ORDER RECEIVED FOR FILING
Date
Sy

IN RE: PETITION FOR ADMIN. VARIANCE

S/3 Marshall Wood Road, 272' W

of the c/l of Tarragon Road

(207 Marshall Wood Road)

(207 Marshall Wood Road) 4th Election District 3rd Councilmanic District

Peter A. Hupert, et ux Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 97-588-A

*

* * * * * * * * * * *

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, Peter A. and Carla L. Hupert. The Petitioners seek relief from Sections 1B01.2.C.1.b and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 17 feet in lieu of the required 22.5 feet for a proposed 14' x 20' open deck. The subject property is located in the vicinity of Berrymans Lane in Reisterstown 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 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.

Baltimore County this day of July, 1997 that the Petition for Administrative Variance seeking relief from Sections 1801.2.C.1.b and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 17 feet in lieu of the required 22.5 feet for a proposed 14' x 20' open deck, 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.

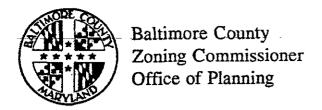
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bis

OFFICE RECEIVED FOR FIR ING



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

July 24, 1997

Mr. & Mrs. Peter A. Hupert 207 Marshall Wood Road Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Marshall Wood Road, 272' W of the c/l of Tarragon Road

(207 Marshall Wood Road)

4th Election District - 3rd Councilmanic District

Peter A. Hupert, et ux - Petitioners

Case No. 97-588-A

Dear Mr. & Mrs. Hupert:

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,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

Muthy lotroes

for Baltimore County

TMK:bjs

cc: People's Counsel

lile



Baltin ore County Zoning Commissioner Office of Planning

KEEP IN ZONING FILE AND MICRO FILM, Suite 405, County Courts Bldg.

401 Bosley Avenue Towson, Maryland 21204

410-887-4386

July 24, 1997

Mr. & Mrs. Peter A. Hupert 207 Marshall Wood Road Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Marshall Wood Road, 272' W of the c/l of Tarragon Road

(207 Marshall Wood Road)

4th Election District - 3rd Councilmanic District

Peter A. Hupert, et ux - Petitioners

Case No. 97-588-A

Dear Mr. & Mrs. Hupert:

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Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

withy lotroes

for Baltimore County

TMK:bis

cc: People's Counsel

File

of 588. A ser so long,





Petition for Administrative Variance

97-588-7 to the Zoning Commissioner of Baltimore County

for the property located at 207 marshall wood Rd, Reisterstown MD which is presently zoned DR 3.5

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)

1361.2. C.1. b. + 301 to permit a 17' rear setbeck in lieu of 22.5" for an open dect.

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

ractical difficulty)
Sately concerns (Sale walk space and salety for exiting) when furniture is on The deck (limited useable space for furniture on 10% deck) A 10% deck is disproportionate for a 1900 savare foot house A large deck off the back of the house 13 more useable than 33' of back yard. Not able to develop property to its full potential. Not functional for entertaining, larger deck increases property value for owner and surrounding pershbors. House was built almost to minimum setback

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	-3x '
Contract Purchaser/Lessee			Legal Owner(s)	™.
			Peter A. Hupert	i.
(Type or Print Name)			(Typoga Print Name) Peter A. Hyplet	
Signature			Signature	
			Carla L. Hupert	
Address			(Type or Print Name)	
			Carla X. Hupert	
City	State	Zipcode	Signature	
Attorney for Petitioner			207 Marshall wood Rd (410) 833-4	1950
(Type or Print Name)			Address (W) (410) 728 - 19	<i>0</i> 0
			Reisterstown MD 21136 State Zipcode	
Signature			Name, Address and phone number of representative to be contacted	
	× × ×		Peter Hupert Name 207 Marshall Wood Rd (410) 833-495	
Address	Phone No		Name	- 1
City	State	Zipcode	207 Marshall Wood Rd (410) 833-495. Address	æ
Oity	A SAME AND			

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Battimore County this that the subject matter of this petition be set for a public hearing, advertised as required by the Loning Regulations of Battimore Gounty, in two newspapers of general circulation, throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: MIK DATE: 6/27/97 ESTIMATED POSTING DATE: 7/6/97

JADER RECEIVED FOR FILING



Printed with Soybean Ink on Recycled Paper

ITEM #: 588

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 2	07 Marshall	wood Rd.	
***	Cress		0.127
<u>*</u>	<u>Casterstown</u>	State	21136 Zip Code
That based upon personal knowledge, the fellowing Variance at the above address: (indicate hardship or pro	ng are the facts upon which	h I/we base the request i	or an Administrative
Safety concerns (safe walk	space and sal	ety for exiting) when forniture
is on the deck (limited	useable Spa	ce for furnit	wre on 101/21
deck. A 1016 deck is d.			
house A large deck off			
of back yard. Not al			
Potential. Not functiona		=	
			
Property value for own			
was built almost to	the minimu	in Selbar	<u> </u>
That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information of the A. Huperfitzer A. Hu	THE REPLIES OF THE PARTY OF THE	Coulo Z. H (signature) CAPLA L. H (type or print name)	uperto
I HEREBY CERTIFY, this 26TH day of _		. 19 <u>97</u> , before me. 2	Notary Public of the State
of Maryland, in and for the County aforesaid, per		·	
Peter A. Hupert	(larla L. i	tupert
the Affiants(s) herein, personally known or satisf that the matters and facts hereinabove set forth a	actorily identified to me as ire true and correct to the	s such Affiantt(s), and m best of his/her/their kno	ade oath in due form of law wledge and belief.
AS WITNESS my hand and Notarial Seal.	NOTARY PU	rely Green	
NOTARY PUBLIC	My Commissi 4/1/	•	

