

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
1/5 Windsor Road, 150 ft. S of
c/1 Adams Road
913 Windsor Road
3rd Election District
2nd Councilmanic District
Christopher L. Imbach, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-486-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Christopher L. Imbach and Deborah S. Imbach, his wife, for that property known as 913 Windsor Road in the Sudbrook Park subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 1802.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 6 ft. side setback and a 15 ft. side setback sum, in lieu of 20 ft. and 50 ft., respectively, and a 4 ft. side setback and 13 ft. side setback sum in lieu of 15 ft. and 37.5 ft., for an addition, in a D.R.1 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a 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 variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion

MICROFILMED

of the Zoning Commissioner, the information, photographs, 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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of July, 1995 that the Petition for a Zoning Variance from Sections 1802.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 6 ft. side setback and a 15 ft. side setback sum, in lieu of 20 ft. and 50 ft., respectively, and a 4 ft. side setback and 13 ft. side setback sum, in lieu of 15 ft. and 37.5 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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.

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

LES:mmm

-2-

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4366

July 27, 1995

Mr. and Mrs. Christopher L. Imbach
913 Windsor Road
Baltimore, Maryland 21208

RE: Petition for Administrative Variance
Case No. 95-486-A
Property: 913 Windsor Road

Dear Mr. and Mrs. Imbach:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, 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,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

Printed with Soybean Ink
on Recycled Paper

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 913 Windsor Rd. Baltimore, Md. 21208
which is presently zoned D.R.1

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 1802.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 6 ft. side setback and a 15 ft. side setback sum in lieu of 20 ft. and 50 ft., respectively, and a 4 ft. side setback and 13 ft. side setback sum in lieu of 15 ft. and 37.5 ft., for an addition, in a D.R.1 zone.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Wish to construct addition to existing structure to provide for larger family, which will increase existing side setback zoning requirement. Current structure has 15 ft. side setback. Such addition will be constructed within setback to existing side setback. Current structure is 15 ft. side setback.

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	Use to secure, 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.
Type or Print Name	Mr. Christopher L. Imbach
Signature	<i>Will</i>
Address	913 Windsor Rd. (410) 486-4512 (410) 587-2277
City	Baltimore
State	MD
Zip Code	21208
Phone No.	
Signature	<i>Deborah S. Imbach</i>
Type or Print Name	Deborah S. Imbach
Address	913 Windsor Rd. (410) 486-4512 (410) 587-2277
City	Baltimore
State	MD
Zip Code	21208
Phone No.	

A Public Hearing having been requested and/or held as required by the Zoning Commissioner of Baltimore County, this petition is filed on the 27th day of July, 1995, at Baltimore, Maryland, in the presence of the undersigned, and the undersigned hereby certifies that the facts stated herein are true and correct to the best of his/her knowledge and belief.

REVIEWED BY: *mm* DATE: 8/7/95
ESTIMATED POSTING DATE: 7/14/95

Printed with Soybean Ink
on Recycled Paper

MICROFILMED

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) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 913 Windsor Rd. Baltimore, MD 21208

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 hardship or practical difficulty)

Grandfathered family has existing a house on existing structure so that we can comfortably remain a resident of the neighborhood, which is nearly 50 years old and currently enjoys such expenses cannot be completed without a variance to the current zoning regulations. We have incurred time and financial resources to seek a variance to complete this addition within the zoning requirements. Unfortunately, the current structure, as well as the addition, does not meet the revised zoning requirement as is. Therefore, we are adding to such structure within zoning laws require a variance to the current classification.

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.

Will
Christopher L. Imbach
Deborah S. Imbach
Deborah S. Imbach

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 27th day of June, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Christopher L. Imbach
Deborah S. Imbach

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 in the light of his/her knowledge and belief.

AS WITNESS my hand and Notary Seal
June 27, 1995

Sandra P. Longboard, Notary Public
Baltimore County
State of Maryland
My Commission Expires May 1, 1999

MICROFILMED

#491

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 704 Date of Posting: 7/14/95
Posted for: *Will*
Petitioner: *Christopher L. Imbach*
Location of property: *913 Windsor Rd., Bk.*
Location of Sign: *Front of property, 2nd side, 2nd side*
Remarks: *Will*
Posted by: *Will* Date of return: 7/14/95
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 8/7/95 ACCOUNT: 01-615
ITEM: 491
TAXES: 20.00
AMOUNT: \$ 85.00

RECEIVED: Imbach, Christopher - 913 Windsor Rd.
FROM: CIO-Res Var. - \$ 50.00
CIC-1512 - \$ 15.00
TOTAL: \$ 65.00

0140101961CHRI
BA-COL-244006/26/95
VALIDATION OR SIGNATURE OF CLERK

Baltimore County Government Office of Zoning Administration and Development Management

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.

