

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
N/S Halethorpe Ave., 1000 ft.
+/- E of c/l Washington Blvd.
2001 Halethorpe Avenue
13th Election District
1st Councilmanic District
Donald R. Spurlin, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-346-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Donald R. Spurlin and Shirley J. Spurlin, his wife, for that property known as 2001 Halethorpe Avenue, in the Halethorpe Terrace subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow a detached accessory structure (garage) in the rear yard, with a height of 20 ft., in lieu of the required 15 ft., in a D.R.2 zone. The property and relief sought are more particularly described on Petitioners' Exh. No. 1, the plat to accompany the Petition.

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

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

ORDER RECEIVED FOR FILING

Date

By

3/21/97
M. J. Gandy

FILED

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of March 1997, that the Petition for a Residential Variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow a detached accessory structure (garage) in the rear yard, with a height of 20 ft., in lieu of the required 15 ft., in a D.R.2 zone, 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 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. The Petitioners shall not allow the garage to be used for any commercial purposes or to support any business operation.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

LES:mmn



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

March 19, 1997

Mr. and Mrs. Donald R. Spurlin
2001 Halethorpe Avenue
Baltimore, Maryland 21227

RE: Petition for Administrative Variance
Case No. 97-346-A
Property: 2001 Halethorpe Avenue

Dear Mr. and Mrs. Spurlin:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2001 Halethorpe Ave. Balto Md 21227
97-346-A which is presently zoned Residential DR 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) 400.3; BCZR, To permit

A GARAGE with A Height OF 20FT in Lieu of the permitted 15FT.

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

Would Like 2 STORY GARAGE FOR STORAGE AND 15 Feet is NOT tall enough.

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

(We do solemnly declare and affirm, under the penalties of perjury that I am the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Donald R Spurlin

(Type or Print Name)

Donald R. Spurlin

Signature

Shirley J Spurlin

(Type or Print Name)

Shirley Spurlin

Signature

(W) 410-554-0730

2001 Halethorpe Ave 410-2478640

Address

Phone No

Baltimore Md 21227

City

State

Zipcode

Name, Address and phone number of representative to be contacted

D. Spurlin
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 JUN

DATE 3-29-97

ESTIMATED POSTING DATE: 2-19-97

Printed with Soybean Ink
on Recycled Paper

ITEM #: 346

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 2001 Walethorpe Ave. Baltimore, Md. 21227

City Baltimore State Md. Zip Code 21227

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 size of our family we are running out of room and we feel that we need more space in our house for storage and the second floor on the garage would be necessary for that storage space.

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.



(signature) Shirley J. Spurlin
(type or print name) Shirley J. Spurlin

(signature) Donald R. Spurlin
(type or print name) Donald R. Spurlin

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of January, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Donald R. Spurlin and Shirley J. Spurlin

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.
January 23, 1997 (date)

NOTARY PUBLIC
Joan M. Smithson

My Commission Expires: January 23, 1997 and December 1, 1998

Zoning description for 2001 Halethorpe Avenue, Baltimore, Md. 21227

Beginning at a point on the North side of Halethorpe Avenue which is 30 feet wide at the distance of 1000 feet of the centerline of the nearest improved intersecting street Washington Blvd. which is 60 ft. wide. Being lot # 1, 2, 3, 4 Block B section # 0 in the subdivision of Halethorpe Terrace as recorded in Baltimore County Plat Book # 7 Folio # 72 containing 8,800 square feet also known as 2001 Halethorpe Avenue and located in the 13 Election district 5 Councilmanic district.

346

RECORDED

032034

AMOUNT \$ 50.00

RECEIVED FROM: D. Spurling 2001/11/14
FOR: AD UAD (010)

D ATION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-346-A

Petitioner/Developer: _____

SHIRLEY SPURLIN

Date of Hearing/Closing: 3-17-97

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:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

2001 HALETHORPE AVE. HALETHORPE, MD 21227

The sign(s) were posted on 2/27/97
(Month, Day, Year)

