

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
W/S Gladway Road, 137 ft. +/-
S of c/l Hacker Avenue
1012 Gladway Road
15th Election District
5th Councilmanic District
Edward R. Airey, Sr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-575-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Edward R. Airey, Sr. and Elaine M. Airey, his wife, for that property known as 1012 Gladway Road in the Middle River area of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 10 ft., in lieu of the required 20 ft., (street side-existing) and a sum of side yards of 40 ft., in lieu of the required 50 ft. for a sunroom addition, in a D.R.1 zone. 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.

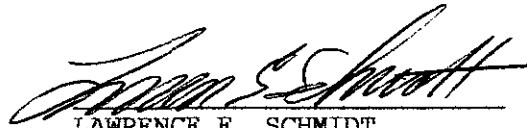
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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

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 18th day of July 1997 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 10 ft., in lieu of the required 20 ft., (street side-existing) and a sum of side yards of 40 ft., in lieu of the required 50 ft. for a sunroom addition, in a D.R.1 zone, 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn



Baltimore County
Zoning Commissioner
Office of Planning

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

July 17, 1997

Mr. and Mrs. Edward R. Airey, Sr.
1012 Gladway Road
Baltimore, Maryland 21220

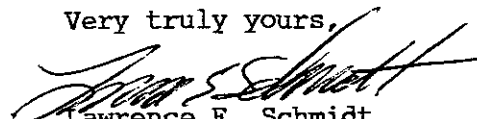
RE: Petition for Administrative Variance
Case No. 97-575-A
Property: 1012 Gladway Road

Dear Mr. and Mrs. Airey:

Enclosed please find the decision rendered in the above captioned case. The Petition for 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,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1012 Gladway Rd Balto, Md 21220
which is presently zoned DR 1

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.C.1; BCZR, To permit a sideyard setback of 10' in lieu of the required 20' (street side - existing), and a sun-of-side yards of 40' in lieu of the required 50' for a sun-room addition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Variance requested to build 14'x20' SunRoom, which will contain medically prescribed self-contained hot tub. Addition will be located at side of house, which is 33' from property line and it is impossible to meet current restrictions due to the way the house is located on property. There is nowhere else to add room without distracting from appearance of existing house. We feel this is a reasonable request, as this addition is not elaborate or over-bearing and will enhance our home and not distract from the neighborhood.

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)

Edward R. Airey Sr
(Type or Print Name)

Edward R. Airey Sr
Signature

ELAINE M. Airey
(Type or Print Name)

Elaine M. Airey
Signature

1012 Gladway Rd 686-0571
Address Phone No

BALTO Md 21220
City State Zipcode

Name, Address and phone number of representative to be contacted

NAME
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 JM

DATE: 6-19-97

ESTIMATED POSTING DATE:

6-29-97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 575

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 1012 GLADWAY Rd
address
BALTIMORE MD 21220
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)

Variance requested to build 14'x20' SunRoom, which will contain medically
prescribed self-contained hot tub. Addition will be located at side of
house, which is 33' from property line and it is impossible to meet current
restrictions due to the way the house is located on property. There is
nowhere else to add room without distracting from appearance of existing
house. We feel this is a reasonable request, as this addition is not
elaborate or over-bearing and will enhance our home and not distract from
the neighborhood.

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.

Edward R. Airey Sr
(signature)
Edward R. Airey Sr
(type or print name)



Elaine M. Airey
(signature)
ELAINE M. AIREY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3 day of June, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward & Elaine Airey

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

June 3, 1997
date

Bessie J. Wood
NOTARY PUBLIC

My Commission Expires: June 1, 1999

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 1012 GLADWAY Rd
address
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City State Zip Code

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nowhere else to add room without distracting from appearance of existing
house. We feel this is a reasonable request, as this addition is not
elaborate or over-bearing and will enhance our home and not distract from
the neighborhood.

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)
Edward R. Airey Sr
(type or print name)



(signature)
ELAINE M. Airey
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit.

