IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

S/S Gardenview Road, 350 ft. W

of c/l Gardenview Court 3605 Gardenview Road

3rd Election District

2nd Councilmanic District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* Case No. 98-137-A

Dennis M. Frock, et ux, Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Dennis M. Frock and Iris M. Frock, his wife, for that property known as 3605 Gardenview Road in the Stevenson Park subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 1802.3.B. and 202.3 & 4 of the Baltimore County Zoning Regulations (BCZR) to allow a side setback of 10 ft., in lieu of 20 ft., with a sum of sides of 30 ft., in lieu of 50 ft., and a rear yard setback of 30 ft., in lieu of 50 ft., for an attached garage, in an R.C.5. zone. The property and relief sought are more particularly described on Petitioners' Exh. No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, 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 BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

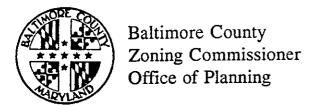
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of November 1997, that the Petition for a Residential Variance from Sections 1B02.3.B. and 202.3 & 4 of the Baltimore County Zoning Regulations (BCZR) to allow a side setback of 10 ft., in lieu of 20 ft., with a sum of sides of 30 ft., in lieu of 50 ft., and a rear yard setback of 30 ft., in lieu of 50 ft., for an attached garage, in an R.C.5. zone, be and is hereby GRANTED, subject, however, to the following restriction:

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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn



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

November 13, 1997

Mr. and Mrs. Dennis M. Frock 3605 Gardenview Road Baltimore, Maryland 21208

RE: Petition for Administrative Variance

Case No. 98-137-A

Property: 3605 Gardenview Road

Dear Mr. and Mrs. Frock:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

3605 Gardenview Road Baltimore, Maryland 21208 which is presently zoned

IAWe do solemnly declare and affirm, under the penalties of perjury, that I/we are the

Residential RC-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) 202, 3 ANDA (1955 BCZR)

TO PERMIT A SIDE SETBACK OF 10 FT, IN LIEU OF 20 FT, WITH A SUM OF SIDES

OF 30 FT. IN LIEU OF 50 FT. AND A REAR SETBACK OF 30 FT. IN LIEU OF

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

SEE AFFIDAVIT (on reverseside)

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.

			legal owner(s) of the property which is the subject of this Petition	
Contract Purchaser/Lessee			Legal Owner(s).	
Type or Print Name)			Dennis M. Frock	
Signature			Signature Iris/Ma Frock	
Address	n <sub>i</sub> -		(Type of Profe Name)  M. Hrocke	
City	State	Zipcode	Signature	
Attorney for Petitioner Type or Print Name)			3605 Gardenview Road (410)486-79 Address Phone No	129
			Baltimore, Maryland 21208	
Signature			City State Zipcode Name Address and phone number of representative to be contacted	
			Dennis M. or Iris M. Frock	
Address	Phone	No	Name 3605 Gardenview Road (410)486-79	29
City	State	Zipcode	Address Phone No	

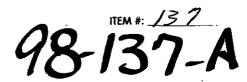
A fublic Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissionier of Baltimore County. this that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general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

Zoning Commissioner of Baltimore County





Printed with Soybean Ink on Recycled Paper



# 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 at3605 Gardenview Road
accionis
Baltimore, Maryland 21208  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)
I I the correct of him land area and bocation of the
to 10 the percentage of cooperation for a correge is
Septic area the only practical rocation to a garage
Variance at the above address: (indicate hardship or practical difficulty)  To To the percentage of Wooded area; and Location of The  Septic area The only practical Location for a garage is  on The West Side of our bouse.
Typos. Debric and Note fall on our vehicles causing dents That ruin Their value. Most importantly, I'm permantly disabled from injury and arthritis and can No honger Navigate snow or icy conditions to get to my vehicles We need this variance to build a garage to keep on Vehicles from being damaged and Lesson The risk of further in jury for me, That Assistants) acknowledge(s) that is a protest is filed, Assistants) will be required to pay a reposting and advertising see and may be required to provide additional information.
The selection of the Time Dermantly disabled from injury
Their value. 1765 Importantly, I'm per use y the service To
and arthritis and can No honger Navigate show it reg continues
get to my vehicles. We need this variance to build a garage to keep on
We highes from being damaged and Lesson the required to pay a reposting and advertising fee and
may be required to provide additional information.
La terret.
tagnature) Devois In Frock
flying or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 9th day of October 1997, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appeared
Iris M. Frock and Dennis M. Frock
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 Notarial Seal
date JO19/97 January Public Notary Public

My Commission Expires:

My Commission Expires June 1, 1999



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

This Petition shall be filed with the Office of Zoning Administration & Development Management.

