

IN RE: PETITION FOR ADMIN. VARIANCE
SE/Corner Devere Lane and
Hillside Road
(2015 Devere Lane)
1st Election District
1st Councilmanic District

Peter V. Herrera, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-74-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 V. and Debra K. Herrera. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed open deck, 15' x 16' in dimension. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked 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

ORDER RECEIVED FOR FILING

Date

By

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 18th day of September, 1997 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed open deck, 15' x 16' in dimension, 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.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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

September 18, 1997

Mr. & Mrs. Peter V. Herrera
2015 Devere Lane
Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/Corner Devere Lane and Hillside Road
(2015 Devere Lane)
1st Election District - 1st Councilmanic District
Peter V. Herrera, et ux - Petitioners
Case No. 98-74-A

Dear Mr. & Mrs. Herrera:

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: People's Counsel

✓
File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2015 Devere Lane

which is presently zoned Residential DR 2

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 DECK WITH A 10' SETBACK IN LIEU OF
THE REQUIRED 30' REAR YARD

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

See Over

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)

Debra K. Herrera
(Type or Print Name)

Debra K. Herrera
Signature

Peter V. Herrera
(Type or Print Name)

Peter V. Herrera
Signature

2015 Devere Lane 410-747-8786
Address Phone No

Catonsville, Md 21228
City State Zipcode

Name, Address and phone number of representative to be contacted

SAME
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: Jim

DATE: 8-21-97

ESTIMATED POSTING DATE: 8-31-97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 74

ORDER RECEIVED FOR FILING

Date

By

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 2015 Devere Lane
address
Catonsville, Md. 21228
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)

- For Practical Difficulty an Area Variance is requested as follows: (i) Strict compliance with zoning requirement unreasonably and inequitably prevents the ample use of property for purpose of family enjoyment of an open outside wood deck in backyard. Specifically, relief of the rear 30 foot setback is requested for a setback of 20 feet.
- (ii) Granting of the petition would prevent substantial injustice to this family and is in concert with rights and privileges enjoyed by other property owners in the district that have been granted greater variances, i.e., shorter setbacks in order to permit them to enjoy an outside wood deck.
- (iii) The variance can be granted such that the spirit of the Ordinance will be observed and public safety and well-being secured along with the pursuit of happiness and well-being of the family and the community. The area remains amply open as there is no fence or plans for such in the area.

That Affiant(s) acknowledge(s) that if a photos is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Debra K. Herrera
(signature)
Debra K. Herrera
(type or print name)



Peter V. Herrera Jr.
(signature)
Peter V. Herrera Jr.
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of July, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DEBRA K HERRERA & PETER V. HERRERA JR.

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.

7/30/97
date

Brenda Lyons
NOTARY PUBLIC

My Commission Expires:

8/1/01

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 2015 Devere Lane
address
Catonsville, Md. 21228
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)

- For Practical Difficulty an Area Variance is requested as follows: (i) Strict compliance with zoning requirement unreasonable and inequitable prevents the ample use of property for purpose of family enjoyment of an open outside wood deck in backyard. Specifically, relief of the rear 30 foot setback is requested for a setback of 20 feet.
- (ii) Granting of the petition would prevent substantial injustice to this family and is in concert with rights and privileges enjoyed by other property owners in the district that have been granted greater variances, shorter setbacks in order to permit them to enjoy an outside wood deck.
- (iii) The variance can be granted such that the spirit of the Ordinance will be observed and public safety and welfare secured along with the pursuit of happiness and well being of the family and the community.
- The area remains amply open as there is no fence or plans for such in the area.

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.

Debra K. Herrera
(signature)
Debra K. Herrera
(type or print name)



Peter V. Herrera, Jr.
(signature)
Peter V. Herrera, Jr.
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of July, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DEBRA K. HERRERA & PETER V. HERRERA JR.

