

IN RE: PETITION FOR ADMIN. VARIANCE
 SE/S Mt. Zion Road, 3168' NE
 of Dover Road
 (4335 Mt. Zion Road)
 5th Election District
 3rd Councilmanic District
 Raymond T. Banz, et ux
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 93-288-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 owners of the subject property, Raymond T. and Charleen G. Banz. The Petitioners request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the front 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

ORDER RECEIVED FOR FILING
 Date 4/9/93
 By [Signature]

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 9th day of April, 1993 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 accessory structure (garage) to be located in the front 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 restrictions:

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

[Signature]
 TIMOTHY M. KOTROOD
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
 Date 4/9/93
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 481 Washington Avenue
 Towson, MD 21284

(410) 887-4386

April 9, 1993

Mr. & Mrs. Raymond T. Banz
 4335 Mt. Zion Road
 Upperco, Maryland 21155

RE: PETITION FOR ADMINISTRATIVE VARIANCE
 SE/S Mt. Zion Road, 3168' NE of Dover Road
 (4335 Mt. Zion Road)
 5th Election District - 3rd Councilmanic District
 Raymond T. Banz, et ux - Petitioners
 Case No. 93-288-A

Dear Mr. & Mrs. Banz:

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 the Zoning Administration Office at 887-3391.

Very truly yours,
 [Signature]
 TIMOTHY M. KOTROOD
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

cc: People's Counsel
 file



Petition for Administrative Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 4335 Mt. Zion Road
 which is presently zoned R-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 To allow an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
 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.

Correct Purchaser/Lessee
 Type or Print Name: Raymond T. Banz
 Signature: [Signature]
 Address: 4335 Mt. Zion Rd., Towson, MD 21284
 City: Towson State: MD Zipcode: 21284
 Attorney for Petitioner: [Signature]
 Type or Print Name: [Signature]
 Signature: [Signature]
 Name Address and phone number of representative: [Signature]
 City: Towson State: MD Zipcode: 21284

ORDER RECEIVED FOR FILING
 Date 4/9/93
 By [Signature]

A Public Hearing having been requested and/or held to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 9th day of April, 1993, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, at the time and place of occurrence throughout Baltimore County, and that the property be reported.
 Zoning Commissioner of Baltimore County
 REVIEWED BY: [Signature] DATE: 3-5-93
 ESTIMATED POSTING DATE: 3-22-93
 ITEM #: 303

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) is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto.
 That the Affiant(s) does/do presently reside at 4335 Mt. Zion Road, Upperco, Maryland 21155.

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: (attach maps or pictures if available)
 After meeting the required setback from an existing driveway, very unable to attach garage to the house due to the location of the septic system, plus not being able to place air driveway over septic system. The only area remaining area is at the front of house.

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.
 Raymond T. Banz, Charleen G. Banz
 Raymond T. Banz, Charleen G. Banz

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss we
 I HEREBY CERTIFY, this 5th day of March, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
 Raymond T. and Charleen G. Banz
 the Affiant(s) herein, personally known or satisfactorily identified to me as the Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her/their knowledge and belief.
 AS WITNESS my hand and Notarial Seal.
 March 5, 1993
 My Commission Expires: 07/01/93

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 4335 Mt. Zion Road, Upperco, Md. 21155
 Election District 05 Councilmanic District 3rd

Beginning at a point on the South side of
 (north, south, east or west)
 Mt. Zion Road which is twenty
 (street on which property fronts) (number of feet of right-of-way width)
 wide at a distance of 3168 feet east
 (number of feet) (north, south, east or west) of the
 centerline of the nearest improved intersecting street Dover Road
 (name of street)
 which is twenty wide. *Being Lot # two
 (number of feet of right-of-way width)
 Block Section in the subdivision of
 Lott Property as recorded in Baltimore County Plat
 (name of subdivision)
 Book 43, Folio 33, containing
 636,705 sq. ft. 14.479 acres.
 (square feet and acres)

*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 Folio and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.
 Example of 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' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 5th Date of Posting 3/19/93
 Posted for Variance
 Petitioner: Raymond & Charleen Banz
 Location of property: 4335 Mt. Zion Rd. - 50' x 3168' NE/Dover Rd.
 Location of Signs: Signs to be posted at intersection of Dover Rd. and Mt. Zion Rd. to property from Mt. Zion Rd.
 Remarks:
 Posted by [Signature] Date of return: 3/26/93
 Number of Signs: 1

Baltimore County Zoning Administration & Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21284
 Account: R-001-6180
 Number
 Date 3-5-93
 Item 303

Charleen & Raymond Banz
 4335 Mt. Zion Rd.
 Upperco Md 21155
 Residential (Administrative) Variance
 Filing fee \$50.00
 Sign & posting 35.00
 \$85.00

93-288-A receipt

DATE	SEE HAND-WRITTEN RECEIPT DATED	QTY	PRICE
3/05/93	3/5/93	1 X	\$50.00
		1 X	\$35.00
		TOTAL:	\$85.00

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

March 24, 1993

Mr. and Mrs. Raymond T. Banz
P.O. Box 118
4335 Mount Zion Road
Upperco, MD 21155

RE: Case No. 93-288-A, Item No. 303
Petitioner: Raymond T. Banz, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Banz:

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 March 5, 1993, and a hearing was 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

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-11-93

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. * 303 (JJS)

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350
Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-2683 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-8717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 18, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 295, 296, 301, 303.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Emily L. Lewis

PK/JL:lw

295.ZAC/ZAC1

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 22, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #303
Banz Property, 4335 Mt. Zion Road
Zoning Advisory Committee Meeting of March 15, 1993

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.

