

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE
S/S Carroll Manor Rd., 370 Ft. ZONING COMMISSIONER
4711 Carroll Manor Road
11th Election District OF BALTIMORE COUNTY
6th Councilmanic District Case No. 93-180-A
Enrique R. Clausen, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 4711 Carroll Manor Road in the Webster Park Subdivision of Baltimore County. The Petitioners/property owners, Enrique R. and Beatriz H. Clausen, seek relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (satellite dish) with a height of 23 ft., in lieu of the maximum 15 ft., and for same to be located in the side yard with a setback of 1 ft., in lieu of the required 2-1/2 ft. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

At the public hearing held for this case, the Petitioner, Enrique A. Clausen, appeared and testified. There were no Protestants present.

Testimony and evidence produced at the hearing was that the subject site is 2.955 acres in size and is zoned R.C.5. The subject lot fronts Carroll Manor Road, is improved with a house and an existing structure (shed/garage) which is located to the rear. The subject Petition arises from the satellite dish constructed by Mr. Clausen on his property. He indicated that, because of the substantial area of forest cover on both his property and adjacent land, it was necessary to construct the dish to a height of 23 ft. Further, in order to orient the dish so as to obtain

clear reception, it needed to be located on the eastern side of the property adjacent to a right-of-way which abuts the eastern property line. Originally, the dish was constructed to a height even higher than its present height of 23 ft. and was closer to the property line. The placement and height of the dish as originally constructed was the subject of a zoning violation case. Subsequently, Mr. Clausen reduced the height and slightly moved the dish off of the property line. Although these changes have helped reduce the impact of the dish, the subject variance is still necessary.

As indicated above, Mr. Clausen was the only individual appearing at the hearing and there was no evidence of community opposition to this request. Further, it is clear that the Petitioner has made efforts to minimize the extent of the variance to the best degree practical. That is, testimony was produced that the dish could not be lowered or relocated elsewhere, due to the heavy tree scape on the property and other site constraints.

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

ORDER RECEIVED FOR FILING
Date 1/29/93
By [Signature]

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of January, 1993 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (satellite dish) with a height of 23 ft., in lieu of the maximum 15 ft., and for same to be located in the side yard with a setback of 1 ft., in lieu of the required 2-1/2 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/29/93
By [Signature]

LES/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 11, 1993

Mr. and Mrs. Enrique R. Clausen
4711 Carroll Manor Road
Baldwin, Maryland 21013

RE: Case No. 93-180-A
Petition for Variance
4711 Carroll Manor Road

Dear Mr. and Mrs. Clausen:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

Petition for Variance
93-180-A
to the Zoning Commissioner of Baltimore County
for the property located at 4711 CARROLL MANOR RD
which is presently zoned RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) (429.1) 400.1, 400.3 TO PERMIT AN ACCESSORY STRUCTURE (SATELLITE DISH) WITH A HEIGHT OF 23 FT AND ASIDE SETBACK OF 1 FT IN LIEU OF THE MAXIMUM 15 FT AND MINIMUM 2 1/2 FT RESPECTIVELY of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
THE SATELLITE DISH COULDN BE ANY LOWER BECAUSE THE DENSITY AND HEIGHTS OF THE TREES

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

Contract Purchaser/Lessee
Legal Owner(s)
BEATRIZ H. CLAUSEN
Enrique R. Clausen
4711 CARROLL MANOR RD 592562
BALDWIN MD 21013
ESTIMATED LENGTH OF HEARING 1 1/2 hrs
RECEIVED BY [Signature] DATE 11-27-92 #189

Item # 189

Zoning Description
4711 Carroll Manor Rd.

93-180-A

Beginning at a point at the on the south side of Carroll Manor Rd, 60 ft wide, at the distance 370 ft ± northeast of Allison Rd. Being lot #1 in the subdivision of Webster Park as recorded in Baltimore County plat Book 52 folio 106 containing 2.995 acres ±. Also known as 4711 Carroll Manor Rd and located in the 11th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 12/15/92
Posted for Variance
Petitioner Beatriz Enrique Clausen
Location of property 4711 Carroll Manor Rd, 370' NE Allison Rd
Location of sign Front corner of driveway leading to property
Remarks
Posted by [Signature] Date of return 12/19/92
Number of Signs 1

CERTIFICATE OF PUBLICATION

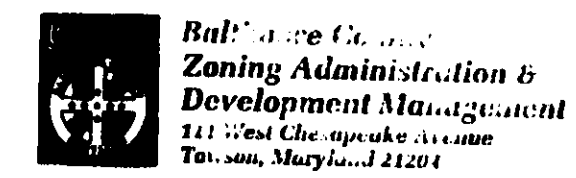
TOWSON, MD. 12/16, 1992
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/16, 1992

THE JEFFERSONIAN,

S. Zake Orlov
Publisher

\$61.02

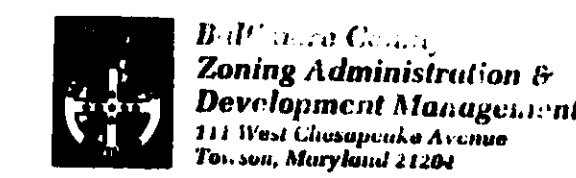
receipt



Date 11-27-92
MR. Enrique Clausen
4711 Carroll Manor Rd
Residential Variance Filing Fee \$50.00
Number 4189

Please Make Checks Payable To: Baltimore County

receipt



Date 93-180-A
Number 4189

Please Make Checks Payable To: Baltimore County

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

(410) 887-3353

DATE: 12/17/92

Account: R001-6190
 Number: 93-180
 Hearing: 1-7

1/26/93

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS - APPLICANTS 1 X		\$61.00
100 - FILING OF ORDINANCES		\$61.00
TOTAL:		\$122.00

0404#0066#ICHRC \$61.02
 PA 0010#BAH01-06-93
 Please Make Checks Payable To: Baltimore County

Printer: Valletton

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

DATE: 12/17/92

Beatriz and Enrique Clausen
 4711 Carroll Manor Road
 Baldwin, Maryland 21013

RE:
 CASE NUMBER: 93-180-A (Item 189)
 S/S Carroll Manor Road, 370' NE Allison Road
 4711 Carroll Manor Road
 11th Election District - 6th Councilmatic
 Petitioner(s): Beatriz H. Clausen and Enrique R. Clausen
 HEARING: THURSDAY, JANUARY 7, 1993 at 11:00 a.m. in Room 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 61.02 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.

ARNOLD JABLON
 DIRECTOR

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

DEC. 02 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 NUMBER: 93-180-A (Item 189)
 S/S Carroll Manor Road, 370' NE Allison Road
 4711 Carroll Manor Road
 11th Election District - 6th Councilmatic
 Petitioner(s): Beatriz H. Clausen and Enrique R. Clausen
 HEARING: THURSDAY, JANUARY 7, 1993 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit an accessory structure (satellite dish) with a height of 23 feet and a side setback of 1 foot in lieu of the maximum 15 feet and minimum 2-1/2 feet, respectively.

Arnold Jablon
 Director

cc: Beatriz and Enrique Clausen
 Sue Quinn

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

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

December 29, 1992

Mr. and Mrs. Enrique R. Clausen
 4711 Carroll Manor Road
 Baldwin, MD 21013

RE: Case No. 93-180-A, Item No. 189
 Petitioner: Enrique R. Clausen, et ux
 Petition for Variance

Dear Mr. and Mrs. Clausen:

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 Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 27th day of November 1992.