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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 207 Marshall Wood Rd.
Reisterstown MD 21136 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)
Safety concerns (safe walk space and safety for existing) when furniture
is on the deck (limited useable space for furniture on 101/21
deck. A 10% deck is disproportionate for a 1900 Square foot
house A large deck off the house is more useable than 33'
of back yard. Not able to develop property to its full
Potential. Not functional for entertaining Larger deck increases
Property value for owner and Surrounding neighbors. House
was built almost to the minimum Setback
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. Colo
Peter A. Hupert Carla L. Hupert
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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 Notanal Seal 6/26/97 Coate NOTARY PUBLIC My Commission Expires: 4/1/2001



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 207 marshall wood Rd, Rustustown MD
which is presently zoned 21136

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)

1301.2.C.1.b. + 301 to permit a 17 rear suffect in him of 22.5" for an open deck

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

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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.	mgt î. i	74
Contract Purchaser/Lessee			Legal Owner(s)	"X	7
			Peter A. Hupert	ě.	1
(Type or Print Name)			(Typogy Print Name) Votes A. Humet		
Signature			Signature		
			Carla L. Hupert		
Address			(Type or Print Name)		
			Carla & Huperto		
City	State	Zipcode	Signature		
Attorney for Petitioner			107 March 11 Word DA (410) 833-4	195.	1
(Type or Print Name)			207 Marshall wood Rd (410) 833-4 Address (WPHON 728-29	∞	
			Reisterstown MD 21136		
Signature			City State Zipcode Name, Address and phone number of representative to be contacted		
			Peter Hupert Name 207 Marshall Wood Rd (410) 833-495. Address Phone No		
Address	Phone No		Name		
			207 Marshall Wood Rd (410) 833-495	2	
City	State	Zipcod e	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 _ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Battimore Gounty, in two newspapers of general circulation, throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County



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ITEM #: 588

ZONING DESCRIPTION FOR 207 Marshall Wood Road, Reisterstown, MD 21136-5847

97-588-A

Beginning at a point on the South side of Marshall Wood Road which is 50 feet wide at the distance of 272 feet West of the centerline of the nearest improved intersecting street Tarragon Road which is 60 feet wide. Being Lot #33 in the subdivision of Berryman's Glen as recorded in Deed Liber 67, Folio 90, containing 5580 square feet. Also known as 207 Marshall Wood Road and located in the 4th Election District, to Councilmanic District.

588

PROCESS ACTUAL TIME	#/27/1997	50.00 CMECK Baltimore County, Maryland		CASHIER'S VALIDATION
, MARYLAND No. No. $0 4.1000$ Ceipt	DATE C/27/97 ACCOUNT 81-615 I thu, 588 B. MOUNT \$ 50. ETC.	net - 207 Morshall Wood Rd.	FOR. 010 - Res Var	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

The state of the s

The second secon

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

July 17, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-588-A
907 Marshall Wood Road
S/S Marshall Wood Road, 272' W of centerline Tarragon Road
4th Election District - 3rd Councilmanic District
Legal Owner(s): Peter A. Hubert and Carla L. Hubert
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.

- 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 **PROCESS** IS NOT THE CLOSING DATE, THE COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: Peter and Carla Hubert



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:

Item 588

ADMINISTRATIVE VARIANCE

ZONING NOTICE

Case No.: 97-588-A

to permit a 17' rear sutback in lieu at 22.5'

PUBLIC HEARING?

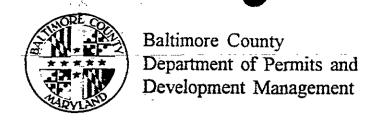
PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

* 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



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.

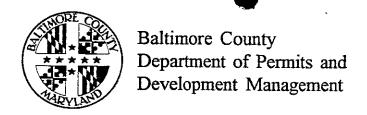
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ĀI	RNOLD J	ABLON,	DIRECTOR
For newspaper advertising:			
Item No.: 588			
Petitioner: Poter A. Hupert			
Location: 267 Marshall Wood Roa	l		
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: Peter A. Hupert			
ADDRESS: 207 Marshall wood Rd	•		
Reisterstown, MD 2	1136		
PHONE NUMBER: (416) 833-4952		· ;	

AJ:ggs

(Revised 09/24/96)



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

July 23, 1997

Mr. and Mrs. Peter Hupert 207 Marshall Wood Road Reisterstown, MD 21136

RE: Item No.: 588

Case No.: 97-588-A

Petitioner: Peter Hupert, et ux

Dear Mr. and Mrs. Hupert:

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 27, 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,

Zoning Supervisor

WCR/re .
Attachment(s)

BATIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

POM

DATE:

FROM:

R. Bruce Seeley RSS/97 Permits and Development Review

DEPRM

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:

579

581

582

584

586

RBS:sp

BRUCE2/DEPRM/TXTSBP

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: John W. Jong

Division Chief any L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 11, 1997

Department of Permits & Development

Management

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



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

7.14.57

Item No. 588

MJK

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,

A J Hollow A Ronald Burns, Chief

Engineering Access Permits

Division

LG

Baltimore County Government Fire Department



171297

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

(410) 887-4500

July 10, 1997

Arnulc Jabion, Director Zoning Administration and Development Management Baltimore County Office Building Towson. MD 21204 MAIL STOP-1105

RE: Property Owner: SEE PELOW

Location: DISTRIBUTION MEETING OF July 14, 1987

Item No.: SEE BELOW Zoning Agenda:

Sentlemen:

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

3. The fire darshal's Effice has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

579. 581, 582, 583, 584. 585, 588, 588 and 589

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office. PHONE 987-4881, MS-1102F
cc: File



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