I HEREBY CERTIFY, this 3 day of June, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward R. Airey & Elaine M. Airey

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

June 3, 1997
date

Denise J. Wood
NOTARY PUBLIC

My Commission Expires: June 1, 1999

ORIGINAL SEALED
JUN

Zoning Description

Zoning description for 1012 Gladway Road Baltimore, MD 21220

Beginning at a point on the West side of Gladway Road which is 40' wide at the distance of 137' South of the centerline of the nearest improved intersecting street Hacker Avenue which is 50' wide. As recorded in Deed Liber 1443, Folio 189. Also known as 1012 Gladway Road and located in the 15th District, 5th Councilmanic District.

Metes and bounds: S37° 22'E 50FT. FROM END OF THE N37° 22'W 957.89 FT LINE OF A DEED R.D.S. 1443 F. 189

575

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 038114

DATE 6-19-97 ACCOUNT 601-6150

AMOUNT \$ 50.00
E. AIREY, SR. 1012 Glasaway Rd.

RECEIVED
FROM:

(010) Ad. Var.

FOR:

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Jcm.

PAID RECEIPT

PROCESS ACTUAL TIME
6/20/1997 6/19/1997 15:35:25

REG 038114 CASHIER JRIC JMR DRAWER 2
MISCELLANEOUS CASH RECEIPT

OFFN

Receipt # 001349
CR NO. 038114

\$50.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-575-A

Petitioner/Developer:
(Edward Airey)

Date of Hearing/Closing:
(July 14, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 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 _____
1012 Gladway Road Baltimore, Maryland 21220 _____

The sign(s) were posted on _____ Jun. 27, 1997 _____
(Month, Day, Year)

Sincerely,

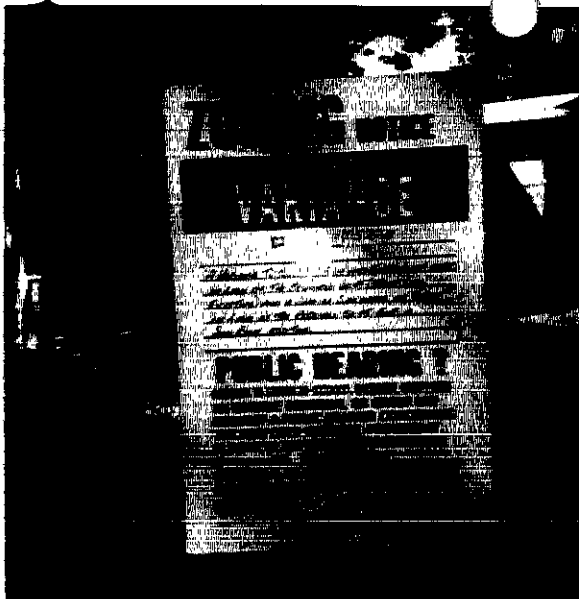

(Signature of Sign Eoster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



97-575A



Baltimore County
Department of Permits and
Development Management

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

June 30, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-575-A
1012 Gladway Road
W/S Gladway Rod, 137'+/- S of c/l Hacker Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Edward R. Airey, Sr. and Elaine M. Airey
Post by Date: 06/29/97
Closing Date: 07/14/97

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: Edward and Elaine Airey



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 6-29-97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No. 97-575-A

A VARIANCE TO PERMIT A SIDEYARD SETBACK
OF 10 FT IN LIEU OF THE REQUIRED 20 FT (STREET-SIDE-
EXISTING) AND A SUM OF SIDE-YARDS OF 40' IN
LIEU OF THE REQUIRED 50 FT. FOR A SUN-ROOM ADDITION.