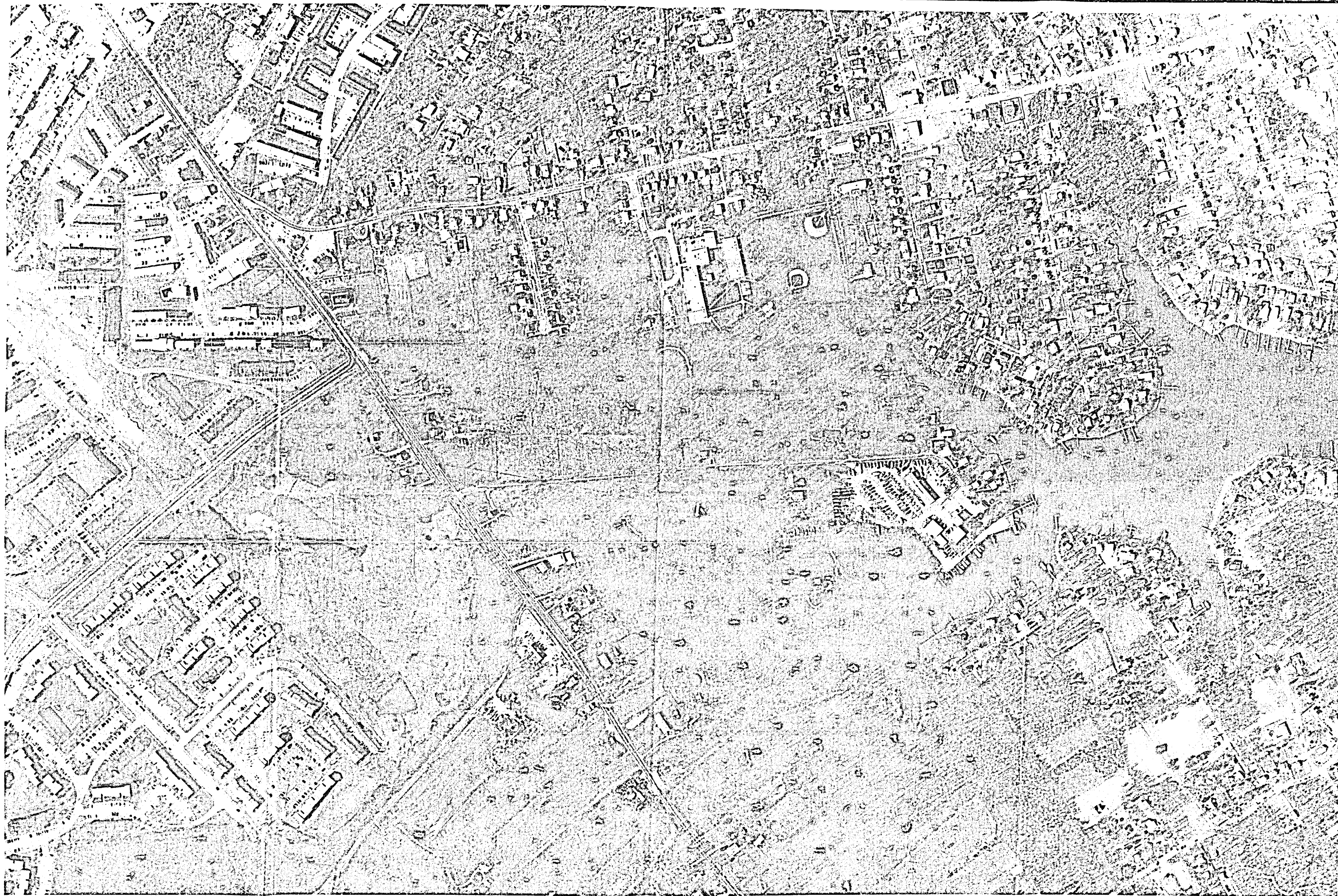
PAYMENT WILL BE MADE AS FOLLOWS:

- 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 STOP ISSUANCE OF ZONING ORDER.

