

IN RE:	PETITION FOR ZONING VARIANCE	*	BEFORE THE
	E/S New Battle Grove Road,		
	72 ft. N of C/1 Eder Road	*	ZONING COMMISSIONER
	7803 New Battle Grove Road		
	15th Election District	*	OF BALTIMORE COUNTY
	7th Councilmanic District		
	Scott Carpenter, et ux	*	Case No. 96-2-A
	Petitioners		
	* * * * *		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 7803 New Battle Grove Road in eastern Baltimore County. The Petition is filed by Scott Carpenter and Karen Carpenter, his wife, property owners. Variance relief is requested from Sections 1B02.3 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 3 ft. in lieu of 7 ft. for a garage. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

This matter was originally filed as an administrative variance, pursuant to Section 26-127 of the Baltimore County Code. That section allows this Zoning Commissioner to grant zoning relief without conducting a public hearing in some circumstances. However, in this case, after the posting of the property with a description of the relief sought, a request for public hearing was made by Raymond L. Sweet, adjoining property owner. Thus, as required by law, the matter was scheduled for public hearing.

Appearing at the public hearing held for this case were the Petitioners/co-property owners, Scott Carpenter and Karen Carpenter. Mr. Sweet appeared as a Protestant, as did Kathleen Hagy, who also resides adjacent to the property.

Testimony and evidence presented by the Petitioner was that Mr. and Mrs. Carpenter have resided on the subject site since 1990. This is a

ORDER RECEIVED FOR FILING

Date _____

By _____

rectangularly shaped lot in the Battle Grove Manor subdivision of eastern Baltimore County. Presently, the site is improved with an existing single family dwelling, a shed, a tree house and the subject garage. The subdivision contains moderately sized single family dwellings on individual lots. However, row homes are located across the street from the subject property.

Mr. Carpenter is in the construction/contracting business. A photograph of his truck, with lettering identifying same as owned by SC Contracting Company, was presented at the hearing. He testified that, due to the requirements of his growing family, additional storage space was needed. Thus, he constructed the existing garage. Numerous photographs of the garage were submitted which shows that same has been substantially completed. The structure is under roof and the walls have been finished, however, a limited amount of exterior siding work and finishing must be completed. The garage is 14 ft. x 25 ft. in dimension and 17 ft. in height.

As to its proposed purpose, the first floor of same will be utilized to store family goods and household items. The second floor will be used for other personal items.

As to the testimony of Mr. Sweet and Ms. Hagy, they object to the size and location of the garage. They believe that it overwhelms the landscape and are particularly troubled over the fact that it was constructed without a permit. Ms. Hagy noted in particular that she had made certain improvements to her lot and had been required to carefully follow the County's rules and ordinances. She resents the fact that Mr. Carpenter did not follow the same procedure.

It is difficult to have any sympathy for Mr. Carpenter as it relates to this case. The public is deemed to have knowledge of the zoning regula-

ORDER MADE FOR FILING
Date _____
By _____

ORDER RECEIVED FOR FILING

Date _____

By _____

tions and building codes in Baltimore County. Moreover, as a contractor, Mr. Carpenter, clearly, should have known that a permit was required.

The site plan which was submitted (Petitioners' Exhibit No. 1) shows that the subject garage is not the only improvement to the property which is proposed. In addition to the garage, the Petitioner proposes constructing a 12 x 26 ft. addition to the house. This addition will maintain a 3 ft. setback to the property line. Moreover, a 16 x 14 ft. breezeway is proposed which will connect from the rear of the house to the garage. The breezeway and garage will also maintain a 3 ft. side yard setback, thus, there will be a continuous line of building 3 ft. from the property line. If the garage were not attached to the house, a height variance would be needed for the structure as presently built. Section 400.3 of the BCZR limits detached accessory structures, including garages, to a height of 15 ft.

In my judgment, a grant of the variance to allow all of the proposed construction would be inappropriate. It would result in an unbroken wall of building from the front of the house to the rear of the garage. In my judgment, this would adversely impact neighboring properties and present an overcrowding of the subject property. Although the garage was constructed illegally, it seems appropriate to permit same to remain as constructed and grant a height variance from Section 400.3. Thus, no further improvements can be made to the property other than what is now constructed. However, the garage can remain. Such a ruling prohibits additional construction on the side of the house which reduces the distance presently maintained between the Petitioners' dwelling and Ms. Hagy's property. Moreover, the breezeway should not be permitted so as to maintain the open area between the rear of the house and the garage.

Based on these factors, I will deny the variance which has been petitioned, however, grant approval of a variance from Section 400.3. Moreover, the relief granted shall be restricted.

In addition to prohibiting additional building to the house and the breezeway, there shall be no other building on this site. If the Petitioners need more room, they should consider relocating. Also, the garage cannot be used for any dwelling purposes, nor in connection with any commercial or business enterprise. I will also provide the Zoning Enforcement office with the right of reasonable access to ensure compliance with these restrictions.

An order, as outlined above, is in my judgment consistent with the purposes of Section 307.1 of the BCZR and the case law.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), dated July 26, 1995, pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

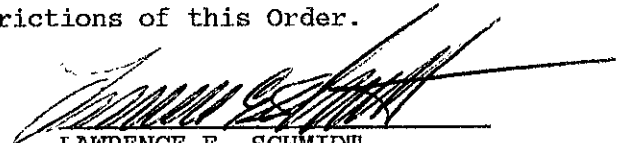
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September 1995, that a variance from Section 1B02.3 of the BCZR to permit a 3 ft. side yard setback in lieu of 7 ft. for a garage, be an is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 17 ft., in lieu of the required 15 ft.,

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. There shall be no commercial or business activity conducted from the garage and that same shall be used only for purposes accessory to the residential character of the lot.
4. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comment dated July 26, 1995, attached hereto and made a part thereof.
5. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.
6. The Petitioners shall not be allowed to construct additional structures on the subject property including but not limited to additions to the house or other accessory structures.
7. 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

ORDER RECEIVED FOR FILING

Date _____

By _____

LES/mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 14, 1995

Mr. and Mrs. Scott Carpenter
7803 New Battle Grove Road
Baltimore, Maryland 21222

RE: Case No. 96-2-A
Petition for Zoning Variance
Location: 7803 New Battle Grove Road

Dear Mr. and Mrs. Carpenter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, 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 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.





Petition for Administrative Variance

76-2-A

to the Zoning Commissioner of Baltimore County

for the property located at 7803 NEW BATTLE GROVE RD

which is presently zoned DR 5.5

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)

1302.3 (III. C. 3. "A Res") to permit a 3' side yard in lieu of 7.'

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

FAMILY GROWING NEED ROOM
(see other side)

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

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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.

Legal Owner(s):

SCOTT CARPENTER
(Type or Print Name)

Signature

KAREN CARPENTER
(Type or Print Name)

Signature

7803 NEW BATTLE GROVE RD 477-0037
Address Phone No

BALTO. MD 21222
City State Zipcode

Name, Address and phone number of representative to be contacted

SCOTT CARPENTER
Name

7803 NEW BATTLE GROVE RD 477-0037
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: MDH

DATE: 7/6/95

ESTIMATED POSTING DATE: 7/14/95



Printed with Soybean Ink
on Recycled Paper

ITEM #: 5

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 7903 NEW BATTLE GROVE RD
address
BALTO MD 21222
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)

FAMILY GROWING, NEED ROOM
ALSO WITH NO BASEMENT OR ATTIC NO
SPACE AT ALL FOR STORAGE OF ANYTHING.

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.

SA CA
(signature)
SCOTT CARPENTER
(type or print name)



X Karen Carpenter
(signature)
KAREN CARPENTER
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5 day of JULY, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Karen Carpenter, Scott Carpenter

the Affiants(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.

7/5/95
date

James A. Cavannes
NOTARY PUBLIC

My Commission Expires: 9/17/95

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 7803 NEW BATTLE GROVE ROAD
(address)

Beginning at a point on the SOUTH EAST side of NEW BATTLE GROVE
(north, south, east or west) (name of
ROAD
which is 20'
street on which property fronts) (number of feet of right-of-way width)
wide at the distance of 72' WEST of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street EDGER ROAD
(name of street)
which is 20' wide. *Being Lot # 15,
(number of feet of right-of-way width)
Block B, Section # B in the subdivision of BATTLE GROVE MANOR
(name of subdivision)
as recorded in Baltimore County Plat Book # 18, Folio # 66, containing
8525 ±. Also known as 7803 NEW BATTLE GROVE 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.

#6

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-2

District 15th Date of Posting 7/15/95
Posted for: Variance
Petitioner: Scott & Karen Carpenter
Location of property: 7803 New Bottle Grove Rd.
Location of Signs: Facing roadway, on property being zoned
Remarks: _____
Posted by M. Hardy Date of return: 7/21/95
Signature
Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-2

District: 15th Date of Posting: 8/5/95
Posted for: Variance
Petitioner: Scott & Karen Carpenter
Location of property: 7803 New Bottle Road
Location of Signs: Facing road on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 8/12/95
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118 of the County Office Building, 111 W. Chase Avenue in Towson, Maryland

21204 of Room 118, Old Courthouse, 100 Washington Avenue, Towson, Maryland 21204 as follows:

Case #99-2-A
(Item 6)

7803 New Battle Grove Road

E/S New Battle Grove Road 72' N of c/l Eder Road

15th Election District

7th Councilmanic

Legal Owner(s):

Scott Carpenter and Karen Carpenter

Hearing: Thursday,

August 24, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a 3-foot side yard in lieu of 7 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call: 887-3381.
8/082 Aug. 3.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Aug 4, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 3, 1995.

THE JEFFERSONIAN,

A. Hemmerson

LEGAL AD. - TOWSON

Publisher

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/neighbor 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.: 06

Petitioner: SCOTT CARPENTER

Location: 7803 NEW BATTLE GROVE RD. (DUNWATER)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SCOTT CARPENTER

ADDRESS: 7803 NEW BATTLE GROVE ROAD
BALTO. MD. 21222

PHONE NUMBER: 410-477-2828

AJ:ggs

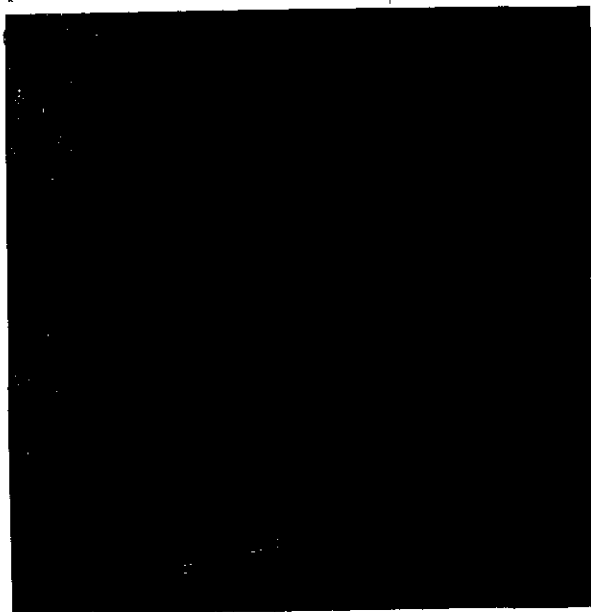
(Revised 04/09/93)



96-2-A



96-2



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-2-17

District 1st Date of Posting 10/28/95

Posted for: Appeal

Petitioner: _____

Location of property: 7803 New Bottle Grove Rd.

Location of Signs: Facing road way on property being appealed for zoning

Remarks: _____

Posted by [Signature] Date of return: 11/3/95
Signature

Number of Signs: 1



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

No.

075632

DATE 10/20/95 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED
FROM:

Raymond L. Sweet

FOR:

Appeal Zoning Commissioners Order
dated September 15, 1995

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

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

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dated September 15, 1995

\$210.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

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

No.

003630

96-2-A

DATE 7/6/95 ACCOUNT 01-615

Item: 06

Ta Kc In m7K
By:

AMOUNT \$ 85.00

Carpenter, Scott - 7803 New Battle Road Rd

RECEIVED

FROM:

010 - Res Variance - \$50.00
000 - 1 sign - \$35.00
\$85.00

FOR:

03A03#0366NICHRC

\$85.00

BA COLL#14AMD7-06-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 96-2-A
Petitioner(s): SCOTT CARPENTER
Location: 7803 NEW BATHURST GROVE RD
***** BALTO. MD 21222

I/WE, RAYMOND L. SWEET
Name(s) (TYPE OR PRINT)

(☒) Legal Owners () Residents, of

7805 NEW BATHURST GROVE RD.
Address

BALTO. MD. 21222 410.477.3447
City/State/Zip Code Phone

which is located approximately ADJACENT feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Raymond L. Sweet 7-27-95
Signature Date

Signature

Date

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 17, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-2-A (Item 6)
7803 New Battle Grove Road
E/S New Battle Grove Road, 72' N of c/l Eder Road
15th Election District - 7th 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 should have been posted on or before July 16, 1995. The closing date (July 31, 1995) 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, appearing to read "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Scott and Karen Carpenter



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-2-A (Item 6)
7803 New Battle Grove Road
E/S New Battle Grove Road, 72nd N of c/l Eder Road
15th Election District - 7th Councilmanic
Legal Owner(s): Scott Carpenter and Karen Carpenter
HEARING: THURSDAY, AUGUST 24, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 3-foot side yard in lieu of 7 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, sweeping "A" and "J".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Scott and Karen Carpenter
Raymon L. Sweet

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTUXENT PUBLISHING COMPANY
August 3, 1995 Issue - Jeffersonian

Please forward billing to:

Scott Carpenter
7803 New Battle Grove Road
Baltimore, MD 21222
477-2828

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-2-A (Item 6)
7803 New Battle Grove Road
E/S New Battle Grove Road, 72' N of c/l Eder Road
15th Election District - 7th Councilmanic
Legal Owner(s): Scott Carpenter and Karen Carpenter
HEARING: THURSDAY, AUGUST 24, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 3-foot side yard in lieu of 7 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 12, 1996

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE AND PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-2-A

SCOTT CARPENTER, ET UX -Petitioners
E/s New Battle Grove Road, 72' N of c/l Eder
Road (7803 New Battle Grove Road)
15th Election District
7th Councilmanic District

VAR -Side yard setback of 3' in lieu of 7' for
garage addition; accessory structure (existing
detached garage) with height of 17' in lieu of
permitted 15'.

9/15/95 -Z.C.'s Order in which Petition for
Variance to permit 3' side yard setback is
DENIED; and variance to allow existing garage
with height of 17' in lieu of required 15' is
GRANTED with restrictions.

which was rescheduled for hearing on July 17, 1996 has been POSTPONED at
the request of Petitioners (family emergency /medical); and has been

REASSIGNED FOR: TUESDAY, OCTOBER 1, 1996 at 10:00 a.m.

cc: Raymond L. Sweet	Appellant /Protestant
Kathleen Hagy	Protestant
Scott and Karen Carpenter	Petitioners
People's Counsel for Baltimore County	
Pat Keller /Planning Director	
Lawrence E. Schmidt	
Docket Clerk /PDM	
Arnold Jablon, Director /PDM	
Virginia W. Barnhart, County Attorney	

c: R.C.K.

Kathleen C. Bianco
Legal Administrator



Case No. 96-2-A

Scott Carpenter, et ux - Petitioner

E/s New Battle Grove Road, 72' N of c/l
Eder Road (7803 New Battle Grove Road)

15th Election District

Appealed: 10/16/95

(info. given to Walt by telephone 10/27/95)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 27, 1995

Mr. and Mrs. Scott Carpenter
7803 New Battle Grove Road
Baltimore, Maryland 21222

RE: Item No.: 6
Case No.: 96-2-A
Petitioner: S. Carpenter, et ux

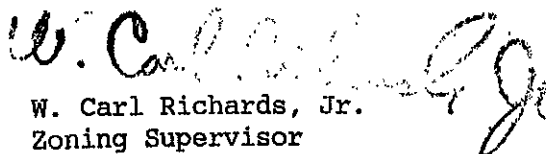
Dear Mr. and Mrs. Carpenter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



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: July 24, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 24, 1995
Items 004, 005, 006 and 008³

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 07/17/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION OF JULY 17, 1995.

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: 01, 03, 04, 05, 06 & 08.5

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

7-12-95

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

Re: Baltimore County
Item No.: 006 (MJK)

Dear Ms. Watson:

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

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

copy

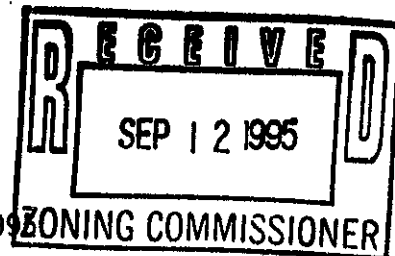
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

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

July 26, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #6 - Carpenter Property
7803 New Battle Grove Road
Zoning Advisory Committee Meeting of July 17, 1995



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

Environmental Impact Review

In accordance with the Chesapeake Bay Critical Area Regulations, the sum of all man-made impervious areas shall not exceed 25% of the lot. The existing impervious surface is 20% and the proposed additions will increase this amount to 25%. As such, this zoning petition is in compliance with Chesapeake Bay Critical Area regulations.

JLP:TJL:sp

c: Scott & Karen Carpenter

CARPENT/DEPRM/TXTSBP

Post-It® Fax Note		7671	Date 9/12/95	# of pages 1
To Marlene Novak		From Tami Long		
Co/Dept. Zoning Comm.		Co. DEPRM		
Phone # x 3468		Phone # x 3980		
Fax # x		Fax # x 4804		

This case came in for
Bldg Code Violation on
8/8/95, Carpenter did not
appear but neighbors did,
Mr Sweet + Mrs Hogg,
They said that garage is
huge and too close to property
line, They also said to operate
his business out of garage. I
advised them to appear at
variance hearing

SS

8/8/95



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

October 19, 1995

Mr. and Mrs. Scott Carpenter
7803 New Battle Grove Road
Baltimore, MD 21222

Re: Petition for Zoning
Variance
E/S New Battle Grove Road,
72 ft. N of C/l Eder Road
7803 New Battle Grove Road
15th Election District
7th Councilmanic District
Scott Carpenter, et ux
Petitioner
Case No. 96-2-A

Dear Mr. and Mrs. Carpenter:

Please be advised that an appeal of the above-referenced case was filed in this office on October 16, 1995 by Mr. Raymond L. Sweet. All materials relative to the case have been forwarded to the Baltimore County Board of appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

cc: Raymond L. Sweet
Kathleen Hagy
People's Counsel

95 OCT 25 10 52

10 11 1995

APPEAL

Petition for Zoning Variance
E/S New Battle Grove Road,
72 ft. N of C/1 Eder Road
7803 New Battle Grove Road
15th Election District - 7th Councilmanic District
Scott Carpenter, et ux - Petitioners
Case No. 96-2-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Request for Hearing dated July 27, 1995

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to accompany Petition for Zoning
Variance

Fourteen Photographs (Not Marked as Exhibits)

Zoning Commissioner's Order dated September 15, 1995 (Granted with
Restrictions)

Notice of Appeal received on October 16, 1995 from Raymond L. Sweet

cc: Raymond L. Sweet, 7805 New Battle Grove Road, Baltimore, MD
21222-3560

Kathleen Hagy, 7807 New Battle Grove Road, Baltimore, MD
21222-3560

Scott and Karen Carpenter, 7803 New Battle Grove Road,
Baltimore, MD 21222

People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director, PDM

/nmn

2/07/96 -Notice of Assignment for hearing scheduled for Tuesday,
April 23, 1996 at 10:00 a.m. sent to following:

Raymond L. Sweet
Kathleen Hagy
Scott and Karen Carpenter
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

4/23/96 -Board convened; hearing opened; Petitioner not familiar with
307.1 or Cromwell v. Ward; continuance requested with no objection
to same. Continuance granted; to be rescheduled with the same
Board sitting (R.K.C.).

4/29/96 --Notice of PP and Reassignment sent to parties; matter
rescheduled to Wednesday, July 17, 1996 at 10:00 a.m. (R.K.C.
copied on notice to alert that matter has been rescheduled.)

7/12/96 -T/C from Petitioner /Karen Carpenter. On 7/11/96, their 4-
month-old son was scheduled for heart surgery; requested
postponement of 7/17/96 hearing; advised her that it would be
granted; letter to be provided with specifics formally requesting
postponement. Notice to be sent to parties this date in order that
all parties would receive notification of postponement prior to
actual hearing date.

- Second Notice of PP and Reassignment sent to parties and RKC;
matter postponed and reassigned to Tuesday, October 1, 1996 at
10:00 a.m.

7/15/96 -Request in writing from Petitioner as promised.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 9, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File: Case No. 96-2-A
Scott Carpenter, et ux - Petitioner

As no further appeal has been taken regarding the subject case, which was dismissed by Order dated October 22, 1996 we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 96-2-A)

Ms. Bianco

July 12, 1996

Due to a family emergency beyond our control, I am formally requesting that our court date be postponed. We were informed yesterday that our 4 month old son, Colton, needs heart surgery A.S.A.P. Because of the sudden onset of this matter, I am unable to give the required 15 day notice. I'm sure you understand where our priorities lie in this matter. Thank you for your help with this difficult situation.

Sincerely,

Karen M. Carpenter
1803 New Battle Grove Road
Baltimore, MD 21222

96 JUL 15 PM 3:32
JUL 15 1996
JUL 15 1996

ARNOLD JABLON
111 W. CHEAS, LAKE AVE.
TOWSON, MD. 21204

BALTO. MD.
OCT. 13, 1995
10/16/95

DEAR SIR

I AM REQUESTING A HEARING ON APPEAL
ON A DECISION HANDED DOWN ON CASE
96-2-A THAT WAS HELD IN ROOM 118 OLD
COUNTY COURTHOUSE AUG. 24TH 1995.

THE HEARING WAS BEFORE COMM. LAWRENCE
E. SCHMIDT ON A VARNANCE PETITION THAT
WAS REQUESTED BY SCOTT + KAREN CARPENTER
WHOM RESIDES AT 7803 NEW BATTLE GROVE RD.

I, RAYMOND L. SWEET 7805 NEW BATTLE GROVE RD.
REQUESTED THAT HEARING, PRESENT AT THAT
HEARING, MR. + MRS. CARPENTER, MYSELF
AND MRS. KATHY HAGY WHOM RESIDES AT
7807 NEW BATTLE GROVE RD. + COMM. SCHMIDT

I AM APPEALING THAT DECISION, I FEEL
THAT ALL THE EVIDENCE IN THIS CASE WAS
NOT PRESENTED BECAUSE THE BLDG INSPECTOR
INS. ROLIF WAS NOT PRESENT WITH HIS RECORDS.

TO VERIFY THAT MR. CARPENTER KEPT WORKING ON
THAT PROJECT AFTER INSPECTOR ROLIF PUT
A WORK STOPPAGE ON SAME, JUNE 13TH 1995
WORK ON PROJECT CONTINUED UNTIL 7.21.95

AFTER INSPECTOR ROLIF PUT A WARNING
SIGN ON BUILDING, MOST OF BUILDING WAS
COMPLETED BY THIS TIME!

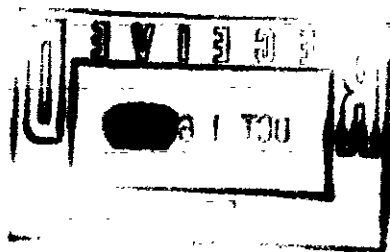
MR. CARPENTER HAD NOT REQUESTED A
PERMIT OR PERMITS UNTIL I PUT UP MY
40.00 FEE AND REQUESTED A HEARING
MR. CARPENTER WAS NOTIFIED TO COME TO
TOWSON TO GIVE CAUSE WHY NO PERMITS
WERE SOUGHT, MRS. HAGY AND MYSELF WERE
THERE BEFORE COMM. SCHMIDT, WE KNEW WE
DID NOT NEED TO BE THERE BUT TO LET
EVERYONE CONCERNED KNOW HOW STRONGLY
WE FEEL ABOUT MR. CARPENTER'S PROJECT
MR. CARPENTER DID ^{NOT} SHOW AT THIS HEARING!
IT WAS AFTER I COMPLAINED THAT MR. CARPENTER
REQUESTED PERMITS OTHER THAN THE SO CALLED
GARAGE. I FEEL THAT THIS WAS A SMOKE SCREEN
TO TAKE AWAY ATTENTION FROM ORIGINAL PROJECT
I FEEL THAT MR. CARPENTER HAS NO REGARDS
FOR OTHER PEOPLE'S RIGHTS, AND HAS LESS REGARDS
FOR BALTO COUNTY RULINGS, LAW, REGULATIONS!
HE STATED THIS TO ME (YOU KNOW MR. SWEET
I DON'T GET PERMITS FOR ANYTHING)

I FEEL HE HAS INFRINGED ON MY
PROPERTY RIGHTS, I FEEL HE HAS THUMBED
HIS NOSE TO ME AND TO THE ZONING
COMMISSIONERS OF BALTO. COUNTY!

THEREFORE I AM REQUESTING A HEARING
ON A PPEAL BEFORE BALTO. CO. ZONING BOARD
I REQUEST THAT INSPECTOR ROLIF BE
PRESENT AT SUCH HEARING!

THE REASON TIME ALMOST RAN OUT TO
FILE AN APPEAL, I WAS NOT NOTIFIED BY
COMM. SCHMIDT'S OFFICE, MR. CARPENTER
RECEIVED A COPY OF ORDER THAT WAS
HANDLED DOWN ALMOST IMMEDIATELY. I HAD
TO CALL COMM. OFFICE ON 29TH SEPT 1995!
TALKED TO MRS. BETTY SCHULMANN, THEN
WAS SENT A COPY OF ORDER!

SO THEREFORE I FEEL I SHOULD BE GRANTED
ANOTHER HEARING ON APPEAL!



TOTAL REGARDS
Raymond L. Sureset
7805 NEW BATTLE GROVE RD
BALTO. MD. 21222

12 COPIES

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 7803 NEW BATTLE GROVE ROAD

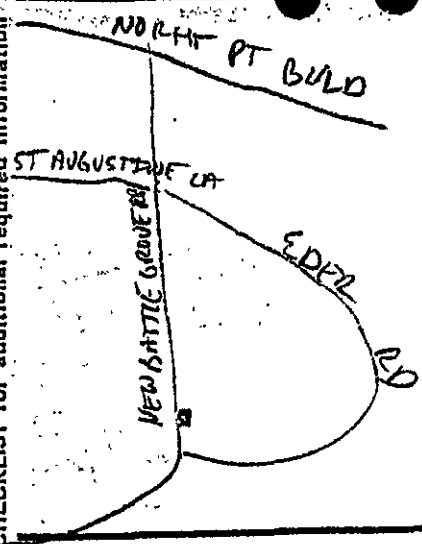
Subdivision name: BATTLE GROVE MANOR

plat book # 18, folio # 66, lot # 15, section # 6

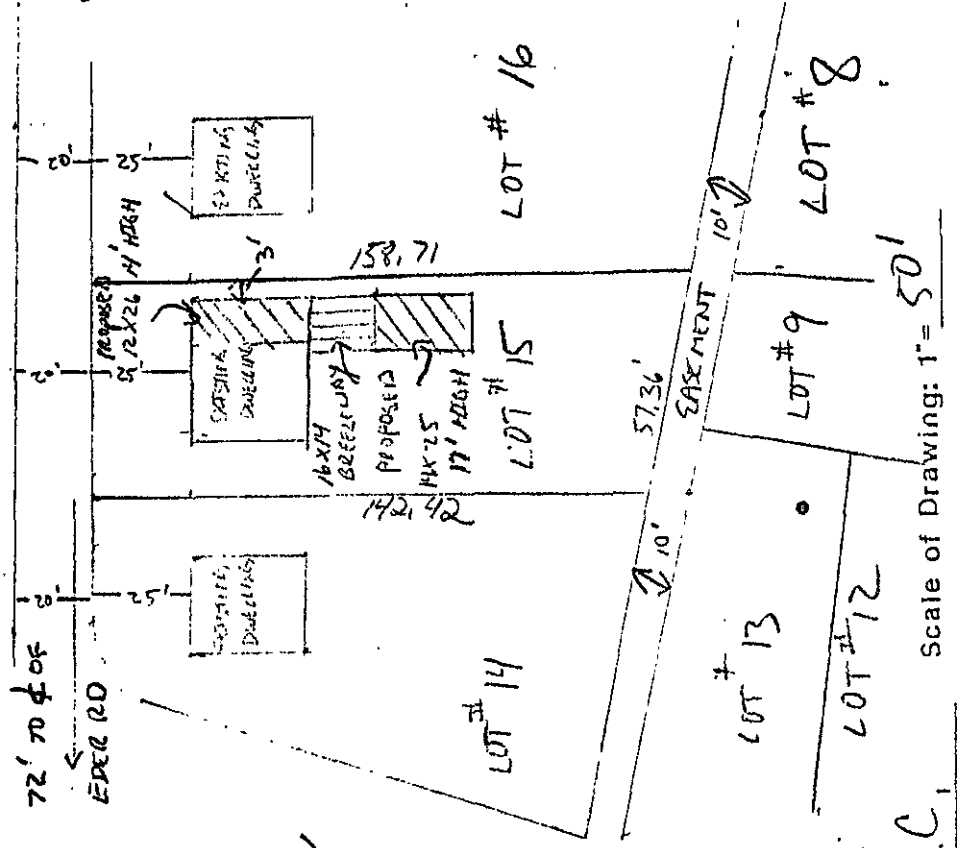
OWNER: SCOTT & KAREN CARPENTER

96-2-A

NEW BATTLE GROVE ROAD
N 23° 43' 20"E



Vicinity Map
North
Scale: 1"=1000'



[Handwritten signature]

LOCATION INFORMATION

Election District: 15TH

Councilmanic District: 7

1"=200' scale map #: SE46

Zoning: MS-5

Lot size: 19 9525
acreage square feet

public ☒ private ☐
SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☒ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: MMK ITEM #: 6 CASE #:



North

date: 6-25-95

prepared by: S.K.C.