3605 Gardenview Road Baltimore, Maryland 21208-1511 which is presently zoned Residential

The undersigned, legal of	wner(s) of the property sit	tuate in Baltimore (	County and which is described in the described	ription and plat attached
hereto and made a part he	ereof, hereby petition for a	Variance from Sec	tion(s) (202.3) and 4 (19	955 BCZK)
10 permit a s	side setback	of 107t.	in Lieu of 20 ft wi	Tha sum of Sides
0+ 30 H. in	hieu of 50 ft	and a	in Lieu of 20 ft wi Rear stback of 30 ft	in hieu of 50'
and the state of t		<b>\</b>	saltimore County; for the following reasons	: (indicate hardship or
SEE AFFIDA	VIT Con bac	K side)	,	
Property is to be po	sted and advertised	as prescribed	by Zoning Regulations.	her agree to and are to
l, or we, agree to pay exp be bound by the zoning re	penses of above variance egulations and restrictions	advertising, postir s of Baltimore Cour	ng, etc., upon filing of this petition, and furt inty adopted pursuant to the Zoning Law fo	r Baltimore County
,				
		•	I/We do solemnly declare and affirm, under the pena legal owner(s) of the property which is the subject of the	
Contract Purchaser/Lessee			Legal Owner(s)	
			Dennis M. Frock	
(Type or Print Name)			(Type or Print Name)	
			2) hot	
Signature			Signature	
	<u></u>	·	Iris M. Frock	
Address		(	Type or Philipped May HODE	K.
City	State	Zipcode	Signature	
Attorney for Petitioner				
			3605 Gardenview Road	(410)486-7929
(Type or Print Name)				1000
			Baltimore, Maryland 2	21208 Zipcode
Signature			Name, Address and phone number of representative	
			Dennis M. or Iris M. Fr	rock
Address	Phone No		Name 3605 Gardenview Road	(410)486-7929
City	State	Zipcode	Address	Phone No

ESTIMATED POSTING DATE

circulation, throughout Battimore County, and that the property be reposted

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this

Printed with Soybean tok on Recycled Paper

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

day of

Zoning Commissioner of Baltimore County

# ffidavit 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 3605 Gardenview Road
address
Baltimore, Maryland 21208-1511
Cally Cally
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)
Do to the perentage of wooded area, and location of the special area the only practical location for a garage is
septicarea the only practical location for a garage is
on the west side of our house
the trees are so feet plus tall oaks and other mut bearing
types. Debrie and nects fall on our vehicles causing clerte that pur
their value most importantly, I'm you manually disabled from mying
and arthritis and can no longer navigate sommer seen nonditions to
At them rehules. We need this request to brulda speace to hepoten rehule from them danield until lessor the need of further unguesta me. That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be regarded to pay a reposting and advertising fee and
The Afficient (2) acknowledge (5) that if a project is filed. Affiant (5) will be required to pay a reposting and advertising fee and
may be required to provide administration.
(signature)  IRIS-FROCK  Type or print name)  (signature)  Dennis 7h. Frock  Type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit
I HEREBY CERTIFY, this
Iris M. FRock and Dennis M. Frock
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.
10/9/97 Jandra X Votall
vaic .
My Commission Expires:

My Commission Expires June 1. 1999

#137

# ZONING DESCRIPTION

Beginning at a point on the  Gardenview Road  (name of street on which property fronts)		3605 Ga	ardenview Roa (address)	<u>d</u>		
		South (north, south, east, or west)		side of	_side of	
		_ which is		feet right of way width)	way width)	
wide at the distance of	350	) feet er of feet)	(north, south, east,	of the		
centerline of the neares	t improved in	ntersecting st	reet wide. Being L	Gardenview Court (name of street)  ot # 10		
,	r of feet of right of v		in the subdivis	_	rk	
Block A (78:39) as recorded in Baltimore	, Section #	<u>N/A</u>	<del></del>	(name of subdivisiom		
	County Pic	at Rook #	28 465 F	olio #	)	
	e County Pla quare feet		,	olio # <u></u>	)	

98-137-A

RECEIVED FROM: BALTIMORE COUNTY, MARYLAND SCELLANEOUS RECEIPT FICE OF BUDGET & FINANCE CASHIER PINK - AGENCY \_ ACCOUNT\_ The & Barden view Rd. AMOUNT \$ gamin (strative YELLOW - CUSTOMER Track Titem No. 50.00 CASH Raltimore County, Maryland CASHIER'S VALIDATION 

C654

RE: Case No.: \_\_\_

98-137-4

Petitioner/Developer: DENNIS FROCK, ETAL

Date of Hearing/Closing: 11/3

Baltimore County Department of Permits and Development Management County Office Building, Room III III 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 #3605 GARDENVIEW RD.

The sign(s) were posted on \_\_\_

(Month, Day, Year)

FIXED & REPHILED. SIGN 10/27

#!sancelv

Fuch Milloof 2 10/197

(Signature of Sign Poster and Date)

Patrick M. O'Keele

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

905.857

14101 666-5366

Oger (410) 411 4984

(Telephone Number)

DENING 05-137-A
FROCK#3605 GARDENVIEW RD
P-10/19/97 CL: 1/3/477

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than

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

## **ZONING** NOTICE

### ADMINISTRATIVE VAR ANCE

Case No.: 98-137-A

Petition for a Zoning Variance to allow a side yard ired 30 ft and 50 ft, nesper bed garage, and grear yand se

**PUBLIC HEARING?** 

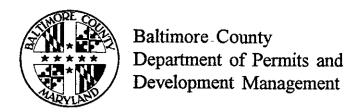
PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

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

11-3-97

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

October 30, 1997

#### ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-137-A
3605 Gardenview Road
S/S Gardenview Road, 350' W of centerline Gardenview Court
3rd Election District - 2nd Councilmanic District
Legal Owner: Dennis M. Frock & Iris M. Frock
Post by Date: 10/26/97

Closing Date: 10/26/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 410-887-3391. This notice serves as a refresher regarding the administrative process.

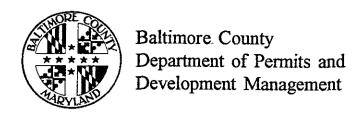
- 1. The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2. The "Closing Date" noted above is the deadline for a neighbor to file a formal request for a public hearing.
- 3. After the 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 a public hearing.
- 4. In cases that must go to a public hearing (whether due to a neighbor's formal request or by order the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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

c: Dennis & Iris Frock





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

October 29, 1997

Mr. and Mrs. Dennis Frock 3605 Gardenview Road Baltimore, MD 21208

> RE: Item No.: 137

> > Case No.: 98-137-A

Petitioner: Dennis Frock, et ux

Dear Mr. and Mrs. Frock:

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 October 9, 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, and Richard G.

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)





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 10 . 28 . 57

Item No. 137

215

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,

1. J. Hell for Ronald Burns, Chief

Engineering Access Permits

Division

LG

## BALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

### INTER-OFFICE CORRESPONDENCE

$-i \cap$	٠	
- 1 - 0	_	

POM

DATE:

FROM:

R. Bruce Seeley. Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Oct, 27,1997

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

Item #'s:

152

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: October 27, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Bureau of Developer's Plans Review

SUBJECT: Zo

Zoning Advisory Committee Meeting

for October 27, 1997 Item Nos 137 & 143

No plans were received for the above-referenced items.