For newspaper advertising:
Item No.: 491
Petitioner: *Christopher L. Imbach*
Location: *913 Windsor Rd.*
PLEASE FORWARD ADVERTISING BILL TO:
NAME: *Christopher L. Imbach*
ADDRESS: *913 Windsor Rd.*
Baltimore, MD 21208
PHONE NUMBER: *(410) 486-4512*

AJ:995
MICROFILMED (Revised 04/09/91)

94-486-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200' ±	BACK RIVER	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	NECK	I-I #471

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
1929 Middleborough Road and
Worton Road
15th District
15th Councilmanic District
Joseph Dorn, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance. Filed by Joseph Dorn and Debra Dorn, his wife, for that property known as 1929 Middleborough Road in the Middleview Grove subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1801.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. side street setback in lieu of 25 ft., for an attached garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a 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 variance 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, photographs, 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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of June, 1994 that the Petition for a Zoning Variance from Section 1801.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. side street setback in lieu of 25 ft., for an attached garage, be and is hereby GRANTED, subject, however, to the following restrictions 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.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386

June 28, 1994

Alfred L. Brennan, Jr., Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Administrative Zoning Variance
Case No. 94-486-A
Property: 1929 Middleborough Road

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

encl.

cc: Mr. and Mrs. Joseph Dorn
1929 Middleborough Road
Baltimore, Maryland 21221

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Variance
Petitioner: Joseph L. Dorn, Jr.
Location of property: 1929 Middleborough Rd, 15th Dist. Worton Rd.
Location of Sign: Facing road, on property being zoned
Remarks:
Posted by: M. Dorn
Number of Signs: 1
Date of Posting: 6/14/94
Date of return: 6/18/94

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

Account: R 001-6150

Number

Item Number: 471

Taken In By: mfk

Date 5/31/94

Dorn, Joseph - 1929 Middleborough Rd

010 - Res Variance (Admin) - \$ 501.05

080 - 1 sign posting - \$ 35.00

Total - \$ 536.05

03A03W006MICHRC
BA C069126AH05-31-94

\$95.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

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) were competent to testify thereon in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at:
1929 Middleborough Road
Baltimore, Maryland 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)

Petitioners desire to build a garage attached to their home. The driveway would face the street. An inground pool is located in their back yard thus making it impossible to build the garage in the rear of the property. The only possible place to put the garage is next to it as shown on the Plat. Locating the garage next to the house would be more practical and aesthetically pleasing than placing it elsewhere.

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.

JOSEPH DORN
DEBRA DORN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of May, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOSEPH DORN and DEBRA DORN

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.

May 23, 1994

My Commission Expires: 12-1-96

Phone: 687-6922

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

April 13, 1994

No. 1929 Middleborough Road
15th District Baltimore County, Maryland

Beginning for the same at the southwest corner of Middleborough and Worton Roads and being known as Lot 4, Section 2, as laid out and shown on the plat of Middle View Grove, said plat being recorded among the land records of Baltimore County in Plat Book 44 folio 78.

471



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1929 Middleborough Road

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 1801.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. side street setback in lieu of 25 ft., for an attached garage.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Petitioners desire to build a garage attached to their home. The driveway would face the street. An inground pool is located in the back yard, therefore, the proposed location showed on the Plat is the only possible place to build a garage.

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 enacted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser's name
Type or Print Name: JOSEPH DORN
Signature: [Signature]
Address: 1929 Middleborough Road
City: Baltimore, Maryland 21221
Phone No: (h) 687-3664 (w) 391-5960
Name: ALFRED L. BRENNAN, JR.
Address: 825 Eastern Boulevard
City: Baltimore, Maryland 21221
Phone No: (h) 687-3434 (w) 687-3434
A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, Inc., that the subject matter of this petition be set for a public hearing, to be held on the 30th day of June, 1994, at 7:00 PM, at the Zoning Commission of Baltimore County, Inc., at the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

REVIEWED BY: [Signature] DATE: 5/21/94
ESTIMATED POSTING DATE: 6/12/94

Printed with Soy-based Ink on Recycled Paper
ITEM #: 471

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Alfred L. Brennan, Esquire
825 Eastern Blvd
Baltimore, MD 21221

RE: Case No. 94-486-A, Item No. 471
Petition for Administrative Variance
Petitioner: Joseph Dorn, et ux