Scale of Drawing: 1"=50'

#06

96-2-A

NEW BATTLE GROVE ROAD



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

SCOTT CARPENTER
Karen M. Carpenter

7803 NEW BATTLE GROVE RD
7803 New Battle Grove Road



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

Raymond L. Sweet

ADDRESS

7805 NEW BATTLE GROVE ROAD
BALTIMORE MD. 21222

Kathleen Hagy

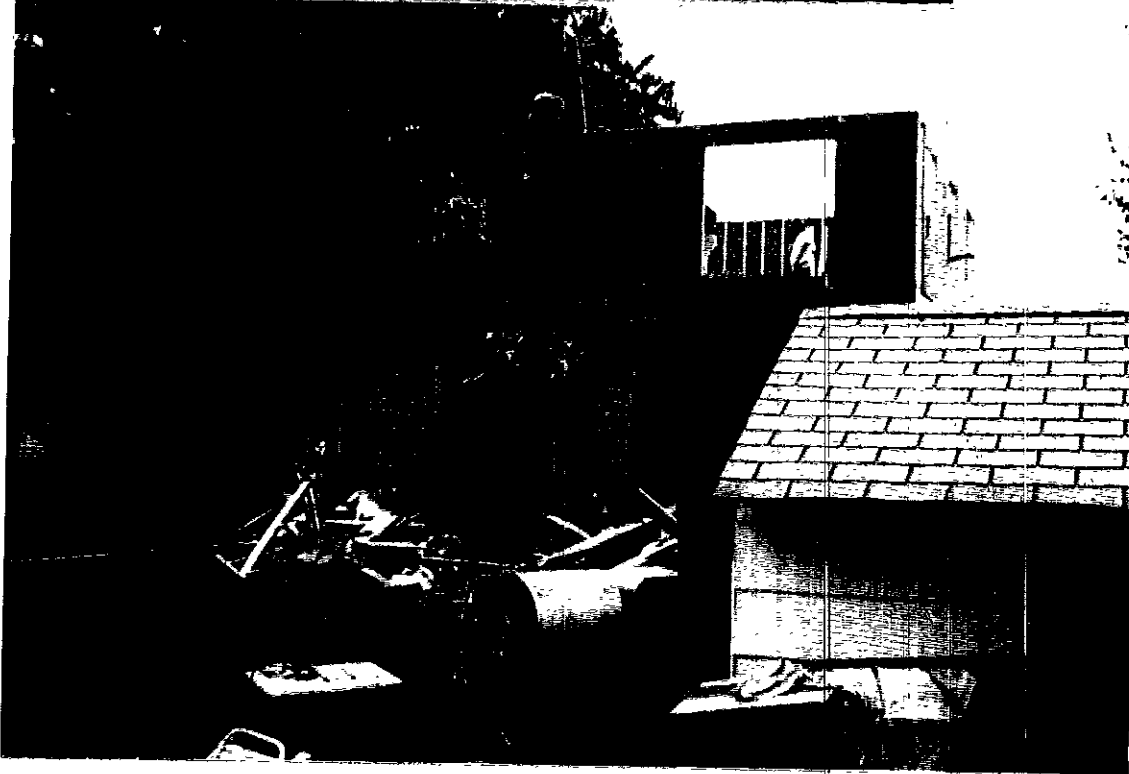
7807 New Battle
Grove Rd
21222



96-2-A



Side view where
garage goes back to
neighbor's shed + 2 trees.



Back view where
garage goes. Shed
no longer there

96-2-A



side addition
to go on left of
house - front view



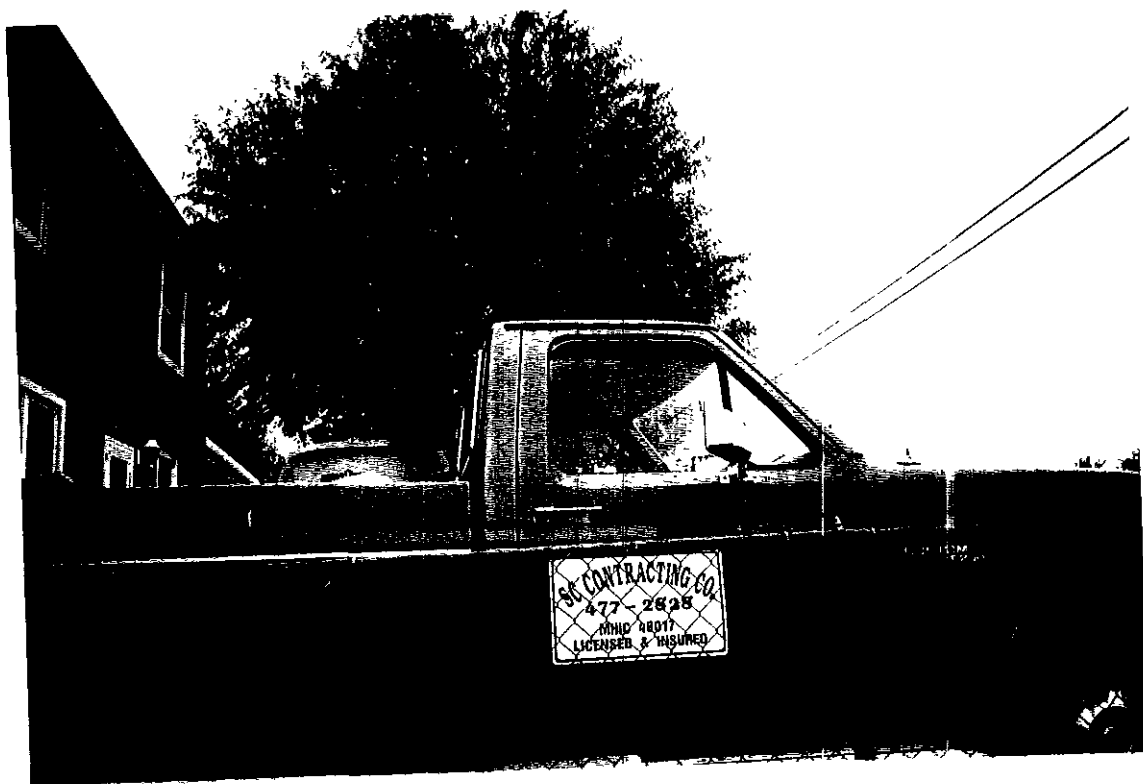
Side addition
to go on right
side of house.
View from back
of house

96-2 #

14 photographs







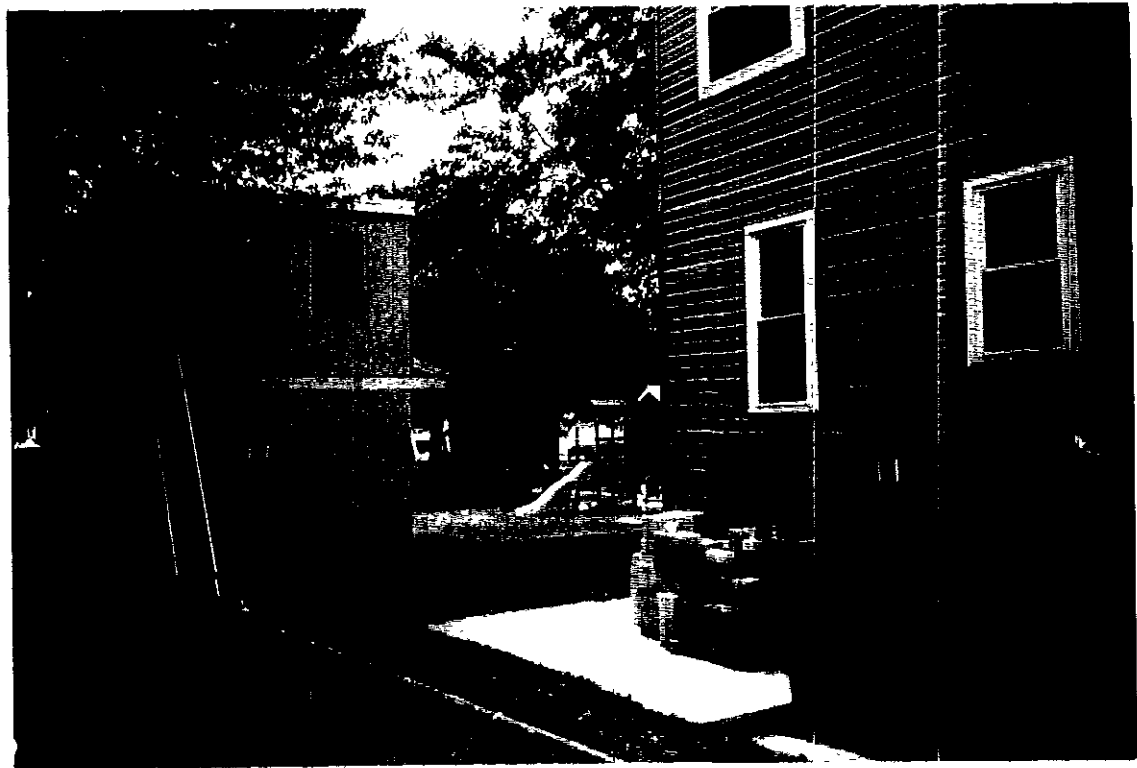






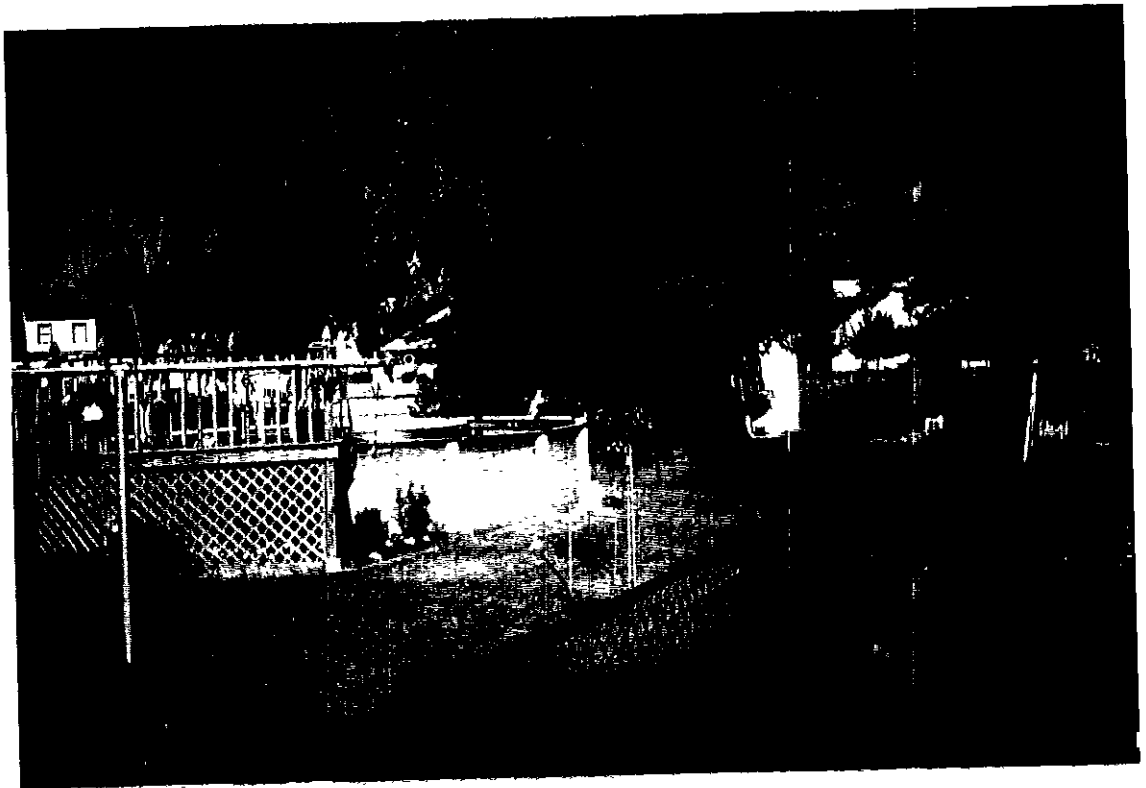
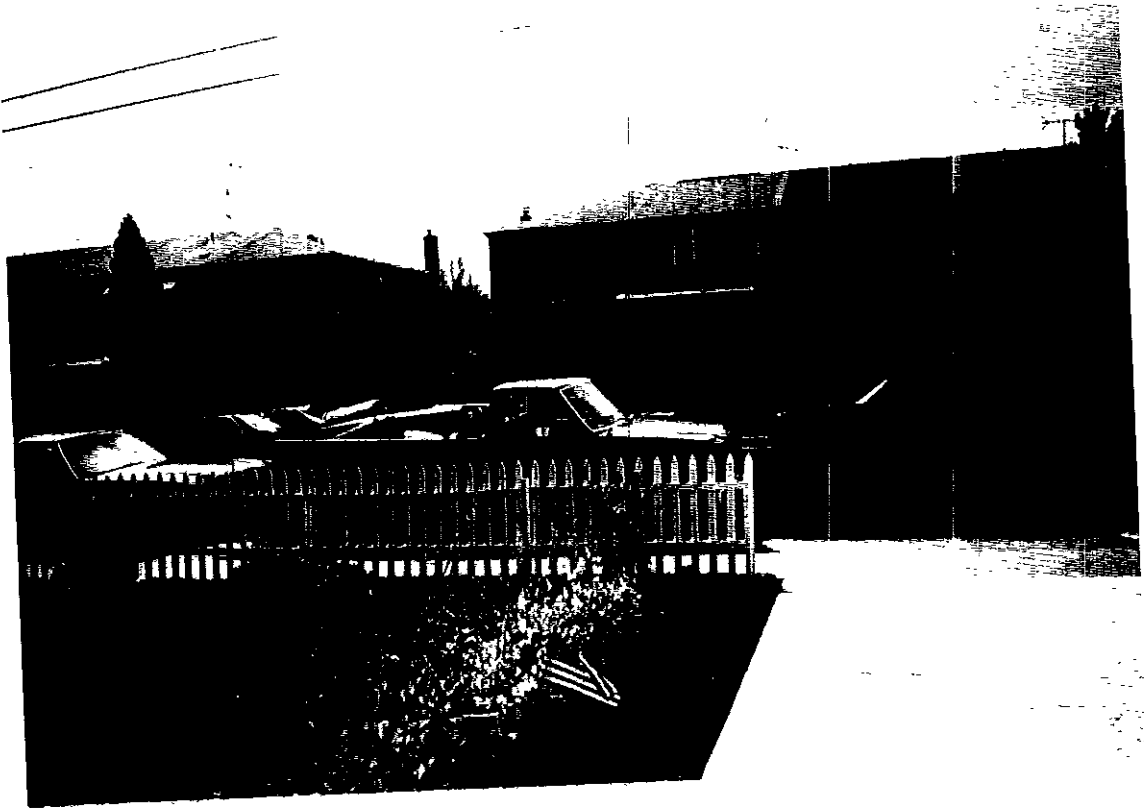


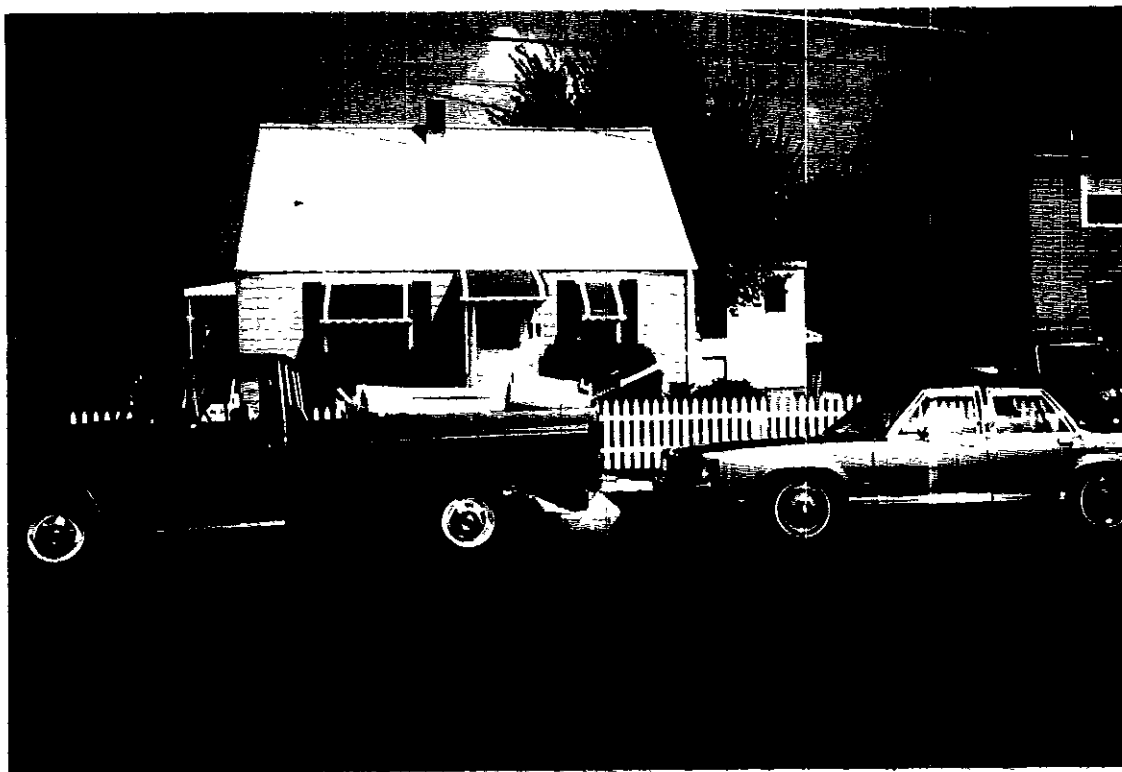


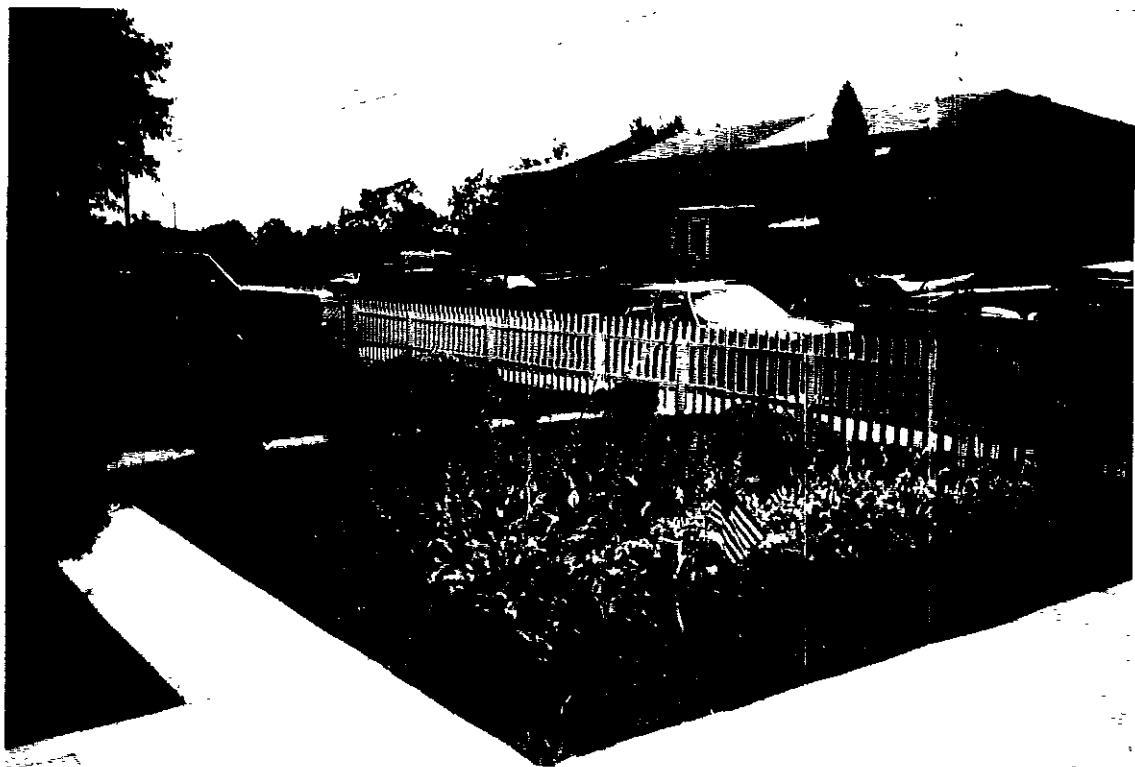
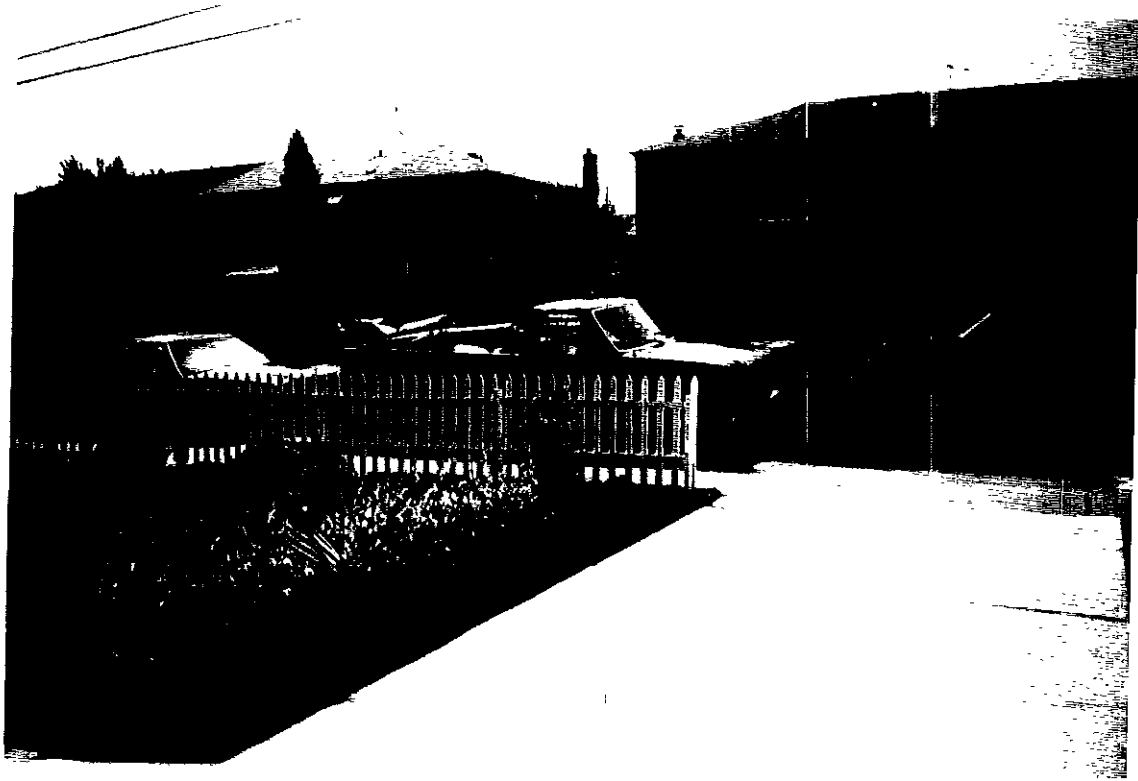














IN THE MATTER OF
THE APPLICATION OF
SCOTT CARPENTER, ET UX
FOR ZONING VARIANCES ON
PROPERTY LOCATED ON THE EAST
SIDE BATTLE GROVE ROAD, 72'
NORTH OF C/L EDER ROAD
(7803 NEW BATTLE GROVE ROAD)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

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BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 96-2-A

*

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*

ORDER OF DISMISSAL

This matter is an appeal from the September 15, 1995 decision of the Zoning Commissioner in which the subject request was granted in part and denied in part.

WHEREAS, this Board convened for hearing as scheduled on Tuesday, October 1, 1996 at 10:00 a.m.; and

WHEREAS, at the onset of that hearing, and on the record, Appellant /Protestant, Raymond L. Sweet, moved to withdraw his appeal in this matter;

IT IS THEREFORE this 22nd day of October, 1996 by the County Board of Appeals of Baltimore County

ORDERED that the appeal taken in Case No. 96-2-A be and is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Kristine K. Howanski


Charles L. Marks



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 22, 1996

Mr. Raymond L. Sweet
7805 New Battle Grove Road
Baltimore, MD 21222-3560

RE: Case No. 96-2-A
Scott Carpenter, et ux

Dear Mr. Sweet:

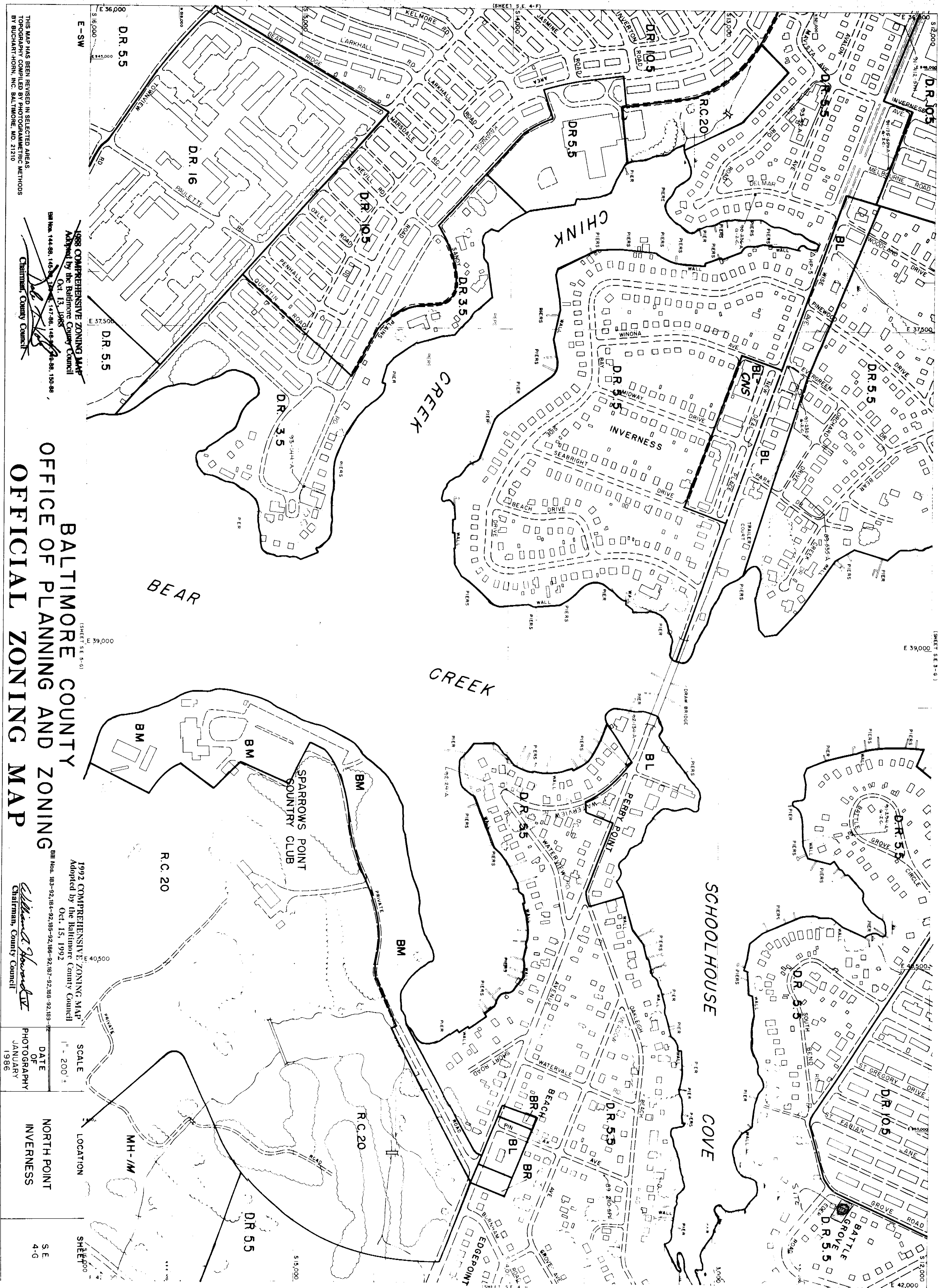
Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

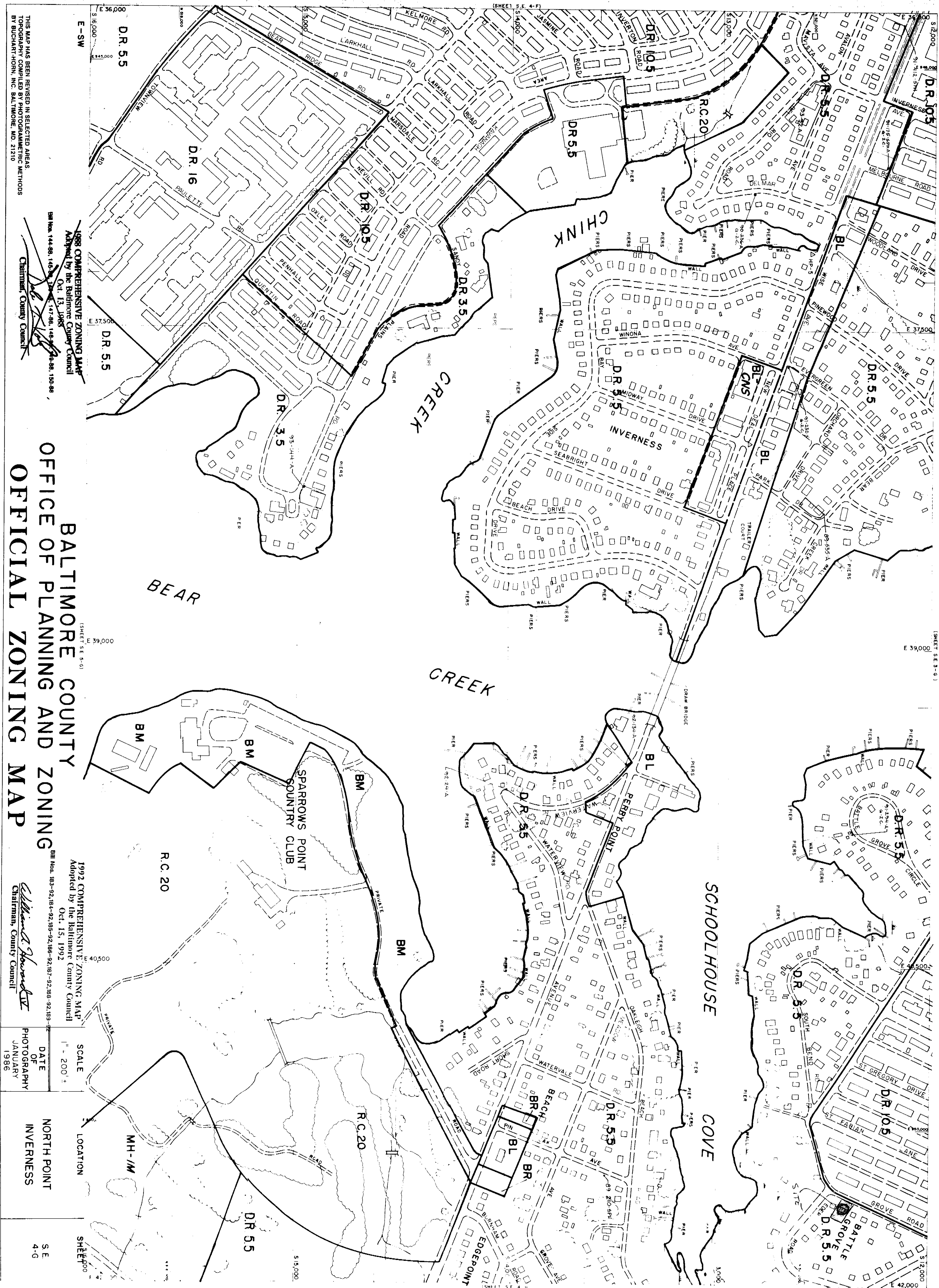
Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

encl.

cc: Scott and Karen Carpenter
Kathleen Hagy
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



#96-2-A



#96-2-A