroom addition. It should also be noted that the dwelling on the adjoining property owned by the Weitzels' sits back from the roadway and due to the curve in the road along this stretch of Forge Park Road, the houses are not evenly set back from the road. Therefore, I believe that to allow either structure in the location proposed would impose on the Weitzels' front yard. After full consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience

practical difficulty or unreasonable hardship if the requested variance were denied. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September, 1992 that the Petition for Zoning Variance requesting relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the required 15 feet for an enclosed addition, or, in the alternative, a variance from Sections 1802.3.B and 301.1(a) of the B.C.Z.R. to permit a side yard setback of 4 feet in lieu of the required 11.3 feet for an attached carport, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 1, 1992

(410) 887-4386

Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road
Perry Hall, Maryland 21128

RE: PETITION FOR ZONING VARIANCE
E/S Forge Park Road, 340' N of the c/l of Carlyn Road
(9909 Forge Park Road)
11th Election District - 5th Councilmanic District
Merritt E. Olsen, et ux - Petitioners
Case No. 92-493-A

Dear Mr. & Mrs. Olsen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Frederick R. Weitzel
4318 Piney Park Road, Perry Hall, Md. 21128

Mr. Taylor W. Thomas
4316 Piney Park Road, Perry Hall, Md. 21128

People's Counsel

File

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

SEE ATTACHED
WE REQUIRE THE FOLLOWING VARIANCE FROM THE B.C.Z.R. 1802.3.B TO PERMIT A SIDE YARD SETBACK OF 4 FEET IN LIEU OF THE REQUIRED 15 FEET FOR AN ENCLOSED ADDITION.
REPEATED AUTO ACCIDENTS IN FRONT OF OUR HOME. DODGE DART HIT ONCE + TOTALLED ONCE. FORD HIT ONE TIME.

Property is to be advertised and/or posted as prescribed 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.

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:

(Type or print name)

(Signature)

(Address)

City

State

Zip Code

(Type or print name)

(Signature)

(Address)

City

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Zip Code

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Zip Code

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/17/92

Posted for: H. Olsen

Petitioner: Merritt E. Olsen, ET AL

Location of property: 9909 Forge Park Rd., El-2340, N. Lakes Rd.

Location of Sign: Front 9909 Forge Park Rd. Property, b/c. 102000

Remarks:

Posted by: Merritt E. Olsen Date of return: 7/13/92

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/17/92

Posted for: H. Olsen

Petitioner: Merritt E. Olsen, ET AL

Location of property: 9909 Forge Park Rd.

Location of Sign: Front 9909 Forge Park Rd. Property, b/c. 102000

Remarks:

Posted by: Merritt E. Olsen Date of return: 7/13/92

Number of Signs: 1

no hearing as

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/17/92

Posted for: H. Olsen

Petitioner: Merritt E. Olsen, ET AL

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Location of Sign: Front 9909 Forge Park Rd. Property, b/c. 102000

Remarks:

Posted by: Merritt E. Olsen Date of return: 7/13/92

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/17/92

Posted for: H. Olsen

Petitioner: Merritt E. Olsen, ET AL

Location of property: 9909 Forge Park Rd.

Location of Sign: Front 9909 Forge Park Rd. Property, b/c. 102000

Remarks:

Posted by: Merritt E. Olsen Date of return: 7/13/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 24, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 24, 1992.

THE JEFFERSONIAN,
S. Zehe Olsen
Publisher

RA: MORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 7/13/92 ACCOUNT: REC-6150 No. 107452

AMOUNT: \$ 41.00

RECEIVED FROM: Merritt E. Olsen

FOR: Case 92-493-A

VALUATION ON SIGNATURE OF CASHIER

Perry Hall 21128
City/State/Zip Code

which is located approximately adjoning feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Frederick R. Whitely 7-13-92
Signature Date

Baltimore County Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

6/19/92

PUBLIC HEARING FEES

2010-ZONING VARIANCE (TR) 1 X \$100.00

2080-POSTING SIGNS / ADVERTISING 1 X \$100.00

NAME OF OWNER: OLSEN TOTAL: \$200.00

0440480043NICHRC
BA C003150406-19-92
Please Make Checks Payable To: Baltimore County \$200.00

Baltimore County Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 92-493-A

07-300017

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$100.00
2010-ZONING VARIANCE (TR)	1	\$100.00
2080-POSTING SIGNS / ADVERTISING	1	\$100.00
TOTAL		\$200.00

0440480043NICHRC \$210.00
BA C003150406-19-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 7-27-92

Merritt and John Olsen
9909 Forge Road
Perry Hall, Maryland 21128

RE:
CASE #92-493-A
6/8 Forge Road, 340' N of c/l Carlyn Road
9909 Forge Road
11th Election District - 5th Councilmanic
Petitioner(s): Merritt and John Olsen
HEARING: TUESDAY, AUGUST 25, 1992 at 2:00 p.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 67.80 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Carl Jones
ARND JERSON
DIRECTOR

Baltimore County Government
Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JULY 16, 1992

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-493-A
6/8 Forge Road, 340' N of c/l Carlyn Road
9909 Forge Road
11th Election District - 5th Councilmanic
Petitioner(s): Merritt and John Olsen
HEARING: TUESDAY, AUGUST 25, 1992 at 2:00 p.m. in Rm. 118, Courthouse.

Variance to permit a side yard of 4 ft. in lieu of the required 15 ft. for an enclosed addition; or in the alternative, a variance to permit a side yard of 4 ft. in lieu of the required 11 ft. 3 inches for an attached carport.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Merritt and John Olsen
Frederick Witzel

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 13, 1992

Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road
Perry Hall, MD 21128

RE: Item No. 531, Case No. 92-493-A
Petitioner: Merritt E. Olsen, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Olsen:

The Zoning Plans 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 who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 92-493

07-300017

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$100.00
2010-ZONING VARIANCE (TR)	1	\$100.00
2080-POSTING SIGNS / ADVERTISING	1	\$100.00
TOTAL		\$200.00

0440480043NICHRC \$210.80
BA C003150406-19-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Your petition has been received and accepted for filing this
19th day of June, 1992

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Rehbeck Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Merritt E. Olsen, et ux

Petitioner's Attorney:

DFW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *Robert Bowling* Date 7/6/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Fattapaco (Aerial Properties)			6-29-92
50475		TE (Waiting for developer to submit plans first)	6-1-92
COUNT 1			
Rita M. and Edward R. Raab, Jr.	514	W/C	6-29-92
DED DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DED DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	N/C	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	W/C	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	N/C	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	W/C	
DED DEPRM RP STP TE			
Baltimore County - Southwestern Bell Mobile Systems	533		
DED DEPRM RP STP TE			

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 Mull - 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 Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUL 7 1992
ZONING OFFICE

DFW/Traffic Engineering
Development Review Committee Response Form
Authorized signature *Robert Bowling* Date 7/6/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Fattapaco (Aerial Properties)			6-29-92
50475		TE (Waiting for developer to submit plans first)	6-1-92
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DED DEPRM RP STP TE			
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DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	N/C	
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✓ RMS Nominee, Inc.	527	W/C	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	W/C	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	N/C	
DED DEPRM RP STP TE			
Baltimore County - Southwestern Bell Mobile Systems	533	N/C	
DED 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 21204

RE: Property Owner: MERRITT E. OLSEN AND JOANN R. OLSEN

Location: #9909 FORGE PARK ROAD

Item No.: *531 (JCM) 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: *John Perry* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JP/KEK

RECEIVED
JUN 29 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *Walker* Date 7/6/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Rita M. and Edward R. Raab, Jr.	514	6-29-92	
DED DEPRM RP STP TE		No Comment	
✓ Jeffrey J. and Deanna L. Deegan	523	No Comment	
DED DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	No Comment	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	No Comment	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	No Comment	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	No Comment	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	No Comment	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	No Comment	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	No Comment	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	No Comment	
DED DEPRM RP STP TE			
✓ Baltimore County - Southwestern Bell Mobile Systems	533	No Comment	
DED DEPRM RP STP TE			

COUNT 11

111 West Chesapeake Avenue
Towson, MD 21204

October 9, 1992

(410) 887-3353

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
E/S Forge Park Road, 340' N of the c/l of Carlyn Road
(9909 Forge Park Road)
11th Election District, 5th Councilmanic District
MERRITT E. OLSEN, ET UX - Petitioner
Case No. 92-493-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 28, 1992 by Joann Olsen, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
Arnold Jablon - Director
Zoning Administration and
Development Management

AJ:cer

Enclosures

cc: Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road, Perry Hall, MD 21128

Mr. & Mrs. Frederick R. Weitzel
4318 Piney Park Road, Perry Hall, MD 21128

Mr. Taylor W. Thomas
4318 Piney Park Road, Perry Hall, MD 21128

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

APPEAL

Petition for Zoning Variance
E/S Forge Park Road, 340' N of the c/l of Carlyn Road
(9909 Forge Park Road)
11th Election District - 5th Councilmanic District
MERRITT E. OLSEN, ET UX - Petitioner
Case No. 92-493-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (No comments submitted)

Petitioner(s) and Protestant(s) Sign-In Sheet

Petitioner's Exhibits: 1. Plat to accompany Petition

2A. - 2G. Photographs of lot

3. Report of Statistics/Reasons from Olsen

Protestant's Exhibits: 1A - 1E - Photographs of lot

2. Letter of opposition from neighbor

Zoning Commissioner's Order dated September 1, 1992 (Denied)

Zoning Commissioner's Ruling on Motion For Reconsideration (Denied)

Notice of Appeal received September 28, 1992 from Joann Olsen

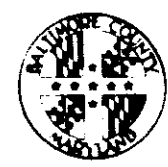
cc: Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road, Perry Hall, MD 21128

Mr. & Mrs. Frederick R. Weitzel
4318 Piney Park Road, Perry Hall, MD 21128

Mr. Taylor W. Thomas
4318 Piney Park Road, Perry Hall, MD 21128

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
Public Services



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
October 29, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-493-A
MERRITT E. OLSEN, ET UX
E/s Forge Park Road, 340' N
of c/l Carlyn Road (9909
Forge Park Road)
11th Election District
5th Councilmanic District

VAR-Side yard setback 4' in lieu of
15' for enclosed addition;
OR IN ALTERNATIVE
Side yard setback of 4' in lieu of
11.3' for attached carport

9/1/92 - Z.C.'s Order DENYING
Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 16, 1993 AT 10:00 a.m.

cc: Mr. and Mrs. Merritt Olsen Petitioner/Appellant

Mr. and Mrs. Frederick R. Weitzel

Mr. Taylor W. Thomas
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

10/29/92 - Following parties notified of hearing set for February
16, 1993 at 10:00 a.m.:

Mr. and Mrs. Merritt Olsen
Mr. and Mrs. Frederick R. Weitzel
Mr. Taylor W. Thomas
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 24, 1993

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, MD 21204

RE: Case No. 92-493-A
Merritt E. Olsen, et ux

Dear Mr. Fleury:

Enclosed please find a copy of the final Opinion and Order
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. & Mrs. Merritt E. Olsen
Mr. & Mrs. Frederick R. Weitzel
Mr. Taylor W. Thomas
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
of Zoning Administration



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 5, 1993

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, MD 21204

Re: Case No. 92-493-A
Merritt E. Olsen, et ux

Dear Mr. Fleury:

Enclosed please find copies of the following correspondence
received by this office regarding the subject matter:

1. A letter dated March 4, 1993 from Mr. & Mrs. Frederick R. Weitzel.
2. A letter dated March 4, 1993 from Taylor W. Thomas.

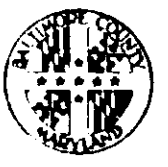
These are being forwarded to you since you are opposing
counsel, and it does not appear that you have received copies of
either letter.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosures

cc: Mr. & Mrs. Merritt E. Olsen
Mr. & Mrs. Frederick R. Weitzel
Mr. Taylor W. Thomas



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 16, 1993

Mr. & Mrs. Frederick R. Weitzel
Mr. Taylor Thomas
4318 Piney Park Road
Perry Hall, MD 21128

Re: Case No. 92-493-A
Merritt E. Olsen, et ux

Dear Mr. & Mrs. Weitzel and Mr. Thomas:

The Board is in receipt of your letters dated March 4, 1993,
wherein you have requested that this Board reconsider and modify
its previous Opinion and Order dated February 24, 1993. Your
request is denied, and the Board's previous Order is a final
decision of this Board.

