

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Vesper Avenue, 300' N of
Holabird Avenue
(1526 Vesper Avenue)
12th Election District
7th Councilmanic District

Yvonne McMahon
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-81-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 owner of the subject property, Yvonne McMahon. The Petitioner seeks relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 20 feet in lieu of the maximum permitted 15 feet for a 25' x 30' detached garage. 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.

ORDER RECEIVED FOR FILING

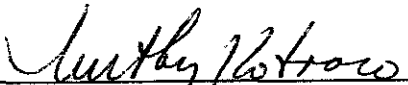
Date 10/1/97

By [Signature]

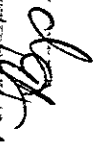
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of October, 1997 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 20 feet in lieu of the maximum permitted 15 feet for a proposed 25' x 30' detached garage, 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 Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 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 RE: LIVED FOR FILING
Date 10/1/97
By 



Baltimore County
Zoning Commissioner
Office of Planning

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

October 1, 1997

Ms. Yvonne McMahon
1526 Vesper Avenue
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Vesper Avenue, 300' N of Holabird Avenue
(1526 Vesper Avenue)
12th Election District - 7th Councilmanic District
Yvonne McMahon - Petitioner
Case No. 98-81-A

Dear Ms. McMahon:

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

1526 Vesper Avenue

which is presently zoned

D.R. 5.5

98-81-A

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)

400.3 BC 2R To ALLOW
A Detached Garage with a Height of 20 FT. in Lieu of the maximum
permitted 15 FT.

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

1. Require additional height for storage of boat.
2. Create a barrier from Mars Grocery Store Loading dock to reduce noise levels.

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).

Yvonne McMahon
(Type or Print Name)

Yvonne McMahon
Signature

(Type or Print Name)

Signature

1526 Vesper Ave. 410-288-2582
Address Phone No

Baltimore, MD 21222
City State Zipcode

Name, Address and phone number of representative to be contacted

Yvonne McMahon
Name

1526 Vesper Avenue 410-288-2582
Address Phone No

Work # 410-636-3700

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 #: 81

Affidavit

in support of 98-81-A 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 1526 Vesper Avenue
address
Baltimore, MD 21222
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)

1. Require additional height for storage of boat and to ~~save~~ save space for storage of other items.
 2. Create a barrier from MARS Grocery Store Loading dock to reduce noise levels.
- Current garage not suitable for boat storage.
Current garage is used for storage of vehicles - antique chevrolet and corvette.

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.

Yvonne McMahon
(signature)
Yvonne McMahon
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of September, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Yvonne McMahon

the Affiant(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.

09/02/97
date

Carolyn M. Kain
NOTARY PUBLIC

My Commission Expires: 02/22/99

98-81-A

81

Zoning description for 1526 Vesper Avenue.

Beginning at a point on the West side of

Vesper Avenue which is ~~20~~ feet wide at

the distance of ~~200~~³⁰⁰ feet North of the

Centerline of the nearest improved

intersecting street, Holabird Avenue

which is 40 feet wide. Being Lot #5

as recorded in the Baltimore County

Plat Book W.P.C. No. 7, Folio #127

Containing 9,600 square feet. Also Known

as 1526 Vesper Avenue and located in the

12th Election District, 7th Councilmanic District.

LTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

VL 81 No. 98-81-A
043337

DATE 9/2/97 ACCOUNT 80016150

AMOUNT \$ 50.00

RECEIVED FROM: Mc MAHON

FOR: RV ELITE.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
9/02/1997 9/02/1997 043337
RECEIVED BY CASHIER FROM CASH DRAWER
RECEIPT # 1027568
CR NO. 043337

10.00 CHECK
BALTIMORE County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-81-A

Petitioner/Developer:
(Yvonne McMahon)
Date of Hearing/Closing:
(Sept. 29, 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 Gentleman:

