

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
S/S Box Circle, 160.36' N of the
c/l of Fuselage Avenue * DEPUTY ZONING COMMISSIONER
(11 Box Circle)
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District * Case No. 97-582-A
Richard O'Leary, et ux
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Richard and Jeanette O'Leary. The Petitioners seek relief from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Zoning Commissioner's Policy Manual (1971-1992 Regulations) to permit a height distance separation between dwellings of 11.8 feet in lieu of the required 20 feet for a proposed 12' x 32', two-story garage addition, and to amend the last approved Final Development Plan for Golden-tree, Plat 3, Section 4, Lot 363 thereof, accordingly. The subject property is located in the vicinity of Compass Road and Martin Boulevard in Middle River, and is more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. 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 surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide

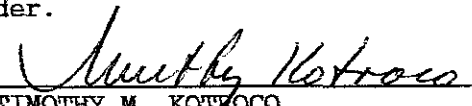
ORDER RECEIVED FOR FILING
Date 7/21/97
By [Signature]

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 24th day of July, 1997 that the Petition for Administrative Variance seeking relief from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Zoning Commissioner's Policy Manual (1971-1992 Regulations) to permit a height distance separation between dwellings of 11.8 feet in lieu of the required 20 feet for a proposed 12' x 32', two-story garage addition, and to amend the last approved Final Development Plan for Goldentree, Plat 3, Section 4, Lot 363 thereof, 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 Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. There shall be no kitchen or cooking facilities in the proposed addition.
- 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.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
7/24/97
Date
bjs



Baltimore County
Zoning Commissioner
Office of Planning

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

July 24, 1997

Mr. & Mrs. Richard O'Leary
11 Box Circle
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Box Circle, 460.36' N of the c/l of Fuselage Avenue
(11 Box Circle)
15th Election District - 7th Councilmanic District
Richard O'Leary, et ux - Petitioners
Case No. 97-582-A

Dear Mr. & Mrs. O'Leary:

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: M & H Development Engineering
200 E. Joppa Road, Room 101, Towson, Md. 21286

People's Counsel

File

A large handwritten checkmark is drawn over the word "File".





Petition for Administrative Variance

97-582-A

to the Zoning Commissioner of Baltimore County

for the property located at #11 Box Circle

which is presently zoned DRS-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) 13012.C.1 BCZR and Policy Manual

(1971-1992 Regs.) to permit a height distance separation between dwellings of 11.8 ft. in lieu of the 20 ft. (for a proposed addition) and to amend the last approved Final Development Plan for Goldentree Plat 3 Section 4 for lot 363.

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

1. Split-foyer type house with no storage available in existing house, the garage is needed for storage space.
2. Future family expansion will require additional living space.
3. Owners have developed their house and improved the lot to their needs and cannot afford to move to accommodate their additional needs.

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):

(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.

M & H Development Eng.

Name

200 E. Joppa Rd. Rm 101

(410) 828-9060

Address

Phone No.

TOWSON, MD 21206

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: _____ DATE: _____

ESTIMATED POSTING DATE: _____



Printed with Soybean Ink
on Recycled Paper

ITEM #: 582

ORDER RECEIVED FOR FILING
Date: 11/10/97
BY: [Signature]

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 11 Box Circle
address
BALTIMORE MD 21221
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)

See Petition Form

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.

Richard O'Leary
(signature)
RICHARD O'LEARY
(type or print name)



Jeanette O'Leary
(signature)
JEANETTE O'LEARY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of MAY, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

RICHARD O'LEARY & JEANETTE O'LEARY

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.

5-29-97
date

[Signature]
NOTARY PUBLIC

My Commission Expires:

August 1, 1997

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

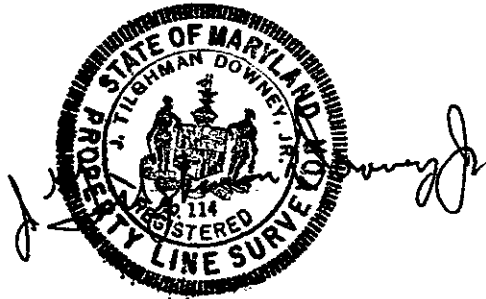
Towson Office
Malcolm E. Hudkins
Registered Surveyor
Phone 828-9060

97582-A

JUNE 9, 1997

ZONING DESCRIPTION FOR #11 BOX CIRCLE

Beginning at a point on the south side of Box Circle which is 50' wide at the distance of 460.36' north of the centerline of the nearest improved intersecting street Fuselage Avenue which is 60' wide. Being Lot #363, in the Subdivision of "Goldentree" as recorded in Baltimore County Plat Book #52, folio 70, containing 6,000 square feet. Also known as 11 Box Circle and located in the 15th. Election District, 6th. Councilmanic District.



J. Tilghman Downey, Jr.

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No.

JLL 582

038176

DATE

6/24/97

ACCOUNT

P0016150

AMOUNT

\$ 100.00

RECEIVED

FROM:

CARPENTRY UNLTD.