ARNOLD JABLON
 DIRECTOR

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

Petitioner: Enrique R. Clausen, et ux
 Petitioner's Attorney:

Maryland Department of Transportation
 State Highway Administration

9317-92
 O. James Lighthizer
 Secretary
 Hal Kassoff
 Administrator

12/7/92
 gy

Ms. Julie Winiarski
 Zoning Administration and
 Development Management
 County Office Building
 Room 109
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Baltimore County
 Item No. 4189 (JJS)
 Beatriz H. Clausen + Enrique R. Clausen

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
 David Ramsey 12/7/92
 John Contestabile, Chief
 Engineering Access Permits
 Division

RECEIVED
 DEC 7 1992
 ZONING OFFICE

My telephone number is _____
 Teletypewriter for Impaired Hearing or Speech
 383-7558 Baltimore Metro - 585-3451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration and
 Development Management

DATE: December 9, 1992

FROM: Ervin Mc Daniel, Chief
 Office of Planning and Zoning
 Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
 (November 23, 1992 and December 7, 1992)

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

Rascoe Phipps, Item No. 166
 Goldenwood Associates, Item No. 175
 Preakness Silver Hill, Inc., Item No. 180
 Timothy and Meredith Scott, Item No. 186
 Beatriz and Enrique Clausen, Item No. 189
 Shirley and Ronda Swab, Item No. 190

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.

Prepared by: Frances Morsey
 Division Chief: Ervin McDaniel

EMcD/FM:rdn

180.ZAC/ZAC1

DPM/Traffic Engineering
 Development Review Committee Response Form
 Authorized signature: _____ Date: 12/14/92

File Number	Waiver Number	Zoning Issue	Meeting Date
DED DEPRM RP STP TE	Venice K. Paterakis	176	NIC 11-30-92
DED DEPRM RP STP TE	John and Constance Morabito	179	NIC
DED DEPRM RP STP TE	Edward J. and Joyce A. Benesch	181	NIC
DED DEPRM RP STP TE	Edward T. and Leigh Ann Schneider	182	NIC
DED DEPRM RP STP TE	Dale and Sue Chambers	183	NIC
COUNT 5			
DED DEPRM RP STP TE	Preakness Silver Hill, Inc.	180	NIC 12-7-92
DED DEPRM RP STP TE	Satyr Limited Partnership	184	NIC
DED DEPRM RP STP TE	Timothy L. and Meredith L. Scott	186	NIC
DED DEPRM RP STP TE	Frank and Joan Eck	187	NIC
DED DEPRM RP STP TE	Federal Realty Investment Trust	188	NIC
DED DEPRM RP STP TE	Beatriz H. and Enrique R. Clausen	189	NIC
DED DEPRM RP STP TE	Shirley A. and Ronda J. Swab	190	NIC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: December 11, 1992

FROM: J. Lawrence Pilson *LP/pms*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #189
4711 Carroll Manor Road
Zoning Advisory Committee Meeting of December 7, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp

CARROLL/TXTSBP

Rec'd 12/14/92

Baltimore County Government
Fire Department

700 East Johns Road, Suite 901
Towson, MD 21286-5500

DECEMBER 1, 1992 (410) 887-4500

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

RE: Property Owner: BEATRIZ H. ELAUSEN AND ENRIQUE R. CLAUSEN
Location: #4711 CARROLL MANOR ROAD
Item No.: 189 (JJS) Zoning Agenda: DECEMBER 7, 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 Anna [Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/REK

Printed on Recycled Paper



Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3361

93-180-A

INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt
Zoning Commissioner
DATE: December 1, 1992

FROM: James H. Thompson/DT
Zoning Enforcement Coordinator

SUBJECT: Item No. 189

PETITIONER: Enrique R. Clausen and Beatriz H. Clausen

VIOLATION CASE NO.: C-93-394

LOCATION OF VIOLATION: 4711 Carroll Manor Road

DEFENDANTS: Enrique R. Clausen and Beatriz H. Clausen

ADDRESS: 4711 Carroll Manor Road

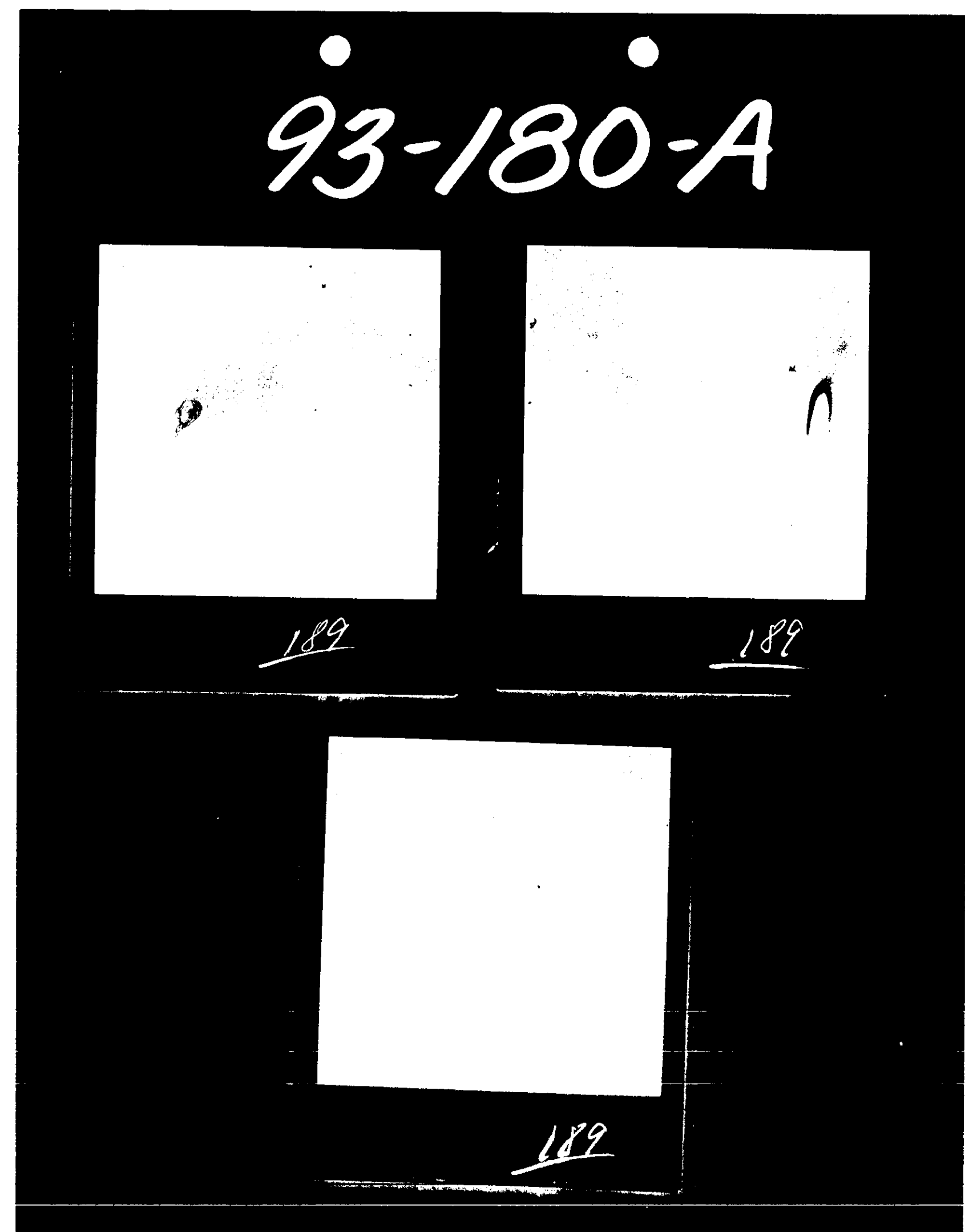
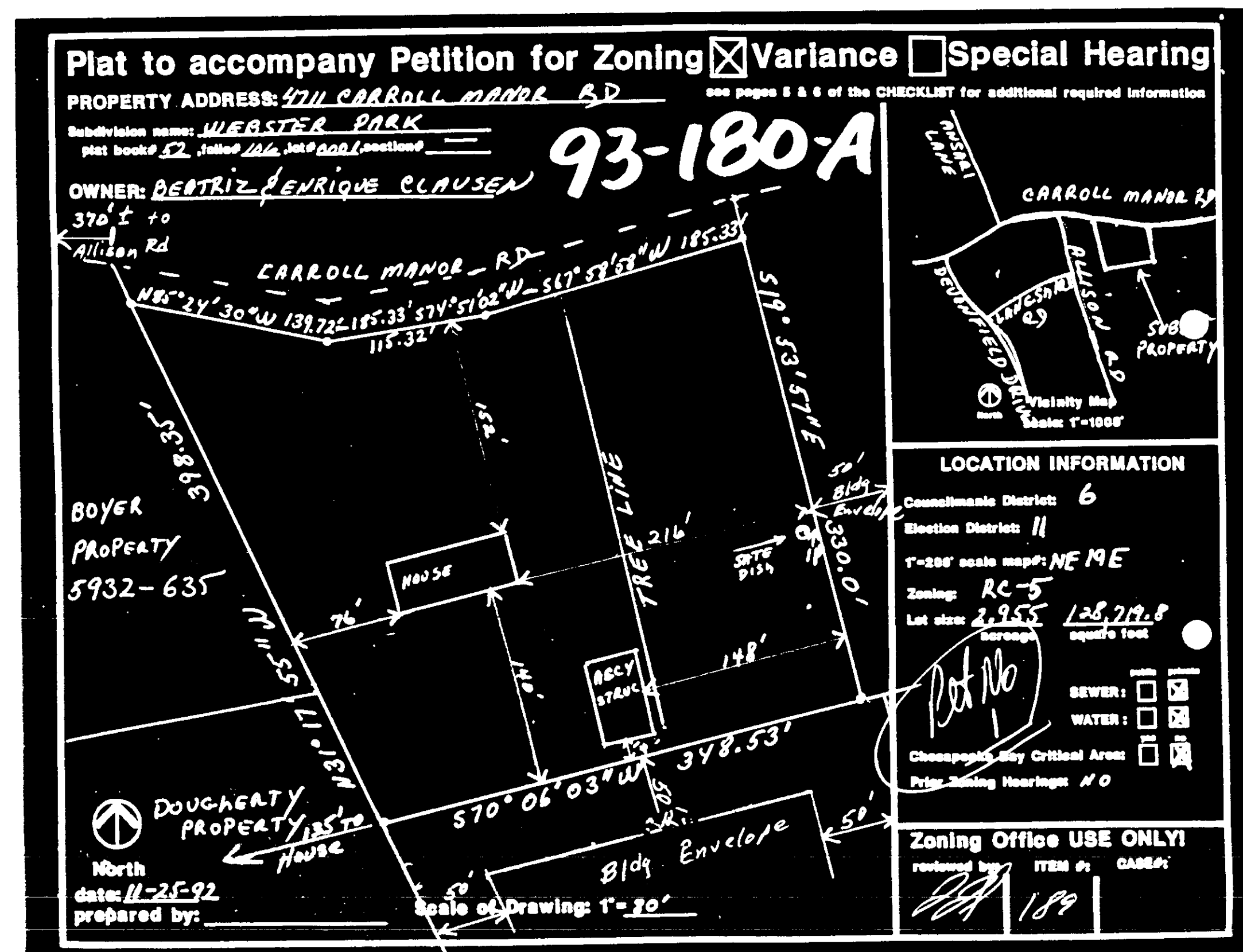
Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