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

*

7-14-97

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



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 7.1-97
Item No. 575 JCM

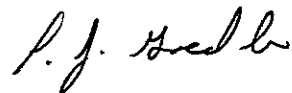
Dear Ms. Eubanks:

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

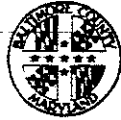
LG

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

July 2, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 2105

RE: Property Owner SEE BELOW

Subject: DISTRIBUTION MEETING OF June 10, 1997

Item No.: SEE BELOW Zoning Agency

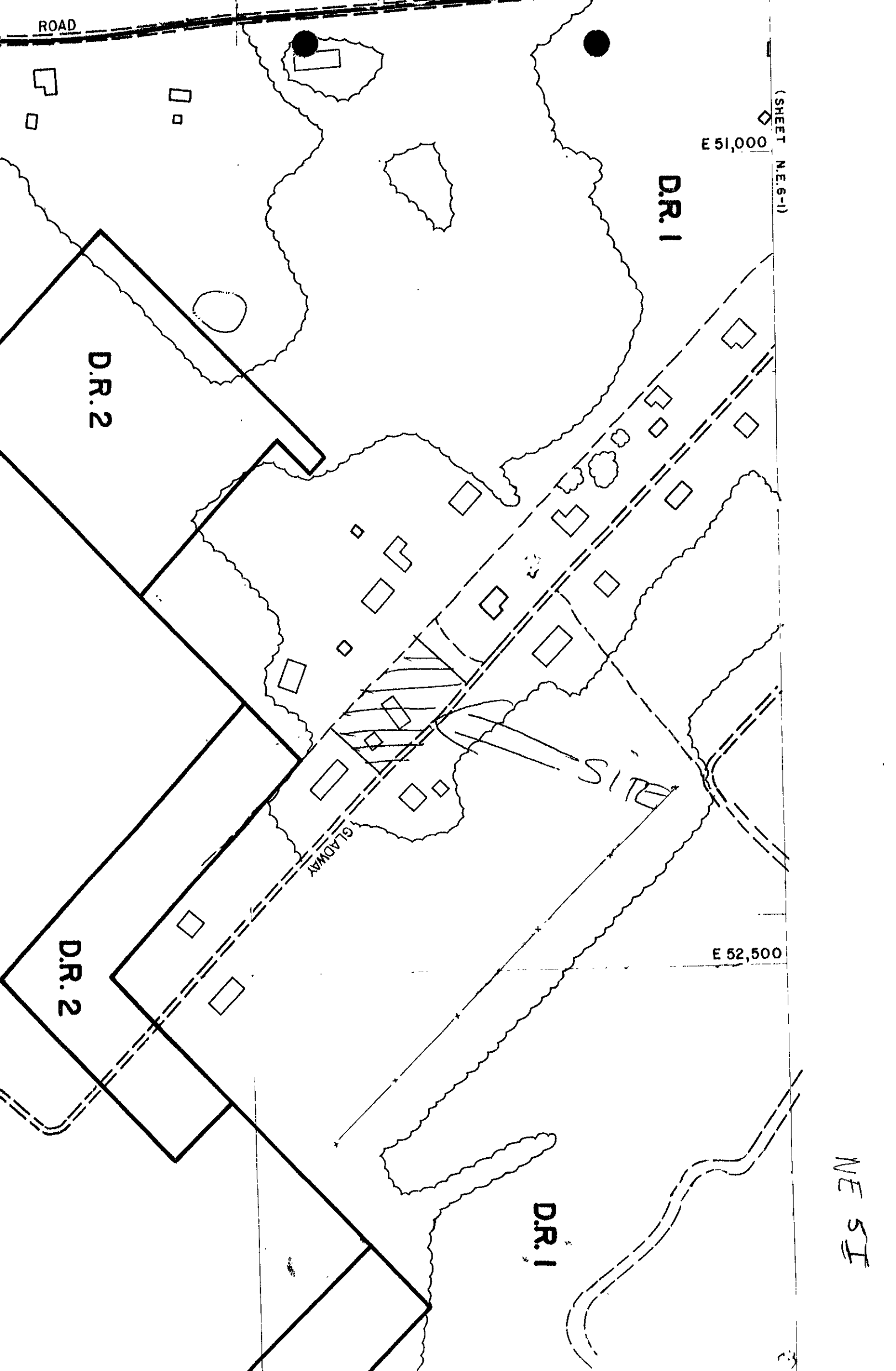
Dear Sir:

