ORDER RECEIVED FOR FILING
Date
By

IN RE: PETITION FOR ADMIN. VARIANCE

E/S Eastham Road, 630' NE of the

c/l Coldbrook Road

(2111 Eastham Road) 8th Election District

4th Councilmanic District

David C. Dougherty, et ux

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

. _ _ _ __

* Case No. 98-28-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, David C. and Barbara A. Dougherty. The Petitioners seek relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3.5 feet in lieu of the required 11.25 feet (pursuant to Section 301.1.A of the B.C.Z.R.) for a proposed carport. The subject property and relief sought are 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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of August, 1997 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3.5 feet in lieu of the required 11.25 feet (pursuant to Section 301.1.A of the B.C.Z.R.) for a proposed carport, 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed carport shall remain open on the three exposed sides and shall not be enclosed in any manner.
- 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.

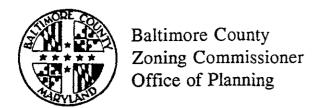
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ONDER NECESTATION OF THE INC.



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

August 26, 1997

Mr. & Mrs. David C. Dougherty 2111 Eastham Road Timonium, Maryland 21093-3307

RE: PETITION FOR ADMINISTRATIVE VARIANCE

E/S Eastham Road, 630' NE of the c/l Coldbrook Road

(2111 Eastham Road)

8th Election District - 4th Councilmanic District

David C. Dougherty, et ux - Petitioners

Case No. 98-28-A

Dear Mr. & Mrs. Dougherty:

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

for Baltimore County

TMK:bjs

cc: People's Counsel

. File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore

for the property located at

2111 Eastham Road, Timonium, MD

	which is presently zoned DR 3.5
REQUIRED 11.25 (301.1A.)	tration & Development Management. Imore County and which is described in the description and plat attached om Section(s) 1802.3.8', BCZR, TO PERMIT SETBALL OF 3.5' IN LIEM OF THE
of the Zoning Regulations of Baltimore County, to the Zoning Lap practical difficulty)	w of Baltimore County; for the following reasons: (indicate hardship or

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, unde legal owner(s) of the property which is the s	or the penalties of publics of publics and penalties of this Petil	perjury, that I/we are the ion.
Contract Purchaser/Lessee:			Legal Owner(s):		
			David 🗷 Dougherty	_	
(Type or Print Name)			(Type or Print Name)	7	
			Was If Ill	1	
Signature	· · · · · · · · · · · · · · · · · · ·		Signature . MVC		
	-		Bontone A David		
Address			Barbara A. Dougherty (Type or Print Name)	//	<u> </u>
City	State	Zipcode	Bustan A. V.	Male	
Attorney for Petitioner		Elector .	Signature		
• • • • • • • • • • • • • • • • • • • •			2111 Eastham Road		10 453 6640
Type or Print Name)			Address Address		10-453-6648
			Periodo	-	Phone No.
			Timonium,	MD	21093-3307
ignature			City Name, Address and phone number of repres	State	Zipcode
ı	•		the second production of repres	eurgrane 10 De CO	utscied
	<u> </u>		David C. Dougherty		
ddress	Phone	No	Name		
ity	Stare		2111 Eastham Rd.	410-45	3-6648 - H
,	State	Zipcode	Address		hone No.
					7-2410 - W
Public Hearing having been r	equested and/or found	to be required, it is order	ed by the Zaning Commissioner of Baltimore Co		
ct the subject matter of this pi rculation throughout Baltimor	etition be set for a publi re County, and that the	ic hearing, advertised, as	ed by the Coning Commissioner of Baltimore Col s required by the Coning Regulations of Baltimore	umy thisday • County, in two :	rewspapers of general
• • • • • • • • • • • • • • • • • • • •		properly be reposted.		•-	
			-	 	
į		_	Loning Commis	signer of Baltimor	e County