Sincerely,

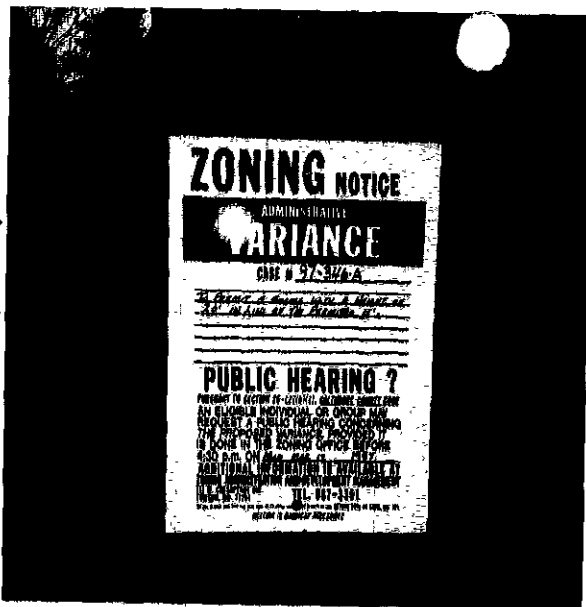
Thomas P. Ogle SR
(Signature of Sign Poster and Date)

THOMAS P. OGLE SR
(Printed Name)

325 NICHOLSON ROAD
(Address)

BALTIMORE, MARYLAND 21221
(City, State, Zip Code)

(410) 687-8405
(Telephone Number)



97-346-A



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/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 (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 JABLON, DIRECTOR

For newspaper advertising:

Item No.: 346

Petitioner: DONALD SPURLIN

Location: 2001 HALETHORPE AVE. BALTO. Md. 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SPURLIN

ADDRESS: _____

PHONE NUMBER: 410-247-8640

AJ:ggs

(Revised 09/24/96)

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 3-2-97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-346-A

To PERMIT A GARAGE WITH A height of
20ft. IN LIEU of THE PERMITTED 15'

PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
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**

3-17-97

**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

February 28, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-346-A
2001 Halethorpe Avenue
W/S Halethorpe Avenue, 1000' +/- E of c/l Washington Boulevard
13th Election District - 1st Councilmanic
Legal Owner(s): Donald R. Spurlin and Shirley J. Spurlin
Post by Date: 3/2/97
Closing Date: 3/17/97

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: Donald and Shirley Spurlin





Baltimore County
Department of Permits and
Development Management

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

March 12, 1997

Mr. and Mrs. Donald Spurlin
2001 Halethorpe Avenue
Baltimore, MD 21227

RE: Item No.: 346
Case No.: 97-346-A
Petitioner: Donald Spurlin, et ux

Dear Mr. and Mrs. Spurlin:

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 February 19, 1997.

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,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





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 3.4.97
Item No. 346 JCM

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

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: March 4, 1997

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 MARCH 3, 1997

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:

344, 345, (346), 348, 349, 350, 351, and 352

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File



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: February 28, 1997

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 (346), 348, 349, 350 and 351

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 L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 3, 1997

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

Item #'s:

344

345

(346)

347

348

350

352

RBS:sp

BRUCE2/DEPRM/TXTSBP

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

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
 Department of Permits & Development
 Management

Date: March 10, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for March 10, 1997
 Item No. 346

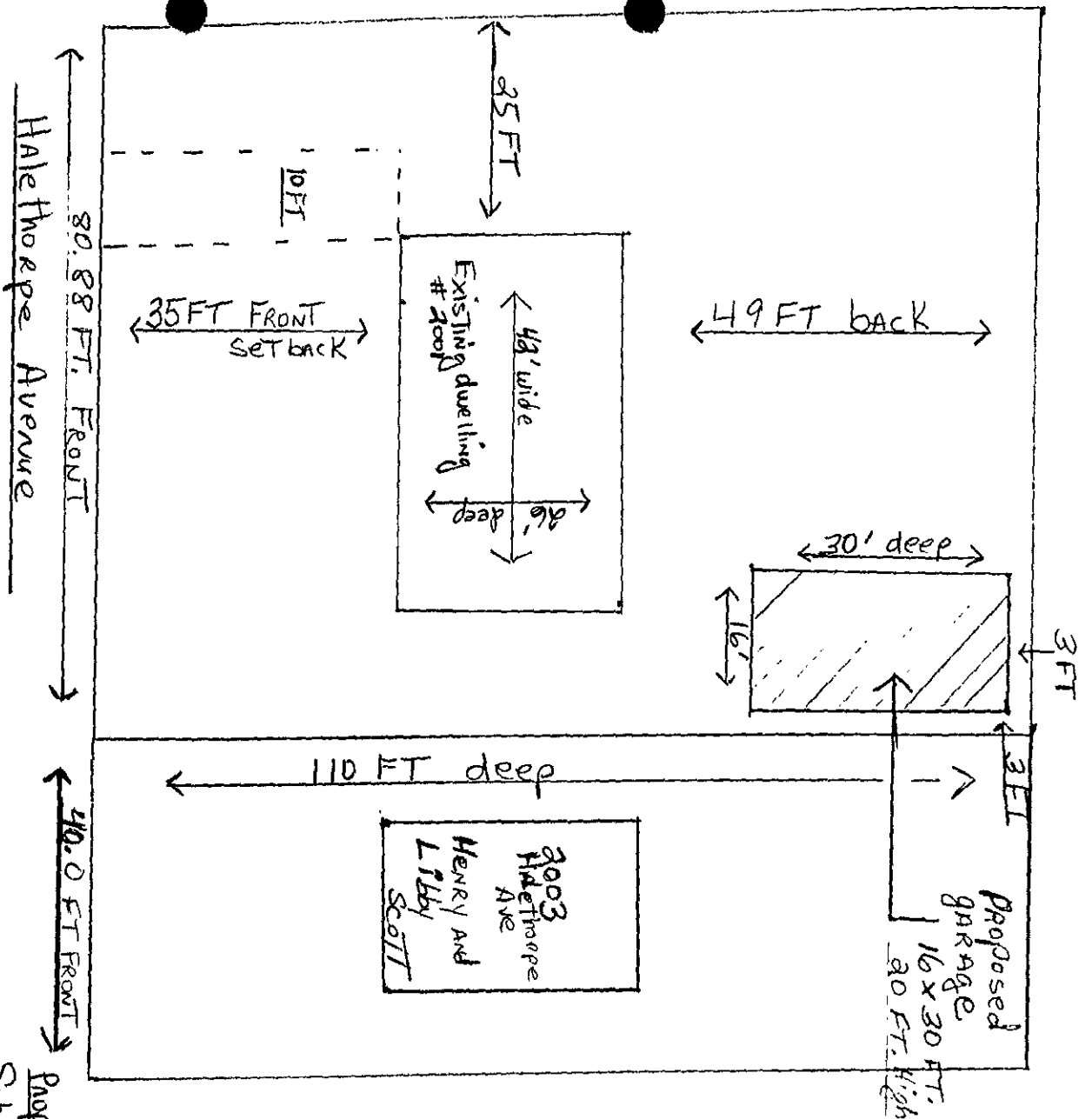
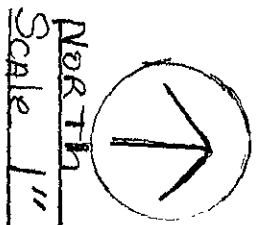
 The Development Plans Review Division has reviewed the subject
zoning item. Access will be from Halethorpe Avenue.

RWB:HJO:jrb

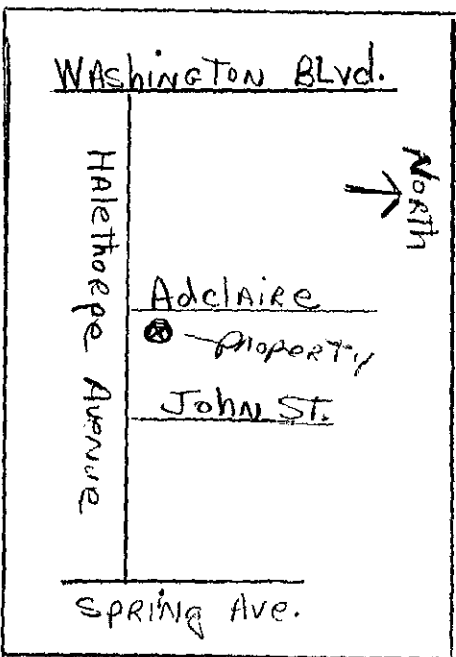
cc: File

ZONE310.346

(Paper Road) Adclaire St. (30 FT. wide)



91-346-A



12/2/01

PLAT TO ACCOMPANY
PETITION FOR ZONING
VARIANCE

DR-2

Property Address: 2001 Hallethorpe Ave
Subdivision Name: Hallethorpe Terrace
OWNERS: Donald & Shirley Spurlin
Lot # 1,2,3,4 DISTRICT # 1305
Section 8 City Water & Sewerage
Book 7, Folio 72
ZONING HISTORY: NONE
CRITICAL BAY AREA: NO