JLP:rmp
Attachment
ZNG.303/DCRMP

Baltimore County Government
Fire Department

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

MARCH 24, 1993 (410) 887-4500

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

RE: Property Owner: RAYMOND T. BANZ AND CHARLEEN G. BANZ
Location: #4335 MT. ZION ROAD
Item No.: * 303 (JJS) Zoning Agenda: MARCH 15, 1993

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: [Signature] Noted and Approved
Planning & Inspection Division File Prevention Bureau

JF/REKH

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

March 11, 1993 (410) 887-3353

Raymond T. Banz and Charleen G. Banz
P.O. Box 118
Upperco, Maryland 21155

RE: CASE NUMBER: 93-288-A (Item 303)
58/8 Mt. Zion Road, 3168' NE of Dover Road
4335 Mt. Zion Road
5th 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 reference regarding the administrative process.

1) Your property will be posted on or before March 21, 1993. The closing date (April 5, 1993) 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.

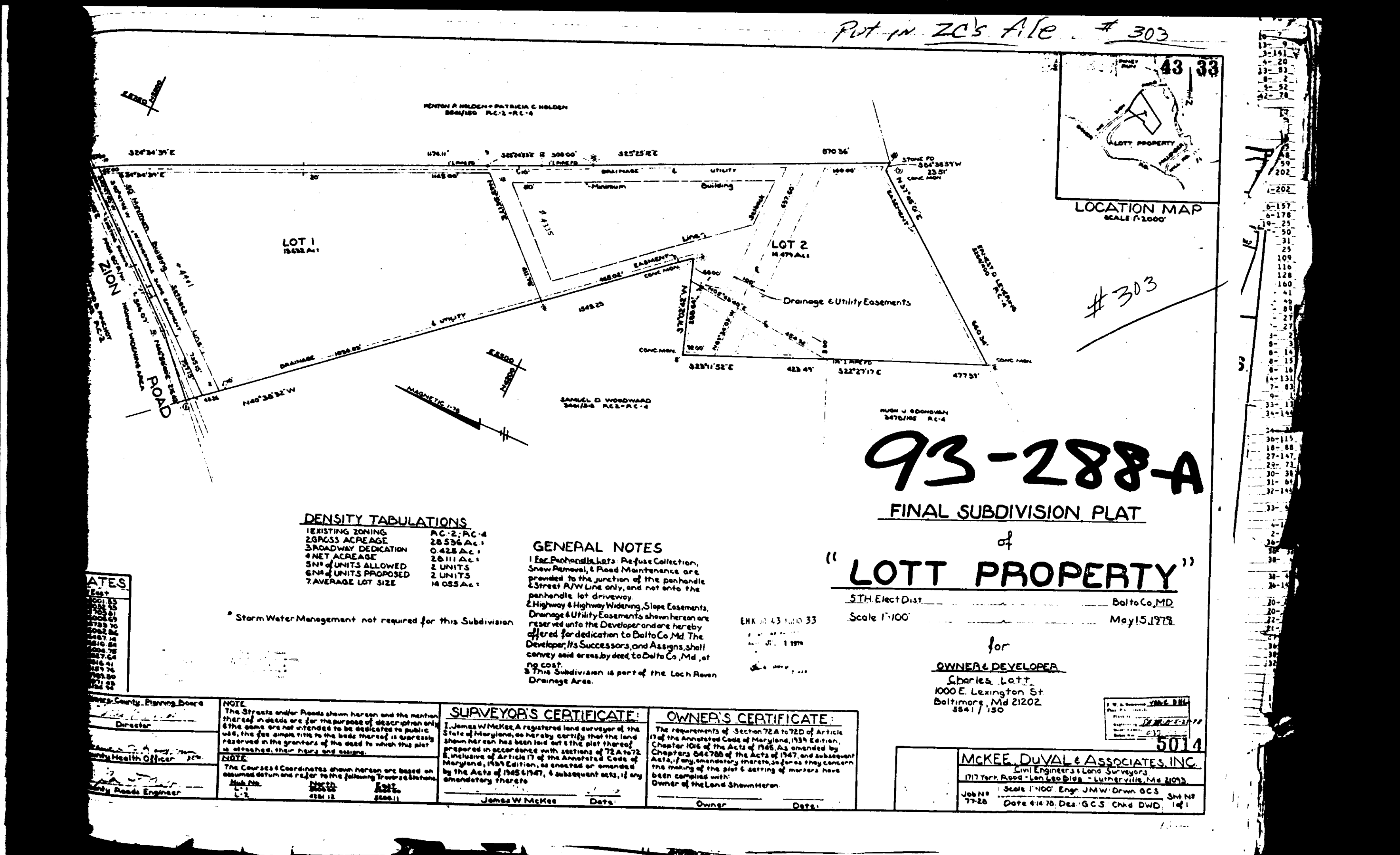
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