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 2111 Eastham Road

	Timonium,	MD	21093-3307	
	Caty	-	ZIP Cook	
That based upon personal knowledge, the fello Variance at the above address: (indicate hardship or		ch I/we base the requ	est for an Administrative	
We wish to construct a carport	that runs the wid	th ôf the hou	se on the northern side.	
The alternative, to construct a	garage in the rea	r yard, is inco	onsistent with the topography	y
of the lot in that the ground fa	lls roughly eight (8) feet in the	thirty feet behind the dwel	ling.
The proposed carport will exten	d thirteen (13) fe	et from the p	resent wall of the house, an	d
it will not be enclosed except f	or the truss area.	It will there	fore leave 3'11" at the back	c
of the house, and 5'6-1/2" at th	e front, between	the addition a	and the property line. This	
addition will involve the demoli	tion of an existing	g concrete po	ch that extends 6' from the	<u>.</u>
of Maryland, in and for the County aforesaid, po	TMORE to wit: Tuly Ersonally appeared HERTY AND	forgrature) Serbara (type or print name) 1997, before n	A. Dougher ty i.e. a Notary Public of the State PA A. DOUGHERTY	ied•
the Affiants(s) herein, personally known or satisthat the matters and facts hereinabove set forth AS WITNESS my hand and Notarial Seal.	are true and correct to the NOTARY PU My Commissi	best of his/her/their	thowledge and belief.	

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 2111 Eastham Road

	Timonium,	MD	21093-3307	
That based upon personal knowledge, the fello Variance at the above address: indican hardanp or		ch I/we base the reque	st for an Administrative	
We wish to construct a carport	that runs the wid	th of the hous	e on the northern side.	
The alternative, to construct a	garage in the rea	r yard, is inco	nsistent with the topography	
of the lot in that the ground fa	lls roughly eight (8) feet in the	thirty feet behind the dwelli	ng.
The proposed carport will exten	d thirteen (13) fee	et from the pr	esent wall of the house, and	_
it will not be enclosed except f	or the truss area.	It will theref	ore leave 3'11" at the back	
of the house, and 5'6-1/2" at the	e front, between	the addition ar	nd the property line. This	
addition will involve the demoli	tion of an existing	g concrete por	ch that extends 6' from the	
STATE OF MARYLAND, COUNTY OF BALT I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, p	o neighboring housest is filed, Affiant(s) will be a sign. FINORE, to wit: Sectorily identified to me as	Se 36'10" (23'11 required to pay a report for banda (biggature) Darbana (type or print name) DARB S such Affiantt(s), and	after carport is construction and advertising fee and A. A. Dougher 7 L. a Notary Public of the State ARA A. DOUGHERY made oath in due form of law	ed•
AS WITNESS my hand and Notarial Scal.	NOTARY PU	su c	1. Besket	
	My Commissi	on rybuer		

My Commence Digital Translate & 1980



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore Coun

for the property located at

2111 Eastham Road, Timonium, MD

which is presently zoned DR 3.5

TRH	Petition shall be flied with the	ffice of Zoning Administration & Development I	
The	A Undersigned level according	a verificiation & Development i	Aanagement.

signed, 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) /802.38; BCZR, 40

permit a corport with a sidegard settack of 35 in Len of the requiesed 11.25' (301.14)

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

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.

			iVMe do solemnity declare and affirm, undi- legal owner(s) of the property which is the	er the penalties of p subject of this Petit	perjury, that I/we are the ion.
Contract Purchaser/Lessee:			Legal Owner(s):		
(Type or Print Name)			David C. Dougherty	1	
Signature			Signantie	(/ /	
Address			Barbara A. Dougherty (Type or Print Name)	-6/_	
City Attorney for Patitioner:	State	Zipcode	Barbara A.	In the second	uly_
(Type or Print Name)			2111 Eastham Road		10-453-6648 Phone No
Signature			Timonium, City Name, Address and phone number of repres	MD State sentative to be co	21093-3307
Address	Phone	No	David C. Dougherty		
·			Name 2111 Eastham Rd.	110 15	3-6648 - H
City	State	Zipcode	Address	P	7-2410 - W
A Public Hearing having been that the subject matter of this polynomial circulation throughout Baltimo	requested and/or found petition be set for a publi ore County, and that the	to be required, it is order ic hearing, advertised, a properly be reposted.	red by the Coning Commissioner of Sattimore Co is required by the Coning Regulations of Baltimor	unty, thisda e County, in two r	r of to



Zoning Commissioner of Battimore County

98-28-A

Supplementary Description of Request And Hardship

This document supplements and clarifies the affidavit files with the request for an Administrative Variance by **David C. And Barbara A. Dougherty**, 2111 Eastham Road, Timonium, MD 21093

* additions to the affidavit are in **boldface** type.

We wish to construct a carport that runs the width of the house on the northern side. Our only viable alternative, to construct a garage in the rear yard, is inconsistent with the topography of the lot in that the ground falls roughly eight (8) feet in the thirty feet behind the dwelling. This would necessitate extensive and costly filling and an unsightly elevation in the northern portion of the yard. It would also require the cutting down of healthy mature trees, which in itself has an adverse aesthetic effect.

The proposed carport will extend thirteen (13) feet from the present wall of the house, and it will not be enclosed except for the truss area. It will therefore leave 3'11" at the back of the house, and 5' 6½" at the front, between the addition and the property line. This addition further involves the demolition of an unsightly and potentially unsafe existing concrete porch that extends 6' from the house wall for a distance of 18' from the back of the house to an existing chimney. The existing blacktop driveway will be replaced by a concrete pad that will extend 13' from the house, whereas the present driveway extends 17'6" beyond the house. The distance to the neighboring house is 36'10" (23'10" after the carport is constructed).

Related Aesthetic considerations: because of a turn in Eastham Road [please see the site map, page 15 of the required documentation], this side of the house is unusually exposed to public view as people walk or drive southwest on Eastham Road. The carport would be an aesthetic improvement for both the individual property and the neighborhood.

28

98-28-A

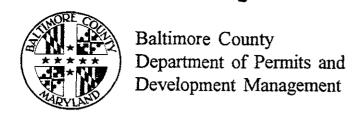
Zoning Description

Zoning description for 2111 Eastham Road

Beginning at a point on the east side of Eastham Road which is 50 feet right-of-way, actual width 30 feet wide at the distance of 630 feet (M/L) northeast of the centerline of the nearest improved intersecting street Coldbrook Road, which is 50 feet right-of-way, actual width 30 feet wide. Being lot # 13, Block C, Section # amended plat of section two in the subdivision of Fountain Hill, as recorded in Baltimore County Plat Book # 26, folio 14, containing 11,088 square feet, or > one-fourth care. Also known as 2111 Eastham Road and located in the 2nd election District, 4th Councilmanic District.



TRIBUTION AITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER CASHIER'S VALIDATION CASHIER'S VALIDATION	BALTIMORE COUNTY, MARYLAND 2 8 No. 155933 No. 1561 No. 15
CASHIER'S VALIDATION	PAID RECEIPT PROCESS ACTUAL TIME 7/25/1997 7/25/1997 08:40:09 REG USOS CASHIER ONLL ULA BROARE S MEDILLANDUS CASH RECEIPT RECE



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

August 6,1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-28-A
2111 Eastham Road

E/S Eastham Road, 630' +/- NE of centerline Coldbrook Road
8th Election District - 4th Councilmanic District
Legal Owner(s): David C. Dougherty & Barbara A. Dougherty
Post by Date: 8/3/97
Closing Date: 8/18/97

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 ON TAHT THE CLOSING DATE, THE PROCESS IS NOT 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: David C. Dougherty & Barbera A. Dougherty



CLOSING DATES.

Request for Zoning: Adm. trative Variance

Date to be Posted: Anytime before but no later than *8-3-97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 98-28-A

A VARIANCE TO PERMIT A CORPORT WITHIN

3' OF THE SIDE PROPERTY LINE IN LIEU

OF THE REQUIRED 11.25!

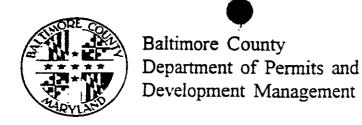
PUBLIC HEARING?

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

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, Marviand 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.: 28
Petitioner: DAVIO C. & SARBARA DOUGHERTY
Location: 2111 Eastham Rd Timentum HU2109
PLEASE FORWARD ADVERTISING BILL TO:
NAME: DOUG HERTY
ADDRESS: 2111 Eastham Rd
Timonium MO 21093
PHONE NUMBER: 410-453-6648
AJ:ggs

Printed with Soybean Ink

9

Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

DATE: 10/07/86

Arnols Japlen, Silector Zoning Administration and Development Management Baltimore County Office Building Tuwson, MD 21204 MAIL STOP-1105

RE: Property Owner: See Selsu

Location: DISTRIBUTION MEETING OF August 4. 1997

Ibam No. : BEE BOLOW

Zoning Agenda:

Gen Temen:

Pursuant to your request, the referenced property has seen surveyed by this Europea and the comments below are applicable and required to be corrected or incorporated into the final clans for the property.

E. The Fire Marchat's Office has no comments at this is say.

020, 021, 022, 028, 028, 026, 027, 030, 031, and 033



023

ME IEREA: LI ROBERT P. BAUERWAUL Fine devenal Office, PHONE 887-488:, MS-11925 For File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 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. 20, 22, 26, 27, 28, 29, 33, 38, 39, 40 and 41

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.

Division Chief: Cay C. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 11, 1997

Department of Permits & Development

Management

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August 11, 1997

Item Nos. 020, 021, 022, 023, 025, 026, 027, 028, 029, 030, & 033

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

RWB:HJO:jrb

cc: File

BAL IMORE COUNTY, MAR LAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

MCG

FROM:

R. Bruce Seeley . R By/ 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:

20

RBS:sp

BRUCE2/DEPRM/TXTSBP



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

8.7.57

Item No.

028

M>C

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,

150

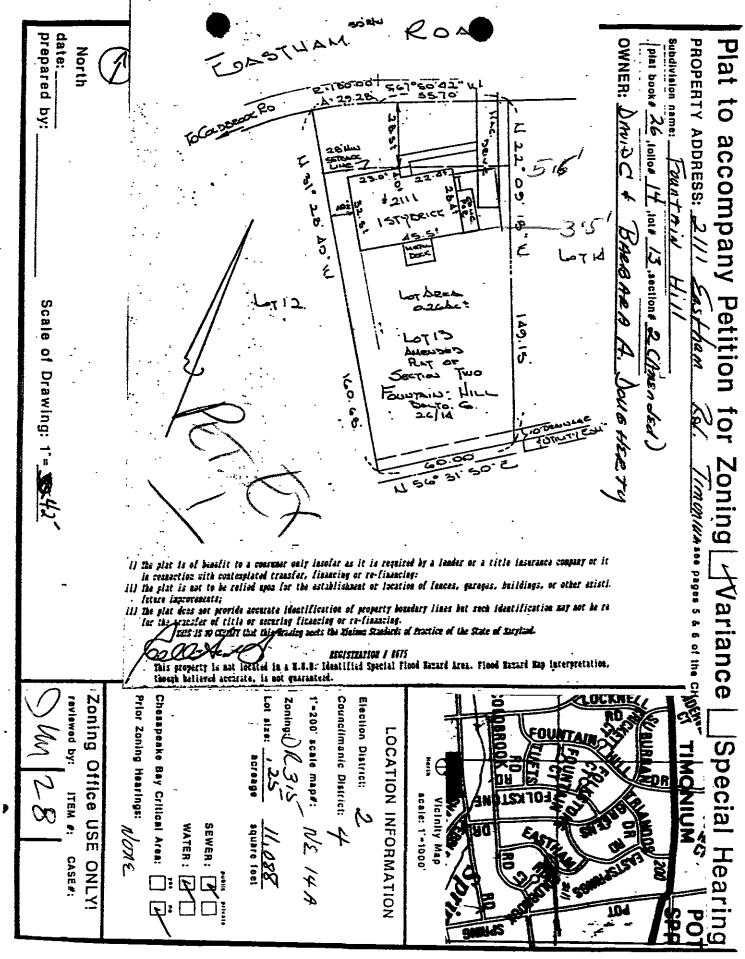
Ronald Burns, Chief

P.J. Delle

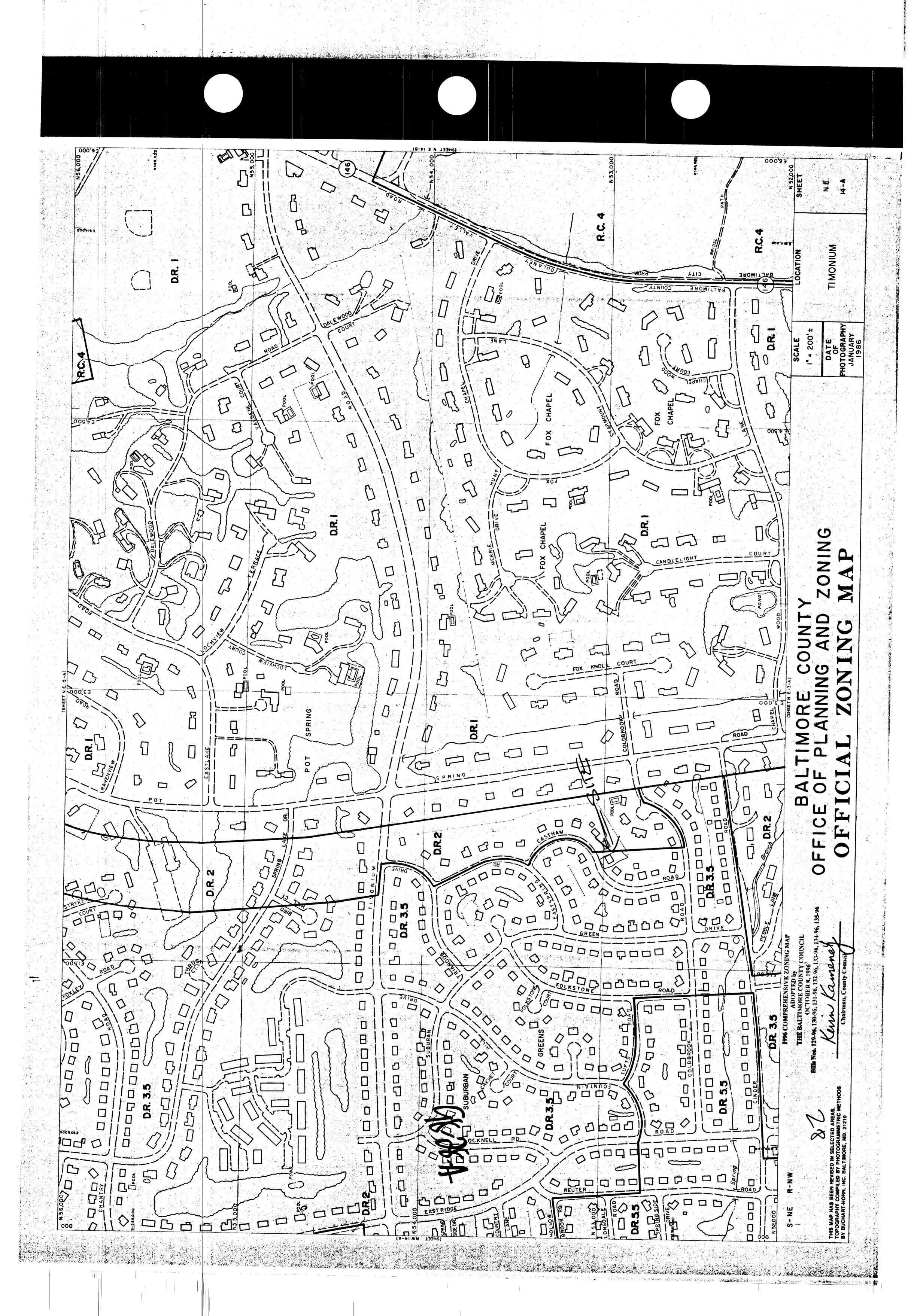
Engineering Access Permits

Division

LG









OFFICE OF PLANNING AND ZONING DEATHORD A DEFE OF THE COUNTY

APHICS, INC. 486

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