Dear Mr. Brennan:

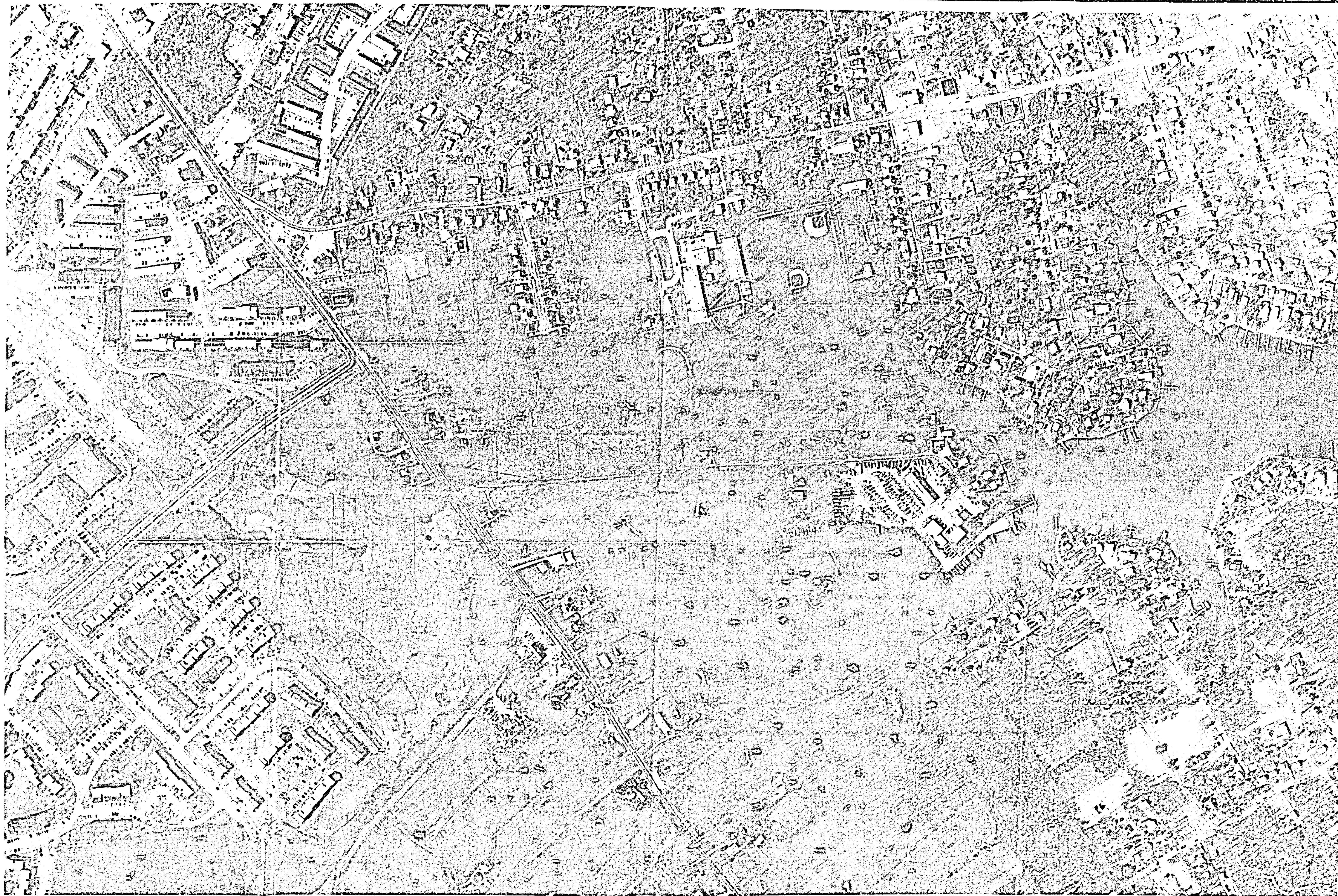
The above-referenced petition and accompanying plans were accepted for filing on May 31, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties; i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

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 the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

13

94-486-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200' ±	BACK RIVER	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	NECK	I-I #471



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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. 471 (MJK)

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. CAMMERY, ACTING CHIEF**
John Constable, 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, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 14, 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. 448, 462, 463, 464, 468, 470, 471, 472, 473, 474, 477, 478, 479 and 480.

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 M. Long*
Division Chief: *Darryl Evans*

PK/JL:lw

ZAC. 448/ZZONE/ZAC1

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 06/14/94

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.

8. The Fire Marshal's office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 471, 472, 473, 474, 476, 477, 478, 479 AND 480.

RECEIVED
JUN 14 1994

ZAD:M

REVIEWER: LT. ROBERT P. SAUERHOF
Fire Marshal Office, PHONE 887-4981, MS-1102F

cc: File

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

June 21, 1994

(410) 887-3353

Alfred L. Brennan, Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 94-486-4, Item No. 471
Petition for Administrative Variance

Dear Mr. Brennan:

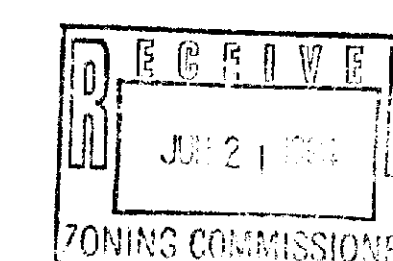
Enclosed are copies of comments received from the Developers Engineering Section of the Department of Public Works on June 21, 1994 for the above-referenced case.

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

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure



AGENDA/WORKSHEET
Check wording _____
Fill in filing date _____
Estimated time _____
Attorney & number _____
Prior hearings _____
Violation _____
Development _____
Alternative name _____
Case number _____
Hearing/Closing date _____
TYPED/WRITTEN WORK
Administrative List* _____
Notice Case Number* _____
"mailed to parties" _____
Index Cards* _____
1 card w/plot to Dave* _____
1 card alphabetical* _____
1 card numeric* _____
Mouth ZC Document** _____
Notice/AD copy** _____
Notice to parties** _____
AD copy to AD bin** _____
Index Cards** _____
1 card, plot to Dave** _____
1 card alphabetical** _____
1 card numeric** _____
NO STAR - BOTH _____
*ONE STAR - ADMINISTRATIVE _____
**TWO STARS - OTHERS _____

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: June 20, 1994
Zoning Administration and Development Management

FROM: Robert M. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 20, 1994
Item No. 471

The Developers Engineering Section has reviewed the subject zoning item. The proposed garage should not interfere with the line of sight.

RWB:aw

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 8, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Alfred L. Brennan, Jr., Esq.
825 Eastern Boulevard
Baltimore, Maryland 21221

Re: CASE NUMBER: 94-486-4 (Item 471)
1929 Middleborough Road
SAC Middleborough and Worton Roads
15th Election District - 5th Councilmatic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact *aw* 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 refresher regarding the administrative process.

Your property will be posted on or before June 12, 1994. The closing date (June 27, 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 Commissioners), 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).

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.