FOR:

RV (ADMIN) FILING (WITH FOPAMEND)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS

ACTUAL

TIME

6/24/1997

6/24/1997

10:37:59

REG 1806

CASHIER

KMCM

FRANKE

MISCELLANEOUS CASH RECEIPT

Receipt #

002708

CR NO. 038176

\$100.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-582-A

Petitioner/Developer:
(Richard O'Leary)

Date of Hearing/Closing:
(July 21, 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

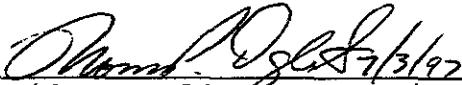
Ladies and Gentlemen:

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 _____

11 Box Circle Baltimore, Maryland 21221 _____

The sign(s) were posted on _____ July 3, 1997 _____
(Month, Day, Year)

Sincerely,

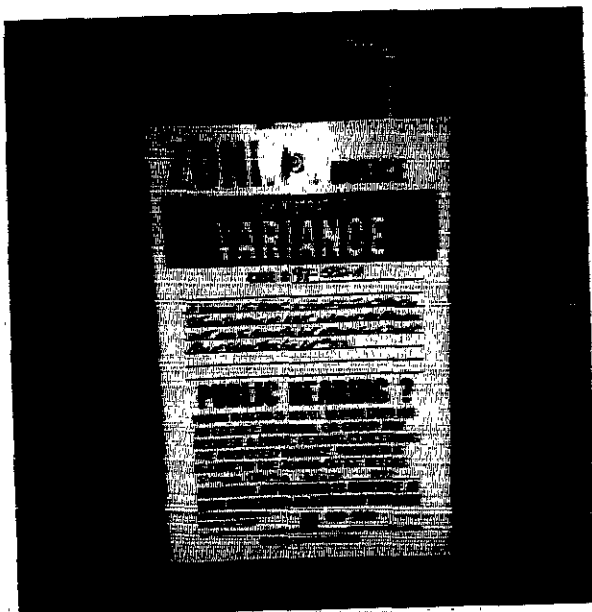

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221 _____

(410)-687-8405
(Telephone Number)



97-582-A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than

* 7/6/97

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

ZONING NOTICE**ADMINISTRATIVE
VARIANCE****Case No.:** 97-582-A

A VARIANCE TO PERMIT A HEIGHT DISTANCE SEPARATION BETWEEN DWELLINGS
OF 11.8 FT. IN LIEU OF THE REQUIRED 20 FT. AND TO AMEND THE
LAW-APPROVED FINAL DEVELOPMENT PLAN OF GOLDENTREE FOR LOT
363.

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**

* 7/21/97

**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.: 582

Petitioner: Richard & Jeanette O'Leary

Location: 11 Box Circle

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard & Jeanette O'Leary (410) 391-3787

ADDRESS: 11 Box Circle

Balto. MD 21221

PHONE NUMBER: (410) 828-9060

Contact: M & H Development
200 E. Joppa Rd
Rm 101
TOWSON, MD 21286

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

July 17, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-582-A

11 Box Circle

S/S Box Circle, 460.36' N of centerline Fuselage Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): Richard O'Leary and Jeanette O'Leary

Post by Date: 07/06/97

Closing Date: 07/21/97

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.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Richard and Jeanette O'Leary





Baltimore County
Department of Permits and
Development Management

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

July 23, 1997

Mr. and Mrs. Richard O'Leary
11 Box Circle
Baltimore, MD 21221

RE: Item No.: 582
Case No.: 97-582-A
Petitioner: Richard O'Leary, et ux

Dear Mr. and Mrs. O'Leary:

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 June 24, 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 (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re .
Attachment(s)



(410) 887-4500

Mr. J. C. Fanning, Director
Public Administration and Development Management
National Security Office Building
Washington, D.C. 20504
U.S. DEPT. OF DEFENSE

$$\begin{array}{c} \text{CH}_3 \\ | \\ \text{C}_6\text{H}_5 - \text{N} = \text{O} + \text{H}_2\text{O} \rightarrow \text{C}_6\text{H}_5 - \text{NH}_2 + \text{HO} - \text{N} = \text{O} \end{array}$$

07-06-2018 14:09:10 I have no comments at this time.
07-06-2018 15:00:00 THE FOLLOWING ITEM NUMBERS:

577, 578, (582) 583, 584, 585, 586, 588, and 589

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: July 11, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for July 21, 1997
Item Nos. 579, 580, 581, 582, 583,
584, 585, 586, 587, 588, & 589

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

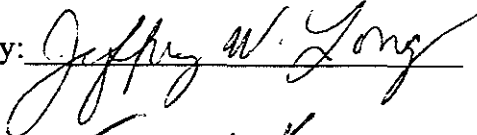
SUBJECT: Zoning Advisory Petitions

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

Item Nos. 579, 581, 582, 583, 584, 586, 588, and 589

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:



Division Chief:



AFK/JL

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

TO: PDM

DATE: 7/10/97

FROM: R. Bruce Seeley *RBS/sp*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: *July 14, 1997*

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

Item #'s: 579

581

582

584

586

587

588

589

RBS:sp

BRUCE2/DEPRM/TXTSBP



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 7-14-97
Item No. 582 JCL

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



6-285-46

Middle
River

NE

4-H

1" = 2.00'



① 582



② 582