If you feel aggrieved by the decision, you may file an appeal
to the Circuit Court for Baltimore County within 30 days from the
date of the Board's original Opinion and Order dated February 24,
1993, pursuant to Rules B1 through B13 of the Maryland Rules of
Procedure.

Very truly yours,

Michael B. Sauer
County Board of Appeals

cc: Lewis L. Fleury, Esquire
Mr. & Mrs. Merritt E. Olsen



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 24, 1993

Mr. Taylor Thomas
4318 Piney Park Road
Perry Hall, MD 21128

Re: Case No. 92-493-A
Merritt E. Olsen, et ux

Dear Mr. Thomas:

The Board is in receipt of your recent letter date-stamped in
this office on March 23, 1993. As indicated to you in my letter of
March 16, 1993, the decision of this Board as set out in the
Board's Order dated February 24, 1993 remains as the final decision
in this matter.

Again, should you feel aggrieved, you may appeal the Board's
final Order of February 24th to the Circuit Court for Baltimore
County within 30 days from the date of that decision pursuant to
Rules B1 through B13 of the Maryland Rules of Procedure.

Very truly yours,

Michael B. Sauer
County Board of Appeals

cc: Lewis L. Fleury, Esquire

#92-493-A Merritt E. Olsen, et ux

2/24/93 -Order issued by the Board GRANTING attached carport /variance.

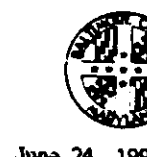
3/05/93 -Letter from Taylor Thomas, Protestant, indicating intent to appeal Board's
decision and requesting modification of Order issued by the Board.
3/05/93 -Letter from Mr. & Mrs. Weitzel, Protestants, also requesting reconsideration/
modification of Board's 2/24 Order and intent to appeal.

3/05/93 -Letter from Board to L. Fleury, counsel for Petitioner (Olsens) forwarding
to him copies of above correspondence as opposing counsel (not copied on
either incoming letter).

T/C from L. Fleury indicating objection to reconsideration or amendment of
Board's Order of 2/24/93.

3/16/93 -Letter to M/M Weitzel and Mr. Thomas from Michael B. Sauer, Acting Chairman
in these proceedings --request for modification is denied; Board's original
Opinion and Order dated February 24, 1993 is final decision; appeal may be
filed in the Circuit Court within 30days of that date (appeal period ends
3/26/93)

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1992

(410) 887-3353

Merritt and John Olsen
9909 Forge Park Road
Perry Hall, Maryland 21128

Re: CASE NUMBER: 92-493-A
LOCATION: E/s Forge Park Road, 340' N of c/l Carlyn Road
9909 Forge Park Road
11th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case
number. Any contact made with this office should reference the case number. This letter also serves as a
refresher regarding the administrative process.

1) Your property will be posted on or before July 5, 1992. The closing date is July 20, 1992. The
closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing
date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will
issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) deem that the
matter be set in for a public hearing. You will receive written notification as to whether or not your
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.
Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Zoning Commissioner, Baltimore County



Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 16, 1992

Merritt and JoAnn Olsen
9909 Forge Park Road
Perry Hall, Maryland 21128

Re: CASE NUMBER: 92-493-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reposted and notice of the hearing will be placed in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland

1/28/93
Mr. Staley:

Mrs. Olsen telephone re the following case. The sign which is posted on her property has fallen (it's bolted to the bottom of the post, but the sign has come loose at the top of post and is hanging down).

Her hearing is scheduled for 2/16/93; she's concerned and wants to be sure the property remains posted until the hearing.

92-493-A Merritt E. Olsen, et ux
E/s Forge Park Road,
340' N of c/l Carlyn
Road (9909 Forge Park
Road) 11th E; 5th C

Hearing Date: 2/16/93

Kathi

Mr. Lawrence E. Schmidt,
Zoning Commissioner of
Baltimore County,
111 N. Chesapeake Avenue,
Towson, Maryland 21204.

Dear Mr. Schmidt:

My wife, Geraldine C. and myself respectfully request that a hearing date be set for us to appear in person to oppose the issuance of any building permit for any side yard addition to 9909 Forge Park Road as proposed in Case #92-493-A. We will present our reasons why the permit should not be granted at the time of hearing.

We thank you for your kind and prompt attention in this matter and await information concerning hearing date and time.

Respectfully yours,
Frederick R. Weitzel
Frederick R. Weitzel

Mr. Arnold Jablon
Director
Room 109
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case #92-493-A
Petition for Zoning Variance
1/3 Forge Park Rd., 340' N of
the c/l of Carlyn Rd.,
9909 Forge Park Rd.,
11th Election District
5th Councilmanic District

Merritt E. Olsen, et ux
Petitioners

Dear Mr. Jablon,

My husband and I would like to appeal the above referenced case number to install a carport.

Enclosed is a check in the amount of \$210.00 to cover the required fees.

Sincerely,
JoAnn Olsen
JoAnn Olsen
9909 Forge Park Rd.
Perry Hall, Md. 21128

256-2390

RECEIVED
SEP 28 1992
ZONING OFFICE

September 18, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

RECEIVED
SEP 21 1992
ZONING COMMISSIONER

AD: Case #92-493-A

Dear Mr. Schmidt:

The purpose of this letter is to: 1) request a reconsideration of your decision on the above referenced case number to install a carport, and 2) also to provide some additional light on our case.

First, we would like to add an additional hardship to the existing nine presented at the hearing on August 25th. Mr. Schmidt, we have seriously considered your suggestion for just installing a driveway. Although this will get our cars off of the road, we will still be faced with the hardship of clearing snow and ice off of the steps on the north side of our house (the proposed carport area). This area receives virtually no sun which causes snow and ice to linger long after other exposures have melted. Since this side entrance is the main entrance for our family, there is a danger of someone falling on the porch steps.

We have reconsidered giving our proposed carport a setback of 2 or 2 1/2 feet vs. the flush look as proposed on the variance plat. In adjusting our setback, we will incur any additional expenses for a special truss (if necessary) and any additional costs to extend the driveway further back. Our contractor will also take great care in confining the work site to our side of the property line. If necessary, we will reseed any turf on either side of the property line that has been disturbed.

We feel that our proposed carport will not pose an adverse effect on the safety, health or well being of the Weitzel's or of anyone else in the neighborhood. Nor have any of the already 39 existing carports in this neighborhood posed a threat to anyone's health, safety or well being. If this were an issue, Mr. Schmidt, I'm sure that you would have been made aware of it long before now. We also feel that the 39 existing carports have set a precedence for carports being constructed in this neighborhood.

What we can't comprehend is the fact that the Zoning Office has permitted the Weitzels to construct a 15 foot carport on a smaller lot of only 8,559 sq. ft. and the Olsens have been denied to build a 13 foot carport on a larger lot of 9,115 sq. ft.

RECEIVED
COUNTY BOARD OF APPEALS
93 MAR -5 AM 11:44
March 4, 1993

To Whom It May Concern:

The intent of this letter is to inform the County Board of Appeals of Baltimore County that the finding in Case No. 92-493A: Merritt E. Olsen, Et Ux, is being appealed by the undersigned.

We believe the hearing itself was flawed in that the hearing was called to review a certain request for variance, and changed at the beginning of the hearing to another request. This resulted in the protestants having no time to prepare for the new variance request.

Possibly because of the original intent of the variance request, the Peoples Council, Mr. P. David Fields, was not available for consultation prior to or during this hearing. We are of the opinion that Mr. Fields or others associated with the Peoples Council should have made themselves available. Prior contact with the Peoples Council's office indicated that in this case Peoples Council assistance would not be necessary!

The variance created, "...a side yard setback of 4' in lieu of the required 11.3' for an attached carport..." remains unclear to the protestants. At the hearing, at no time was it explained the actual meaning of what a 4' rather than an 11.3' setback meant; even though on several occasions the Petitioners Council and the Board Officers were asked for such an explanation.

The Board accepted all exhibits offered by Petitioners Council while rejecting some offered by this 81 year old protestant, as well as some of his testimony. It is believed that Peoples Council, had he made himself available for the hearing, would have insured that the protestant would have been treated fairly.

The protestants are of the opinion that the responsibility on the part of the petitioners to prove that undue hardship would exist if the variance was not granted has not been met.

Most people experience during their lifetime an accident to a vehicle parked in front of their homes. In any event, as stated at the hearing, a driveway would rectify that problem. The argument that the carport was necessary to protect the petitioners and the foster children living there from ice and snow and inclement weather conditions, is also without merit. The construction of a carport is not being protested. We are of the opinion that the existing building code would allow for an 11.7' carport to be constructed. Surely, a carport could be constructed

RECEIVED
COUNTY BOARD OF APPEALS
93 MAR -5 AM 11:44

4316 Liney Park Road,
Perry Hall, Md. 21128
March 4, 1993

(RE: CASE No. 92-493-A)

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County,
C14 Courthouse, Room 49,
Towson, Maryland 21204

Dear Mr. Hackett:

We, the undersigned, are requesting that the decision rendered by the Appeals Board on February 24, 1993 in case #92-493-A regarding a variance for a carport at 9909 Forge Park Road, be set aside and a new hearing be scheduled on the grounds that there were many factors involved that make the case seem very unfair in the manner in which it was conducted.

First of all, the notice of assignment from your office dated October 29, 1992 listed the names of various members of the Appeals Board and also the Peoples Counsel for Baltimore County. I called your office to find out whether the Peoples Counsel was representing the Olsens and the pleasant speaking young lady that answered the telephone assured me that he was not but would really be on my side. She said that sometimes he personally appeals some of the decisions. This led to false security and since no mention was made of a lawyer representing the Olsens I failed to engage any counsel.

Now here is how the hearing proceeded:

#1- It was disclosed, for the first time, that the alternate request for a variance to build an enclosed sitting room was being eliminated and they were only asking for a side yard variance of 4 feet to build a carport.

#2- We were informed that no Peoples Counsel would be attending the hearing.

RECEIVED
COUNTY BOARD OF APPEALS
93 MAR 23 PM 4:45

DEAR MR. SAGEL,

PLEASE BE ADVISED THAT I AM STILL UNCLEAN AS TO WHAT ".... A SIDE YARD SETBACK OF 4 FT. IN LIEU OF THE REQUIRED 11.3 FT. FOR AN ATTACHED CARPORT" ACTUALLY MEANS. IT'S ABSOLUTELY UNREASONABLE FOR ME TO BE EXPECTED TO DECIDE IF I WANT TO APPEAL THIS MATTER TO THE CIRCUIT COURT FOR BALTIMORE COUNTY WHEN I DON'T UNDERSTAND THE SETTLEMENT. AS MENTIONED IN MY PREVIOUS LETTER NEITHER YOU NOR THE OTHER BOARD MEMBERS WERE ABLE TO EXPLAIN THE SUBJECT MATTERING.

I REQUEST THAT YOU OR ANOTHER COUNTY OFFICIAL CONTACT ME AS TO THE MEANING OF THE ABOVE SO THAT A MORE INFORMED DECISION CAN BE MADE.

I MENTIONED AT THE HEARING THAT THIS ISSUE HAS CAUSED A GREAT DEAL OF ANXIETY. A REASON EXPLANATION HAS THE POTENTIAL FOR ALLEVIATING THE SITUATION.

Sincerely,

Fay W. Thomas
FAY W. THOMAS

JOHN J. PRATT
C.W.B. 996-236

CURVE DATA					
No.	RADIUS	Δ	ARC	TANG	LONG CHORD
1	50'	36°52'12"	32.18'	16.67'	31.62'
2	50'	162°58'44"	141.94'	327.62'	98.86'
3	50'	36°52'12"	32.18'	16.67'	31.62'
4	11746'	88°54'20"	182.26'	115.24'	169.52'
5	975'	7°33'12"	122.86'	61.51'	122.78'
6	1025'	4°08'42"	74.15'	37.09'	74.14'
7	725'	11°49'54"	147.71'	75.13'	147.45'
8	675'	11°30'13"	135.52'	67.99'	135.30'
9	25'	44°01'01"	20.08'	10.62'	19.54'
10	50'	276°7'51"	241.12'	66.72'	157.93'
11	25'	50°36'31"	22.08'	11.82'	21.37'
12	492.55'	98°18'52"	742.22'	500.36'	654.45'
13	475'	98°18'52"	815.06'	549.46'	718.68'

O.T.G. 31 FOLD 14

NOV 5 1965 at AM
same day recorded in liber
O.T.G. No. folio
One of the Records of
Baltimore County and ex-
amined, per

Sharon Dale, Inc.