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

7/30/97
date

Benjamin Lyons
NOTARY PUBLIC

My Commission Expires

8/1/01

ORIGINAL HAS SEAL 74
Jen

Zoning Description

Zoning Description for: 2015 Devere Lane

Beginning at a point on the Southwest side of
Devere Lane which is 25 feet
wide at the distance of 30 feet Southeast of the
centerline of the nearest improved intersecting street Hillside Road
which is 40 feet wide. Being Lot # 111,
Block --, Section # -- in the subdivision of Stonewall Park
as recorded in Baltimore County Plat Book # 7, Page # 18, Liber #
3008, Folio # 248, containing 7,938 square feet. Also known as
2015 Devere Lane and located in the 1st Election District,
1st Councilmanic District.

74

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

043332

DATE

8-21-97

ACCOUNT

RC001-6150

AMOUNT

\$ 50.00

RECEIVED
FROM:

P. HERRERA, JR. — 2015 DEVERE LN.

FOR:

(010) Ad. VAR.

SUBTUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PROCESS ACTION TIME
02/1/1997 02/21/1997 14:18:23
REG 12304 CASHIER LSN1 LJS MONROE
MISCELLANEOUS CASH RECEIPT

REC 1st 018/24 0510
CR NO. 043332

50.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTINGRE: Case No.: 98-74-A

Petitioner/Developer: _____

PETER V. HERRERADate of Hearing/Closing: 9-15-97

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 _____

2015 DEVERE LANE BALTO. MD. 21228

The sign(s) were posted on 8-29-97
(Month, Day, Year)

Sincerely,

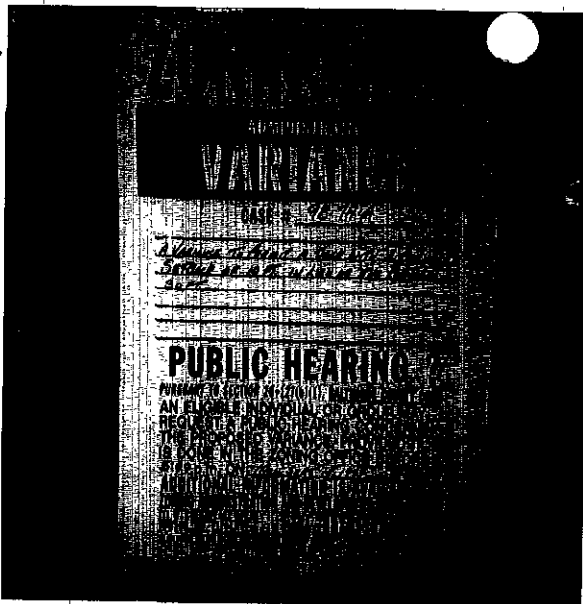
Thomas P. Ogle 8/29/97
(Signature of Sign Poster and Date)

(Name)
Mr. Thomas P. Ogle
325 Nicholson Rd.
Baltimore, MD 21221-6809

(City, State, Zip Code)

(410) 687-8405

(Telephone Number)

98-74-A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 8-31-97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 98-74-A

A VARIANCE TO PERMIT A DECK WITH
A REAR YARD SETBACK OF 10ft. IN
LIEU OF THE REQUIRED 30ft.

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

*

9-15-97

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.:

74

Petitioner:

Peter V Herrera, Jr

Location:

2015 Devere Lane Catonsville, Md 21228

PLEASE FORWARD ADVERTISING BILL TO:

NAME:

Peter V Herrera, Jr

ADDRESS:

2015 Devere Lane

Catonsville, Md 21228

PHONE NUMBER:

410 747 8786

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

September 11, 1997

Mr. and Mrs. Peter Herrera
2015 Devere Lane
Catonsville, MD 21228

RE: Item No.: 74
Case No.: 97-74-A
Petitioner: Peter Herrera, et ux

Dear Mr. and Mrs. Herrera:

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 August 21, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that contains the same name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

9-5-97

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 074 (JCM)

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as the proposed development is not located on a State roadway and there are no impacts to any SHA facilities.