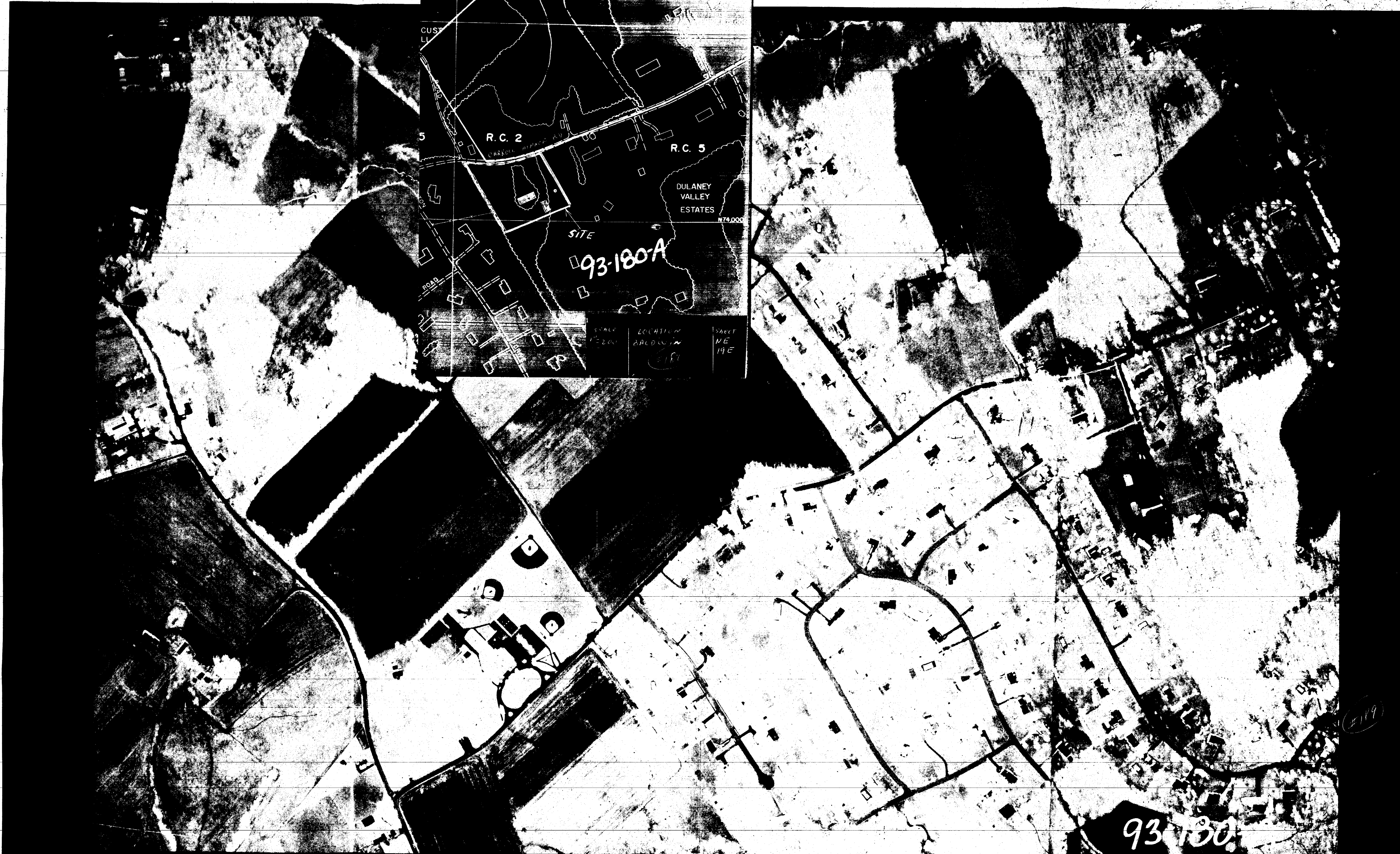
NAME	ADDRESS
SUE QUINN	4715 CARROLL MANOR RD BALDWIN, MD 21013

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: Gwen Stephens
Development Control





93-180

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'	EAST OF	N E
DATE	BLENHEIM	19-E
OF		
PHOTOGRAPHY		
JANUARY		
1986		

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