RWB:HJO:jrb

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

**DATE:** October 27, 1997

Dept. of Permits & Development Management

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. 136, 137, 142, 145, 148, 153, 154, and 162

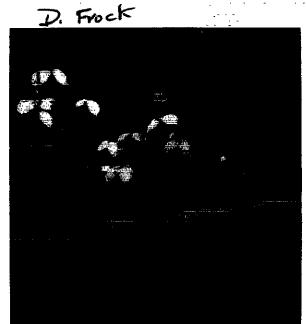
If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Division Chief: Cary L. Kerns

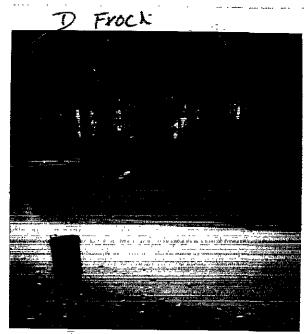
AFK/JL

D. Frock

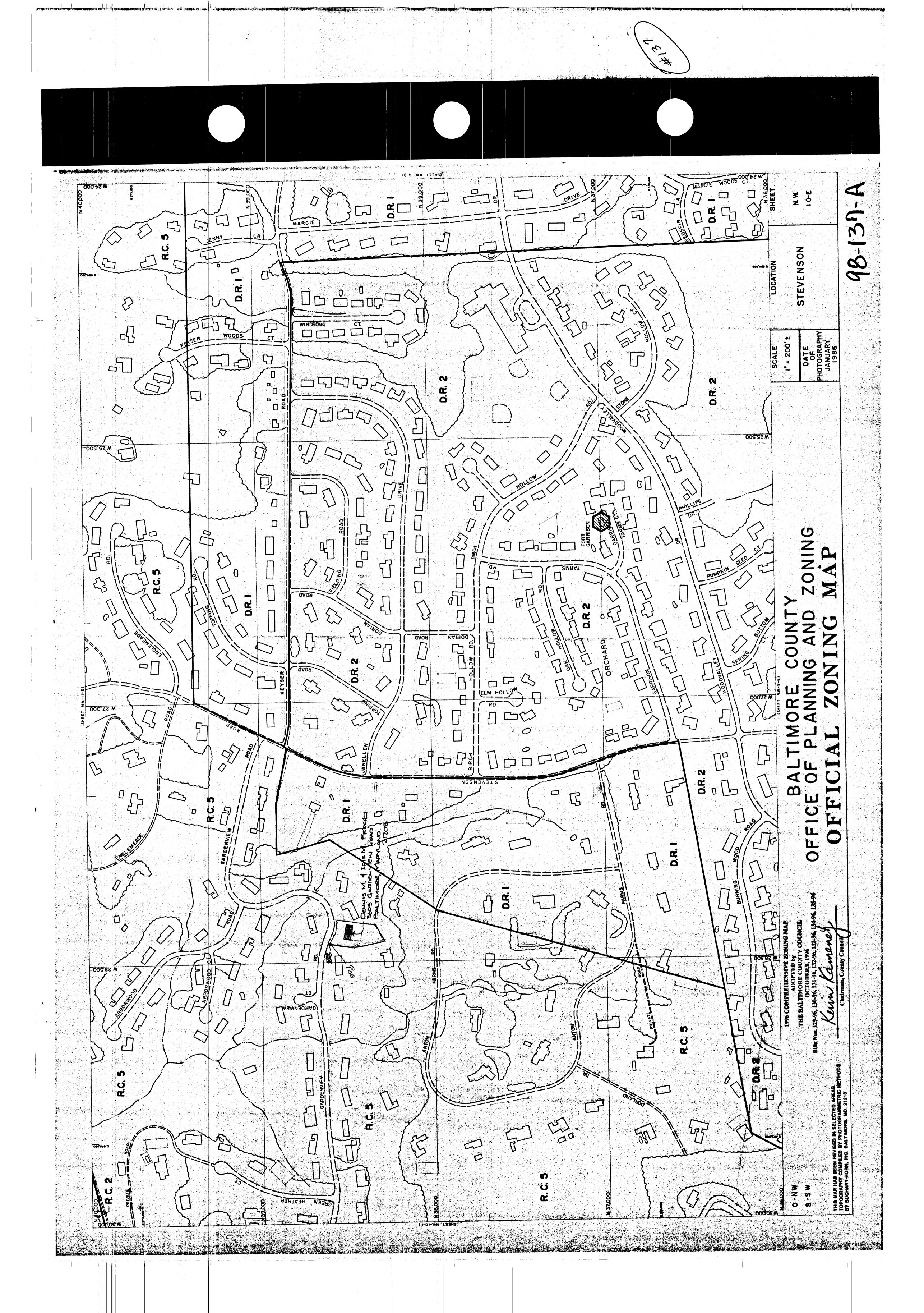
East side of 3605 Gardenview Rd. Showing House and neighbor.

