

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
S/S Downton Road, 155 ft. +/-
E of c/l Braxfield Road
1013 Downton Road
13th Election District
1st Councilmanic District
George F. Lober III, et ux
Petitioners

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-544-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by George F. Lober III and Deborah M. Lober, his wife, for that property known as 1013 Downton Road in the Arbour Manor subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.B. (1974 regs.) of the Baltimore County Zoning Regulations (BCZR) to permit a covered deck with a rear yard setback of 29 ft. in lieu of the required 50 ft., for an enclosed deck. The property and relief sought are more particularly described on Petitioners' Exhibit 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 7/27/97

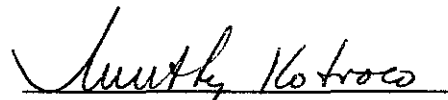
By DM. Lober

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 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 7th day of July, 1997 that the Petition for a Zoning Variance from Section 1B02.3.B. (1974 regs.) of the Baltimore County Zoning Regulations (BCZR) to permit a covered deck with a rear yard setback of 29 ft., in lieu of the required 50 ft., for an enclosed deck, in a D.R.10.5 zone, for an enclosed porch, be and is hereby GRANTED, subject, however, to the following restriction:

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.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:mmn

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 7, 1997

Mr. and Mrs. George F. Lober III
1013 Downton Road
Baltimore, Maryland 21227

RE: Petition for Administrative Variance
Case No. 97-544-A
Property: 1013 Downton Road

Dear Mr. and Mrs. Lober:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative 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 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:mmm
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1013 DOWNTON Road
which is presently zoned DR10-5

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) 1802.3.B & RC2R (1954 REGS.)

TO PERMIT A COVERED DECK WITH A REAR YARD SETBACK
OF 29FT. IN LIEU OF THE REQUIRED 50FT.

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

SEE REVERSE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

1013 DOWNTON Rd 410-536-4742
Address Phone No

BALTIMORE Md. 21227
City State Zipcode
Name, Address and phone number of representative to be contacted

GEORGE F. LOBER
Name
1013 DOWNTON Rd 410-536-4742
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: Sum

DATE: 6-3-97

ESTIMATED POSTING DATE: 6-15-97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 544

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 1013 Downton Rd
address
BALTIMORE md 21227
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)

WE REQUEST THIS ADMINISTRATIVE VARIANCE SO THAT
ADDITIONAL LEISURE SPACE CAN BE UTILIZED BY OUR FAMILY.
THE PARTIALLY ENCLOSED DECK MEASURING 17' X 18'
WILL BE SCREENED IN ON 2 SIDES AND A SOLID
WALL WITH 4 WINDOWS ON 1 SIDE

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 F. Lober III
(signature)
GEORGE F. LOBER III
(type or print name)



Deborah M. Lober
(signature)
DEBORAH M. LOBER
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of MAY, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George F. Lober III & Deborah M Lober

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

5/28/97
date

Notary Seal
NOTARY PUBLIC

My Commission Expires: 8/1/97

Affidavit in support of Administrative Variance

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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 1013 Downton Rd
address
BALTIMORE Md. 21227
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)

WE REQUEST THIS ADMINISTRATIVE VARIANCE so that
additional Leisure space can be utilized by our family.
THE PARTIALLY enclosed deck Measuring 17' X 18'
will be screened in on 2 sides and a solid
Wall with 4 windows on 1 side.

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.

George F. Lober III
(signature)
GEORGE F LOBER III
(type or print name)



Deborah M. Lober
(signature)
DEBORAH M LOBER
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of MAY, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George F. Lober III & Deborah M. Lober

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.

5/28/97
date

Patricia S. Lease
NOTARY PUBLIC

My Commission Expires: 8/1/97



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1013 DOWNTON Road
which is presently zoned DR10-5

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) 1802.3.B; BC2R (1954 REGS.) TO

PERMIT A COVERED DECK WITH A REAR YARD SETBACK OF 29ft. IN LIEU OF THE REQUIRED 50ft.

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

SEE REVERSE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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

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: JCM

DATE: 6-2-97

ESTIMATED POSTING DATE: 6-15-97

Printed with Soybean Ink
on Recycled Paper

ITEM #: 544

ZONING DESCRIPTION

3 Copies

Zoning description for 1013 Downton Road

Beginning at a point on the South side of

Downton Road which is 60 feet

wide at the distance of 155 feet plus or minus East of the

centerline of the nearest improved intersecting street Braxfield Road

which is 60 feet wide. * Being lot # 7,

Block D , Section # 2 in the subdivision of Arbour Manor

as recorded in Baltimore County Plat Book# 19 , Folio # 119 ,

containing 2996 sq. feet, plus or minus . Also known as 1013 Downton Road

and located in the 13 th Election District, 3 rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

544

No.