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 Bob Small
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, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 8/29/97

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

SUBJECT: Zoning Advisory Committee
Meeting Date: Sept 2, 97

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

Item #'s:

66

67

69

71

72

73

74

75

76

77

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 26, 1997

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

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 66, 73 and 74

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: Jeffrey M. Long

Division Chief: Gary L. Kern

AFK/JL

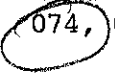
BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: Sept. 8, 1997

FROM:  Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for September 8, 1997
Item Nos. 066, 068, 070, 071, 072,
 074, 075, 076, and 077

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE908.NOC



Baltimore County
Fire Department

8 1997

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

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPTEMBER 2, 1997

Item No.: Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

066, 070, 071, 072, 074

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

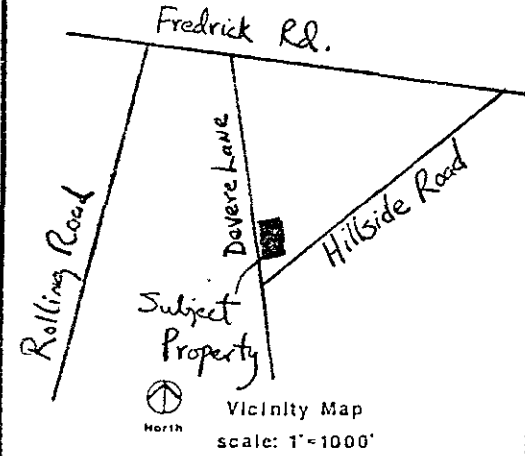
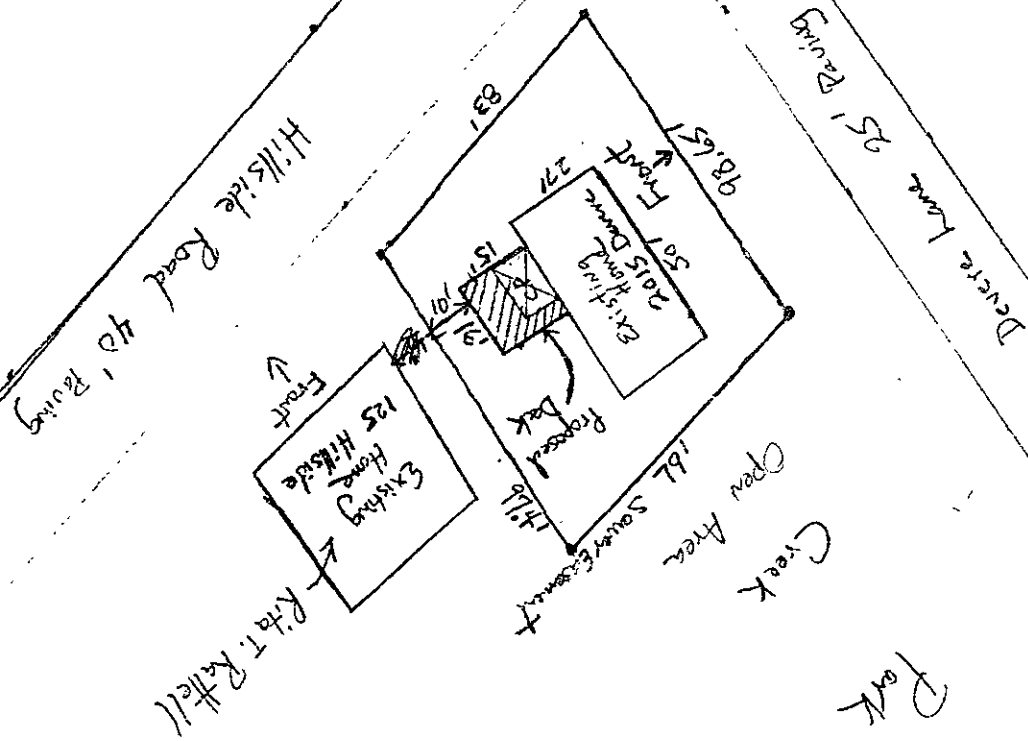
PROPERTY ADDRESS: 2015 Devere Lane