**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 _____**

____ 1526 Vesper Ave. Baltimore Maryland 21222 _____

**The sign(s) were posted on _____ Sept 12, 1997 _____
(Month, Day, Year)**

Sincerely,

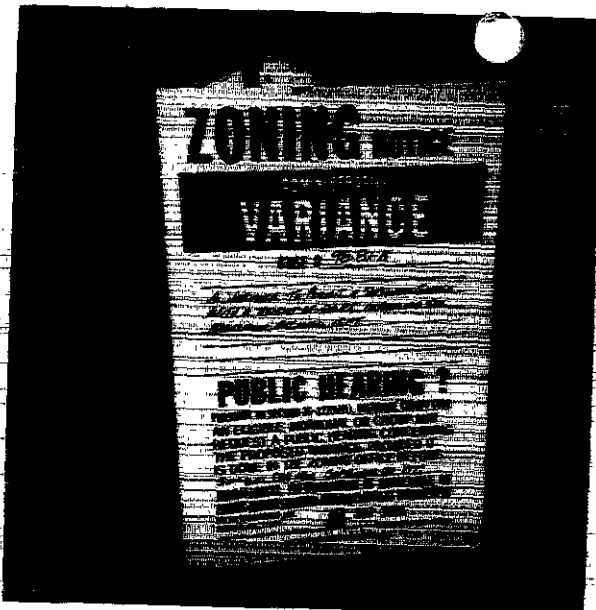

(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

**____ (410)-687-8485 _____
(Telephone Number)**



98-81-A



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.: 81

Petitioner: Yvonne McMahon

Location: 1526 Vesper Avenue

~~PLEASE FORWARD ADVERTISING BILL TO:~~

NAME: Yvonne McMahon

ADDRESS: 1526 Vesper Avenue

Baltimore, MD 21222

PHONE NUMBER: 410-288-2582

AJ:ggs

(Revised 09/24/96)

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 9/14/97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 98-81-A

A VARIANCE FROM SECTION TO PERMIT A DETACHED GARAGE
WITH A HEIGHT OF 20 FT. IN LIEU OF THE MAXIMUM ALLOWED
15 FT.

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

* 9/26/97 9/29/97

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

September 17, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-81-A
1526 Vesper Avenue
W/S Vesper Avenue, 300' N of Holabird Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Yvonne McMahon
Post by Date: 9/14/97
Closing Date: 9/29/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

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

Arnold Jablon
Director

cc: Yvonne McMahon





Baltimore County
Department of Permits and
Development Management

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

September 26, 1997

Ms. Yvonne McMahon
1526 Vesper Avenue
Baltimore, MD 21222

RE: Item No.: 81
Case No.: 97-81-A
Petitioner: Yvonne McMahon

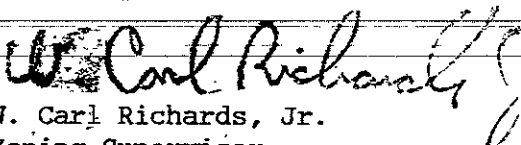
Dear Ms. McMahon:

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 September 2, 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)



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: September 19, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for September 22, 1997
 Item No. 081

 The Bureau of Developer's Plans Review did not receive a plan for
the above mentioned item.

RWB:HJO:jrb

cc: File

ZONE922.081



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 5-16-97
Item No. 081 JLL

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,

P. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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

TO: PDM

DATE: 9/15/97

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 15, 97

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

Item #'s: 78
81
82
85

RBS:sp

BRUCE2/DEPRM/TXTSBP



Baltimore County
Fire Department

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

September 22, 1997

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

RE: Property Owner: Allan & Tamara Cooper
Stella Maris, Inc.
Yvonne McMahon

Location: DISTRIBUTION MEETING OF SEPTEMBER 15, 1997

Item No.: Listed Below

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:

085, 083, and 081

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: September 23, 1997

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

SUBJECT: 1526 Vespar Avenue - Item No. 81

The Office of Planning does not oppose the request to permit an accessory structure with a height in excess of the permitted 15 feet. However, a condition should be placed in the Order to restrict any such future conversion of the accessory structure for dwelling purposes.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Gary L. Kerns

AFK/JL

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1526 Vesper Avenue

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

Subdivision name: NA

plat book # 7, folio # 127, lot # 5, section # 5

OWNER: Yvonne McMahon

98-81-A

Dundalk MS

MARS
Store
Reek
Loading Dock
Field (Lot 34)