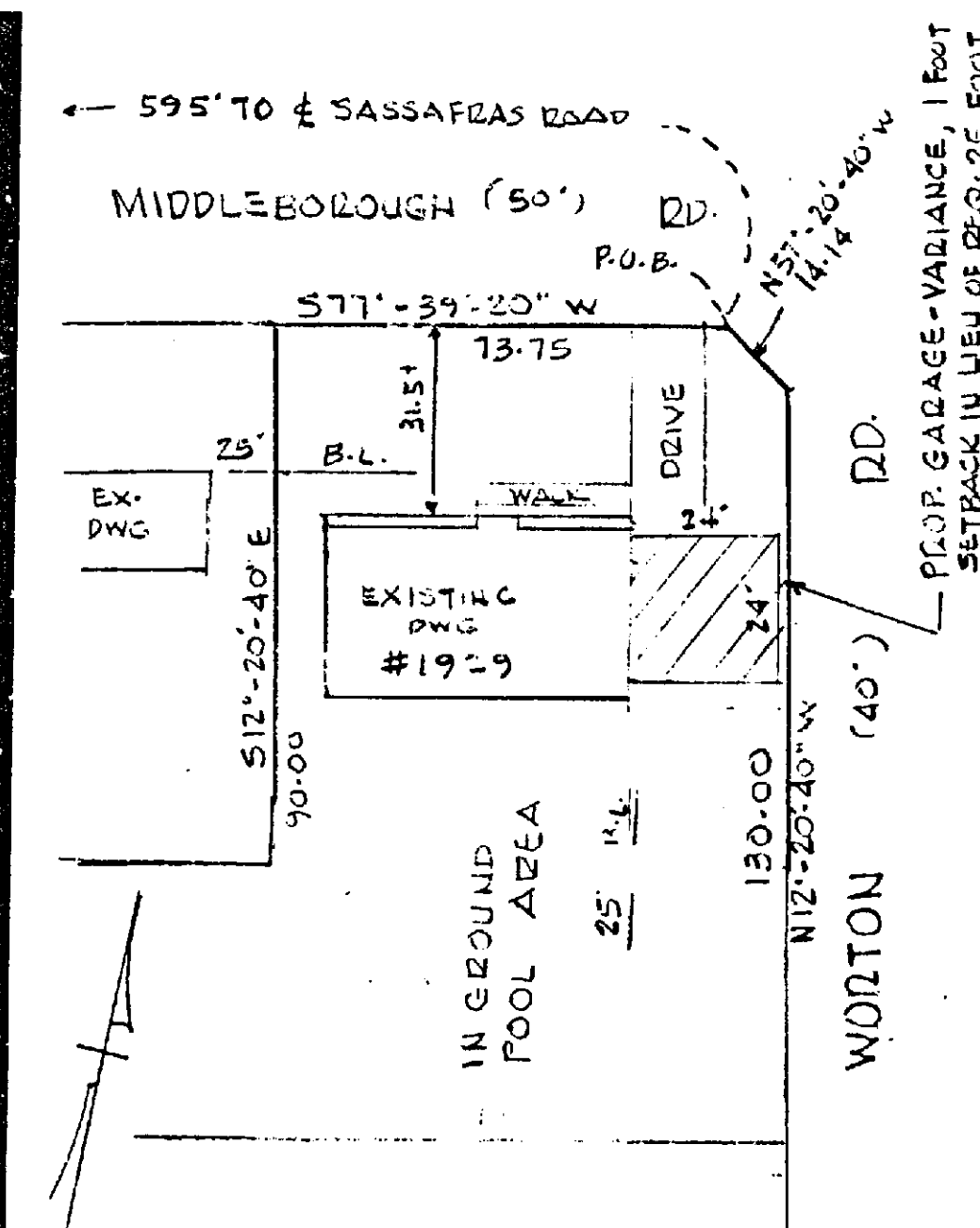
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director

Alfred L. Brennan, Jr.

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on Recycled Paper

AT TO ACCOMPANY PETITION FOR A VARIANCE
No. 1929 MIDDLEBOROUGH RD.
LOT 4 S. 21.21 ON 2
MIDDLEVIEW GROVE
FLAT BOOK 44-78
15TH DISTRICT BALTIMORE CO., MARYLAND
SCALE 1"=30' DATE 6-13-94

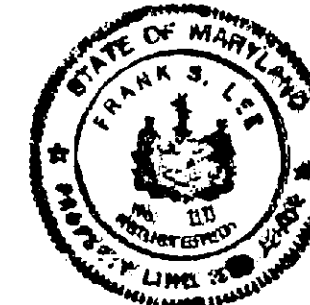


LOCATION MAP
SCALE 1"=500'

LOCATION INFORMATION
Councilmatic Dist. 5
1"=200 Scale Map NE 11
Zoning D2-5-S
Lot size 1337.54' - 0.17 AC.
Public water & sewer
Service lot
Lot is not in Chesapeake
Bay Critical Area
Prior Zoning Hearing None

OWNER
Jos. & Debbi Dorn
1929 Middleborough Rd.
Baltimore, MD. 21221

#471



FRANK S. LEE
1277 NEIGHBORS AVE.
BALTIMORE, MD. 21237
687-6922



Front



Front



Left Side
Worton Road



Right Side

#471

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
1929 Middleborough Road and
Worton Road
15th District
15th Councilmanic District
Joseph Dorn, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance. Filed by Joseph Dorn and Debra Dorn, his wife, for that property known as 1929 Middleborough Road in the Middleview Grove subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1801.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. side street setback in lieu of 25 ft., for an attached garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a 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 variance 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, photographs, 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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of June, 1994 that the Petition for a Zoning Variance from Section 1801.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. side street setback in lieu of 25 ft., for an attached garage, be and is hereby GRANTED, subject, however, to the following restrictions 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.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.
4. When applying for a building permit, 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:mmn

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 28, 1994

Alfred L. Brennan, Jr., Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Administrative Zoning Variance
Case No. 94-486-A
Property: 1929 Middleborough Road

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, 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,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

encl.

cc: Mr. and Mrs. Joseph Dorn
1929 Middleborough Road
Baltimore, Maryland 21221



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1929 Middleborough Road

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) 1801.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. side street setback in lieu of 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) Petitioners desire to build a garage attached to their home. The driveway would face the street. An inground pool is located in the back yard, therefore, the proposed location showed on the Plat is the only possible place to build a garage.