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

Subdivision name: Stonewall Park

plat book # 7, folio # 18, lot # 111, section #

OWNER: Debra K. Herrera



LOCATION INFORMATION

Election District: 1st
 Councilmanic District: 1st
 1"=200' scale map #: SW - 34
 Zoning: DR 2
 Lot size: 7,938
 acreage square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐

Chesapeake Bay Critical Area: ☐ yes ☒ no
 Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: Jan ITEM #: 74 CASE #:

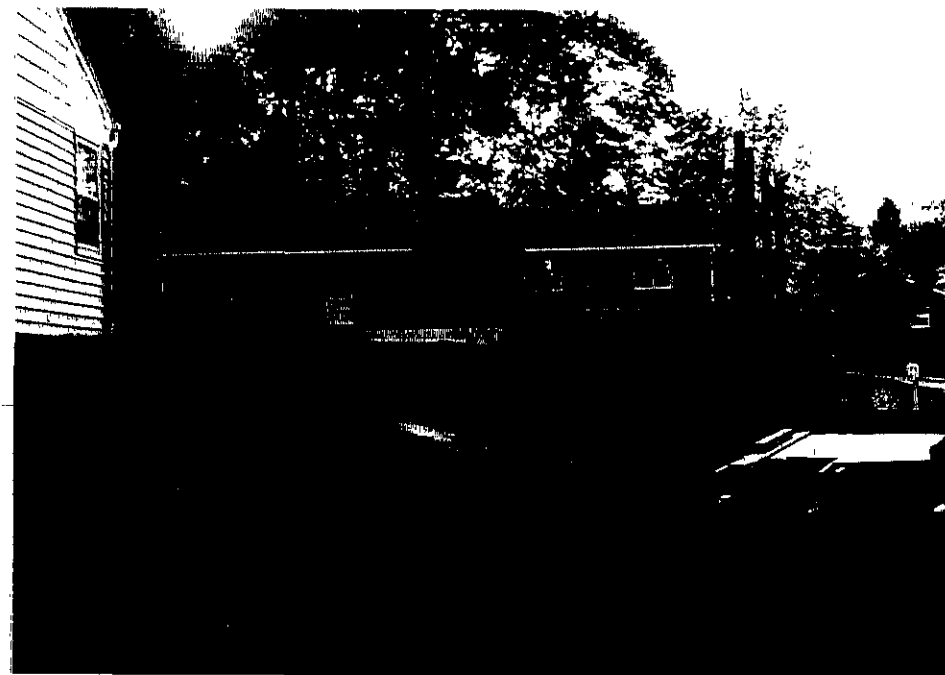


North

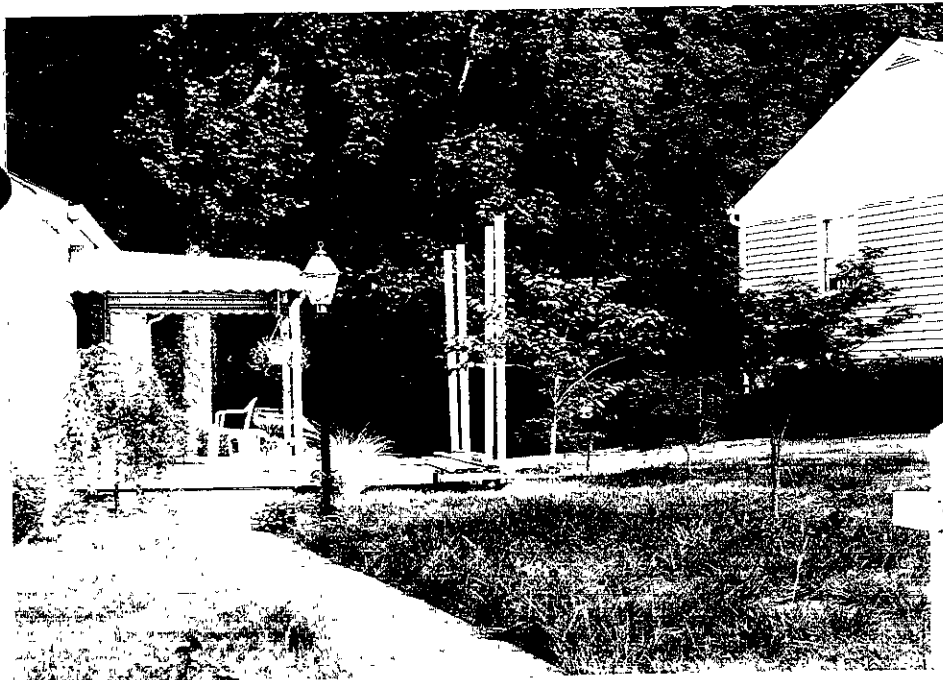
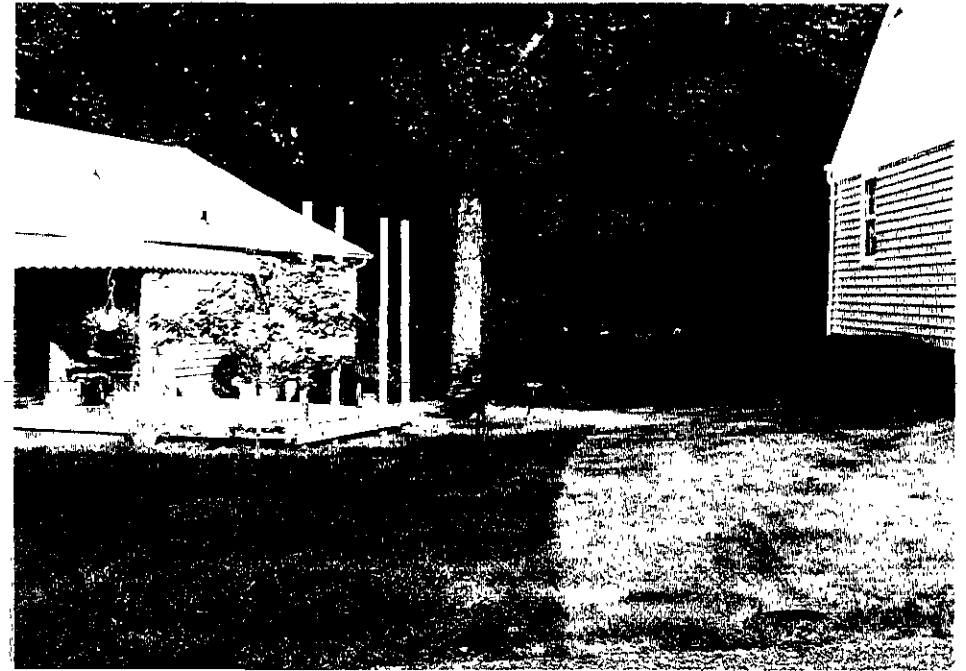
date:
 prepared by: Peter V. Herrera, Jr.

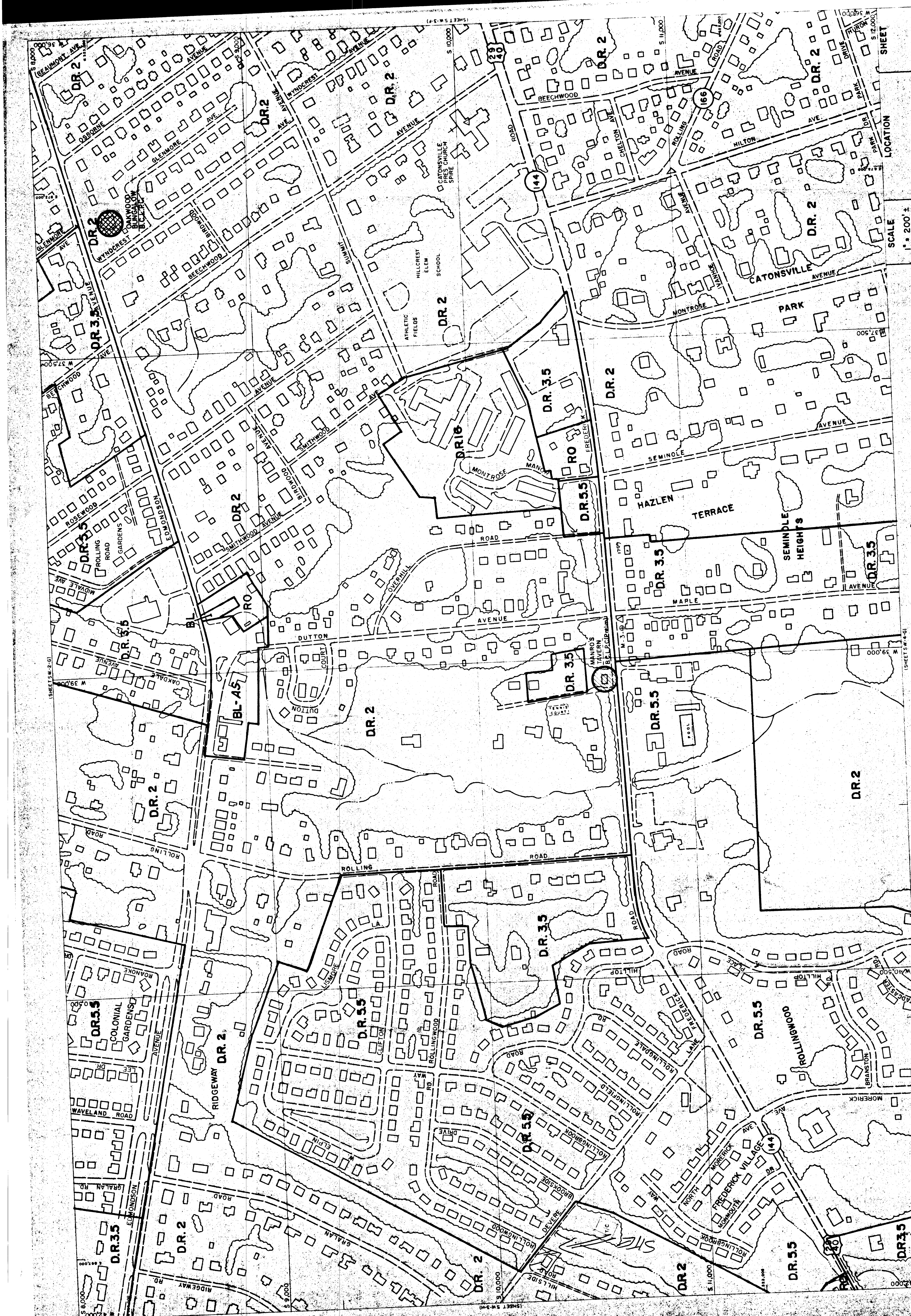
Scale of Drawing: 1" = 50'

74



74





CATONSVILLE		S.W.	3-G
SCALE	1" = 200'		
DATE OF PHOTOGRAPHY	JANUARY 1986		

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

19% COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 17, 1984
Bills Nos. 125-94, 126-94, 131-94, 132-94, 133-94, 134-94, 135-94

Kevin Kamanev
Chairman, County Council

74

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COURTESY OF BUCHART-HORN, INC. BALTIMORE, MD. 21210



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±		LOCATION  CATONSVILLE	SHEET S.W. 3-G
DATE OF PHOTOGRAPHY JANUARY 1986			