PRIVATE DRIVEWAY

EX. walk

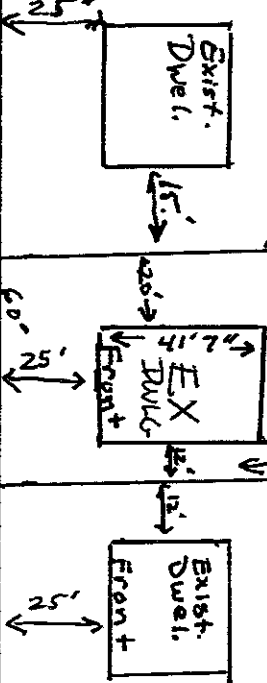
2 1/2' STIKS, EX 23' x 25' GARAGE

THE APPLICANT ACCEPTS RESPONSIBILITY FOR ALL INFORMATION AND WORDING AS DRAWN BY BATTLE CO, CONSERVING THIS PETITION APPLIC- John A. Vesper ACTION & PLAN, ID# 12-1222025320

Yvonne McMahon

Susan Haggerty ID# 12-1202675200

Holabird Avenue



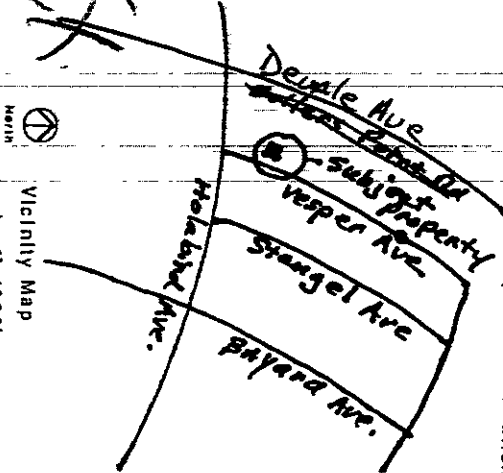
→

TO HOLABIRD AVE. VESPER AVE. 30' R/W (20' Paving)

North

date: 8/31/97

prepared by: Yvonne McMahon Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1" = 200' scale map#: S.E. 2.E

Zoning: D.R. 5.5

Lot size: 1.22 9,600 acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: FEEV 65 FT

NOT Flood Zone: None

Zoning Office USE ONLY

reviewed by: YL ITEM #: 98-81-A CASE#:

98-81-A



Front view of property
81 (w/ view of 1524
(the right of 1526) Vesper



Front view of property
81 (w/ view of 1528 Vesper
(to the left of 1526 Vesper)