038044

PAID RECEIPT

06/03/97 04 7 LBS R 8251
Dept 5 513 ZONING VERIFICATION
CR NO. 038044
\$50.00 CK P-A-I-D
Baltimore County Maryland
Office Of Budget & Finance

DATE 6-3-97 ACCOUNT ROOF-GLSD

AMOUNT \$ 50.00

RECEIVED
FROM:

G. LOBER 1013 DOWNTOWN B.

M. UAA (010)

FOR: _____

DISTRIBUTION

WHITE - CASHIER

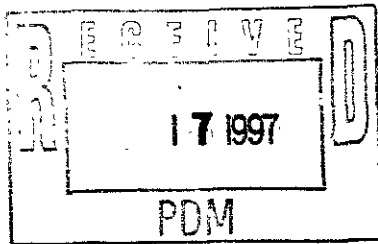
PINK - AGENCY

YELLOW - CUSTOMER

JCM

CASHIER'S VALIDATION

CERTIFICATE OF POSTING



RE: Case No.: 97-544-A

Petitioner/Developer: _____

GEORGE LOREN III

Date of Hearing/Closing: 6-30-97

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 _____

1013 DOWNTON ROAD
(ARBUTUS) BALTO. MD. 2127

The sign(s) were posted on 6-14-97
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 97-544-A
A VARIANCE TO PERMIT A
COVERED DECK WITH A REAR
YARD SETBACK OF 29 FT IN LIEU
OF THE REQUIRED 50 FT

PUBLIC HEARING ?

PURSUANT TO SECTION 26-227(d)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON JUNE 30, 1997.
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
DIVISION, 1000 E. JONES
TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 97-544-A
A VARIANCE TO PERMIT A
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DIVISION, 1000 E. JONES
TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 6-15-97

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

ZONING NOTICE**ADMINISTRATIVE
VARIANCE**

Case No.: 97-544-A

A VARIANCE TO PERMIT A COVERED DECK
WITH A REAR YARD SETBACK OF 29ft. IN
LIEU OF THE REQUIRED 50ft.

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**

*

6-30-97

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

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 JABLON, DIRECTOR

For newspaper advertising:

Item No.: 544

Petitioner: GEORGE F. & DEBORAH M. LOBER III

Location: 1013 DOWNTON ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GEORGE F. LOBER III

ADDRESS: 1013 DOWNTON ROAD

BALTIMORE, MARYLAND 21227

PHONE NUMBER: 410-536-4742

AJ:ggs

(Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

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

June 13, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-544-A

1013 Downton Road

S/S Downton Road, 155'+/- E of c/l Braxfield Road
13th Election District - 1st Councilmanic

Legal Owner(s): George F. Lober, III and Deborah M. Lober

Post by Date: 06/15/97

Closing Date: 06/30/97

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: George F. Lober, III and Deborah M. Lober





SUBJECT PROPERTY
1013 Downton Rd





House ATTACHED
To
SUBJECT Property
1011 Downton Rd

House NEXT TO
SUBJECT Property →
1015 Downton Rd

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1013 DOWNTON ROAD

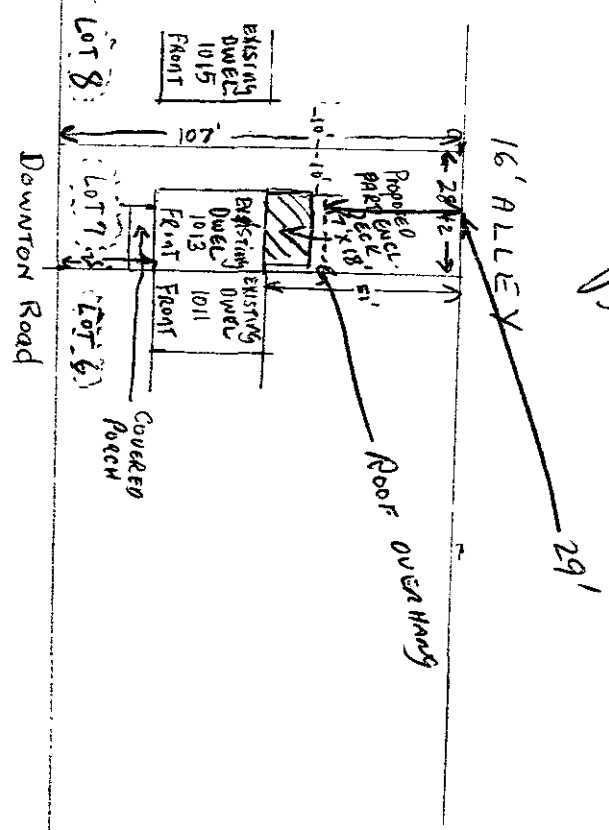
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: ARBOUR MANOR

plat book # 19, folio # 119, lot # 7, section # 2

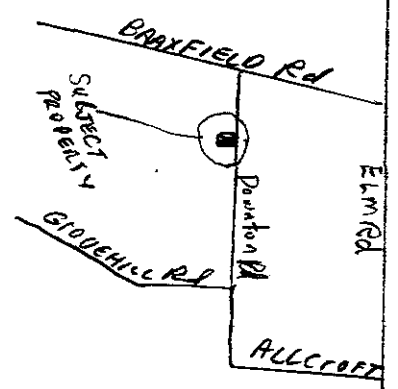
OWNER: GEORGE & DEBORAH LOBER

Handwritten signature/initials



North
date: 5/30/97
prepared by: GFL

Scale of Drawing: 1" = 50'



Vicinity Map
North
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 13th
Councilmanic District: 3RD
1" = 200' scale map #: SW 6E DR 5-5
Zoning: Residential
Lot size: 2996 square feet

Public private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: SCM ITEM #: 544 CASE #: