

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
W/S East Greenbank Road, 440'+/- \* ZONING COMMISSIONER  
S of Chesapeake Road \* OF BALTIMORE COUNTY  
(13198 East Greenbank Road) \* Case No. 95-159-A  
15th Election District  
5th Councilmanic District  
Richard and Patricia Garland  
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 13198 East Greenbank Road, located in the Harewood/Oliver Beach area of southeastern Baltimore County. The Petition was filed by the owners of the subject property, Richard and Patricia Garland, seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two existing accessory structures (a shed and detached carport) to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

This property is located within the Chesapeake Bay Critical Areas near the Gunpowder River and as such, development must be in compliance with Critical Areas legislation and any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM).

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 gener-

**MICROFILMED**

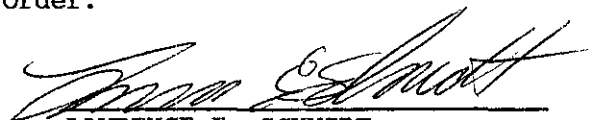
COPIES RECEIVED FOR FILING  
 DATE 11/30/90  
 BY M. G. G.

al 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.

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 30<sup>th</sup> day of November, 1994 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two existing accessory structures (a shed and detached carport) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 relief granted herein shall be rescinded.
- 2) The carport shall remain open on all four sides as it presently exists.
- 3) Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.
- 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  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

11/30/94

By

*M. G. ...*

MICROFILMED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

November 30, 1994

(410) 887-4386

Mr. & Mrs. Richard E. Garland  
13198 E. Greenbank Road  
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
W/S East Greenbank Road, 440'+/- S of Chesapeake Road  
(13198 East Greenbank Road)  
15th Election District - 5th Councilmanic District  
Richard and Patricia Garland - Petitioners  
Case No. 95-159-A

Dear Mr. & Mrs. Garland:

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,

A handwritten signature in cursive script, appearing to read "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 13198 E. GREEN BANK RD.  
which is presently zoned \_\_\_\_\_

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 (BCZR) TO PERMIT

2 ACCESSORY STRUCTURES IN A SIDEYARD 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)

1. FLOOD PLAIN
2. ENVIRONMENTAL (BIRD SANCTUARY) WETLANDS

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/We do solemnly 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.

Contract Purchaser/Leasee:

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zipcode

Attorney for Petitioner:

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address Phone No.

\_\_\_\_\_  
City State Zipcode

Legal Owner(s):

RICHARD E. GARLAND  
(Type or Print Name)

Richard E. Garland  
Signature

PATRICIA A. GARLAND  
(Type or Print Name)

Patricia A. Garland  
Signature

13198 E. GREEN BANK RD. # 335-2188  
Address Phone No.  
W 682-1000

BALTO. MD. 21220  
City State Zipcode  
x6627

Name, Address and phone number of representative to be contacted.

(SAME.)  
Name

\_\_\_\_\_  
Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature] DATE: 10/27/94

ESTIMATED POSTING DATE: 11/6/94



Printed with Soybean Ink on Recycled Paper

ITEM #: 157  
**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) 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) does/do presently reside at 13198 E. GREENBANK RD.  
address  
BALTO. MD. 21220  
City State Zip Code

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)

DUE TO THE FACT THAT THE SAID PROPERTY IS SITUATED  
ON A FLOOD PLAIN ZONE AND TO PROTECT THE  
WETLANDS, THE CARPORT AND SHED WAS PLACED  
ON THE SIDE OF THE HOUSE.

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.

Richard E. Garland  Patricia A. Garland  
(signature) (signature)  
RICHARD E. GARLAND PATRICIA A. GARLAND  
(type or print name) (type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

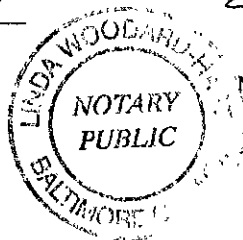
I HEREBY CERTIFY, this 12 day of October, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

RICHARD E. & PATRICIA A. GARLAND

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/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12 Oct. 1994  
date



Linda Woodard Hart  
NOTARY PUBLIC  
 My Commission Expires: July 1995

# EXAMPLE 3 - Zoning Description

- 3 copies

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 13198 E. GREENBANK ROAD  
(address)

Beginning at a point on the WEST side of EAST GREENBANK  
(north, south, east or west) (name of

ROAD which is 50  
street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 440'± SOUTH of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street CHESAPEAKE RD.  
(name of street)

which is 50' wide. \*Being Lot # 98,  
(number of feet of right-of-way width)

Block     , Section # A in the subdivision of OLIVER BEACH  
(name of subdivision)

as recorded in Baltimore County Plat Book # 9, Folio # 97, containing

13,668 Also known as 13128 EAST GREENBANK RD  
(square feet or acres) (property address)

and located in the 15 Election District, 7 Councilmanic District.

\*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.

Typical 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** 95-157-A  
Townson, Maryland

District 15th Date of Posting 11/5/94

Posted for: Variance

Petitioner: Richard & Patricia Garland

Location of property: 13198 E Greenbank Rd, N/S

Location of Signs: Facing roadway, on property being zoned

Remarks: NO pole used

Posted by M. Stealy Date of return: 11/10/94  
Signature

Number of Signs: 1

*[Handwritten signature]*





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

CRITICAL  
 AREA

receipt

Date

10/27/94

Account: R-001-6150

Number

157

By

JLL

1 RES VAR CODE 010	\$ 50.00
1 SIGN POSTING CODE 080	\$ 35.00
TOTAL	<u>\$ 85.00</u>

OWNER GARLAND

MICROFILMED

LOC. 13198 E. GREENBANK RD

01A01#0070MTLHRC  
 BA C009:17AM10-27-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



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 STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 157

Petitioner: GARLAND

Location: 13198 E. GREENBANK ROAD BALTO. MD. 21220

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MRS. RICHARD E. GARLAND

ADDRESS: 13198 E. GREENBANK ROAD

BALTIMORE, MARYLAND 21220

PHONE NUMBER: 335-2188

AJ:ggs

MICROFILMED

(Revised 04/09/93)



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Richard E. Garland  
Patricia A. Garland  
13198 E. Greenbank Road  
Baltimore, Maryland 21220

NOV. 7 8 1994

RE: Case No. 95-159A, Item No. 157  
Petitioner: Richard & Patricia Garland

Dear Mr. and Mrs. Garland:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 27, 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 is 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 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.
2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,  
Handwritten signature of W. Carl Richards, Jr. in cursive script.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jnw  
Enclosure(s)

MICROFILMED





**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

11-7-94

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
*ATTENTION: MS. JOYCE WATSON*  
Dear Ms. Winiarski:

Re: Baltimore County  
Item No.: *\*157 (JLL)*

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,

Ronald Burns, 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

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE:

FROM: Pat Keller, 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. 153, 154, 155, 156, 157, 160, 162, 163, 164, 165, 168, and 171

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:

Carol L. Kerns

PK/JL

1980 JUN 10 10 52 AM '80

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director                      DATE: Nov. 14, 1994  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for November 14, 1994  
Items 153, 2, 155, 156, 157, 158, 159,  
160, 161, 162 and 163

The Developers Engineering Section has reviewed  
the subject zoning items and we have no comments.

RWB:sw

*2000/11/14*



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

November 4, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Richard and Patricia Garland  
13198 E. Greenbank Road  
Baltimore, Maryland 21220

Re: CASE NUMBER: 95-159-A (Item 157)  
13198 E. Greenbank Road  
W/S of E. Greenbank Road, 440'+/- S of Chesapeake Road  
15th Election District - 5th 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 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 6, 1994. The closing date (November 21, 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.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon  
Director

MICROFILMED



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

TO: Mr. Arnold Jablon, Director November 29, 1994  
Zoning Administration and  
Development Management

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

SUBJECT: Zoning Item #157 - Garland Property  
13198 E. Greenbank Road  
Zoning Advisory Committee Meeting of November 7, 1994

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

Environmental Impact Review

No building permit shall be granted for the proposed activity unless and until an administrative variance is granted by DEPRM to Section 26-448 of the Chesapeake Bay Critical Area (CBCA). Section 26-448 requires a 25 foot buffer from nontidal wetlands. Generally, variance requests to construct accessory structures within a buffer zone are denied. However, the owner is within his rights to apply for this variance. If there are any questions regarding the variance procedure or CBCA Regulations, please contact Mr. Glenn Shaffer at 887-3980.

JLP:GS:sp

GARLAND/DEPRM/TXTSBP

*2006/11/29 11:55*



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Mr. & Mrs. Richard E. Garland  
13198 E. Greenbank Road  
Baltimore, Maryland 21220

DEC. 0 6 1994

*Hearing* Dt: 11/21/94

Re: Item No.157  
Case No.95-159A  
Petitioner:Richard & Patricia

Dear Mr. & Mrs. Garland:

Enclosed are copies of comments received from DEPRM on November 29,1994 for the above-referenced case.

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

Sincerely,

A handwritten signature in cursive script that reads "Joyce Watson".

Joyce Watson

Enclosure



# Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 13178 E. GREENBANK RD. see pages 5 & 6 of the CHECKLIST for additional required information

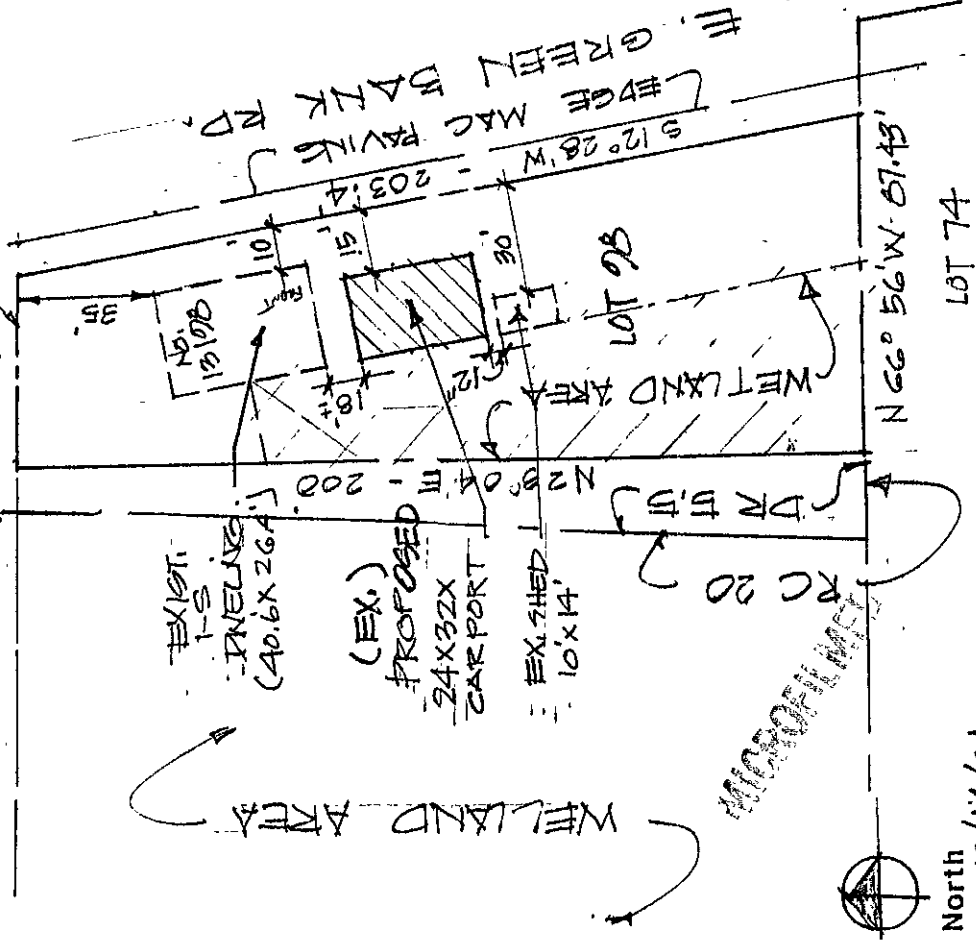
Subdivision name: OLIVER BEACH

plat book# 9, folio# 97, lot# 98, section# A

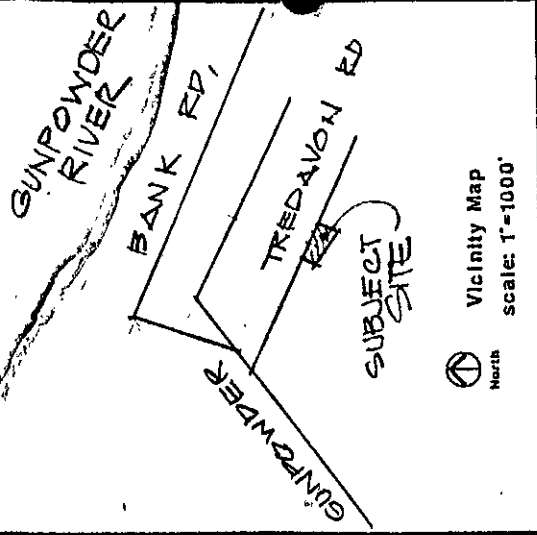
OWNER: RICHARD & PATRICIA GARLAND

[In 100 yr. F1000 plain]  
95-159-A

TREDAYON RD. (30' WIDE)  
(PAPER STREET) S66°56'E 50'



*Handwritten signature/initials*



## LOCATION INFORMATION

Election District: 15<sup>TH</sup>

Councilmanic District: 5

T-200' scale map#: NE 7-M

Zoning: DR 5.5

Lot size: 0.31 acreage 13,668 square feet

public  private

SEWER:

WATER:

Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 157 CASE#:

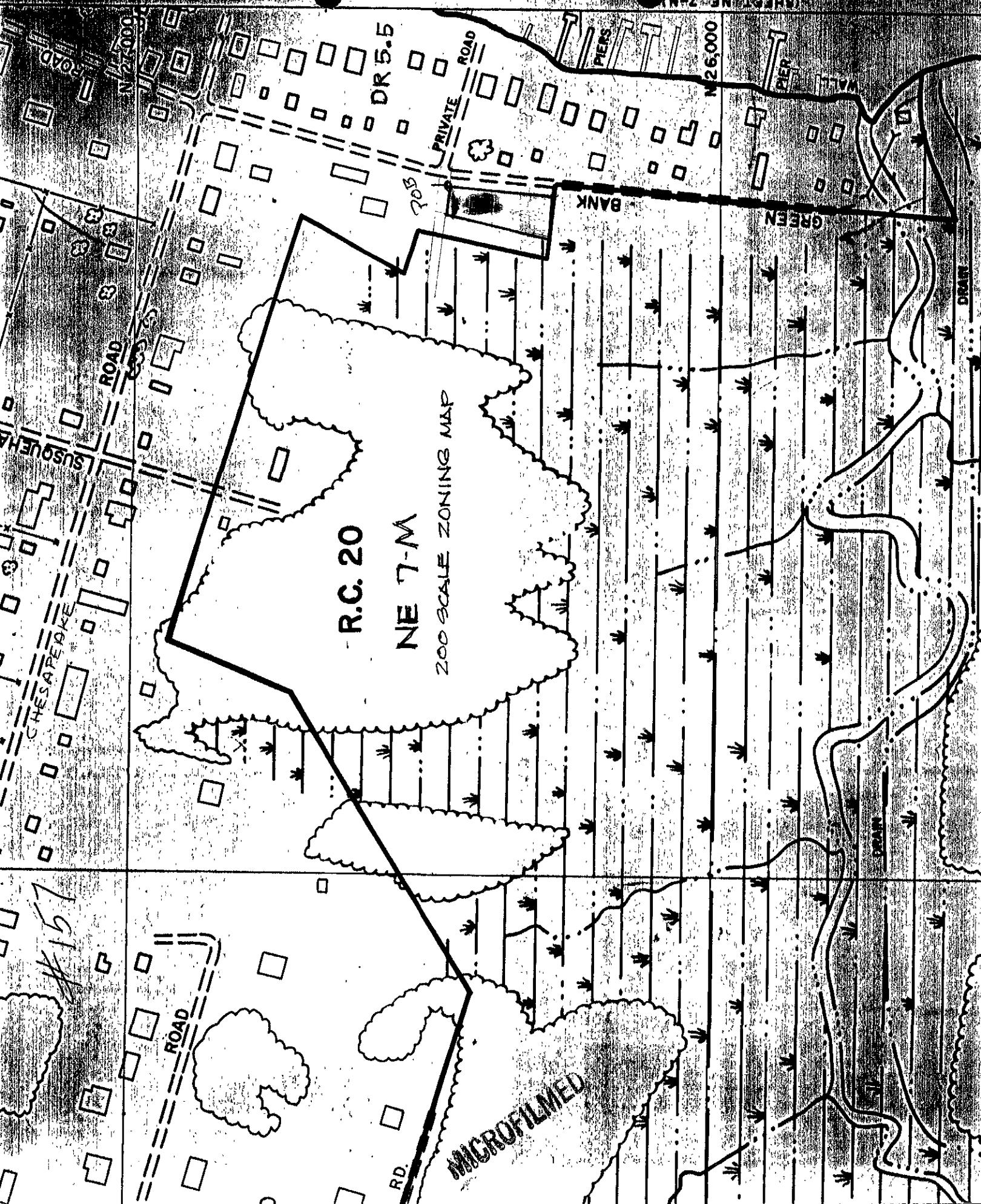
North

date: 10/14/14

prepared by: R. G.

Scale of Drawing: 1" = 50'

LOT 74



R.C. 20  
NE 7-M  
200 SCALE ZONING MAP

MICROFILMED

#157

CHESAPEAKE ROAD  
SUSQUEHANNA ROAD  
RD. 5

PRIVATE ROAD

DR 5.5

BANK

GREEN

DRAIN

DRAIN

N 26,000

N 27,000

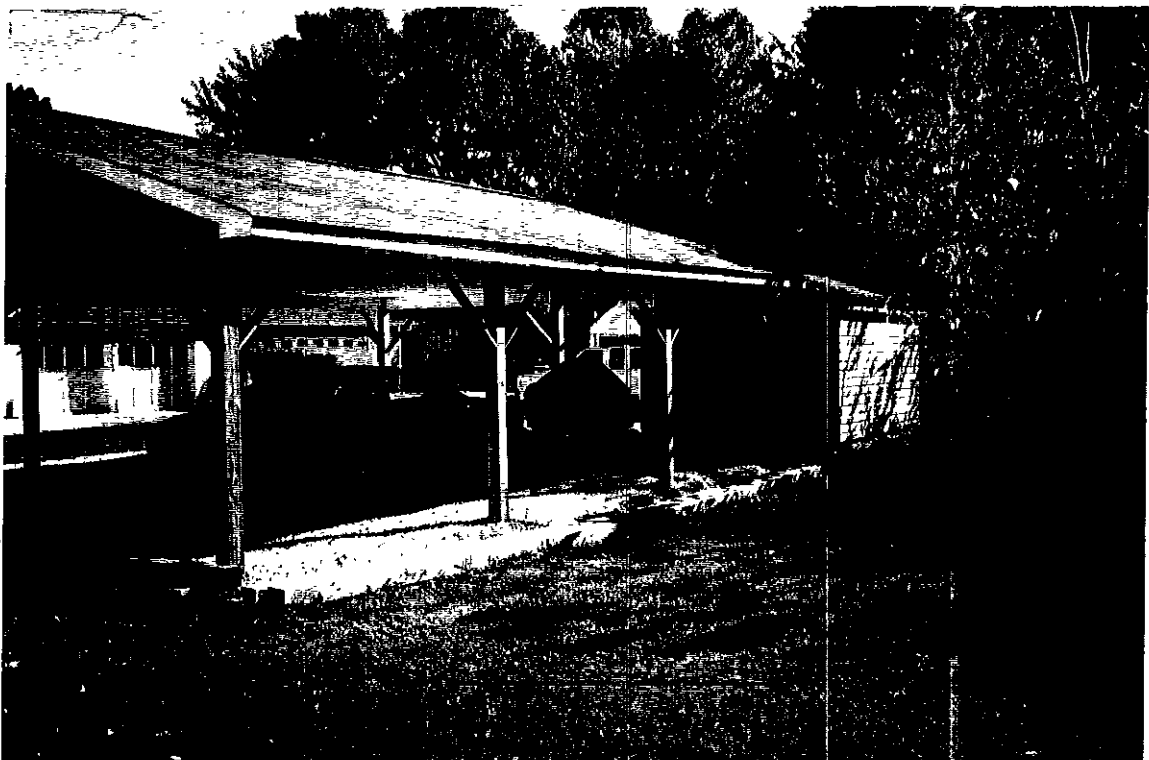
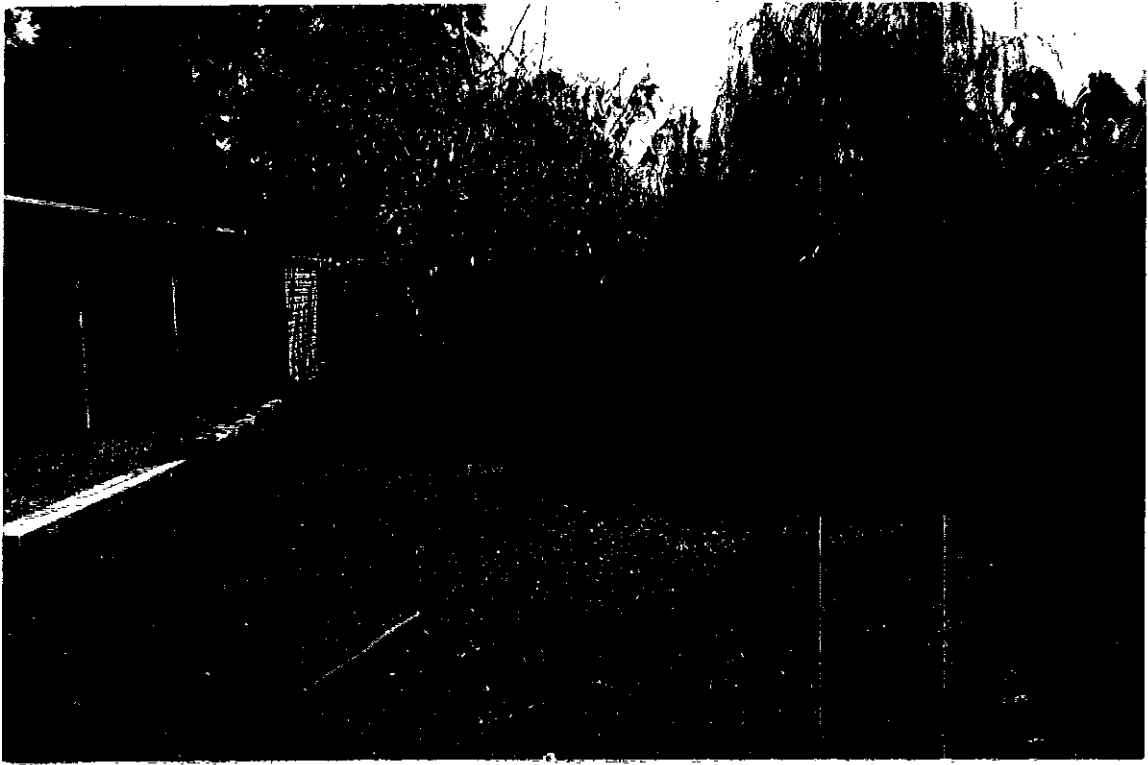
ROAD

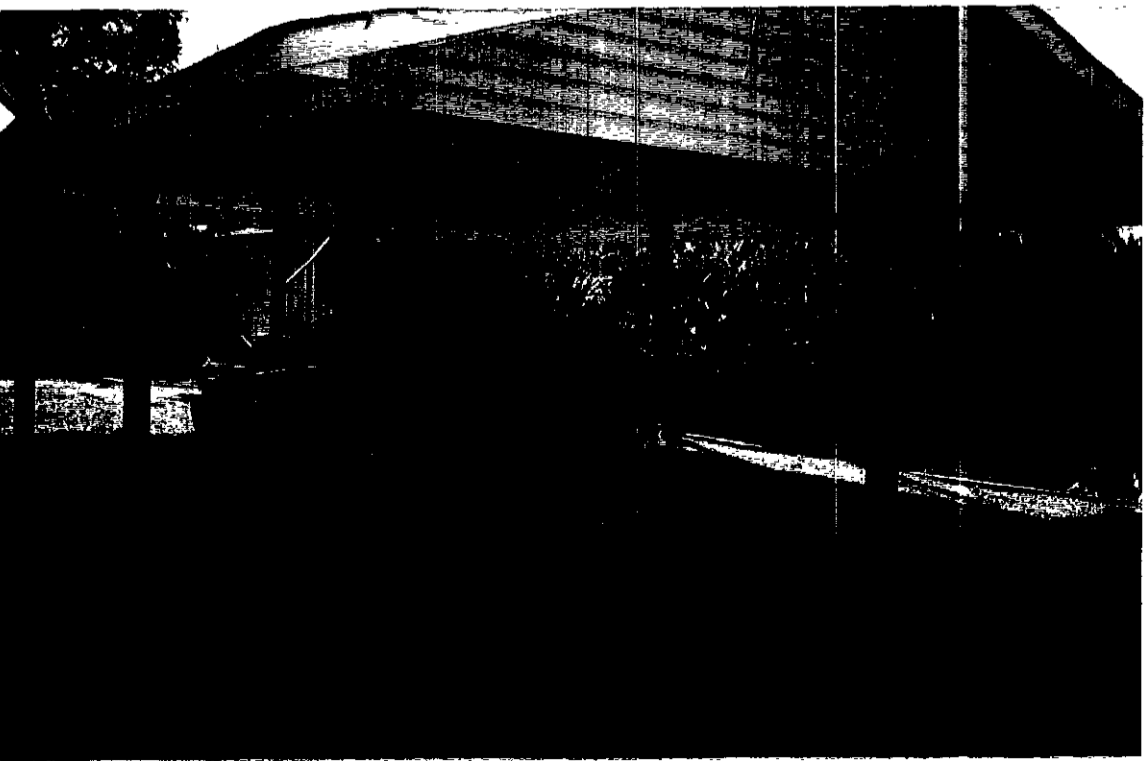
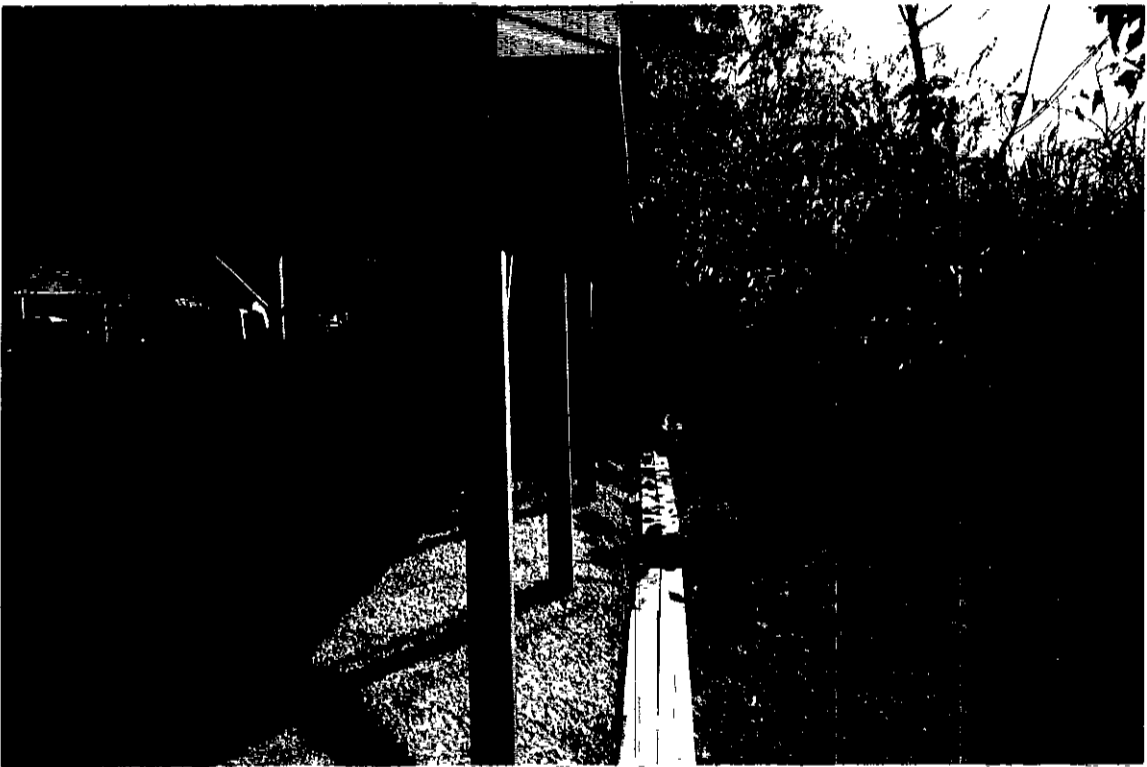
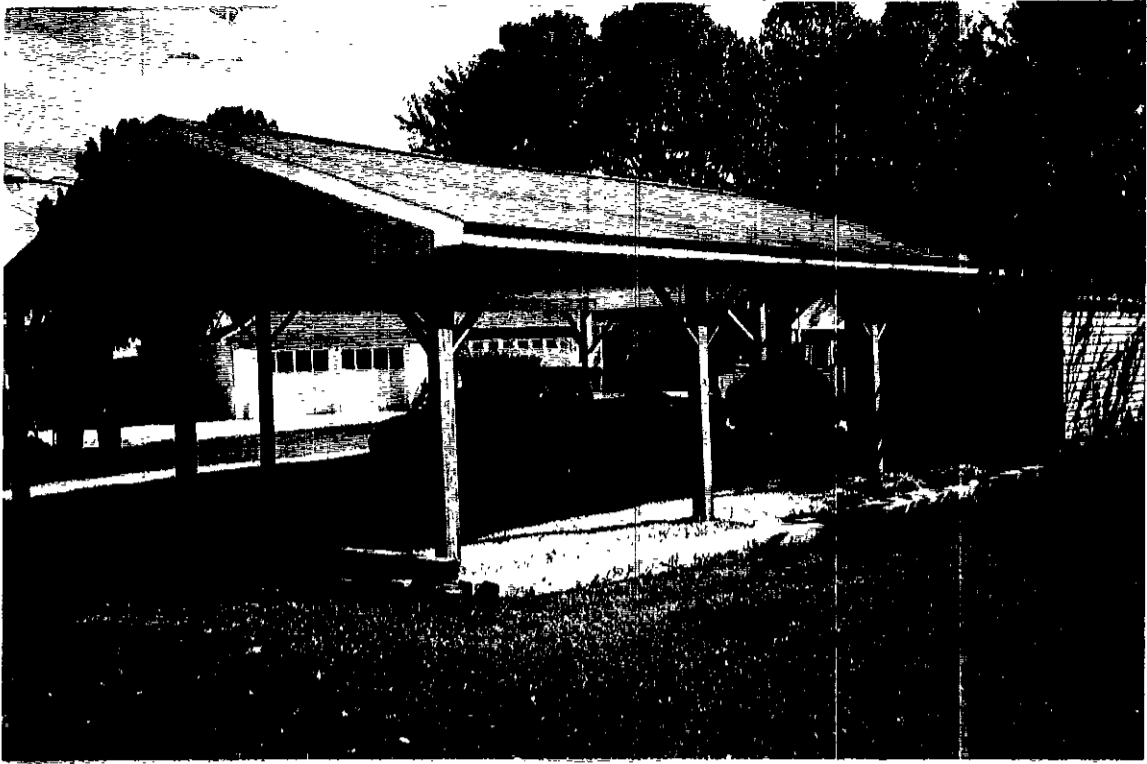
RD.

