JRUEN RECEIVED FOR FILING

Sate

(A)

(A)

(A)

(A)

IN RE: PETITION FOR VARIANCE

N/S Dover Road, 942' SE of

the c/l of Dark Hollow Road

(15435 Dover Road) 5th Election District 3rd Councilmanic District

James P. Devereux

Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 97-252-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 15435 Dover Road, located in the vicinity of Mt. Zion Road in Upperco. The Petition was filed by the owner of the property, James P. Devereux. The Petitioner seeks relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure with a height of 25 feet to be located in the side yard in lieu of the maximum permitted height of 15 feet and required rear yard location. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John P. and Patty Devereux, and Patrick M. O'Keefe, Zoning Consultant. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 2.0256 acres, more or less, zoned R.C.2, and is improved with a one and one-half story single family residence. The Petitioner is desirous of constructing a 40' x 40' garage with a height of 25' in the location shown on Petitioner's Exhibit 1. As can be seen from the site plan, the existing dwelling is situated toward the rear of the property, at a distance of approximately 54 feet from the rear property line.

DER RECEIVED FOR MUNG

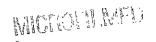
Testimony indicated that the house was oriented to face the panhandle driveway access to the property and not Dover Road. Therefore, due to the orientation of the house in this fashion and the fact that there is little, if any, rear yard as a result of its orientation, the proposed garage must be located in the side yard as shown on the plan. Further testimony indicated that the height of the proposed structure is necessary to accommodate the storage of a travel trailer. Testimony indicated that there are no adjacent dwellings within 200 feet of the proposed garage site. Furthermore, there were no adverse comments from any Baltimore County reviewing agency, nor any opposition voiced by any adjacent property owners. Therefore, it appears that the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result



JRIDER RECEIVED FOR FILLING

Date

Date

Dy

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27 day of January, 1997 that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure with a height of 25 feet to be located in the side yard in lieu of the maximum permitted height of 15 feet and required rear yard location, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject 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) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Use of the proposed structure shall be limited to the storage of the Petitioner's personal belongings.

There shall be no commercial use or business operating within the proposed garage.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILMS

Date

OPPOSITE TO SERVICE TO



Baltimore County Zoning Commissioner Office of Planning and Zoning

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

January 27, 1997

Mr. James P. Devereux 15435 Dover Road Upperco, Maryland 21155

RE: PETITION FOR VARIANCE

N/S Dover Road, 942' SE of the c/l of Dark Hollow Road

(15435 Dover Road)

5th Election District - 3rd Councilmanic District

James P. Devereux - Petitioner

Case No. 97-252-A

Dear Mr. Devereux:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

hunty Kotroco

for Baltimore County

TMK:bjs

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

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 15435 DOVER ROAD

which is presently zoned

RC-2

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 \$400.3 - TO PERMIT AN ACCESSORY STRUCTURE WITH A HEIGHT 25 FEET IN LIEU OF THE PERMITTED 15 FEET AND TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE 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)

THE EXISTING LOT IS A PANHANDLE LOT AND THE EXISTING HOUSE FACES THE PANHANDLE DRIVEWAY NOT THE STREET. BECAUSE OF THE HOUSE ORIENTATION, THE GARAGE NEEDS TO BE LOCATED AT THE END OF THE DRIVEWAY. ALSO, THE HEIGHT NEEDS TO EXCEED IS FEET BECAUSE OF OUR TRAVEL TRAILER AND ROOF PITCH.

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 filling 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/Lessee:		Legal Owner(s):
	(Type or Print Name)		Type of Print Name) Type of Print Name) State Levereux
	Signature		Signature Signature
	Address		(Type or Print Name)
	City	State Zipcode	Signature
	Attorney for Petitioner:		#15435 DOVER ROAD - 526-7886
	(Type or Print Name)		Address Phone No
. 1	1		UPPERCO , MD. 21155
	Signature	M	City State Zipcode Name, Address and phone number of representative to be contacted.
	Address	Phone No.	PATRICK M. O'KEEFE Name 523 PENNY LANE, HUNT VALLEY, MD. 21030 Address Phone No.
	City	State Zipcode	523 PENNY LANE, HUNT VALLEY, MD. 27036 Address
7	\mathcal{Q}	Elptode	OFFICE USE ONLY
3		Applied Administration	ESTIMATED LENGTH OF HEARING unavailable for Hearing
7			the following dates Next Two Months
1	Printed with Soybean Ink on Recycled Paper	* a	ALL STHER DATE 12-11-96
		MIGROFILMED	REVIEWED BY: DATE 12 (O.
	a	BARRAGO E ASA B RESIDENTED	