GUNPOWDER ESTATES ADDITION

11TH ELEC. DIST. - BALTO. CO., MD.
SCALE: 1"=50' AUG. 12, 1965

OWNERS:
SHARONDALE, INC.
9549 BELAIR ROAD
BALTO. 6, MARYLAND

NOTES:
The streets and/or roads as shown hereon and the mention
thereof in deeds are for the purpose of description only and the
same are not intended to be dedicated to public use; the fee
simple title thereto is expressly reserved in the grantors of the
deed to which this plat is attached, their heirs and assigns.

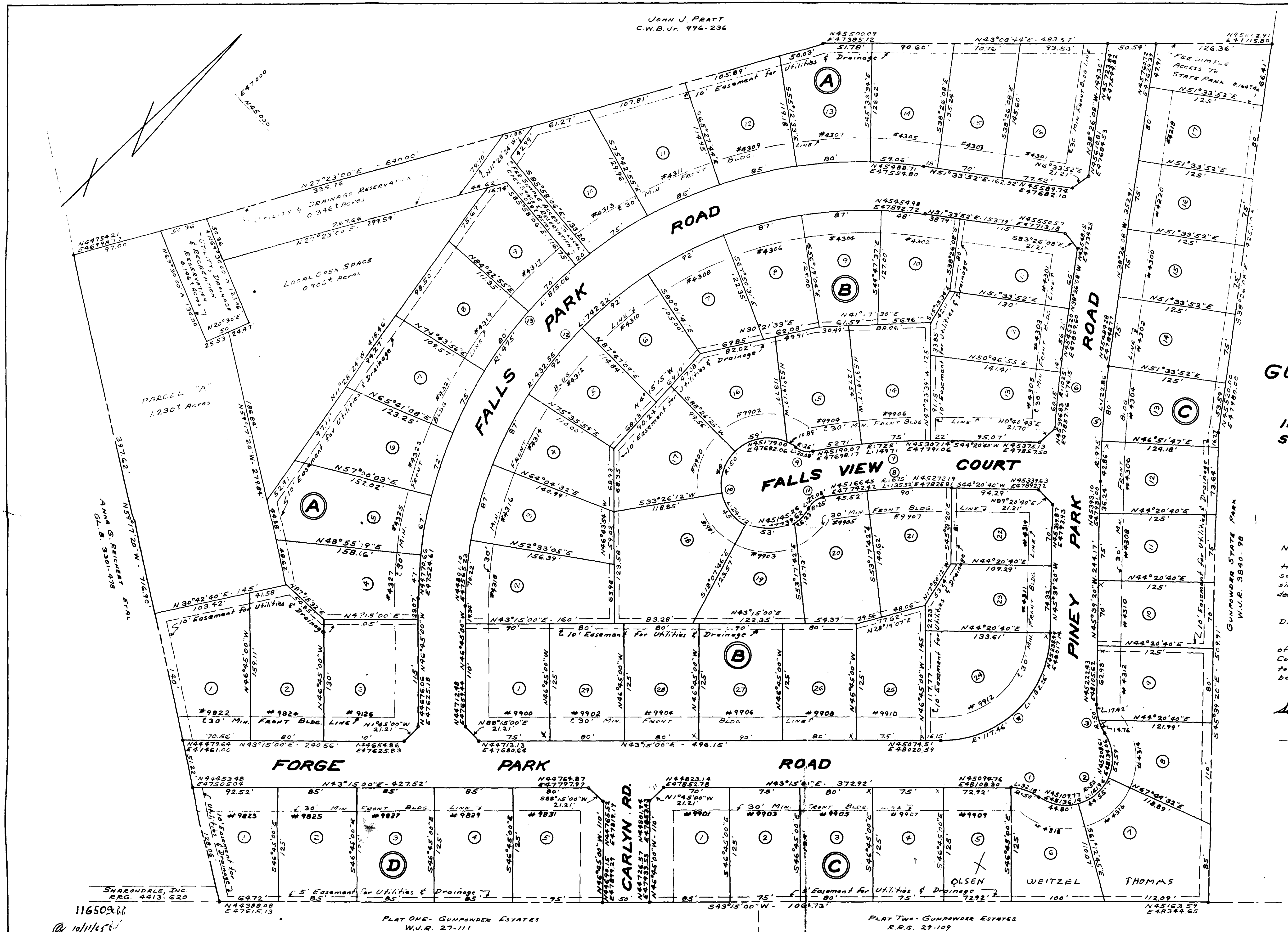
Coordinates shown on this plat are based on Metropolitan
District of Baltimore County coordinate system.

The requirements of Sections 72A, 72B and of Article 17
of the Annotated Code of Md., 1939 Edition (Title: Clerks of
Court, Subtitle: Clerks of Circuit Courts) as far as they relate
to the making of this plat and setting the markers have
been complied with.

Sharon Dale, Inc. William J. Schaffer, Pres.

W. H. PRIMROSE
REGISTERED LAND SURVEYOR #1231

NOTE: Coordinates Based On
Baltimore County Metropolitan
District Traverse Stations:
BCMD#20 N43305.82 E46890.58
BCMD#61 N43021.85 E48688.38



HIGHWAYS DEPARTMENT OF BALTIMORE COUNTY
APPROVED FOR STREET ALIGNMENT AND LOCATION

BY *Sharon Dale, Inc.*
ROADS ENGINEER

APPROVED FOR BALTIMORE COUNTY PLANNING BOARD

BY *George E. Randle*
DATE 10/15/65

APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT

BY *Sharon Dale, Inc.*
DEPUTY STATE & COUNTY HEALTH OFFICER

W. H. PRIMROSE & ASSOCIATES

21 W. PENNSYLVANIA AVE.
TOWSON 4, MD.

PET EX #1

Gentlemen;

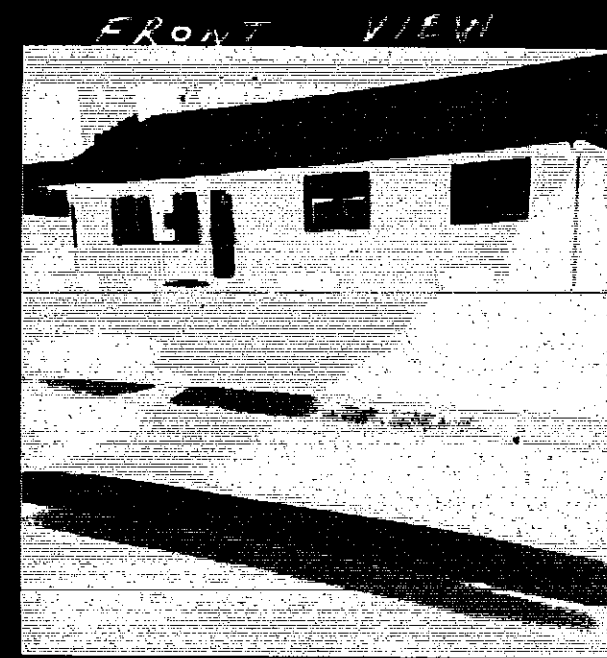
I dislike having to be here today but I honestly believe it is necessary to defend my position and to ask your help in establishing the present balance and appearance between my property and that of the Olsen's and thus preserve the original plans and intentions of the builder.

Perhaps, I can take this matter more easily understood by explaining that the Olsen's home at 9909 Forge Park Road is the last home before the name of the road changes to Piney Park Road. It should be pointed out that the front of the Olsen home is in line with the rest of their neighbors on Forge Park Road. This is where the real problem begins, my home is the first one located on the turn of the road into Piney Park Road. Unfortunately, the builder was not able to place my home at 4318 Piney Park Road in line with those on Forge Park Road. As a result it was placed approximately 18 feet further back on our lot. The Olsens have an Ashley home which is either 18 or 20 feet deep and since 18 feet of it protrudes further forward than my home the greater part of their home is next to my front lawn. This situation is one of the major reasons for my objection but there is also another. After my ground was purchased in 1966 there were only two level lots. That of 9909 Forge Park Road and 4318 Piney Park Road. It was my belief that a support could not be sighted on Forge Park Road because of insufficient ground I chose my present site. The Olsens were not the original owners of their property and were never really familiar with the builder's original plans.