PIERS

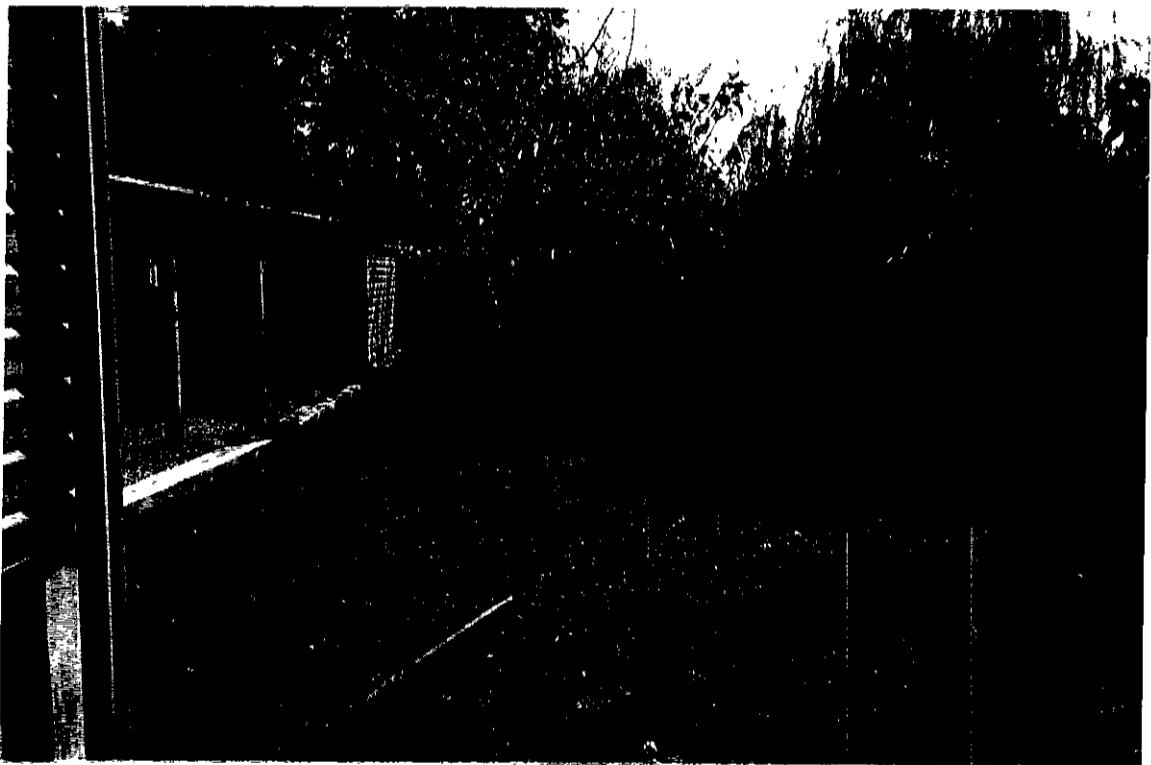
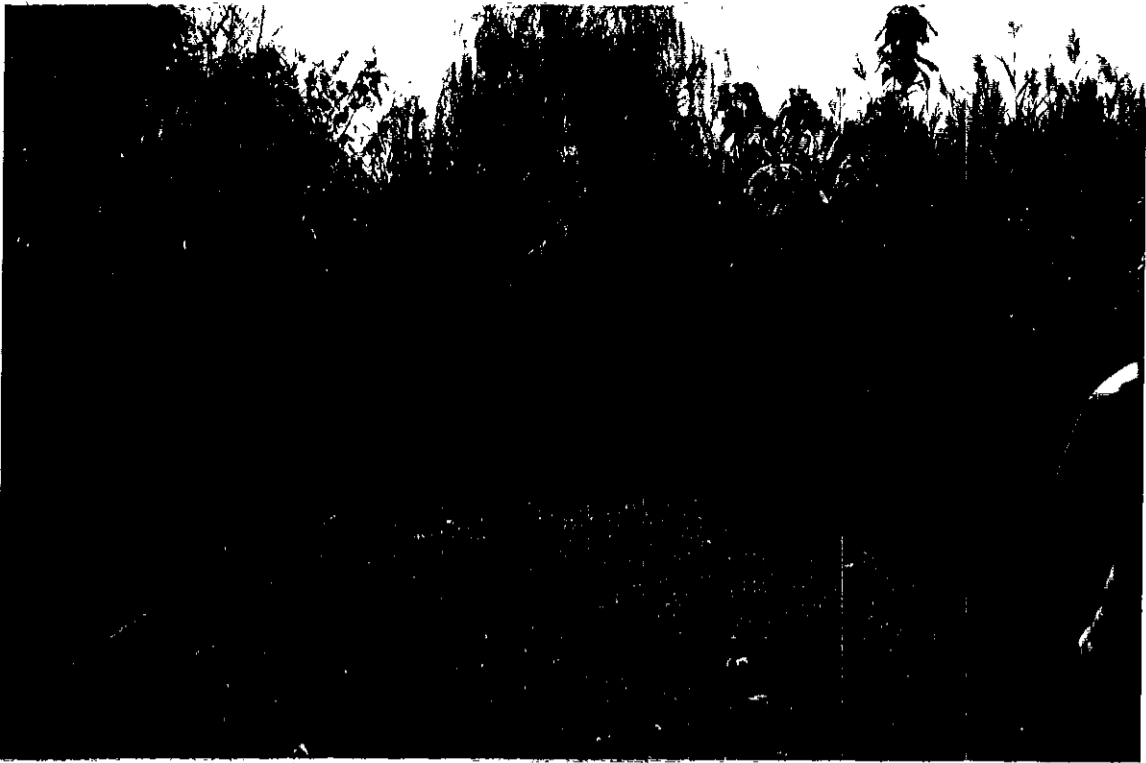
PIER

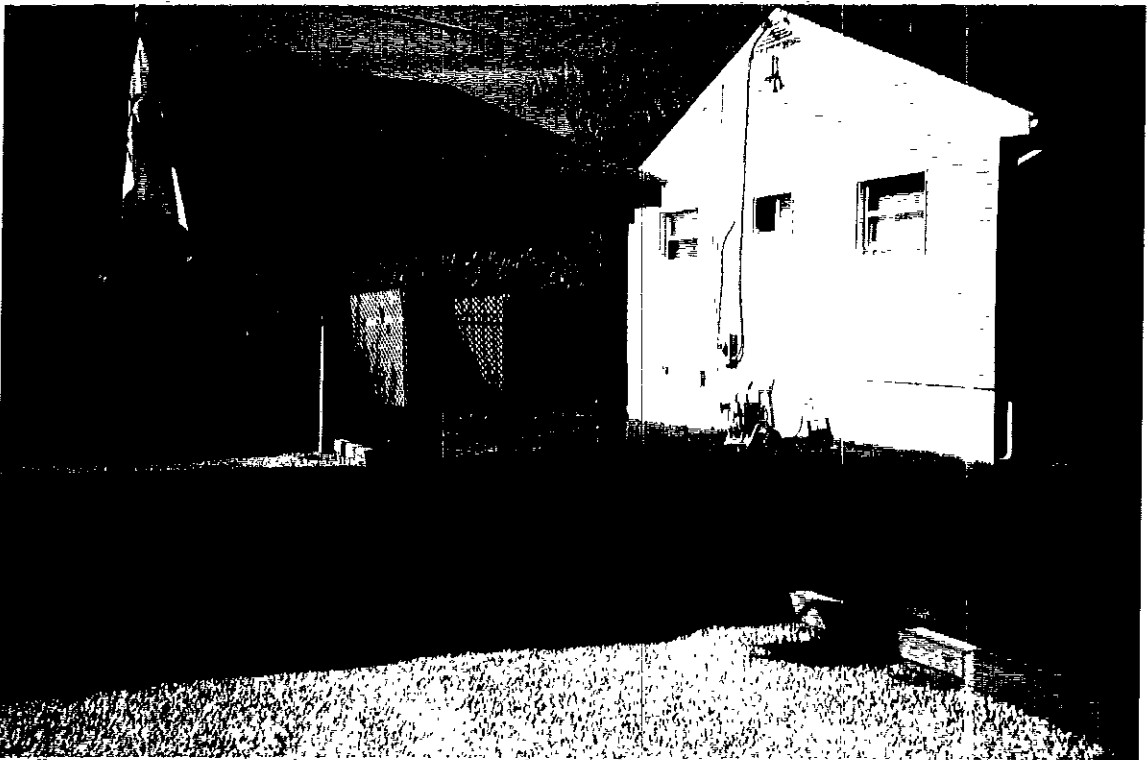
WALL



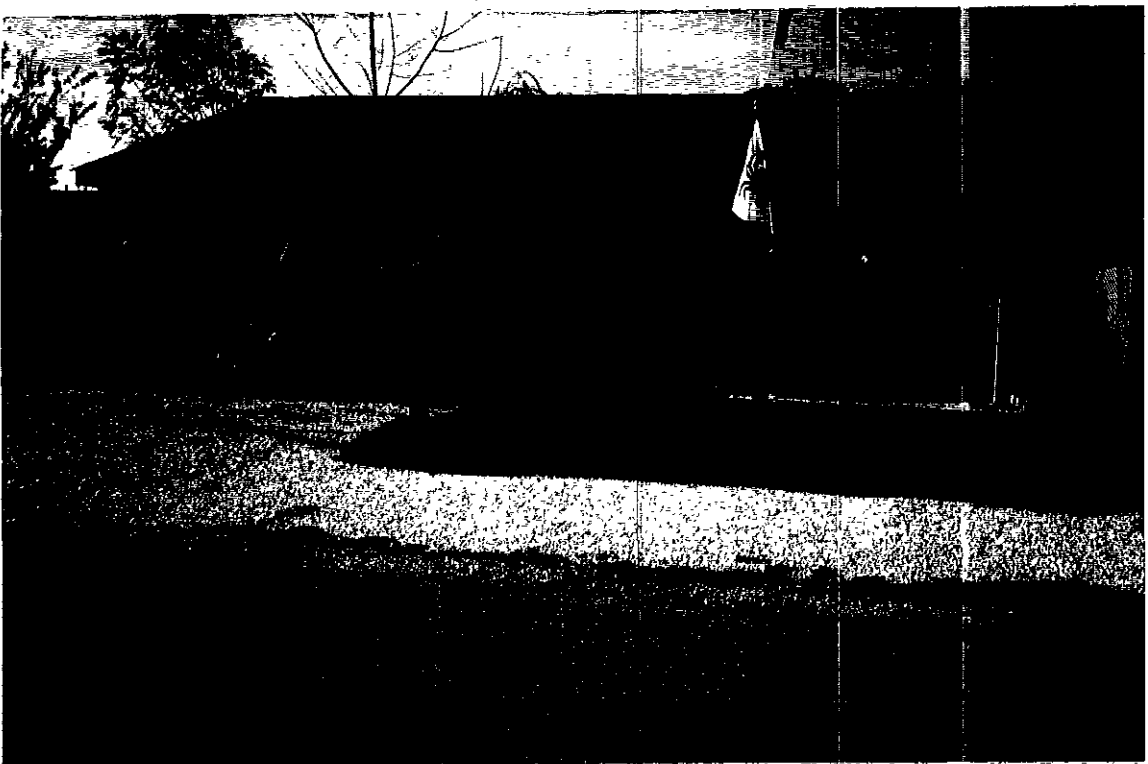
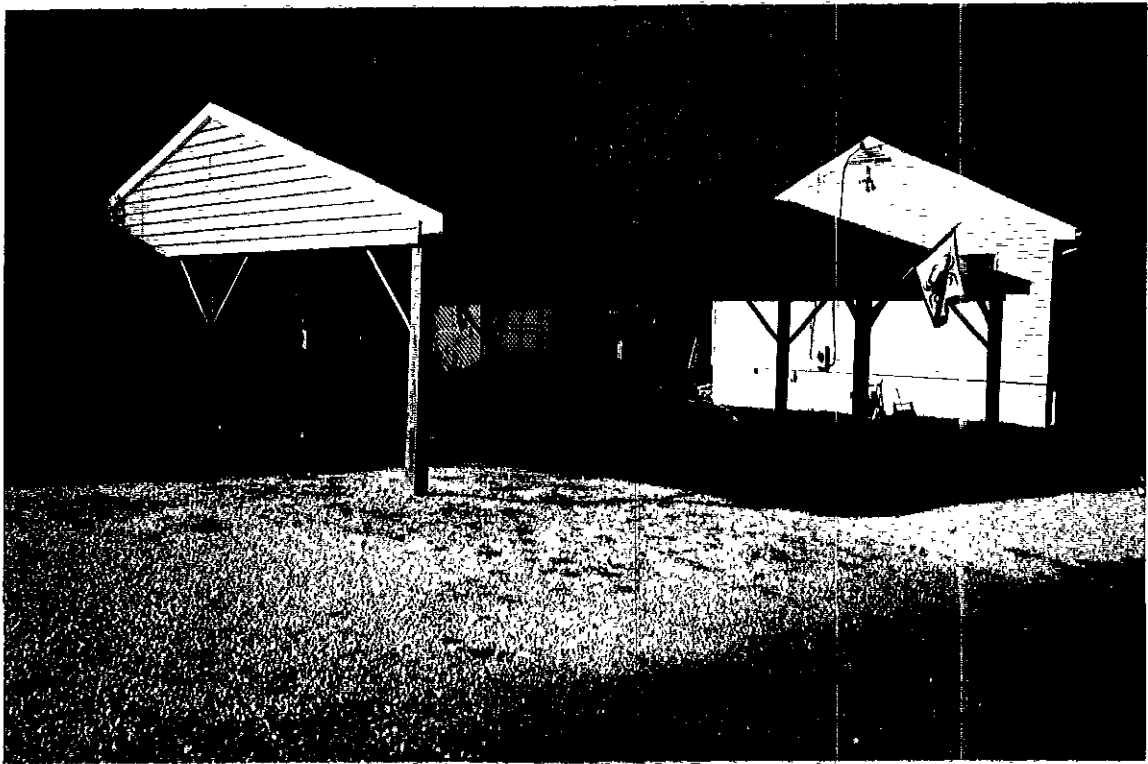














#157

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	1" = 200'
LOCATION	HAREWOOD OLIVER BEACH
SHEET	NE 7-M
DATE OF PHOTOGRAPHY	JANUARY 1986
	MICROFILMED