

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Cuba Road, 5720' NW of
Shawan Road
(14028 Cuba Road)
8th Election District
3rd Councilmanic District
Etta E. Plowden
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-52-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Etta E. Plowden, by and through her Power of Attorney, Joan and Garland Arrington. The Petitioner requests relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached carport to remain in the side yard in lieu of the required rear yard in accordance with Petitioner's Exhibit 1.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

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

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of September, 1992 that the Petition for Administrative Variance requesting relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached carport to remain in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded and the Petitioner would be required to file a new Petition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 9/17/92
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 17, 1992

(410) 887-4386

Ms. Etta Plowden
c/o Joan and Garland Arrington
14028 Cuba Road
Cockeysville, Maryland 21030

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Cuba Road, 5720' NW of Shawan Road
(14028 Cuba Road)
8th Election District - 3rd Councilmanic District
Etta E. Plowden, et al - Petitioners
Case No. 93-52-A

Dear Ms. Plowden:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted 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 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: 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 400.1 of the B.C.Z.R. to permit a detached carport to remain in the side yard in lieu of the required rear yard.

1. GRADING of the yard
2. WELL and Septic Tank
3. Faint white lines from 1980-1981 showing driveway
4. City record at 17-13-14-15

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(s):

(Type or print name)

(Signature)

Address

City

State

Zip Code

(Signature)

Address

City

State

Zip Code

Address

City

State

Zip Code

Address

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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) believe 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 14028 Cuba Road, Cockeysville, Md 21030

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (indicate variance or variances)

I would like to remove carport as the carport has cement for the front
Protection of vehicle
Other person that is all
Specialty well and septic tank
Being able to remove the front of the car
front driveway

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

Joan Arrington
Garland Arrington
STATE OF MARYLAND, COUNTY OF BALTIMORE, ss we:

I HEREBY CERTIFY, this 6th day of August, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Garland Arrington

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 knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 6, 1992

Robert H. Robinson
Robert H. Robinson
My Commission Expires
July 1, 1994

Zoning Description for 14028 Cuba Rd.

Beginning at a point on the West side of Cuba Rd at the distance 6,720 ft. ± north-west of Shawan Rd. Thence running north-west 172 ft. thence south-west 202 ft. thence 157.84 ft. thence 384 ft. to the point of beginning. Containing 1.184 acres ± and located in the 8th Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: 8/14/92
Posted for: Variance
Petitioner: Etta E. Plowden, et al - Petitioners
Location of property: 14028 Cuba Rd., ex. 144, 5720' NW of Shawan Rd.
Location of Sign: Facing the Sun, east property of Baltimore
Remarks: [Signature]
Posted by: [Signature] Date of return: 8/14/92
Number of Signs: 1

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

Date 8-14-92

Account: R-001-6180
Number

Joan Arrington

Residential Variance (Administrative)
Filing Fee \$ 50.00

Sign & Posting 35.00
\$ 85.00

for Plowden Property
14028 Cuba Rd.
(21030)

Cashier Validation

04A04H0115W1CWC
BA C01155A00B-14-92 \$85.00
Please Make Checks Payable To: Baltimore County

receipt

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

8/14/92

H9300057

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$50.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL		\$85.00

LAST NAME OF OWNER: PLOWDEN

Please Make Checks Payable To: Baltimore County

receipt

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

111 West Chesapeake Avenue
Towson, MD 21204

August 28, 1992

(410) 887-3353

Etta E. Plowden and Joan Arrington
14028 Cuba Road
Cockeysville, Maryland 21030

Re: CASE NUMBER: 93-52-A
LOCATION: W/S Cuba Road, 5720' (+/-) NW of Shawan Road
14028 Cuba Road
8th Election District - 3rd 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 August 30, 1992. The closing date is September 14, 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) demand 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 REVIEW 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
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

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

111 West Chesapeake Avenue
Towson, MD 21204

September 14, 1992 (410) 887-3353

Ms. Etta E. Plowden
14028 Cuba Road
Cockeysville, MD 21030

RE: Item No. 57, Case No. 93-52-A
Petitioner: Etta E. Plowden, et al
Petition for Administrative Variance

Dear Ms. Plowden:

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.