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

6. The Fire Marshal's Office has no comments at this time, in reference to the following item numbers:

564, 565, 566, 567, 568, 569, 570, 571, 572, 574, 575, 576,

REVIEWED: LT. ROBERT P. SAUERWALD
Fire Marshal's Office, PHONE 307-4521, 2511, 27
112 1113



ROAD

(SHEET N.E.6-1)

E 51,000

D.R. 1

D.R. 2

D.R. 2

GLADWAY

E 52,500

D.R. 1

NE 51

DEA # AK2313992

A. LEWIS KOLODNY, M.D.
THE MEDICAL ARTS BUILDING
9101 FRANKLIN SQUARE DRIVE
SUITE 321
BALTIMORE, MD 21237
410-574-5183
IF NO ANSWER CALL: 377-3808

NAME Elaine Arcey
ADDRESS _____ DATE 2/19/97

R

The above
requires a
hot tub
for appropriate
treatment of her
rheumatoid
arthritis

☐ LABEL

REFILL _____ TIMES PRN NR

A. L. Kolodny M.D.

TO INSURE BRAND NAME DISPENSING, PRESCRIBER MUST WRITE 'BRAND NECESSARY' OR
'BRAND MEDICALLY NECESSARY' ON THE PRESCRIPTION.

03/20/96

1001-K10588541

575

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1012 Gladway Avenue

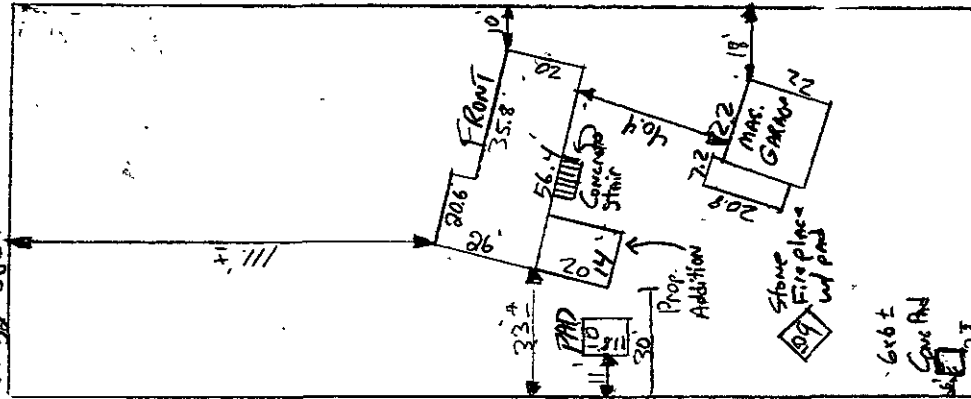
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____
[plat book # _____, folio # _____, lot # _____, section # _____]

OWNER: Edward + Elaine Ainey

HACKER AVE - 50' WIDE

N 52° 38' E 102'

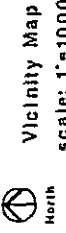


PRIVATE
Existing Right of Way - Nelson Woods

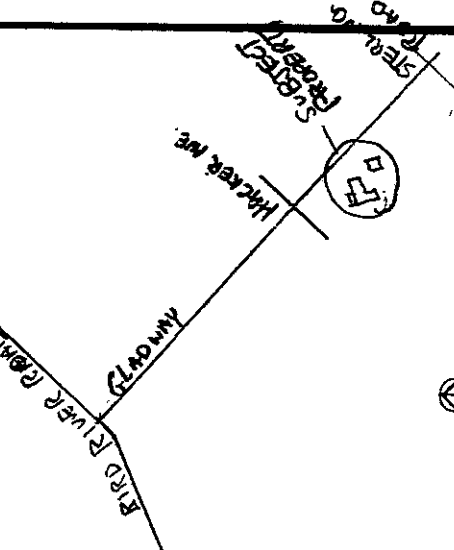
N 52° 38' W 102'

Scale of Drawing: 1" = 50'

North
date: 6-17-97
prepared by: Philip Muller



Vicinity Map
scale: 1"=1000'



LOCATION INFORMATION

Election District: 15
Councilmanic District: 5
1"=200' scale map #: NE 51
Zoning: DR-1
Lot size: 16± acreage 25500SF square feet