ZONING DESCRIPTION #15435 DOVER ROAD

BEGINNING FOR THE SAME ALONG
THE NORTH SIDE OF DOVER ROAD (40 FT. R/W)
SAID POINT BEING 942,0 FEET SOUTHEAST
OF THE CENTERLINE OF DARK HOLLOW ROAD
(30 FT. R/W). THENCE RUNNING THE
FOLLOWING QUURSES: AND DISTANCES:

- 1) NORTH-54°-03'-46"-EAST-AT 864.32 FEET
- 2) 500TH 29 01 47" EAST- AT 251.51 FEET
- 3) SOUTH 54-26-51"- WEST-AT 300, 00 FEET
- 4) NORTH-35°-33'-09"- WEST-AT. ZZ7.67 FEET
- 5) SOUTH- 54°-03'-46"- WEST- AT- 560,93 FEET
- 6) THENCE RUNNING NORTHWEST ALONG DOVER ROAD 20 FEET TO THE PLACE OF BEGINNING

CONTAINING. 2,0256 ACRES MORE ORLESS

. MCMULLIAN:

SOF) 12-11-96



CERTIFICATE OF PUBLICATION

rowson, MD.,	
12	
26	
19.2	

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 $\frac{1}{12}$ successive weeks, the first publication appearing on $\frac{1}{12}$ $\frac{1}{24}$.

THE JEFFERSONIAN,

1. Henriban



Baltimore County Department of Permits and Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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 J	ABLON, DIRECTOR
For newspaper advertising:	
Item No.: 252	
Petitioner: J. PETER DEVELEUX Location: #15435 DOVER LOAD	
Location: #15435 DOVER LOAD	
PLEASE FORWARD ADVERTISING BILL TO: NAME: J. PETEL DEVEREUX	
ADDRESS: # 15435 DOVER ROAD	
DPPERCO, MD. 21155	
DPPERCO , M.D. 21155 PHONE NUMBER: 526-7886	
AJ:ggs	(Revised 09/24/96)

Printed with Soybean thk

_

VA2020 KAR JAMES PRISON 12-11-96. ACCOUNT R. C.C. (6150) \$50,00 VALIDATION OR SIGNATURE OF CASHIER SC 00. The Constantion of the San Constant MICHOFILMED WASOMOMICHE SC AMOUNT \$ BALTIMORE COUNTY, MARYLAND ANCE - REVENUE DIVISION MISCELLA, ... OUS CASH RECEIPT DETHELTON
WHIE-CASHER PRIK-AGENCY YELLOW-CUSTOMER OIO. RURELLE RECEIVED PATICAL ST. P. OFFICE OF FOR

CERTIFICATE OF POSTING

RE: Case No.:
Petitioner/Developer: U.P. DEVELEY, ETAL
3.
Date of Hearing/Closing: 1/15/97

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

Sincerely,

ZONING NOTICE	
Case # : 97-252-A	
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.	
TIME & DATE HEDNESDAY MANUAL ENGLING	
VARIANCE TO PERMIT AN ACCESSORY STRUCTURE WITH A HEIGHT OF 2D FAIT IN LIEU OF ME SHE YARD IN LIEU OF THE REAR YARD (TARAGE) 15735 LOVER ROAD	
J.P. DEVEREUY	

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366
Pager (410) 646-8354
(Telephone Number)

(Signature of Sign Poster and Date)

Patrick M. O'Keefe (Printed Name)

> 523 Penny Lane (Address)

#15435 DOVER RD.

TO: PUTUXENT PUBLISHING COMPANY
December 26, 1996 Issue - Jeffersonian

Please foward billing to:

J. Peter Devereux 15435 Dover Road Upperco, MD 21155 526-7886

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

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-252-A (Item 252)
15435 Dover Road
N/G Parry Road 0421 SR of 7/2 Party N

N/S Dover Road, 942' SE of c/l Dark Horzo Road 5th Election District - 3rd Councilmanic Legal Owner(s): James Pete Devereux

Variance to permit an accessory structure with a height of 25 feet in lieu of the permitted 15 feet and to be located in the side yard in lieu of the rear yard.

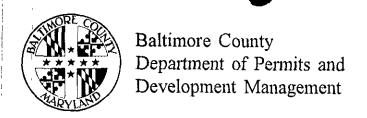
HEARING: WEDNESDAY, JANUARY 15, 1997 at 11:00 a.m. in Room 106, County Office Building.

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.





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

December 19, 1996

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

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-252-A (Item 252)

15435 Dover Road

N/S Dover Road, 942' SE of c/1 Dark Horzo Road

5th Election District - 3rd Councilmanic

Legal Owner(s): James Pete Devereux

Variance to permit an accessory structure with a height of 25 feet in lieu of the permitted 15 feet and to be located in the side yard in lieu of the rear yard.

HEARING: WEDNESDAY, JANUARY 15, 1997 at 11:00 a.m. in Room 106, County Office Building.

Arnold Jablon

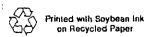
Director

cc: J. Peter Devereux

Patrick M. O'Keefe

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 31, 1996.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



MOTOTIAN

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

January 8, 1997

Mr. James Pete Devereux 15435 Dover Road Upperco, MD 21155

RE: Item No.: 252

Case No.: 97-252-A

Petitioner: James Pete Devereux

Dear Mr. Devereux:

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 December 11, 1996.

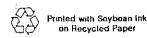
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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, Cont Richards &

W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)





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

Baltimore County LZ. Zo. \$2 Item No. 257 (JRA) RE:

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,

P. J. Delle

Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development

Management

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. 238, 244, 245, 247, 248, 249, 250 (252,) 253, 255, and 256

DATE: December 19, 1996

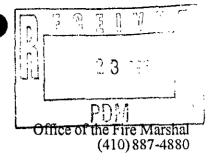
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Division Chief:

PK/JL

Baltimore County Government Fire Department





700 East Joppa Road Towson, MD 21286-5500

DATE: 12/19/96

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 DEC. 23, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

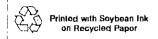
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWINGITEMNUMBERS: 245,246,247,248, 249,250,252,253,254 AND 256.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

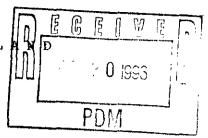
cc: File



John alexander

BALTIMORE COUNTY, MARYI

INTEROFFICE CORRESPONDENCE



TO:

Arnold Jablon, Director

Date: December 26, 1996

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

evelopment Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for December 30, 1996

Ltem Nos. 246, 247, 248, 250,

(252,)253, 254, 256

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

DATE: Jan 7, 97

FROM:

R. Bruce Seeley

Permits and Development Review

SUBJECT:

Zoning Advisory Committee Meeting Date:

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

Item #'s:

252

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE

INTER-OFFICE CORRESPONDENCE

ZONING COMMISS STORES

January 9, 1997

T0:

Mr. Arnold Jablon, Director

Zoning Administration and Development Management

FROM:

R. Bruce Seeley QB1/9/

DEPRM

SUBJECT:

Zoning Item #252

15435 Dover Road

Zoning Advisory Committee Meeting of December 23, 1996

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

Ground Water Management

The garage must be located at least 20 feet from any part of the septic system.

RBS:GP:sp

DOVER/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE	*	BEFORE THE
15435 Dover Road, N/S Dover Road, 942'		
SE of c/l Dark Horzo Road	*	ZONING COMMISSIONER
5th Election District, 3rd Councilmanic		
	*	OF BALTIMORE COUNTY
James P. Devereux		
Petitioner	*	CASE NO. 97-252-A
		, , , , , , , , , , , , , , , , , , ,

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore Count

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of January, 1997, a copy of the foregoing Entry of Appearance was mailed to Patrick M. O'Keefe, 523 Penny Lane, Hunt Valley, MD 21030, representative for Petitioners.

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
John P. Havery	15435 Dover Rel Upperco M
fat Deefe	523 PENNY LD. Hunt Valley
tate wenny	15435 Dover Rel Upperson 523 PENNY IN. Hunt Valley 15435 DOVER RD Upperla Mg
AND SECURE SECUR	With the state of
	All the contents of the conten
مارينون المستحد ويود في والمستحدة ووراها والمستحدة المستحدة ويونيون المستحدة المستحدين والمستحدة والمستحدة	
	# The part of the state of the

	May and the state of the first that the state of the stat