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

Your petition has been received and accepted for filing this 30th day of August, 1992

ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Etta E. Plowden, et al
Petitioner's Attorney:

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Division (Public Services)
Development Review Committee Response Form
Authorized signature: *David A. Smith* Date: 8/31/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
James Enterprises	48		8-24-92 NC
DED DEPRM RP STP TE			
White Marsh Joint Venture	49		NC
DED DEPRM RP STP TE			
Salvo Realty, Inc.	50		Comment
DED DEPRM RP STP TE			
Robert T. and Lorri A. Burgess	51		Comment
DED DEPRM RP STP TE			
Chester L. And Virginia J. Farley	52		NC
DED DEPRM RP STP TE			
Mark Allan Claypoole	53		NC
DED DEPRM RP STP TE			
Ritz Enterprises	55		NC
DED DEPRM RP STP TE			
Glenda L. Mosley	56		Comment
DED DEPRM RP STP TE			
Etta E. Plowden and Joan and Garland Arrington	57		NC
DED DEPRM RP STP TE			

COUNT 20
FINAL TOTALS
COUNT 21
*** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 28, 1992

FROM: Ervin Mc Daniel
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

In reference to the Petitioner's request, staff offers no comments on the following items:

Item No. 35
Item No. 38
Item No. 39
Item No. 46
Item No. 43
Item No. 57

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

EMCD:rdn
NOCOMMT/ZAC1

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: _____ Date: 08/31/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
James Enterprises	48	M/T	8-24-92
DED DEPRM RP STP TE			
White Marsh Joint Venture	49	N/C	
DED DEPRM RP STP TE			
Salvo Realty, Inc.	50	M/T	
DED DEPRM RP STP TE			
Robert T. and Lorri A. Burgess	51	N/C	
DED DEPRM RP STP TE			
Chester L. And Virginia J. Farley	52	N/C	
DED DEPRM RP STP TE			
Mark Allan Claypoole	53	N/C	
DED DEPRM RP STP TE			
Ritz Enterprises	55	N/C	
DED DEPRM RP STP TE			
Glenda L. Mosley	56	N/C	
DED DEPRM RP STP TE			
Etta E. Plowden and Joan and Garland Arrington	57	N/C	
DED DEPRM RP STP TE			

COUNT 20
FINAL TOTALS
COUNT 21
*** END OF REPORT ***

Baltimore County Government
Fire Department

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

(410) 887-4500

AUGUST 24, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ETTA E. PLOWDEN AND JOAN ARRINGTON AND GARLAND ARRINGTON

Location: #14028 CUBA ROAD

Item No.: *57 (JJS) Zoning Agenda: AUGUST 24, 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: *Capt. Jerry J. Jaffer* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
AUG 27 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: *Walter S. ...* Date: 8/31/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Glenda L. Mosley	56	No Comment	8-24-92
DED DEPRM RP STP TE			
Etta E. Plowden and Joan and Garland Arrington	57	No Comment	
DED DEPRM RP STP TE			

COUNT 20
FINAL TOTALS
COUNT 26
*** END OF REPORT ***

Zoning
Enforcement

INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt
Zoning Commissioner

DATE: December 1, 1992

FROM: James H. Thompson
Zoning Enforcement Coordinator

SUBJECT: Item No. 57

PETITIONER: Etta Eulayne Plowden

VIOLATION CASE NO.: C-92-2302

LOCATION OF VIOLATION: 14028 Cuba Road

DEFENDANT: Etta Eulayne Plowden

ADDRESS: 14028 Cuba Road

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

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

DT/cmm
cc: Owen Stephens
Development Control

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: October 7, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #57
14028 Cuba Road
Zoning Advisory Committee Meeting of August 24, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Environmental Impact Review Division supports issuance of an approval for this variance because moving the carport to the rear of the house would conflict with the Forest Buffer regulations and cause impacts to a stream situated there.

LP:sp

CUBAROAD/TXTSBP

Rec'd 10/14/92

DURABLE
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, the undersigned, do hereby constitute and appoint Joan Arrington, to be my agent and attorney, for me, in my name, place and stead and on my behalf to act in any way in which I myself could act, if I were personally present, in the following connections:

1. To attend to all business transactions of whatsoever character or description in which I have had, now have, or may hereafter have any interest or rights of whatsoever nature, whether individually, jointly with others, as a partner, or otherwise.

2. To withdraw from any banks or other financial institutions in which I have or may hereafter have any deposits, any or all monies so deposited in my name and/or in my name jointly with others; to close any accounts in any banks or other financial institutions now or hereafter standing in my name and/or in my name jointly with others; to open accounts in banks or other financial institutions in my name or jointly with others, and to close the same and to withdraw all monies which may be deposited therein to my account; to enter any safe deposit box and to remove any contents therefrom.

3. To sell, lease for any period of time (including leases for ninety-nine years renewable forever), grant options on, borrow on, hypothecate, mortgage, subordinate, exchange and/or convey any property or investments which I now have or which I may hereafter acquire, whether real or personal and wheresoever situate, with full power to execute, seal and acknowledge all necessary instruments and documents in that connection; to take possession and to dispose of any and all properties of whatsoever nature, real or personal, and wheresoever situate.

4. To buy assets of every kind and description, whether real, personal or mixed, for cash or on credit, and to execute any and all security devices, financing statements, mortgages, deeds of trust and all other instruments in writing securing any unpaid purchase price thereof.

5. To vote stock, sign proxies, exercise rights, warrants and options pertaining to stock and securities, and to execute, amend and terminate Voting Trust Agreements.

6. To use all means and process in the law, for the full and effectual execution of the business herein described; and in my name, to make and execute releases, acquittances and discharges, and in and about the premises, to appear for and represent me before and to appeal from any adverse decision of any governor, judge, justice, officer and minister of the law

ROBERT H. GROSSBART
11 East Lexington St.
Room 200
BALTIMORE, MD 21202

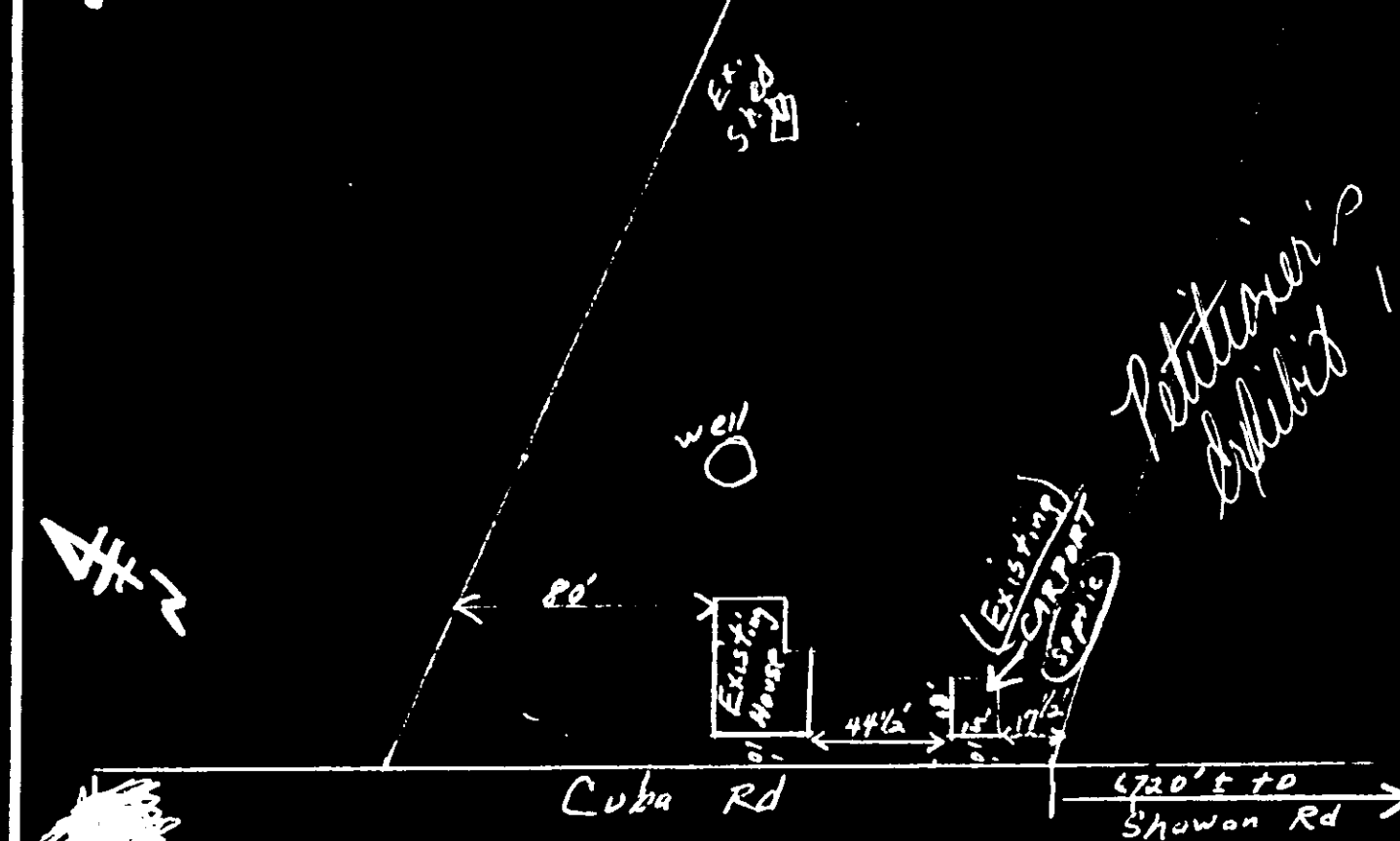
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 14028 Cuba Rd.

Subdivision name:
plat book #, folio #, lot #, section #

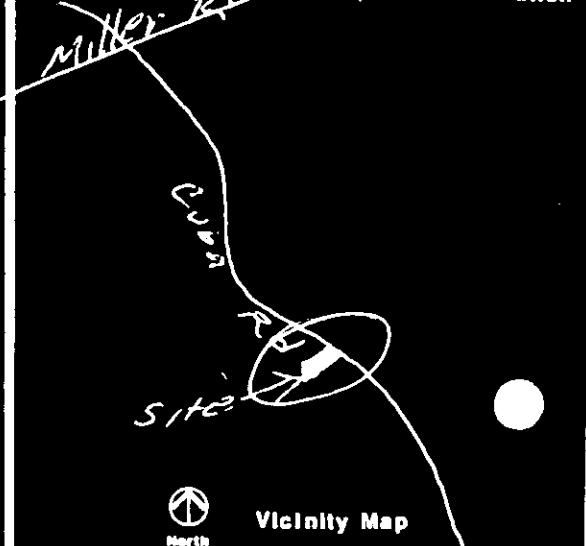
OWNER: Etta Evelyn Plowden

93-52-A



North
date: 8-14-92
prepared by: [Signature] Scale of Drawing: 1" = 60'

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Councilmanic District: 3-2
Election District: 8-24
1"-200' scale maps: NW, 20-E
Zoning: RC-2
Lot size: 11,944 ± 52,011 ±
acres square feet
SEWER: ☐ ☒
WATER: ☐ ☒
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: None

Zoning Office USE ONLY

reviewed by: [Signature] ITEM #: 57 CASE#:



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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	GENTSVILLE	N. W.
DATE OF PHOTOGRAPHY		20-E
JANUARY 1986		

93-52-A

#57