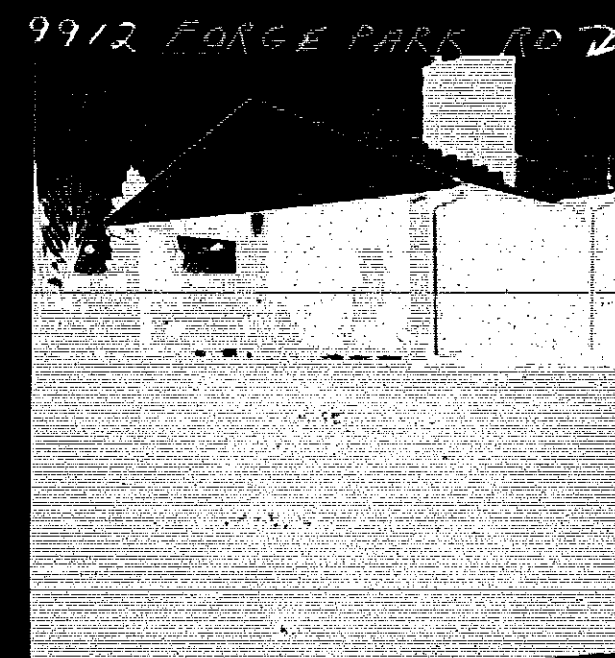
STRIKE AS HEARSAY

Prot. Sch #4

92-493 A 531



9909 FORGE PK. RD.
M. & J. OLSEN #531

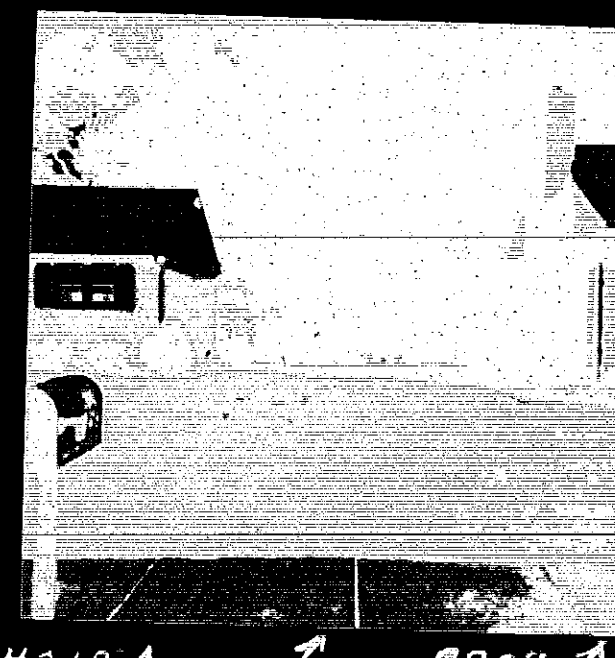


9912 FORGE PARK RD
CARPORT TO BE
SIMILAR TO ABOVE



9909 FORGE PARK RD
INTERSECTION OF FORGE
PARK RD AND PINEY PARK RD
ROADS (SOUTHWARD)
MERRITT + JOHNN OLSEN

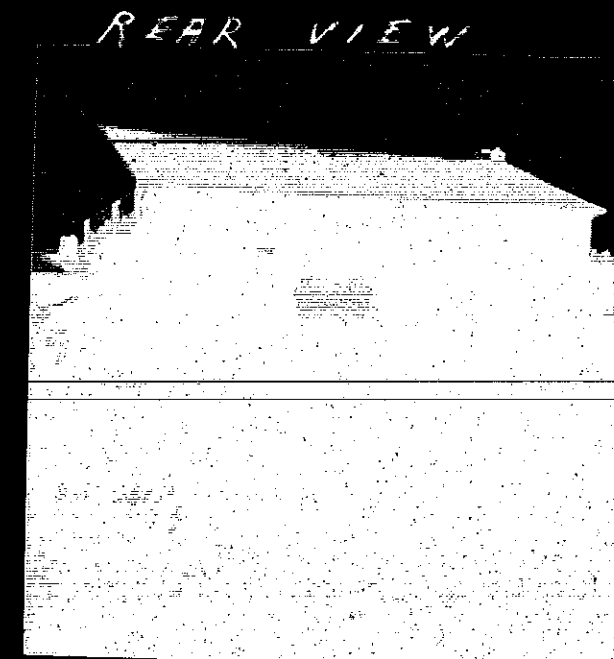
92-493 A 531



4318 PINEY
PARK
ROAD
REAR VIEW



9909 FORGE
PARK
ROAD
REAR VIEW



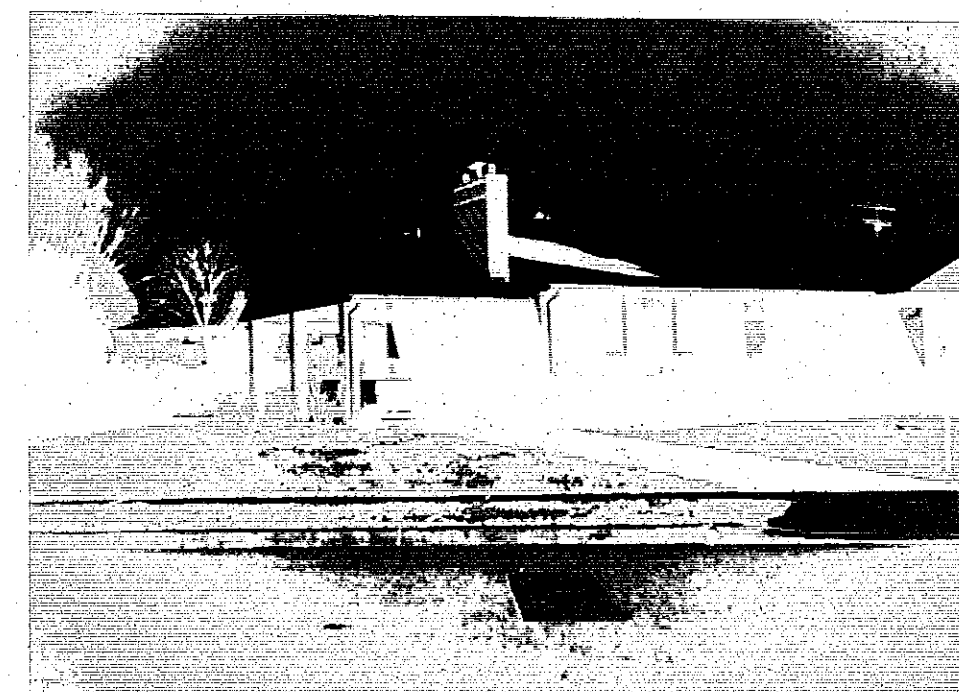
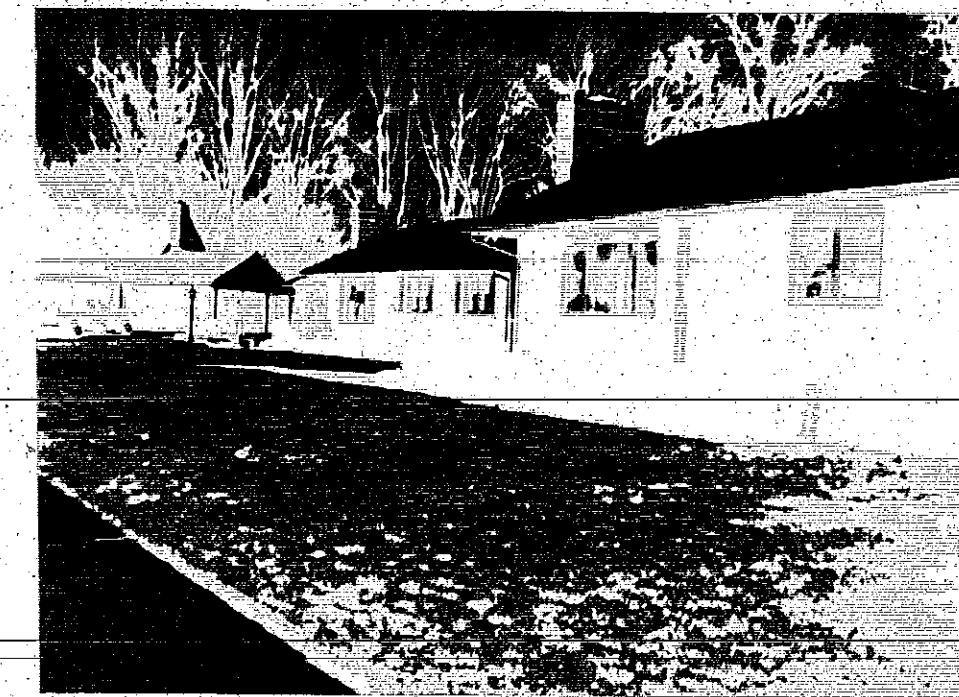
9909 FORGE PK. RD.
M. & J. OLSEN



FORGE PARK ROAD
(NORTHWARD)

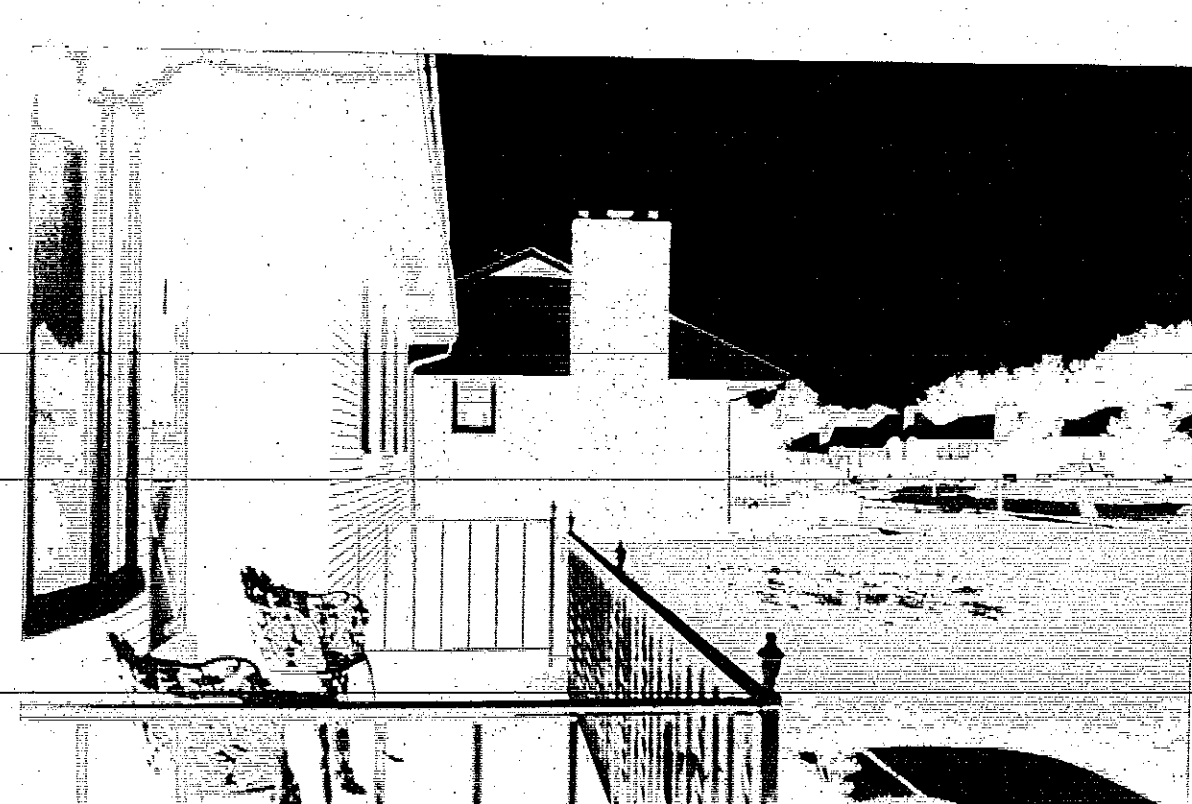
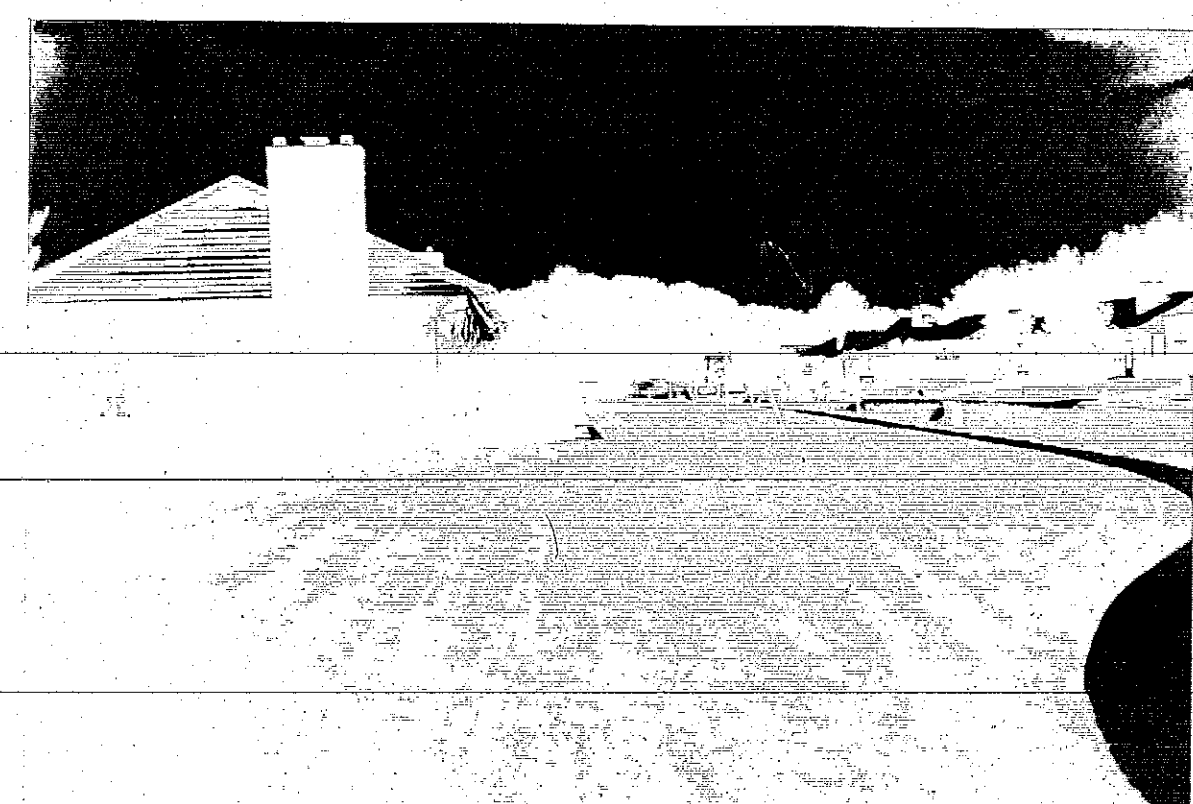
Petitioners' 4 thru 11 (photos)

92-493-A
OLSEN

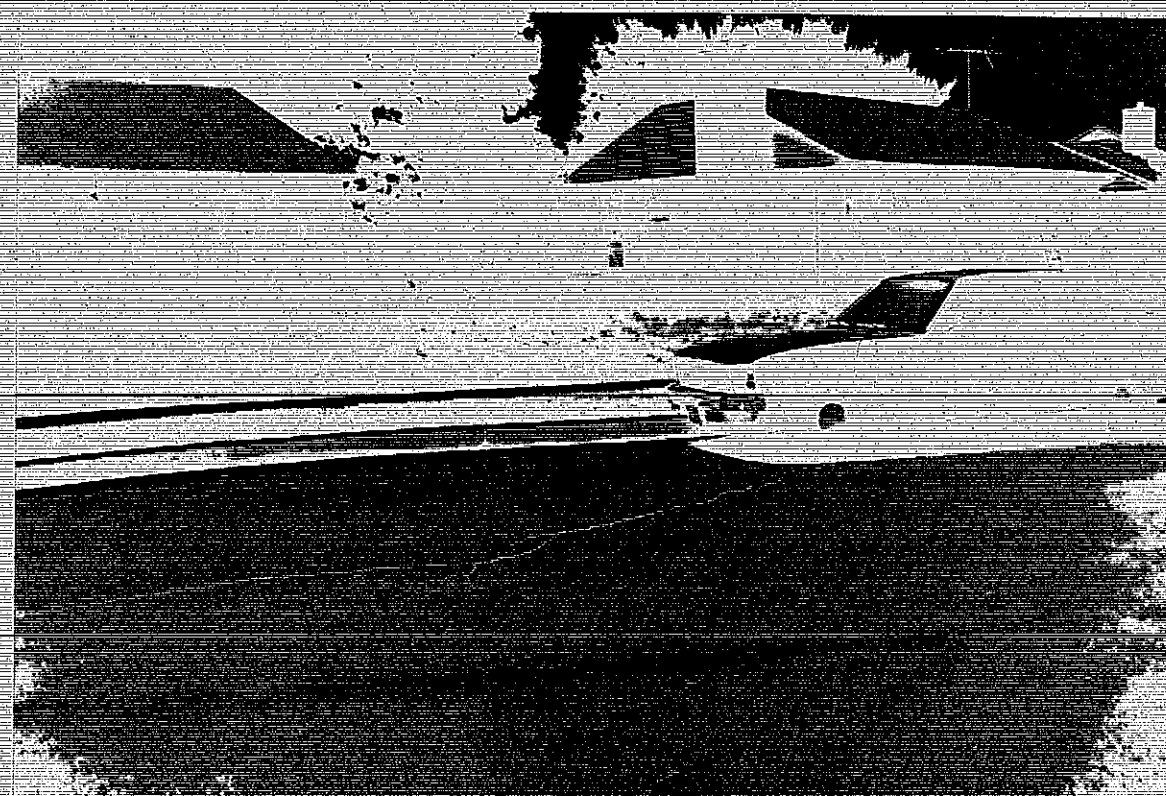
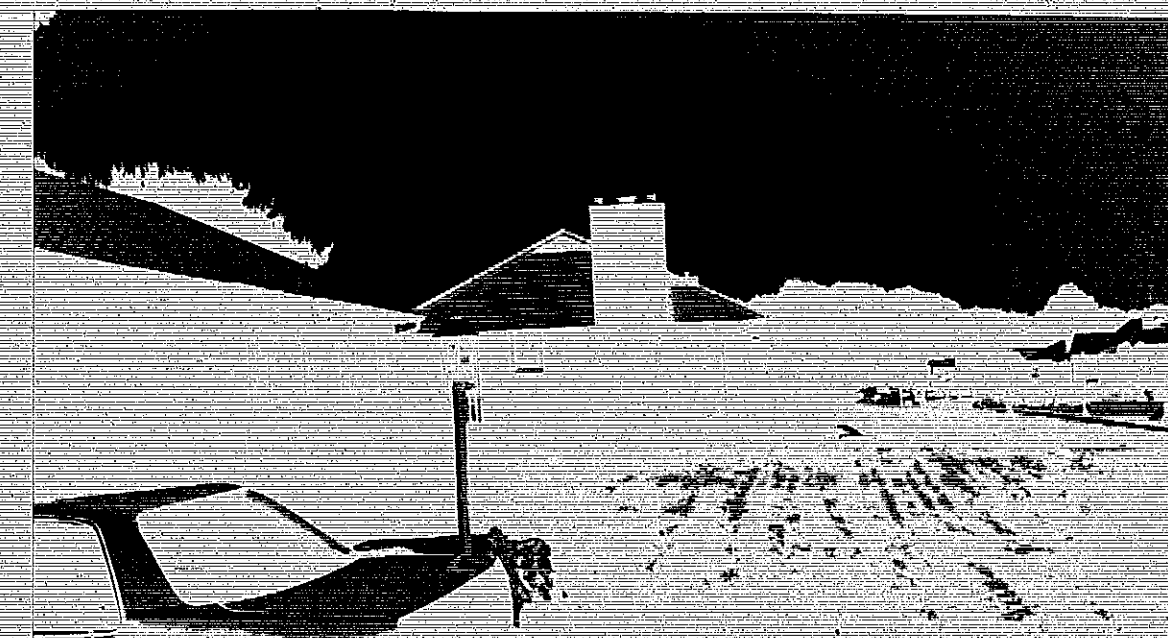
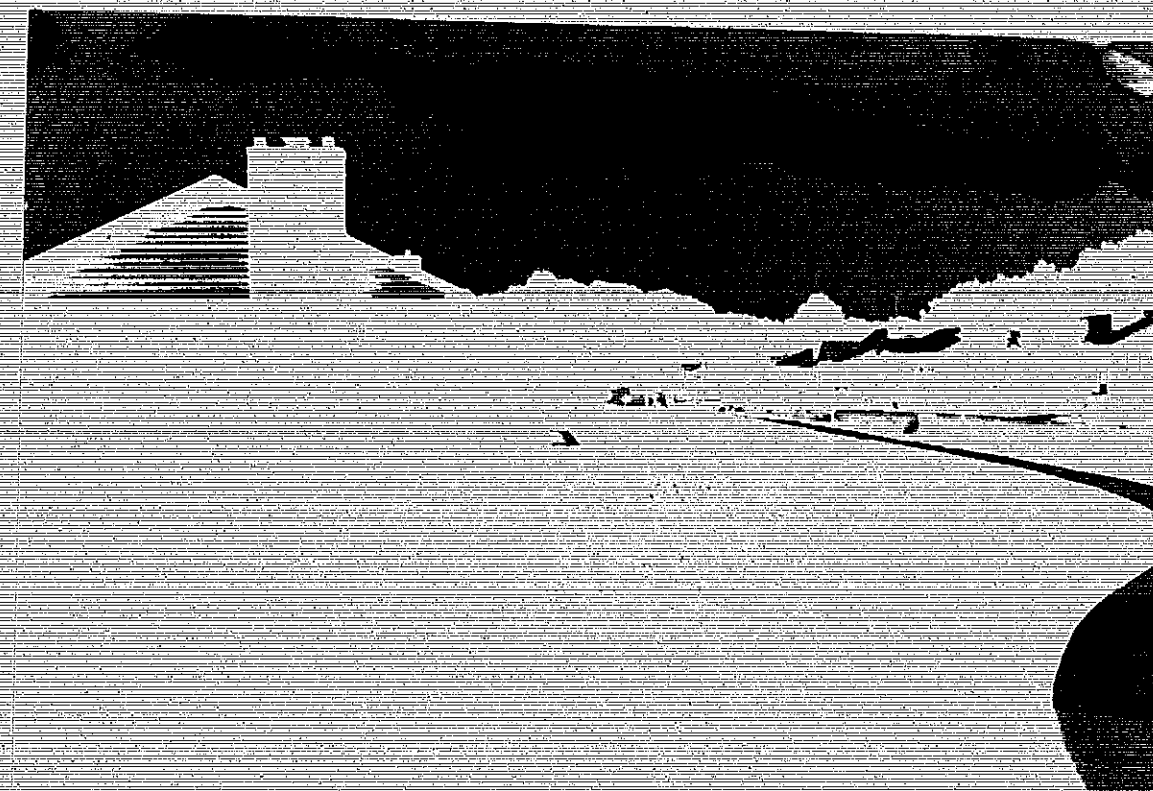


Petitioners 1, 2 & 3 (photos)

