

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Dale Avenue, 267' S of the
c/l of Danville Road
(622 Dale Avenue)
14th Election District
6th Councilmanic District
Robert L. Krach, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-369-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 622 Dale Avenue, located in the Dorica area of eastern Baltimore County. The Petition was filed by the owners of the property, Robert L. and Nora P. Krach. The Petitioners seek relief from Sections 1802.3.C.1 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 7.5 feet for a proposed open projection (carport) in accordance with the plan submitted into evidence as 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 21st day of April, 1994 that the Petition for Administrative Variance seeking relief from Sections 1802.3.C.1 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 7.5 feet for a proposed open projection (carport), 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 relief granted herein shall be rescinded.
- 2) The proposed carport shall remain open on the three exposed sides and shall not be enclosed for any reason.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

- 2 -

ORDER RECEIVED
Date 4/14/94
By [Signature]

TWR:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

April 21, 1994

(410) 887-4386

Mr. & Mrs. Robert L. Krach
622 Dale Avenue
Baltimore, Maryland 21206

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Dale Avenue, 267' S of the c/l of Danville Road
(622 Dale Avenue)
14th Election District - 6th Councilmanic District
Robert L. Krach, et ux - Petitioners
Case No. 94-369-A

Dear Mr. & Mrs. Krach:

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]
THOMAS A. KIRKWOOD
Deputy Zoning Commissioner
for Baltimore County

TWR:bjs

cc: People's Counsel

file

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 622 Dale Ave

which is presently zoned DR55
The Petition shall be filed with the Office of Zoning Administration & Development Management.
This undersigned, legal owner of the property within Baltimore County and which is described in the description and plat attached hereto and make a part hereof, hereby petition for a Variance from Sections 1802.3.C.1 and 301 of the B.C.Z.R. To allow on a 1 ft. side yard setback in lieu of the required 7.5 ft. for an open projection carport.
As the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

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.

I, or we, hereby declare and affirm under the penalties of perjury that I am the legal owner of the property which is the subject of this Petition.

Legal Owner:
Mr. Robert L. Krach
Mrs. Nora P. Krach
Nora P. Krach

Address:
622 Dale Ave 668-1517
Baltimore MD 21206
City, Address and phone number of applicant, if not indicated, Petitioner

ORDER RECEIVED FOR FILING
Date 4/14/94
By [Signature]

RECEIVED BY 84 DATE 3-21-94
RECEIVED BY 5/1/94

Printed with Baltimore City
on Recycled Paper
ITEM # 357

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury in the Zoning Commission of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant (and that Affiant) whose competence to testify therein is in the event that a public hearing is scheduled for the Court with regard thereto.

That the Affiant(s) reside(s) presently at 622 Dale Ave
Baltimore MD 21206

That based upon personal knowledge, the following are the facts upon which I base the request for an Administrative Variance of the above address, and in support of same:

I request permission to build a car port
that will be attached to the right side of
my house. Size will be 10'5" x 22'5"
The car port will come to the edge of my
concrete driveway which is about 1 foot
from property line. I request a zoning
variance so the attaching board can be
placed allowing me to do this.

The Affiant acknowledges that in a perjury of this Affidavit will be required to pay a registering and advertising fee and may be required to provide additional information.

Robert L. Krach Nora P. Krach
Robert L. Krach Nora P. Krach

WITNESSE MY HAND AND SEAL OF BALTIMORE COUNTY, this 14 day of April, 1994, before me, a Notary Public of the State of Maryland, in and to the County aforesaid personally appeared Robert L. Krach

the Affiant(s) herein personally known to and validly identified to me as such Affiant(s), and made oath to the facts of the Affidavit as shown to me and to the facts hereinbefore set forth in true and correct to the best of his/her knowledge and belief.

ADMINISTRATIVE FILING AND NOTARIAL SEAL
4/14/94
My Commission Expires 4/1/97

EXAMPLE 3 - Zoning Description - 3 copies
94-369-A

These copies are required. Copies of deeds contained 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 622 DALE AVE
Election District 14 Councilmanic District 6
Beginning at a point on the WEST side of DALE AVE (north, south, east or west) which is 83 (number of feet of right-of-way width) wide at a distance of 267.7' 622 DALE AVE (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street DANVILLE RD (name of street) which is 19' wide. Being lot 622 (number of feet of right-of-way width) Block ELMHOOD Section 8 in the subdivision of ELMHOOD (name of subdivision) as recorded in Baltimore County Plat Book 3104 Folio 496 containing 622 (square feet and area)

*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 1010 and include the measurements and directions (meters and bounds only) here and on the plat in the correct location.

Example of notes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 10 27° 03' N. 87.2 ft., E. 62 39' 00" W. 318 ft., and N. 08° 15' 20" W. 80 ft. to the place of beginning.