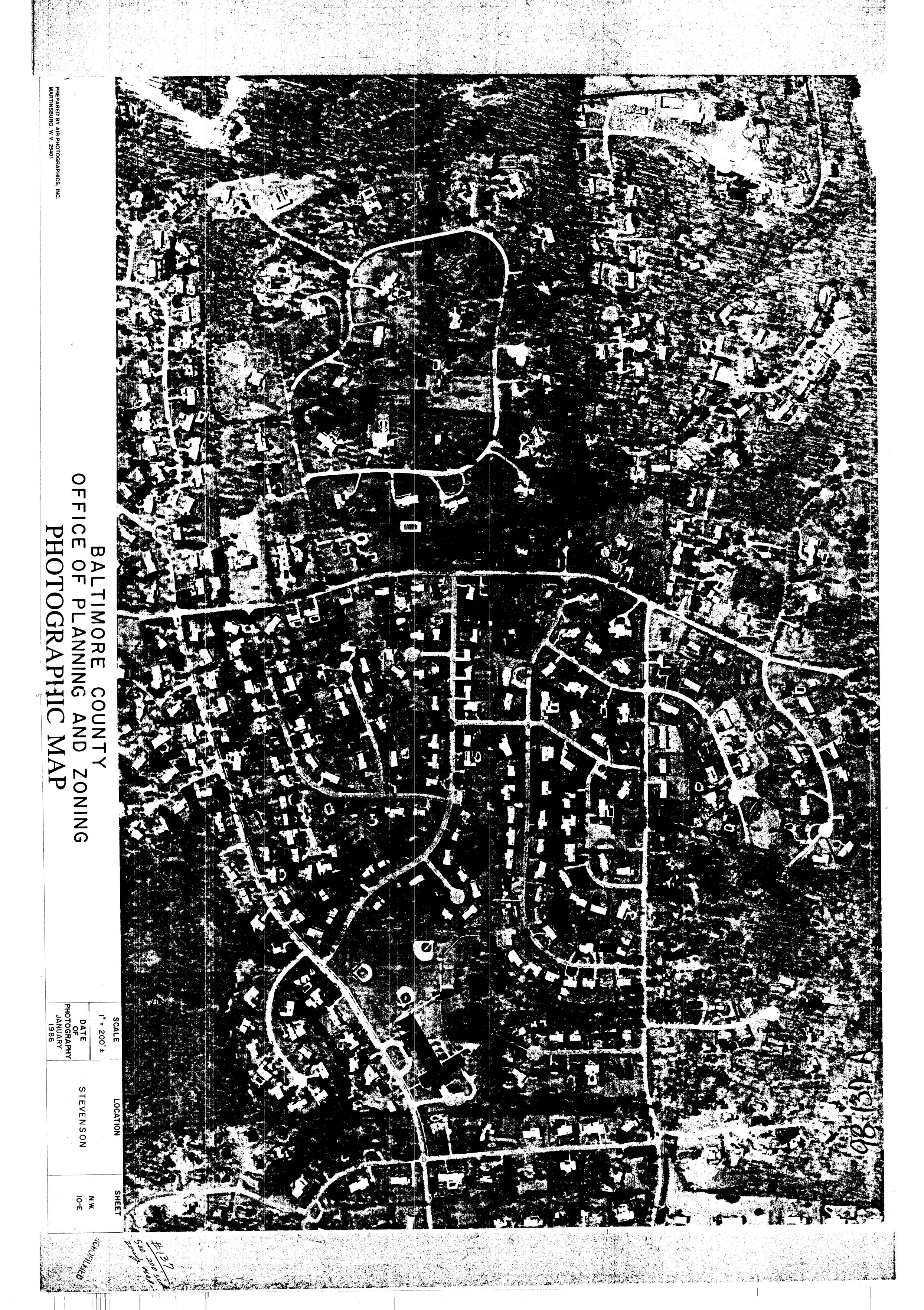


West side Front of 3605 Gardenview Showing Distance from neighbor on right to West side of Our House.



another view of west side 3605 Gardners: Showing relationship with impacted Neighboring Property. + trees.