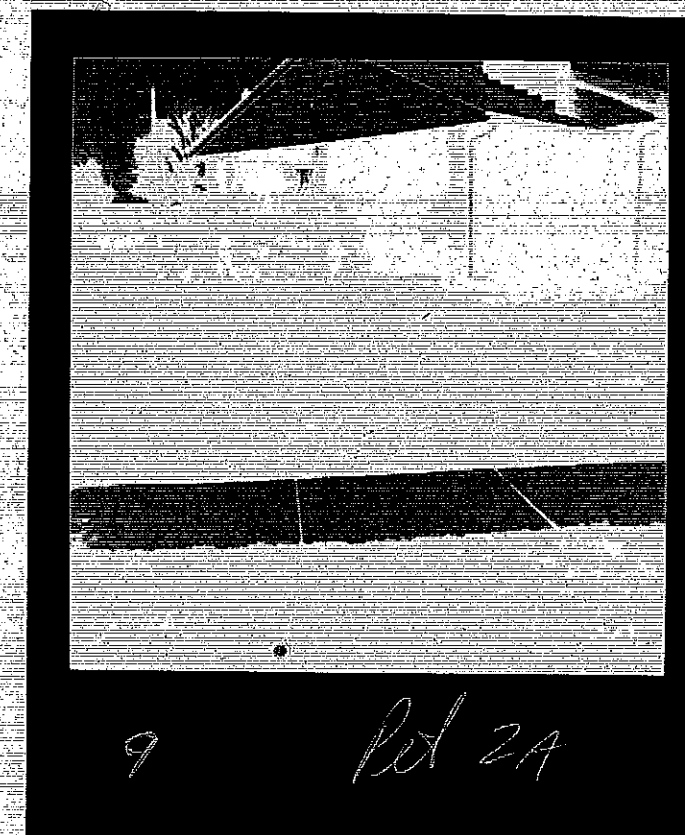
Case # 92-493-A
OLSEN



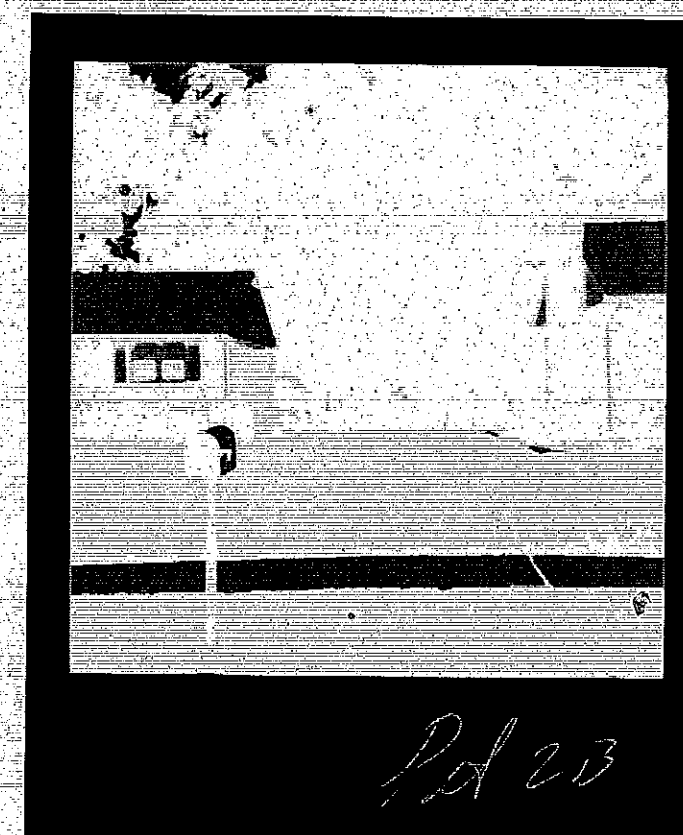
Photostat.
Exhibits
1A - 1C
92-493-A



Petterson's
Exhibits
2A - 2G
92-493-A



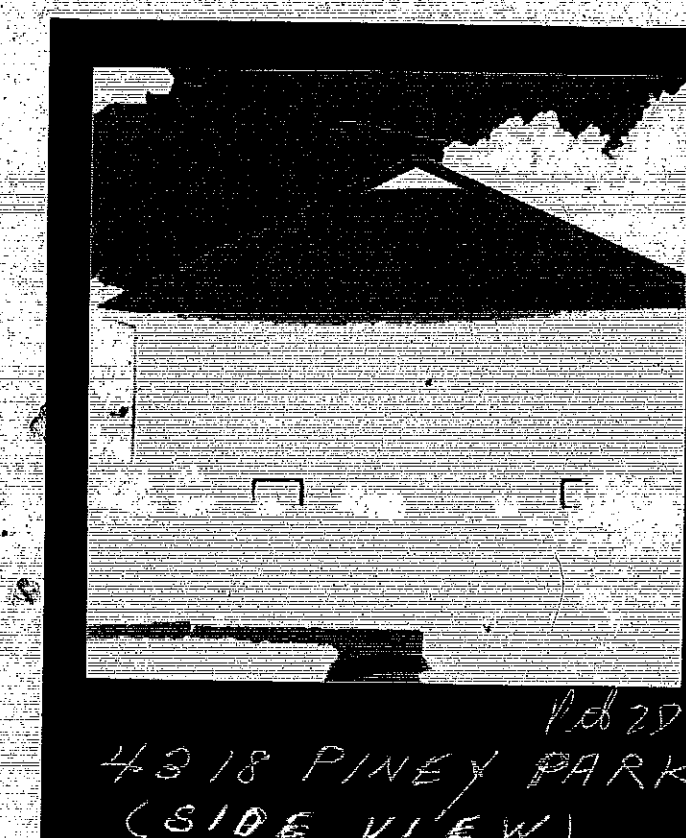
9 Pd 2A



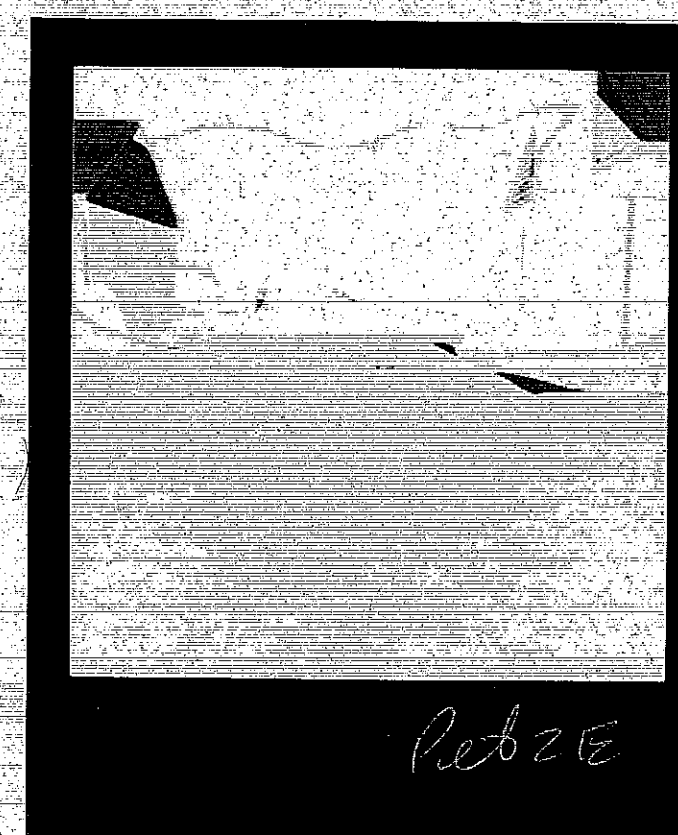
Pd 2B



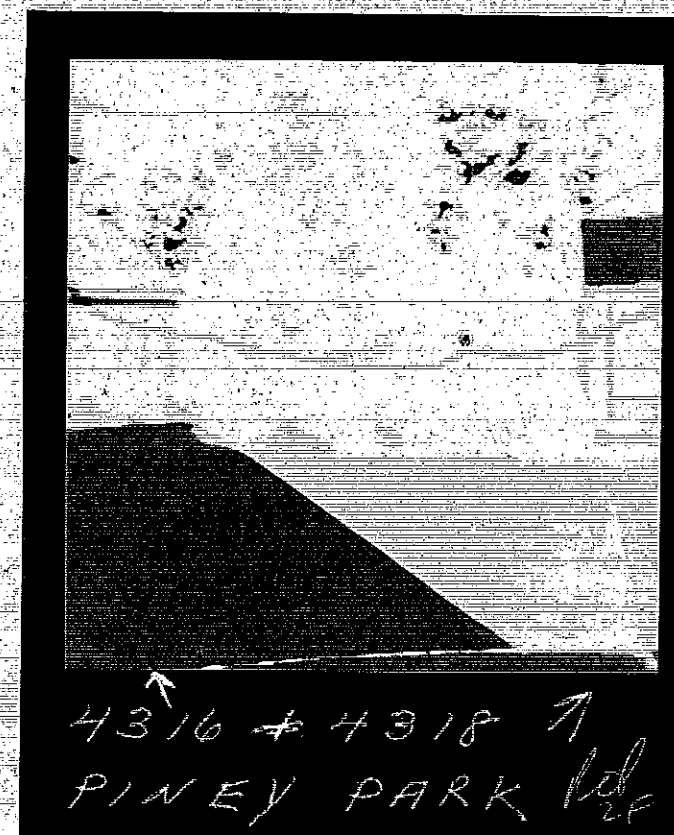
FLAG SHOWS 13' EXTENSION Pd 2C



Pd 2D
4318 PINEY PARK (SIDE VIEW)



Pd 2E



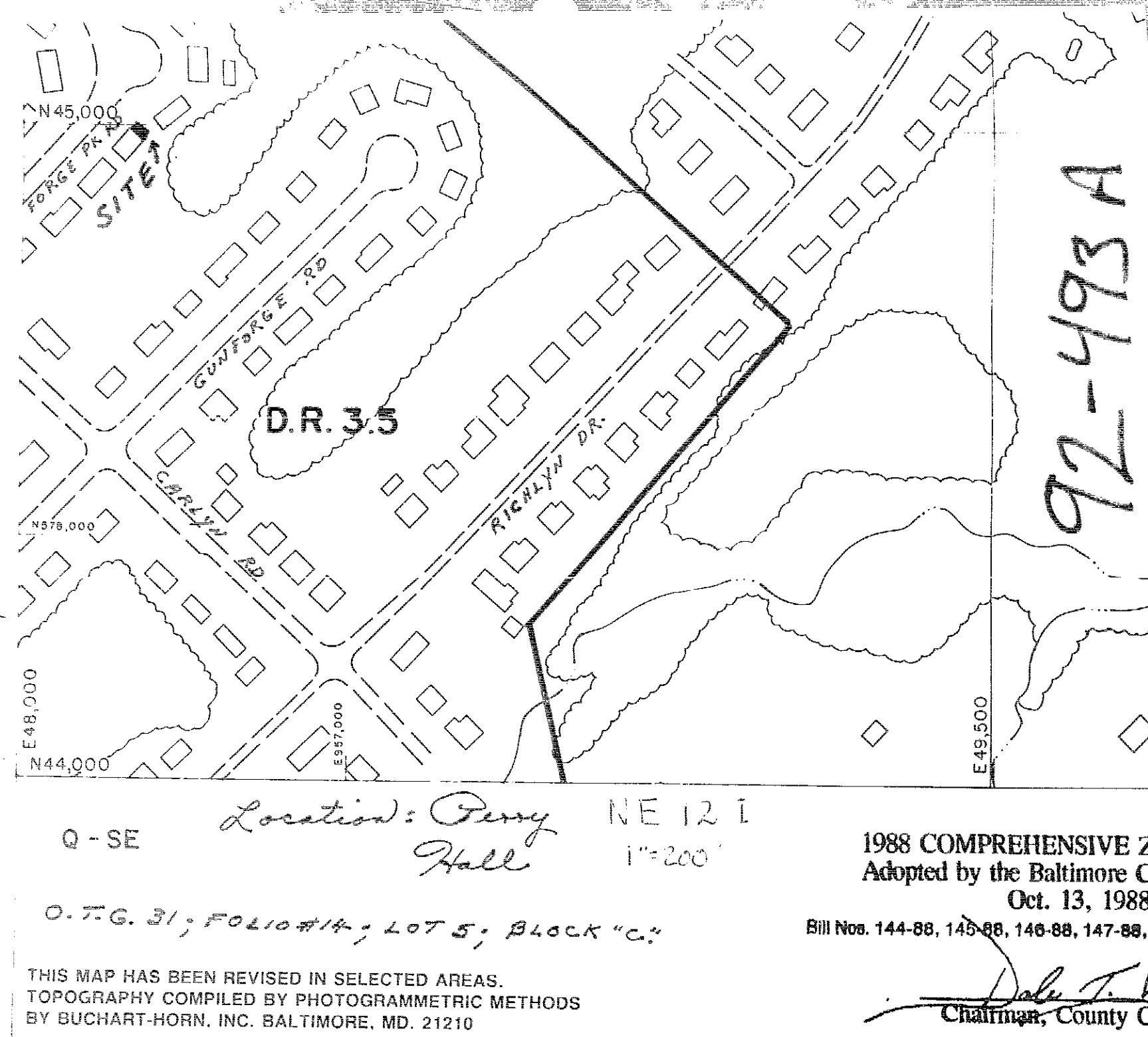
4316 + 4318 ↑
PINEY PARK Pd 2F



4318 PINEY PARK
Pd 2G

Pruitt & Joan Olsen
 9909 Long Park Road
 Chevy Chase, Md. 21228

#531



92-493A



Pruitt & Joan Olsen
 9909 Long Park Road
 Chevy Chase, Md. 21228
 256-2390

#531

92-493A

PREPARED BY AIR PHOTOGRAPHICS, INC.
 MARTINSBURG, W.V. 25401



BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	GUN POWDER VICINITY	N.E. 12-1
DATE OF PHOTOGRAPHY		
JANUARY 1986		

his property. Melan v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The test for determining the granting of a variance is whether practical difficulty or unreasonable hardship would result without the requested relief. The fact that the Petitioners requested alternative relief indicates that there is no real hardship or practical difficulty in complying with the zoning regulations. That is, the Petitioners' concerns about the safety of their automobiles pale in view of the fact that they also express concern about play space for the children. It is clear that the Petitioners want relief in some fashion, however, they could provide no compelling argument to support either a carport or sunroom addition. It should also be noted that the dwelling on the adjoining property owned by the Weitzels' sits back from the roadway and due to the curve in the road along this stretch of Forge Park Road, the houses are not evenly set back from the road. Therefore, I believe that to allow either structure in the location proposed would impose on the Weitzels' front yard. After full consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience

practical difficulty or unreasonable hardship if the requested variance were denied. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September, 1992 that the Petition for Zoning Variance requesting relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the required 15 feet for an enclosed addition, or, in the alternative, a variance from Sections 1802.3.B and 301.1(a) of the B.C.Z.R. to permit a side yard setback of 4 feet in lieu of the required 11.3 feet for an attached carport, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/16/92
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 1, 1992

(410) 887-4386

Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road
Perry Hall, Maryland 21128

RE: PETITION FOR ZONING VARIANCE
E/S Forge Park Road, 340' N of the c/l of Carlyn Road
(9909 Forge Park Road)
11th Election District - 5th Councilmanic District
Merritt E. Olsen, et ux - Petitioners
Case No. 92-493-A

Dear Mr. & Mrs. Olsen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Frederick R. Weitzel
4318 Piney Park Road, Perry Hall, Md. 21128

Mr. Taylor W. Thomas
4316 Piney Park Road, Perry Hall, Md. 21128

People's Counsel

File

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 _____ of the Zoning Regulations of Baltimore County for the following reasons: (Indicate whether or not the variance is requested for a special exception.)

SEE ATTACHED
WE REQUIRE THE VARIANCE TO PERMIT A SIDE YARD SETBACK OF 4 FEET IN LIEU OF THE REQUIRED 15 FEET FOR AN ENCLOSED ADDITION.
REPEATED AUTO ACCIDENTS IN FRONT OF OUR HOME. DODGE DART HIT ONCE + TOTALLED ONCE. FORD HIT ONE TIME.

Property is to be advertised and/or posted as prescribed 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.

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:

(Type or print name)

(Signature)

(Address)

(City)

(State)

(Zip Code)

Attorney for Petitioner:

(Type or print name)

(Signature)

(Address)

(City)

(State)

(Zip Code)

Legal Owner(s):

MERRITT E. OLSEN

Merritt E. Olsen

JANN R. OLSEN

Jann R. Olsen

9909 FORGE PK. RD. 256-2390

PERRY HALL, MD 21128

City

State

JANN OLSEN

9909 FORGE PK. RD. 256-2390

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be repeated.



REVIEWED BY: JCM DATE: 6-14-92

ESTIMATED POSTING DATE: _____

ESTIMATED CLOSING DATE: _____

ITEM # _____

#531

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms 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) here competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 9909 FORGE PARK ROAD

PERRY HALL MD 21128

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate whether or not the variance is requested for a special exception.)

REPEATED AUTO ACCIDENTS IN FRONT OF OUR HOME. DODGE DART HIT ONCE + TOTALLED ONCE. FORD HIT ONCE. CARS SHOULD BE PARKED OFF THE STREET. TO INSTALL DRIVEWAY + CARPORT (APRX 13'x28')

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Merritt E. Olsen
Merritt E. Olsen
Jann R. Olsen
Jann R. Olsen

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of June, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Merritt E. Olsen and Jann R. Olsen

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 12, 1992

[Signature]
My Commission Expires: 3-1-93

VARIANCE REQUEST

VARIANCE FROM SECTION 1802.3.B TO PERMIT A SIDEYARD SETBACK OF 4' IN LIEU OF THE REQUIRED 15' FOR AN ENCLOSED ADDITION, OR IN THE ALTERNATIVE,

A VARIANCE FROM SECTION 1802.3.B AND 301.1(a) TO PERMIT A SIDEYARD SETBACK OF 4' IN LIEU OF THE REQUIRED 11'3" FOR AN ATTACHED CARPORT.

#531

THE DESCRIPTION - 3 copies required

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Best property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 9909 FORGE PK. RD.
(Address)

Beginning at a point on the EAST side of FORGE (north, south, east or west) name of street on which property fronts) which is 50 FT. (number of feet of right-of-way wide at the distance of 340' NORTH (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street CARLYN (name of street) which is 50' wide. "Being lot (number of feet of right-of-way width) (name of street) Block 1, Section 11.1 in the subdivision of SUNPOWDER (name of subdivision) recorded in Baltimore County Plat Book 1122, Folio 1122, containing 9115 S.F. Also known as 9909 FORGE PK. RD. located in the 111 Election District. (property address)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown. Instead state: "As recorded in Deed Liber 1, Folio 1" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 21" W. 80 ft. to the place of beginning.

#531

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11.1 Date of Posting: 7/1/92

Posted for: Karlsson

Petitioner: Merritt E. Olsen

Location of property: 9909 Forge Park Rd., on N. of Carlyn Rd.

Location of Sign: Along Forge Park Rd. on property of Baltimore

Remarks: _____

Posted by: [Signature]

Number of Signs: 1

Date of return: 7/12/92

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11.1 Date of Posting: 8/1/92

Posted for: Karlsson

Petitioner: Merritt E. Olsen

Location of property: 9909 Forge Park Rd., on N. of Carlyn Rd.

Location of Sign: Along Forge Park Rd. on property of Baltimore

Remarks: _____

Posted by: [Signature]

Number of Signs: 1

Date of return: 8/7/92

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/17/92

Posted for: H. Olsen

Petitioner: Merritt E. Olsen, et al

Location of property: 9909 Forge Park Rd., El-2340, N. Lakes Rd.

Location of Sign: Front 9909 Forge Park Rd. Property, b/c. 102000

Remarks:

Posted by: M. Olsen Date of return: 7/13/92

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/17/92

Posted for: H. Olsen

Petitioner: Merritt E. Olsen, et al

Location of property: 9909 Forge Park Rd.

Location of Sign: Front 9909 Forge Park Rd. Property, b/c. 102000

Remarks:

Posted by: M. Olsen Date of return: 7/13/92

Number of Signs: 1

no hearing as

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/17/92

Posted for: H. Olsen

Petitioner: Merritt E. Olsen, et al

Location of property: 9909 Forge Park Rd.

Location of Sign: Front 9909 Forge Park Rd. Property, b/c. 102000

Remarks:

Posted by: M. Olsen Date of return: 7/13/92

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/17/92

Posted for: H. Olsen

Petitioner: Merritt E. Olsen, et al

Location of property: 9909 Forge Park Rd.

Location of Sign: Front 9909 Forge Park Rd. Property, b/c. 102000

Remarks:

Posted by: M. Olsen Date of return: 7/13/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 24, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 24, 1992.

THE JEFFERSONIAN,
S. Zehe Olsen
Publisher

RA: MORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 7/13/92 ACCOUNT: REC-6150 No. 107452

AMOUNT: \$ 41.00

RECEIVED FROM: M. Olsen

FOR: Front 9909 Forge Park Rd.

VALUATION ON SIGNATURE OF CASHIER

Perry Hall 21128
City/State/Zip Code

which is located approximately adjoning feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Frederick R. Whitely 7-13-92
Signature Date

Baltimore County Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

6/19/92

PUBLIC HEARING FEES

2010-ZONING VARIANCE (TR) 1 X \$100.00

2010-POSTING SIGNS / ADVERTISING 1 X \$100.00

NAME OF OWNER: OLSEN TOTAL: \$200.00

0440480043NICHRC
BA C003150406-19-92
Please Make Checks Payable To: Baltimore County

Baltimore County Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 92-493-A

07-300017

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$100.00
2010-POSTING SIGNS / ADVERTISING	1	\$100.00
TOTAL		\$200.00

0440480043NICHRC \$210.00
BA C003150406-19-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 7-27-92

Merritt and John Olsen
9909 Forge Road
Perry Hall, Maryland 21128

RE: CASE #92-493-A
6/8 Forge Road, 340' N of c/l Carlyn Road
9909 Forge Road
11th Election District - 5th Councilmanic
Petitioner(s): Merritt and John Olsen
HEARING: TUESDAY, AUGUST 25, 1992 at 2:00 p.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 67.80 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Carl J. J...

ARNOLD JEROME
DIRECTOR

Baltimore County Government
Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JULY 16, 1992

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-493-A
6/8 Forge Road, 340' N of c/l Carlyn Road
9909 Forge Road
11th Election District - 5th Councilmanic
Petitioner(s): Merritt and John Olsen
HEARING: TUESDAY, AUGUST 25, 1992 at 2:00 p.m. in Rm. 118, Courthouse.

Variance to permit a side yard of 4 ft. in lieu of the required 15 ft. for an enclosed addition; or in the alternative, a variance to permit a side yard of 4 ft. in lieu of the required 11 ft. 3 inches for an attached carport.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Merritt and John Olsen
Frederick Maltz

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 13, 1992

Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road
Perry Hall, MD 21128

RE: Item No. 531, Case No. 92-493-A
Petitioner: Merritt E. Olsen, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Olsen:

The Zoning Plans 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 who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 92-493

07-300017

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$100.00
2010-POSTING SIGNS / ADVERTISING	1	\$100.00
TOTAL		\$200.00

0440480043NICHRC \$210.00
BA C003150406-19-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Your petition has been received and accepted for filing this
19th day of June, 1992

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Rehbeck Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Merritt E. Olsen, et ux

Petitioner's Attorney:

DFW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *Robert Bowling* Date 7/6/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Fattapaco (Aerial Properties)			6-29-92
50475		TE (Waiting for developer to submit plans first)	6-1-92
COUNT 1			
Rita M. and Edward R. Raab, Jr.	514	W/C	6-29-92
DED DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DED DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	N/C	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	W/C	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	N/C	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DED DEPRM RP STP TE			
Michael J. and Eugenia G. Zavodny	532	W/C	
DED DEPRM RP STP TE			
Baltimore County - Southwestern Bell Mobile Systems	533		
DED DEPRM RP STP TE			

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley 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 Mull	- 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 Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUL 7 1992
ZONING OFFICE

DFW/Traffic Engineering
Development Review Committee Response Form
Authorized signature *Robert Bowling* Date 7/6/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Fattapaco (Aerial Properties)			6-29-92
50475		TE (Waiting for developer to submit plans first)	6-1-92
COUNT 1			
Rita M. and Edward R. Raab, Jr.	514	W/C	6-29-92
DED DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DED DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	N/C	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	W/C	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	W/C	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	N/C	
DED DEPRM RP STP TE			
✓ Baltimore County - Southwestern Bell Mobile Systems	533	N/C	
DED DEPRM RP STP TE			

Baltimore County Government
Fire Department
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 21204

RE: Property Owner: MERRITT E. OLSEN AND JOANN R. OLSEN
Location: #9909 FORGE PARK ROAD
Item No.: *531 (JCM) 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: *John Perry* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau
JP/KEK

RECEIVED
JUN 29 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *Walker* Date 7/6/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Rita M. and Edward R. Raab, Jr.	514	6-29-92	
DED DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	No Comment	
DED DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	No Comment	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	No Comment	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	No Comment	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	No Comment	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	No Comment	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	No Comment	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	No Comment	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	No Comment	
DED DEPRM RP STP TE			
✓ Baltimore County - Southwestern Bell Mobile Systems	533	No Comment	
DED DEPRM RP STP TE			

COUNT 11

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

October 9, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
E/S Forge Park Road, 340' N of the c/l of Carlyn Road
(9909 Forge Park Road)
11th Election District, 5th Councilmanic District
MERRITT E. OLSEN, ET UX - Petitioner
Case No. 92-493-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 28, 1992 by Joann Olsen, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
Arnold Jablon
Arnold Jablon - Director
Zoning Administration and
Development Management

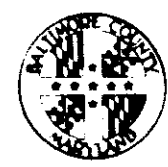
AJ:cer
Enclosures

cc: Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road, Perry Hall, MD 21128
Mr. & Mrs. Frederick R. Weitzel
4318 Piney Park Road, Perry Hall, MD 21128
Mr. Taylor W. Thomas
4318 Piney Park Road, Perry Hall, MD 21128
People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

APPEAL
Petition for Zoning Variance
E/S Forge Park Road, 340' N of the c/l of Carlyn Road
(9909 Forge Park Road)
11th Election District - 5th Councilmanic District
MERRITT E. OLSEN, ET UX - Petitioner
Case No. 92-493-A

Petition(s) for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments (No comments submitted)
Petitioner(s) and Protestant(s) Sign-In Sheet
Petitioner's Exhibits: 1. Plat to accompany Petition
2A. - 2G. Photographs of lot
3. Report of Statistics/Reasons from Olsen
Protestant's Exhibits: 1A - 1E - Photographs of lot
2. Letter of opposition from neighbor
Zoning Commissioner's Order dated September 1, 1992 (Denied)
Zoning Commissioner's Ruling on Motion For Reconsideration (Denied)
Notice of Appeal received September 28, 1992 from Joann Olsen

cc: Mr. & Mrs. Merritt E. Olsen
9909 Forge Park Road, Perry Hall, MD 21128
Mr. & Mrs. Frederick R. Weitzel
4318 Piney Park Road, Perry Hall, MD 21128
Mr. Taylor W. Thomas
4318 Piney Park Road, Perry Hall, MD 21128
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
Public Services



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
October 29, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-493-A
MERRITT E. OLSEN, ET UX
E/s Forge Park Road, 340' N
of c/l Carlyn Road (9909
Forge Park Road)
11th Election District
5th Councilmanic District

VAR-Side yard setback 4' in lieu of
15' for enclosed addition;
OR IN ALTERNATIVE
Side yard setback of 4' in lieu of
11.3' for attached carport

9/1/92 - Z.C.'s Order DENYING
Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 16, 1993 AT 10:00 a.m.

cc: Mr. and Mrs. Merritt Olsen Petitioner/Appellant

Mr. and Mrs. Frederick R. Weitzel

Mr. Taylor W. Thomas
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

10/29/92 - Following parties notified of hearing set for February
16, 1993 at 10:00 a.m.:

Mr. and Mrs. Merritt Olsen
Mr. and Mrs. Frederick R. Weitzel
Mr. Taylor W. Thomas
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 24, 1993

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, MD 21204

RE: Case No. 92-493-A
Merritt E. Olsen, et ux

Dear Mr. Fleury:

Enclosed please find a copy of the final Opinion and Order
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. & Mrs. Merritt E. Olsen
Mr. & Mrs. Frederick R. Weitzel
Mr. Taylor W. Thomas
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
of Zoning Administration



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 5, 1993

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, MD 21204

Re: Case No. 92-493-A
Merritt E. Olsen, et ux

Dear Mr. Fleury:

Enclosed please find copies of the following correspondence
received by this office regarding the subject matter:

1. A letter dated March 4, 1993 from Mr. & Mrs. Frederick R. Weitzel.
2. A letter dated March 4, 1993 from Taylor W. Thomas.

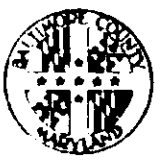
These are being forwarded to you since you are opposing
counsel, and it does not appear that you have received copies of
either letter.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosures

cc: Mr. & Mrs. Merritt E. Olsen
Mr. & Mrs. Frederick R. Weitzel
Mr. Taylor W. Thomas



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 16, 1993

Mr. & Mrs. Frederick R. Weitzel
Mr. Taylor Thomas
4318 Piney Park Road
Perry Hall, MD 21128

Re: Case No. 92-493-A
Merritt E. Olsen, et ux

Dear Mr. & Mrs. Weitzel and Mr. Thomas:

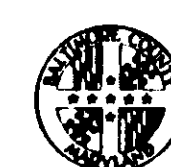
The Board is in receipt of your letters dated March 4, 1993,
wherein you have requested that this Board reconsider and modify
its previous Opinion and Order dated February 24, 1993. Your
request is denied, and the Board's previous Order is a final
decision of this Board.

If you feel aggrieved by the decision, you may file an appeal
to the Circuit Court for Baltimore County within 30 days from the
date of the Board's original Opinion and Order dated February 24,
1993, pursuant to Rules B1 through B13 of the Maryland Rules of
Procedure.

Very truly yours,

Michael B. Sauer
County Board of Appeals

cc: Lewis L. Fleury, Esquire
Mr. & Mrs. Merritt E. Olsen



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 24, 1993

Mr. Taylor Thomas
4318 Piney Park Road
Perry Hall, MD 21128

Re: Case No. 92-493-A
Merritt E. Olsen, et ux

Dear Mr. Thomas:

The Board is in receipt of your recent letter date-stamped in
this office on March 23, 1993. As indicated to you in my letter of
March 16, 1993, the decision of this Board as set out in the
Board's Order dated February 24, 1993 remains as the final decision
in this matter.

Again, should you feel aggrieved, you may appeal the Board's
final Order of February 24th to the Circuit Court for Baltimore
County within 30 days from the date of that decision pursuant to
Rules B1 through B13 of the Maryland Rules of Procedure.

Very truly yours,

Michael B. Sauer
County Board of Appeals

cc: Lewis L. Fleury, Esquire

#92-493-A Merritt E. Olsen, et ux

2/24/93 -Order issued by the Board GRANTING attached carport /variance.

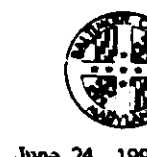
3/05/93 -Letter from Taylor Thomas, Protestant, indicating intent to appeal Board's
decision and requesting modification of Order issued by the Board.
3/05/93 -Letter from Mr. & Mrs. Weitzel, Protestants, also requesting reconsideration/
modification of Board's 2/24 Order and intent to appeal.

3/05/93 -Letter from Board to L. Fleury, counsel for Petitioner (Olsens) forwarding
to him copies of above correspondence as opposing counsel (not copied on
either incoming letter).

T/C from L. Fleury indicating objection to reconsideration or amendment of
Board's Order of 2/24/93.

3/16/93 -Letter to M/M Weitzel and Mr. Thomas from Michael B. Sauer, Acting Chairman
in these proceedings --request for modification is denied; Board's original
Opinion and Order dated February 24, 1993 is final decision; appeal may be
filed in the Circuit Court within 30days of that date (appeal period ends
3/26/93)

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

June 24, 1992

(410) 887-3353

Merritt and John Olsen
9909 Forge Park Road
Perry Hall, Maryland 21128

Re: CASE NUMBER: 92-493-A
LOCATION: E/s Forge Park Road, 340' N of c/l Carlyn Road
9909 Forge Park Road
11th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case
number. Any contact made with this office should reference the case number. This letter also serves as a
refresher regarding the administrative process.

1) Your property will be posted on or before July 5, 1992. The closing date is July 20, 1992. The
closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing
date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will
issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) deem that the
matter be set in for a public hearing. You will receive written notification as to whether or not your
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.
Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Zoning Commissioner, Baltimore County



Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 16, 1992

Merritt and JoAnn Olsen
9909 Forge Park Road
Perry Hall, Maryland 21128

Re: CASE NUMBER: 92-493-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reposted and notice of the hearing will be placed in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland

1/28/93
Mr. Staley:

Mrs. Olsen telephone re the following case. The sign which is posted on her property has fallen (it's bolted to the bottom of the post, but the sign has come loose at the top of post and is hanging down).

Her hearing is scheduled for 2/16/93; she's concerned and wants to be sure the property remains posted until the hearing.

92-493-A Merritt E. Olsen, et ux
E/s Forge Park Road,
340' N of c/l Carlyn
Road (9909 Forge Park
Road) 11th E; 5th C

Hearing Date: 2/16/93

Kathi

Mr. Lawrence E. Schmidt,
Zoning Commissioner of
Baltimore County,
111 N. Chesapeake Avenue,
Towson, Maryland 21204.

Dear Mr. Schmidt:

My wife, Geraldine C. and myself respectfully request that a hearing date be set for us to appear in person to oppose the issuance of any building permit for any side yard addition to 9909 Forge Park Road as proposed in Case #92-493-A. We will present our reasons why the permit should not be granted at the time of hearing.

We thank you for your kind and prompt attention in this matter and await information concerning hearing date and time.

Respectfully yours,
Frederick R. Weitzel
Frederick R. Weitzel

Mr. Arnold Jablon
Director
Room 109
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case #92-493-A
Petition for Zoning Variance
1/3 Forge Pk. Rd., 340' N of
the c/l of Carlyn Rd.,
9909 Forge Park Rd.,
11th Election District
5th Councilmanic District

Merritt E. Olsen, et ux
Petitioners

Dear Mr. Jablon,

My husband and I would like to appeal the above referenced case number to install a carport.

Enclosed is a check in the amount of \$210.00 to cover the required fees.

Sincerely,
JoAnn Olsen
JoAnn Olsen
9909 Forge Park Rd.
Perry Hall, Md. 21128

256-2390

RECEIVED
SEP 28 1992
ZONING OFFICE

September 18, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

RECEIVED
SEP 21 1992
ZONING COMMISSIONER

Ad: Case #92-493-A

Dear Mr. Schmidt:

The purpose of this letter is to: 1) request a reconsideration of your decision on the above referenced case number to install a carport, and 2) also to provide some additional light on our case.

First, we would like to add an additional hardship to the existing nine presented at the hearing on August 25th. Mr. Schmidt, we have seriously considered your suggestion for just installing a driveway. Although this will get our cars off of the road, we will still be faced with the hardship of clearing snow and ice off of the steps on the north side of our house (the proposed carport area). This area receives virtually no sun which causes snow and ice to linger long after other exposures have melted. Since this side entrance is the main entrance for our family, there is a danger of someone falling on the porch steps.

We have reconsidered giving our proposed carport a setback of 2 or 2 1/2 feet vs. the flush look as proposed on the variance plat. In adjusting our setback, we will incur any additional expenses for a special truss (if necessary) and any additional costs to extend the driveway further back. Our contractor will also take great care in confining the work site to our side of the property line. If necessary, we will reseed any turf on either side of the property line that has been disturbed.

We feel that our proposed carport will not pose an adverse effect on the safety, health or well being of the Weitzel's or of anyone else in the neighborhood. Nor have any of the already 39 existing carports in this neighborhood posed a threat to anyone's health, safety or well being. If this were an issue, Mr. Schmidt, I'm sure that you would have been made aware of it long before now. We also feel that the 39 existing carports have set a precedence for carports being constructed in this neighborhood.

What we can't comprehend is the fact that the Zoning Office has permitted the Weitzels to construct a 15 foot carport on a smaller lot of only 8,559 sq. ft. and the Olsens have been denied to build a 13 foot carport on a larger lot of 9,115 sq. ft.

RECEIVED
COUNTY BOARD OF APPEALS
93 MAR -5 AM 11:44
March 4, 1993

To Whom It May Concern:

The intent of this letter is to inform the County Board of Appeals of Baltimore County that the finding in Case No. 92-493A: Merritt E. Olsen, Et Ux, is being appealed by the undersigned.

We believe the hearing itself was flawed in that the hearing was called to review a certain request for variance, and changed at the beginning of the hearing to another request. This resulted in the protestants having no time to prepare for the new variance request.

Possibly because of the original intent of the variance request, the Peoples Council, Mr. P. David Fields, was not available for consultation prior to or during this hearing. We are of the opinion that Mr. Fields or others associated with the Peoples Council should have made themselves available. Prior contact with the Peoples Council's office indicated that in this case Peoples Council assistance would not be necessary!

The variance created, "...a side yard setback of 4' in lieu of the required 11.3' for an attached carport..." remains unclear to the protestants. At the hearing, at no time was it explained the actual meaning of what a 4' rather than an 11.3' setback meant; even though on several occasions the Petitioners Council and the Board Officers were asked for such an explanation.

The Board accepted all exhibits offered by Petitioners Council while rejecting some offered by this 81 year old protestant, as well as some of his testimony. It is believed that Peoples Council, had he made himself available for the hearing, would have insured that the protestant would have been treated fairly.

The protestants are of the opinion that the responsibility on the part of the petitioners to prove that undue hardship would exist if the variance was not granted has not been met.

Most people experience during their lifetime an accident to a vehicle parked in front of their homes. In any event, as stated at the hearing, a driveway would rectify that problem. The argument that the carport was necessary to protect the petitioners and the foster children living there from ice and snow and inclement weather conditions, is also without merit. The construction of a carport is not being protested. We are of the opinion that the existing building code would allow for an 11.7' carport to be constructed. Surely, a carport could be constructed

RECEIVED
COUNTY BOARD OF APPEALS
93 MAR -5 AM 11:44

4316 Liney Park Road,
Perry Hall, Md. 21128
March 4, 1993

(RE: CASE No. 92-493-A)

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County,
C14 Courthouse, Room 49,
Towson, Maryland 21204

Dear Mr. Hackett:

We, the undersigned, are requesting that the decision rendered by the Appeals Board on February 24, 1993 in case #92-493-A regarding a variance for a carport at 9909 Forge Park Road, be set aside and a new hearing be scheduled on the grounds that there were many factors involved that make the case seem very unfair in the manner in which it was conducted.

First of all, the notice of assignment from your office dated October 29, 1992 listed the names of various members of the Appeals Board and also the Peoples Counsel for Baltimore County. I called your office to find out whether the Peoples Counsel was representing the Olsens and the pleasant speaking young lady that answered the telephone assured me that he was not but would really be on my side. She said that sometimes he personally appeals some of the decisions. This led to false security and since no mention was made of a lawyer representing the Olsens I failed to engage any counsel.

Now here is how the hearing proceeded:

#1- It was disclosed, for the first time, that the alternate request for a variance to build an enclosed sitting room was being eliminated and they were only asking for a side yard variance of 4 feet to build a carport.

#2- We were informed that no Peoples Counsel would be attending the hearing.

DEAR MR. SAGEL,

RECEIVED
COUNTY BOARD OF APPEALS
93 MAR 23 PM 4:45

PLEASE BE ADVISED THAT I AM STILL UNCLEAN AS TO WHAT ".... A SIDE YARD SETBACK OF 4 FT. IN LIEU OF THE REQUIRED 11.3 FT. FOR AN ATTACHED CARPORT" ACTUALLY MEANS. IT'S ABSOLUTELY UNREASONABLE FOR ME TO BE EXPECTED TO DECIDE IF I WANT TO APPEAL THIS MATTER TO THE CIRCUIT COURT FOR BALTIMORE COUNTY WHEN I DON'T UNDERSTAND THE SETTLEMENT. AS MENTIONED IN MY PREVIOUS LETTER NEITHER YOU NOR THE OTHER BOARD MEMBERS WERE ABLE TO EXPLAIN THE SUBJECT MATTERING.

I REQUEST THAT YOU OR ANOTHER COUNTY OFFICIAL CONTACT ME AS TO THE MEANING OF THE ABOVE SO THAT A MORE INFORMED DECISION CAN BE MADE.

I MENTIONED AT THE HEARING THAT THIS ISSUE HAS CAUSED A GREAT DEAL OF ANXIETY. A REASON EXPLANATION HAS THE POTENTIAL FOR ALLEVIATING THE SITUATION.

SINCERELY,

FAYL W. THOMAS
FAYL W. THOMAS

