

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 3, 1994

Mr. and Mrs. Gerald A. James
815 South Woodlawn Road
Baltimore, Maryland 21221

RE: Case No. 94-458-A, Item No. 449
Petitioner: Gerald A. James, et al.
Petition for Administrative Variance

Dear Mr. and Mrs. James:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 19, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

 Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-25-94

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

Re: Baltimore County
Item No. 449 (JJS)

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 N. KAMBER, ACTING CHIEF*
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 05/25/94

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

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: 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.

7. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 445, 446, 447, 448, 449, 450, 451, 452, 453, AND 454.

RECEIVED
MAY 27 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERHAUD
Fire Marshal Office, PHONE (410) 4801, (410) 1106F

cc: File

 Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 1, 1994

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. 429, 440, 444, 445, 449, 450, 453 and 454.

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: *Pat Keller*

PK/JL:lw

ZAC-440/PZONE/ZAC1

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

June 13, 1994

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

FROM: J. Lawrence Pilson, *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #449 - James
815 S. Woodlawn Road
Zoning Advisory Committee Meeting of May 31, 1994

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

This property is located in the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA). To bring this project into compliance, the applicant should redirect all rainstorms to discharge onto the lawn and plant one tree in the rear lawn to replace the one that's dying.

JLP:NP:sp
JAMES/DEPRM/TXTSBP

file

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 16, 1994

Mr. and Mrs. Gerald A. James
815 South Woodlawn Road
Baltimore, Maryland 21221

RE: Case No. 94-458-A, Item No. 449
petition for Administrative Variance

Dear Mr. and Mrs. James:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on June 16, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner/Deputy DATE: May 19, 1994
Zoning Commissioner

FROM: John J. Sullivan, Jr.
Planner II, ZADM

SUBJECT: Variance Petition
Item No. 449

The petitioners came to this office this morning for their 8:45 a.m. appointment to file a variance. The site plans, petition forms and zoning descriptions were either incomplete or erroneous. They did not have the 1 inch = 200 ft scale zoning map. I revised and/or completed all of their paperwork. However, they also did not bring photographs. I advised them to submit one or two photographs showing the existing house and carport as soon as possible labeled with the item number.

JJS:jaw

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 26, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Vera and Gerald A. James
815 South Woodlawn Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 94-458 (Item 449)
815 South Woodlawn Road
578 South Woodlawn Road, 364.75 +/- 4 of Marlyn Avenue
15th Election District - 5th Councilmanic District

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refrainer regarding the administrative process.

1) Your property will be posted on or before May 25, 1994. The closing date (June 13, 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) 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 \$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
Arnold Jablon
Director

 Printed with Soy-based Ink
on Recycled Paper

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Woodlynn Road, 364.75' W
of Marlyn Avenue
(815 S. Woodlyn Road)
15th Election District
5th Councilmanic District
Gerald A. James, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 815 S. Woodlynn Road in the Essex area of southeastern Baltimore County. The Petition was filed by the owners of the property, Gerald A. and Vera James. The Petitioners seek relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section III C3 of the 1945 Regulations, "A" Residence Zone) to permit a side yard setback of 3 inches in lieu of the minimum required 7 feet for an existing attached carport, in accordance with the plat 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 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.

It should be noted that this property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to Critical Areas legislation. The granting of any relief is contingent upon Petitioners submitting a findings plan for review and approval by DEPRM.

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 Zoning Commissioner for Baltimore County this 15th day of June, 1994 that the Petition for Administrative Variance seeking relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section III C3 of the 1945 Regulations, "A" Residence Zone) to permit a side yard setback of 3 inches in lieu of the minimum required 7 feet for an existing attached 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 granting of this relief is contingent upon Petitioners submitting a findings plan for review and approval by DEPRM within thirty (30) days of the date of this Order.

- 3) The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/21/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



June 15, 1994

(410) 887-4386

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

Mr. & Mrs. Gerald A. James
815 S. Woodlynn Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Woodlynn Road, 364.75' W of Marlyn Avenue
(815 S. Woodlyn Road)
15th Election District - 5th Councilmanic District
Gerald A. James, et ux - Petitioners
Case No. 94-458-A

Dear Mr. & Mrs. James:

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 and Development Management office at 887-3391.

Very truly yours,

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

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 815 S. Woodlynn Rd. which is presently zoned DRS-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owners 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) 1802.3B (1945 Regs., Section III C3 "A" Residence Zone) To allow a side yard setback of 3 inches for an attached carport in lieu of the minimum required 7 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The owners hired a contractor to erect a carport on this property and expected him to get the proper permits and set the carport on the lot within the legal confines of the County regulations. They did not realize that said structure was in violation of county code. Now that it is erected it would cause undue hardship and a financial burden to have it removed or cut down. 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 to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owners of the property which is the subject of this Petition.

Legal Owner:
Type of Petitioner: Vera James
Signature: [Signature]
Type of Petitioner: Gerald A James
Signature: [Signature]
Address: 815 S Woodlynn Rd. 686-0940
City: Baltimore MD 21221
State: MD Zipcode: 21221

Attorney for Petitioner:
Type of Petitioner: [Blank]
Signature: [Blank]
Address: [Blank]
City: [Blank] State: [Blank] Zipcode: [Blank]

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 15th day of June, 1994, that the subject matter of this petition be set for a public hearing, advertised, on required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation, throughout Baltimore County, and that the property be posted.

REVIEWED BY: [Signature] DATE: 5-19-94
ESTIMATED POSTING DATE: 5-29-94
Zoning Commissioner of Baltimore County
ITEM #: 449

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 thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 815 S. Woodlynn Rd.
Baltimore MD 21221
21221

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 hardship or practical difficulty)

The Owner hired a contractor to erect a carport on this property and expected him to get proper permits and expected him to get carport within legal confines of the county regulations. They did not realize that construction was in violation of Baltimore County Code. Now that it is erected it would cause undue hardship & financial burden to have it removed.

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

Gerald A James Vera James
[Signature] [Signature]
Type of Petitioner: Gerald A James Vera James

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 15th day of May, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Vera and Gerald James

the Affiant(s) herein, personally known & 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.
May 19, 1994

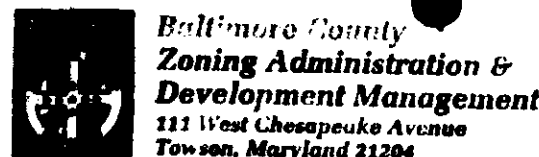
[Signature]
My Commission Expires: 10/01/96

#449
94-458-A
Zoning Description
for
815 S. Woodlynn Rd.
15th Elect. Dist. 5th Co.

Beginning at a point on the South side of Woodlynn Rd at the distance of 364.75 ft. West of Marlyn Ave. Being known as lot No. 8 in the subdivision of Martindale plus as recorded in plat book 14 folio 149 and containing .143 acres ±.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th Date of Posting: 5/19/94
Posted for: Variance
Petitioner: Vera & Gerald James
Location of property: 815 S. Woodlynn Rd. 1/2
Location of Sign: 200 ft. x 200 ft. property being posted
Remarks: [Blank]
Posted by: [Signature] Date of return: 4/3/94
Number of Signs: 1



CRITICAL AREA receipt 94-458-A

Date 5-19-94

Account: R-001-6150

Item Number 449

Taken in by 227

Owner: Vera & Gerald James
Site: 815 S. Woodlynn Rd.

010 Residential Variance (1200) filing fee \$50.00
080 Sign & Posting 35.00
Total \$85.00

Please Make Checks Payable To: Baltimore County

\$85.00