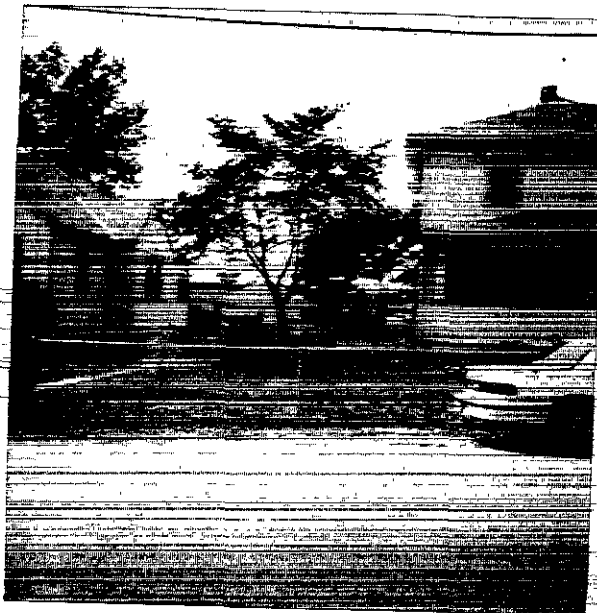


81 Rear yard of 1526 Vesper
where proposed garage
to be built

98-81-A



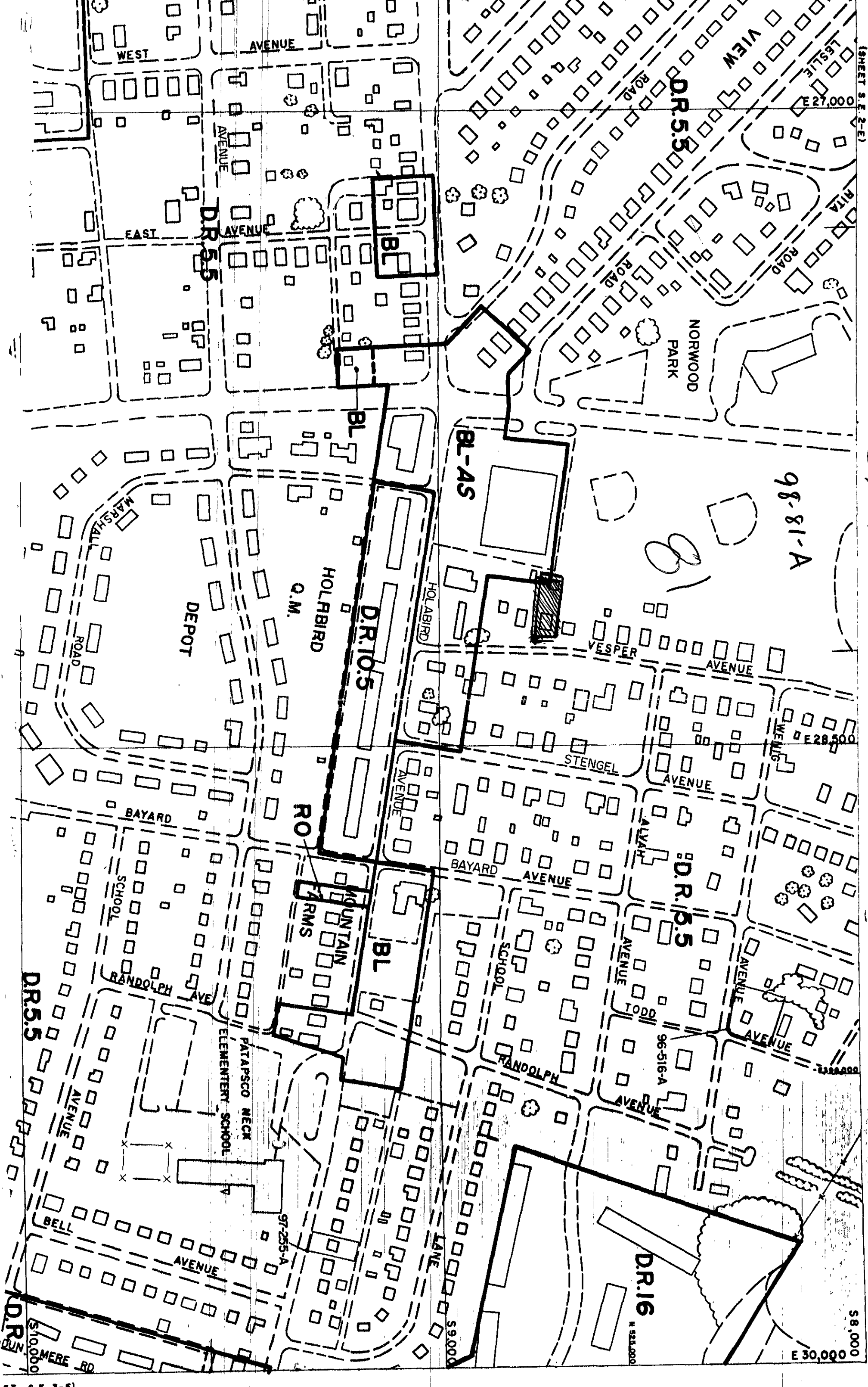
81 View from rear
of 1526 Vesper
(Maras Loading Dock)



81 Front view of
1526 Vesper Ave.

SE 3-E

SE 3-E





F-NE E-NW
F-SE E-SW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE
BY	DATE	1" = 200'
		DATE OF PHOTOGRAPHY DEC. 1954

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP LANSING MICH

DUNDALK

S E
3-E



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

DUNDALK

S.E.
3-E