357

CERTIFICATE OF POSTING
BALTIMORE COUNTY DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Block: 1404 Date of Posting: 4/14/94
Posted by: Varianco
Petitioner: Robert & Nora Krach
Location of property: 622 Dale Ave, 267' S of Danville Rd
Location of sign: Facing on highway, directly in front
Number of signs: 1
Date of notice: 4/14/94

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Date: 3/21/94
Block: 357
KACH - 622 Dale Ave.
Taken by: JRP
OIO - Variance - \$50.00
OIO - Sign - \$35.00
\$85.00

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. JRP
ADMINISTRATIVE OFFICER

For newspaper advertising:
Item No.: 357

Petitioner: Robert L. Krach
Location: 622 Dale Ave

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Robert L. Krach

ADDRESS: 622 Dale Ave
Baltimore MD 21206

PHONE NUMBER: 668-1517

MUST BE SUPPLIED

Item Number: 357
Planner: JEF
Date Filed: 3-21-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "Flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing on the Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acresage
- Plats (need 12, only ____ submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- 800N section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or illegible
- and/or signature that approves ONLY NOTARIZED DOCUMENTS

PET-FLAG (EXT-004)
11/17/93

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

April 8, 1994

Mr. and Mrs. Robert L. Krach
622 Dale Avenue
Baltimore, Maryland 21206

RE: Case No. 94-369-A, Item No. 357
Petitioner: Robert L. Krach, et al.
Petition for Administrative Variance

Dear Mr. and Mrs. Krach:

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 21, 1994, 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.

- 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.



Maryland Department of Transportation State Highway Administration

Q. James Lightner
Secretary
Hal Kassoff
Administrator

4-1-94

Re: Baltimore County
Item No. #357 (JEF)

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

Dear Ms. Minton:

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 project.

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,

Bob Small

for DAVID H. KATZ, ACTING CHIEF
John Combsville, Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 (Business Toll Free)
Mailing Address: R.D. Box 717 - Baltimore, MD 21208-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

Baltimore County Government Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5908

(410) 867-4500

DATE: 03/30/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
PMIL STCP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No. 1: SEE BELOW

Zoning Agenda:

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.

B. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 350, 367, 368, 369, 369, 369 AND 369.

RECEIVED
MAR 31 1994
ZADM

REVIEWER: LT. ROBERT F. SAUERHARD
Fire Prevention, FIRE-087-6881, MD-1102P

cc: File

Printed on Recycled Paper

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

MARCH 31, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Robert and Bona Krach
622 Dale Avenue
Baltimore, Maryland 21206

RE: CASE NUMBER: 94-369-A (Item 357)
622 Dale Avenue
602 Dale Avenue, 702' x 67' (2) Dwellings
16th Election District - 6th Councilmanic

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 867-3353. This notice also serves as a reminder regarding the administrative process.

- Your property will be posted on or before April 3, 1994. The closing date (April 18, 1994) 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. They may (a) grant the requested relief, (b) deny the requested relief, or (c) dissent that the matter be set to 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.

- 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 a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

- Please be advised that you must return the signs and post to this office. They may be returned after the closing date. Failure to return the signs and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

Mar. 7, 1994

So when it may concern:

I have no objection to
Mr. Krach erecting a Car Port
over the driveway which is
a portion from my property
line. If you have any
questions you may contact
me at: 665-4725

Yours truly
David C. Roberts

624 Dale Ave.
Baltimore 21206

#357

#357 4-69E 716

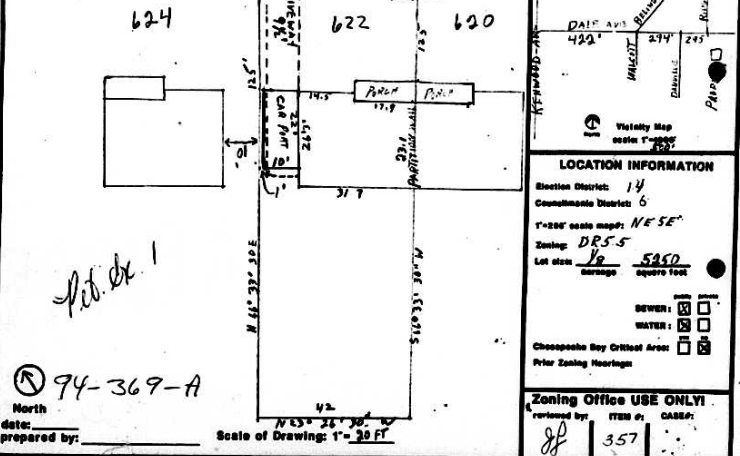


Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 622 Dale Ave. See pages 2 & 3 of the CHECKLIST for additional required information

Subdivision name: Elmwood DALE AVENUE
 plat book 7122, folio 224, into 222, section 2021
 92° 2' 21" 31" E

OWNER: Robert + Nora Krack



LOCATION INFORMATION
 Election District: 14
 Councilman's District: 6
 1"=200' scale map: NE SE
 Zoning: DRS-5
 Lot area: 1/2 5850 square feet
 Sewer: ☒
 Water: ☒
 Chesapeake Bay Critical Area: ☐
 Prior Zoning Hearings: ☐

Zoning Office USE ONLY
 reviewed by: JP ITEM #: 357 CASE#:

94-369-A

proposed site
for car port



SIDE YARD



#357

94-369-A

proposed site
for car port



SIDE YARD



#357



A-673-46
#357

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION OVERLEA	SHEET N.E. 5-E
DATE OF PHOTOGRAPHY JANUARY 1966		