SEWER: ☒ public ☒ private
WATER: ☒ public ☒ private
Chesapeake Bay Critical Area: ☒ 700 yds ☒ none
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

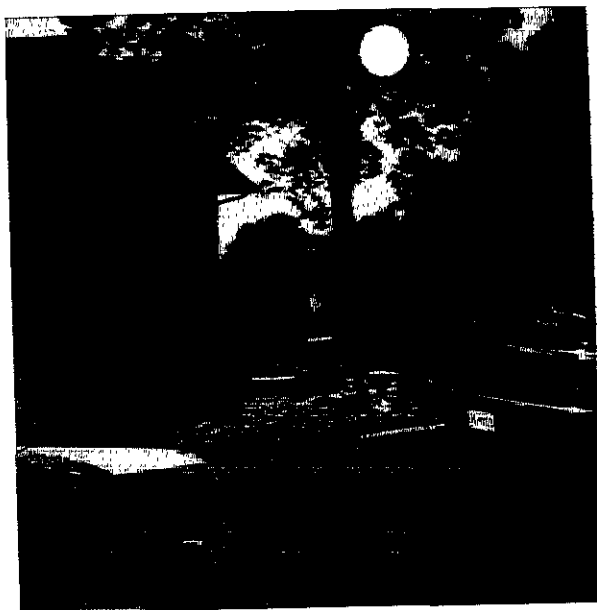
gcm 575



RIGHT OF WAY VIEW
575



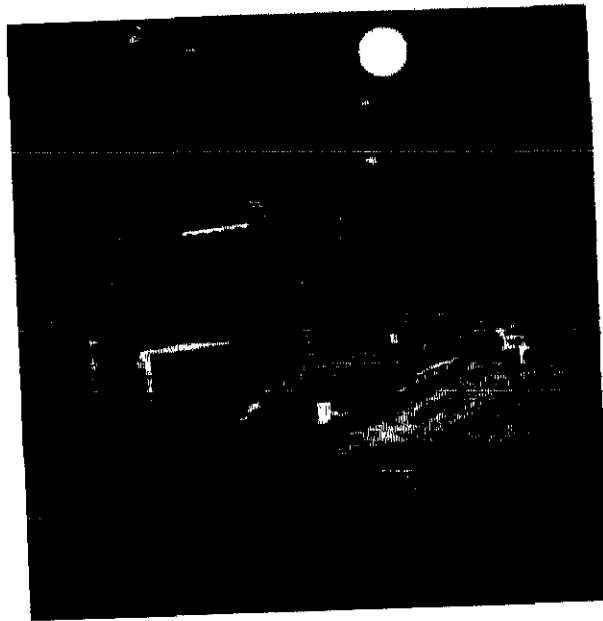
FRONT 575



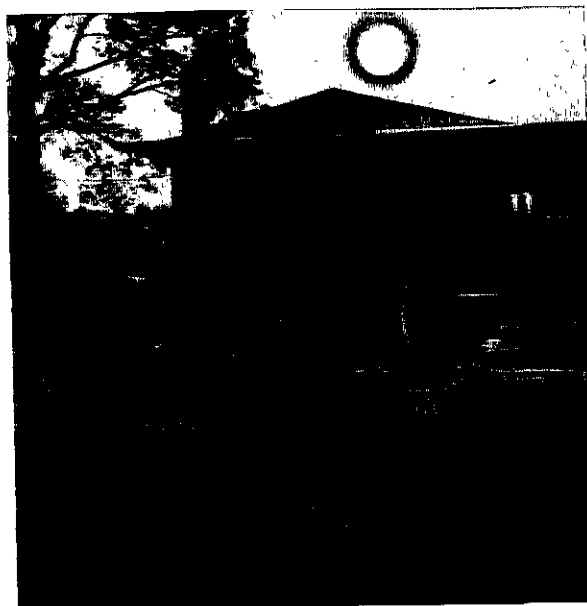
GLADWAY RD VIEW 575



GARAGE 97-575



VIEW FROM AREA OF PROP. ADD.
575



AREA FOR PROP. ADD.

575