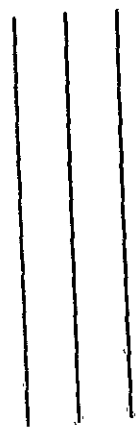


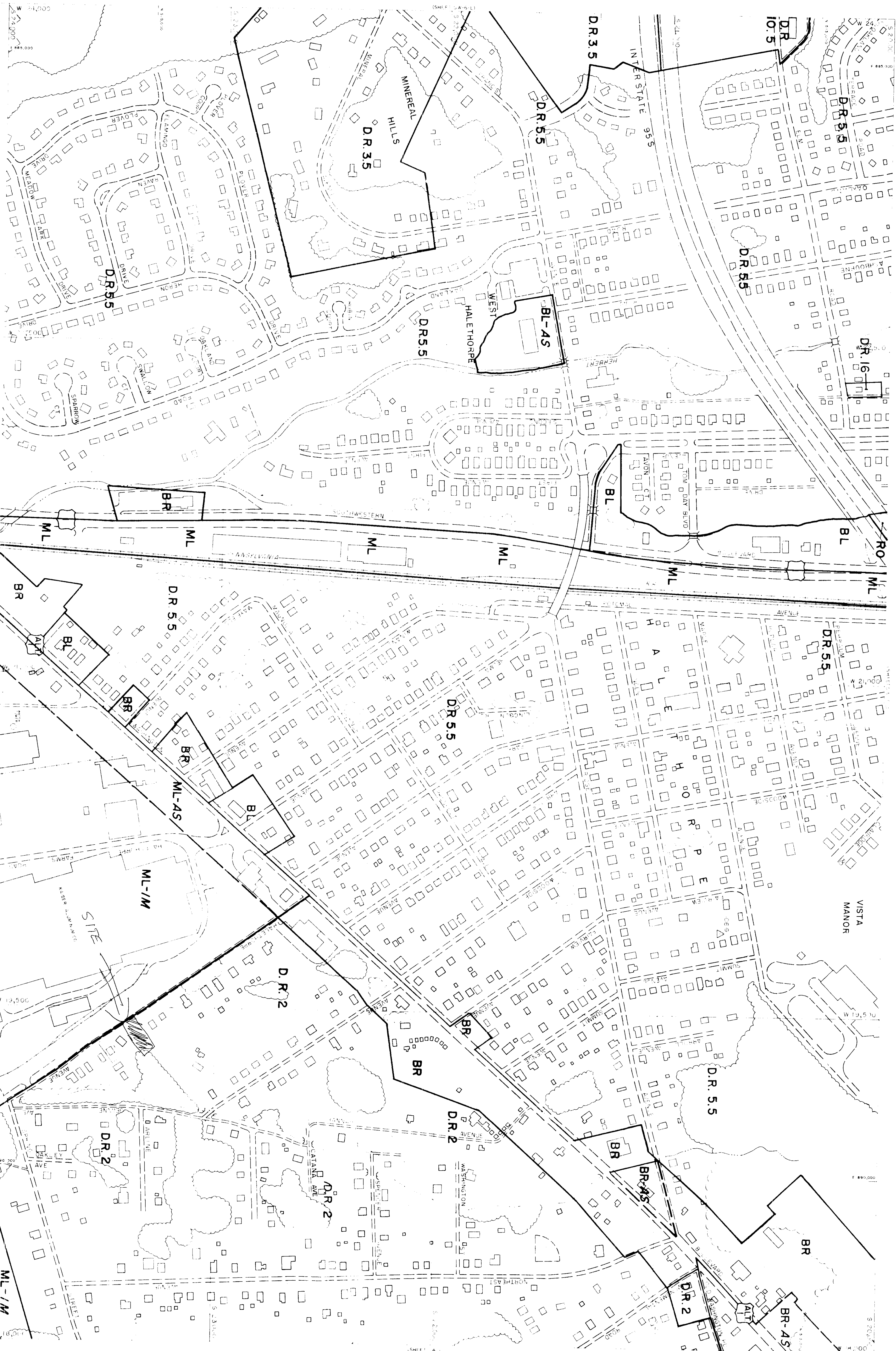


UNCLASSIFIED

PICTURES

346





THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

6 - SW
C - NW

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200' ±	DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION HALETHORPE	SHEET S.W. 6-D
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MICROFILMED

346



SHEET

LOCATION

SCALE

S.W.
6-D

HALETHORPE

DATE
OF
PHOTOGRAPHY
JANUARY
1986

97-346-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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