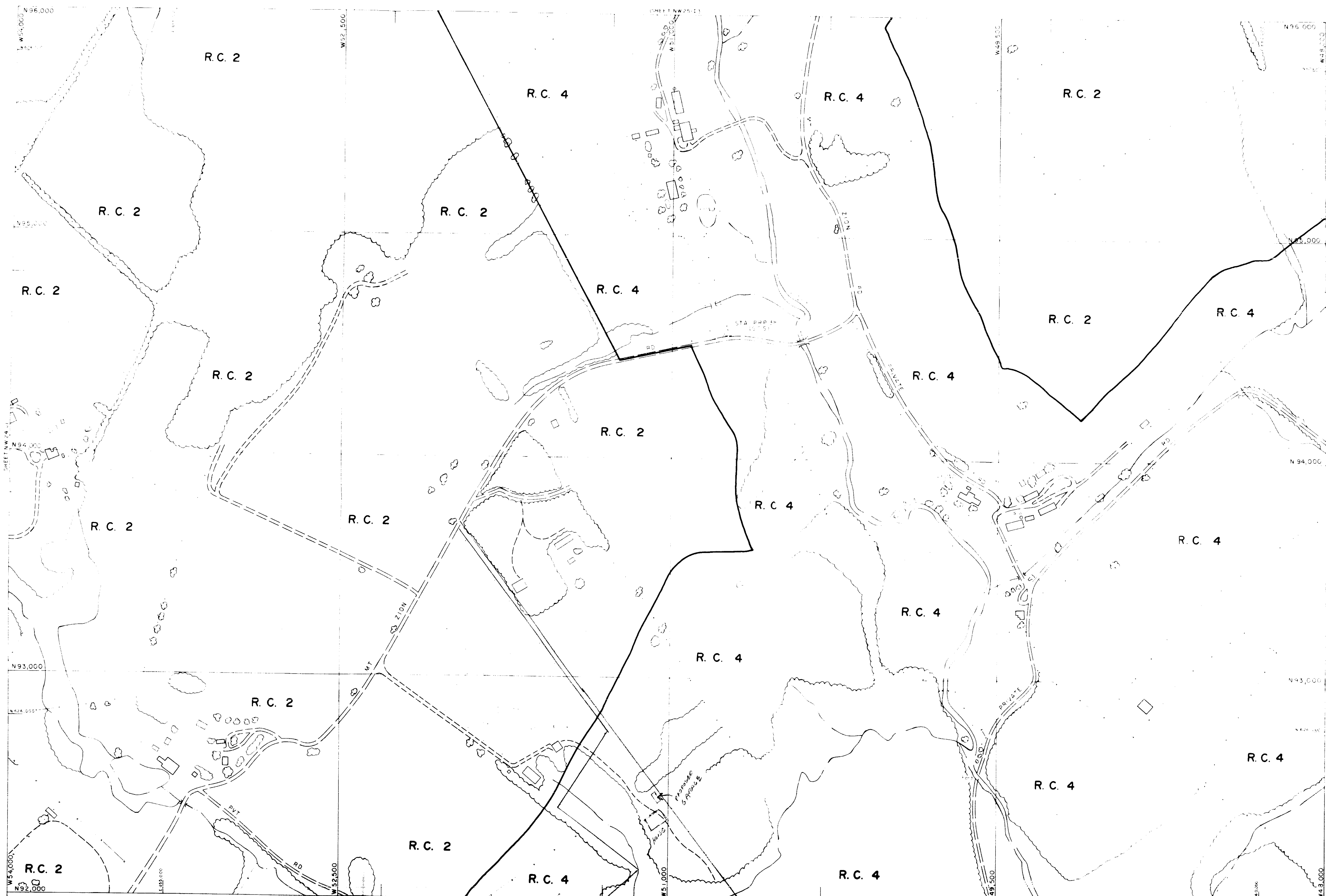
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

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.

[Signature] Arnold Jablon
Director

Printed on Recycled Paper





CC-NW THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210	1988 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 13, 1988 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP		1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92	SCALE 1" = 200' ±	LOCATION NORTH OF PLEASANT GROVE	SHEET N.W. 24-I
		DATE OF PHOTOGRAPHY JANUARY 1986	<i>William B. Howard IV</i> Chairman, County Council				

303

93-288-A