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 enacted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser's name
(Type or Print Name)
Signature
Address
City
State
Zip Code
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City
State
Zip Code
Name
Address and phone number of representative to be contacted
Name
Address
City
State
Zip Code
Phone No.
Name
Address
City
State
Zip Code
Phone No.

JOSEPH DORN
DEBRA DORN
ALFRED L. BRENNAN, JR.
ALFRED L. BRENNAN, JR.

1929 Middleborough Road
Baltimore, Maryland 21221
825 Eastern Boulevard 687-3434
Baltimore, Maryland 21221
825 Eastern Boulevard (410) 687-3434
Baltimore, Maryland 21221

A Public Hearing having been requested and/or held to be required, it is ordered by the Zoning Commissioner of Baltimore County, Inc., that the subject matter of this petition be set for a public hearing, to be held on the 1st day of July, 1994, at 7:00 PM, at the Zoning Commission Hearing Room, 111 West Chesapeake Avenue, Towson, Maryland 21204.

REVIEWED BY: *ML* DATE: 5/21/94
ESTIMATED POSTING DATE: 6/12/94
Printed with Soy-based Ink on Recycled Paper
ITEM #: 471

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) were competent to testify thereon in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at:
1929 Middleborough Road
Baltimore, Maryland 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.)

Petitioners desire to build a garage attached to their home. The driveway would face the street. An inground pool is located in their back yard thus making it impossible to build the garage in the rear of the property. The only possible place to put the garage is next to it as shown on the Plat. Locating the garage next to the house would be more practical and aesthetically pleasing than placing it elsewhere.

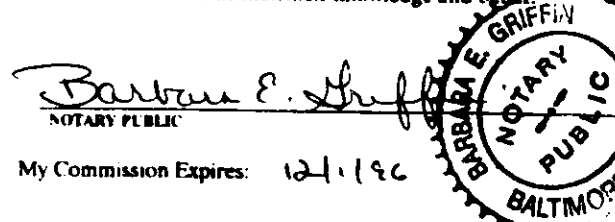
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Joseph Dorn
JOSEPH DORN
DEBRA DORN
(Type or Print Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 23rd day of May, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
JOSEPH DORN and DEBRA DORN

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:
May 23, 1994
My Commission Expires: 12-1-1996



Phone: 687-6922

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

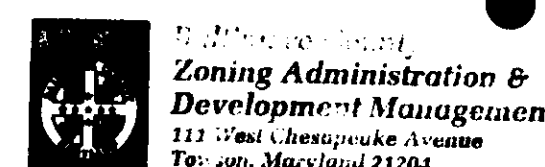
April 13, 1994

No. 1929 Middleborough Road
15th District Baltimore County, Maryland

Beginning for the same at the southwest corner of Middleborough and Worton Roads and being known as Lot 4, Section 2, as laid out and shown on the plat of Middle View Grove, said plat being recorded among the land records of Baltimore County in Plat Book 44 folio 78.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Variance
Petitioner: Joseph L. Dorn, Debra Dorn
Location of property: 1929 Middleborough Rd, 15th Dist, Worton Rd
Location of Sign: Facing road, on property being zoned
Remarks:
Posted by: *ML*
Number of Signs: 1
Date of Posting: 5/11/94
Date of return: 6/12/94



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

Account: R 001-6150

Number

Item Number: 471
Taken In By: *ML*

Date 5/21/94

Dorn, Joseph - 1929 Middleborough Rd

010 - Res Variance (Admin) - \$ 501.05

080 - 1 sign posting - \$ 35.00

Total - \$ 536.05

03A03W006AMICHR
BA C069126AH05-31-94

\$95.00

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



June 17, 1994

(410) 887-3353

Alfred L. Brennan, Esquire
825 Eastern Blvd
Baltimore, MD 21221

RE: Case No. 94-486-A, Item No. 471
Petition for Administrative Variance
Petitioner: Joseph Dorn, et ux

Dear Mr. Brennan:

The above-referenced petition and accompanying plans were accepted for filing on May 31, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties; i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

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 the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.