# Plat to accompany Petition for Zoning



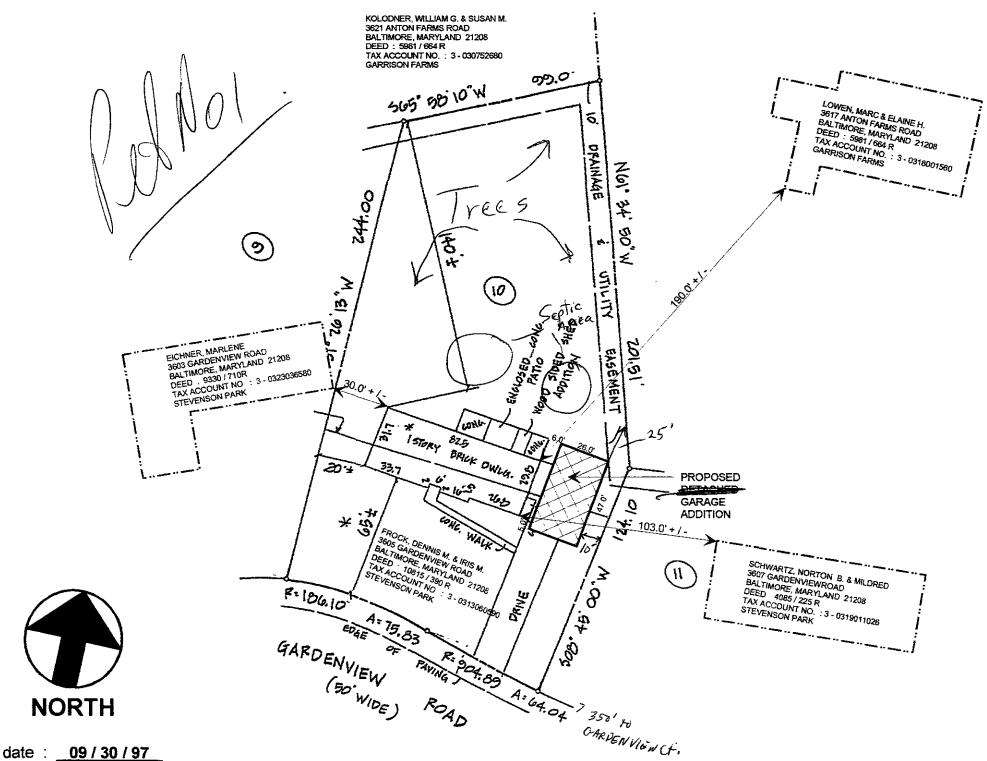
**Variance** 

PROPERTY ADDRESS: 3605 Gardenview Road

Subdivision Name: Stevenson Park

Plat Book # 28 / 39 , Folio # / 10815 / 390 , Lot # 10 , Section # N / A

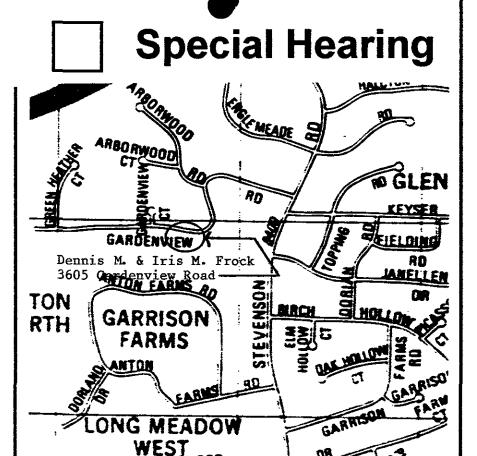
OWNER: Dennis M. and Iris M. Frock



date: 09 / 30 / 97

prepared by : T.S.M.

Scale of Drawing : 1" = <u>50' - 0"</u>





Vicinity Map scale : 1" = 1000'

Enlarged from 23rd Edition of ADC's Baltimore City and County Map; Site Location found on page 25, G6

#### LOCATION INFORMATION

Election District: 3rd

Councilmanic District: 2nd

1" = 200' scale map # : NW 10 - E

Zoning: Residential

Lot size:

0.833 + / acreage

36,302 + / square feet

SEWER

WATER

public

private

Chesapeake Bay Critical Area Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by :

137

CASE#: