

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S Newburg Avenue, 112'N of
the c/l of Biddle Court
(502 Newburg Avenue)
1st Election District
1st Councilmanic District

John E. Hook, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-209-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 502 Newburg Avenue, located in the vicinity of Rolling Road in Catonsville. The Petition was filed by the owners of the property, John E. Hook, Jr., and his wife, Vivian Hook. The Petitioners seek relief from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2.5 feet in lieu of the minimum required 6 feet for a proposed carport. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affida-

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ORDER RECEIVED FOR FILING
Date 12/1/96
By [Signature]

vits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of December, 1996 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2.5 feet in lieu of the minimum required 6 feet for a proposed carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed carport shall remain open on the three exposed sides. There shall be no enclosure of any portion of the carport.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
For Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 6, 1996

Mr. & Mrs. John E. Hook, Jr.
502 Newburg Avenue
Baltimore, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/S Newburg Avenue, 112'N of the c/l of Biddle Court
(502 Newburg Avenue)
1st Election District - 1st Councilmanic District
John E. Hook, Jr., et ux - Petitioners
Case No. 97-209-A

Dear Mr. & Mrs. Hook:

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 Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Patrick O'Keefe
523 Penny Lane, Hunt Valley, Md. 21030

People's Counsel

File

ENCLOSURE



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #502 NEWBURG AVENUE

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)

1 B66.3 B (211.3 R-6) + 301.1 to permit a 2.5' side yard in lieu of 6'

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

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).

JOHN E. HOOK, JR
(Type or Print Name)

Signature

VIVIAN HOOK
(Type or Print Name)

Signature

502 NEWBURG AV.

Address

744-2750 (T.D.D.)
744-0838 (VOICE)

Phone No

BALTO MD. 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted

PATRICK O'KEEFE
Name

523 PENNY LANE

Address

21030

Phone No

666-5366

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.

REVIEWED BY: [Signature]

DATE: 11/8/96

ESTIMATED POSTING DATE: 11/17/96



Printed with Soybean Ink
on Recycled Paper

Zoning Commissioner of Baltimore County

ITEM #: 209

ORDER RECEIVED FOR FILING
Date 12/1/96
16

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 #502 NEWBURG AVE
address
BALTO., MD. 21228
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)

HARDSHIP BASED ON PHYSICAL DISABILITY.
65 FOOT WIDE LOT TOO NARROW TO ACCOMADATE
CARPORT

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.

John E. Hook, Jr.
(signature)
JOHN E. HOOK, JR.
(type or print name)



Vivian Hook
(signature)
VIVIAN HOOK
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of October, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN E. HOOK, JR. and Vivian Hook

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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.

18-7-96
date



Colleen M. Kelly
NOTARY PUBLIC

My Commission Expires: 6-1-99

JOHN & VIVIAN HOOK

ZONING DESCRIPTION FOR #502 NEWBURG AVENUE
(address)

Beginning at a point on the NORTH side of
(north, south, east or west)
NEWBURG AVENUE which is 50 FEET
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 112.0 FEET NORTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street BIDDLE COURT
(name of street)
which is 50 FEET wide. *Being Lot # 1
(number of feet of right-of-way width)
Block —, Section # — in the subdivision of HILTON PLAT-3
(name of subdivision)
as recorded in Baltimore County Plat Book # 22, Folio # 87,
containing 6390 SQUARE FT. Also known as #502 NEWBURG AVENUE
(square feet or acres) (property address)
and located in the 1ST Election District, 1ST Councilmanic District.

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#209

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

No.

DATE 11/15/91 ACCOUNT 1001 1.1.1.
1.1.1. 1001
1381 1001 AMOUNT \$ 100.00

RECEIVED 1001 1001 1001 1001
FROM: 1001 1001

FOR: 1001 1001 1001 1001

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 11/17/96

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE	
ADMINISTRATIVE VARIANCE	
Case No.: <u>97-209</u>	
<u>to permit a $2\frac{1}{2}$ side setback in lieu of 6'</u>	
PUBLIC HEARING ?	
PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u> , AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON	
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391	
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW	
HANDICAPPED ACCESSIBLE	



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 15, 1996

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-209-A (Item 209)
502 Newburg Avenue
NW/S Newburg Avenue, 112' N of c/l Biddle Court
1st Election District - 1st Councilmanic
Legal Owner(s): John E. Hook, Jr. and Vivan Hook
Post by Date: 11/17/96
Closing Date: 12/02/96

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

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

Arnold Jablon
Director

cc: John and Vivan Hook
Patrick O'Keefe





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 26, 1996

Mr. and Mrs. John Hook, Jr.
502 Newburg Avenue
Baltimore, MD 21228

RE: Item No.: 209
Case No.: 97-209-A
Petitioner: John Hook, et ux

Dear Mr. and Mrs. Hook:

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 November 8, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a printed name and title.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 11-18-91
Item No. 209 (MJK)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

11/18/91

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: November 18, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 204, 208, and 209

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 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary Kerns

PK/JL

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

TO: PDM

DATE: 11/19/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Nov 18, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

204

208

(209)

210

211

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 25, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
for November 25, 1996
Item Nos. 204 & 209

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

RWB:HJO:jrb

cc: File

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 11/19/96

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 MEETING OF NOV. 18, 1996.

Item No.: SEE BELOW

Zoning Agenda:

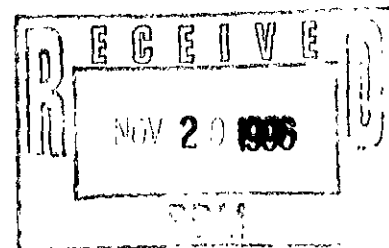
Gentlemen:

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 204, 208, (209) AND 210.

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

cc: File



PETITION PROBLEMS

#204 --- JRF

1. No wording on petition form. What do they want???

#209 --- MJK

1. No telephone number for legal owner.

11/12/96

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: #502 NEWBURG AVENUE

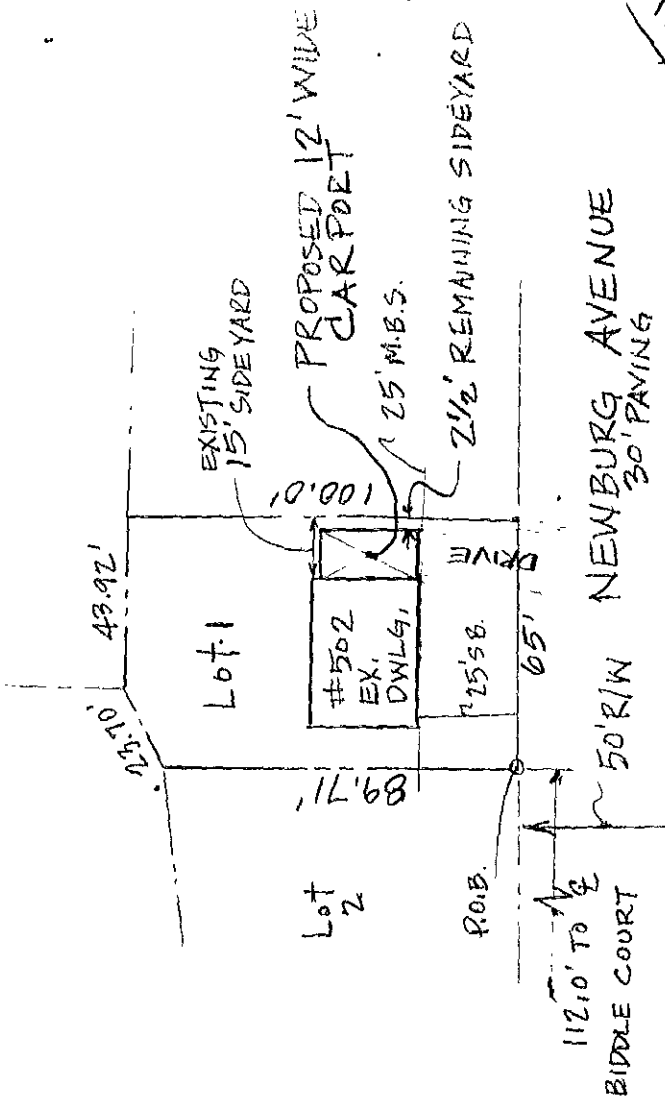
Subdivision name: HILTON PLAT-3

plat book # 22, folio # 87, lot # 1, section # —

OWNER: JOHN E. HOOK, JR. & VIVIAN HOOK

PROPTAX NO. 01-08-651810

TO ALLOW A SIDEYARD
SETBACK OF 2.5' IN LIEU
OF THE 6.0' REQUIRED
SIDEYARD FOR AN ATTACHED
GARPORT



NOT TO SCALE

North

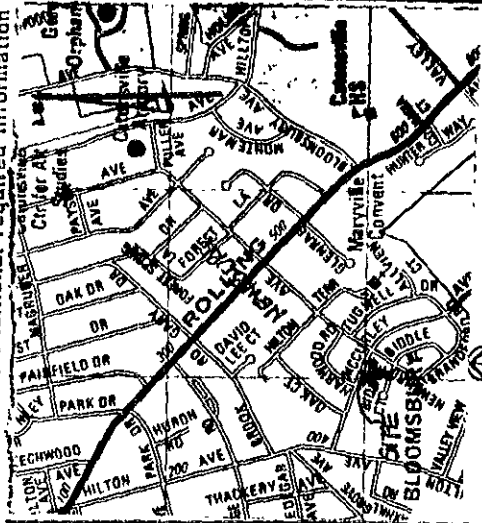
date: 10/15/96

prepared by: P.M. O'KEEFE

666-53666

Scale of Drawing: 1" = 50

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



Vicinity Map
scale: 1/4" = 100'

LOCATION INFORMATION

Election District: 1
Councilmanic District: 1
1"-200' scale map #: SW F-4
Zoning: DR 5.5
Lot size: 6390 S.F.
acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ Yes ☒ No

Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: 25X ITEM #: 209 CASE#: 97-209-A

502 - NEWBURY
AVE
ITEM-209

