ORDER RECEIVED FOR FILING
Date
By

IN RE: PETITION FOR ADMIN. VARIANCE NE/S Meadow Glen Road, 285' SE

of Bird River Road (1014 Meadow Glen Road) 15th Election District 5th Councilmanic District

William F. Phelps, et ux

Petitioners

- * BEFORE THE
- ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 98-162-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by William F. and Miriam C. Phelps, owners of the subject property. The Petitioners seek relief from Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a and V.5.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a rear yard setback of 30 feet in lieu of the required 35 feet for an existing dwelling, a rear tract boundary setback of 18 feet in lieu of the required 26.25 feet, for a proposed open deck, and to amend the Final Development Plan for Rohe Farm, Lot 7 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was 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 Zoning Commission-

LES:bjs

er, 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.

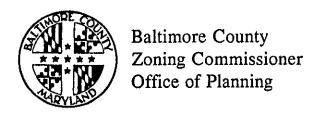
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November, 1997 that the Petition for Administrative Variance seek relief from Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a and V.5.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a rear yard setback of 30 feet in lieu of the required 35 feet for an existing dwelling, a rear tract boundary setback of 18 feet in lieu of the required 26.25 feet, for a proposed open deck, and to amend the Final Development Plan for Rohe Farm, Lot 7 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> The Petitioners may apply for their building 1) 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.

> > LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County



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

November 13, 1997

Mr. & Mrs. William F. Phelps 1014 Meadow Glen Road Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/S Meadow Glen Road, 285' SE of Bird River Road
(1014 Meadow Glen Road)
15th Election District - 5th Councilmanic District
William F. Phelps, et ux - Petitioners
Case No. 98-162-A

Dear Mr. & Mrs. Phelps:

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,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Administrative Variance

AND TO AMEND F. D.P. CROHE FARM

to the Zoning Commissioner of Baltimore County

for	the	prop	erty	loca	ted	at
-----	-----	------	------	------	-----	----

1014 MEADOW GLEN RD

which is presently zoned

RESIDENTIAL

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)

W. B. B. Q. Q. V. B. S. B. C. M. DP - VARVANCE TO ALLOW EXIBTING PWG. KEAR SETBACK

OF 30'IN LIBU OF THE KEOD. 35'AND PROPOSED OPEN PECK REAR SETBACK

OF 18'IN LIBU OF THE RESD. 26.25'AND FROM TRACT BOUNDARY, AND

TO AMEND THE F.D. P. (ROHE FARM)

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

practical difficulty)

see Afcidavit

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

ddress				
	Phone No		Name	
Signature	•		Name, Address and phone number of repre	
			BAITI MORE, MARYLA	2/220 State Zipcode
(Type or Print Name)			Address	Phone No
Attorney for Petitioner			1014 MEADOW GAEN	RD. 410-238-41
City	State	Zipcode	Signature	1410-887.70
		ı	albert Bilo	rsky
Address		······································	ALBERT BIOVESKY	Λ
	a company		ALDEDT DUMBER.	
Signature			Signature Chile	(pe
Type or Print Name)		ı	yelle F. Ch.la	
T Durak Nama)		,,,,,	MIRIAM C. Phelps	
Contract Purchaser/Lessee			William F. Phelps	

Printed with Sovbean Inle on Recycled Paper



Zoning Commissioner of Baltimore County

circulation throughout Baltimore County, and that the property be reposted

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 Address address
BAITIMORE MARYLAND 31220 TO Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative, ariance at the above address: (indicate hardship or practical difficulty)
AT PRESENT I CANNOT MEET THE REQUIRMENTS to built
A 12' JOCK PORCH ON MY PROPERTY. CAT THE REAR OF MY
PROPERTY AND ATTACHED to MY house). BECAUSE I have
ONLY 30' of property from the REAR of my home
to the boundry Line of my neighbors property. There ARC
34 completed dwellings in this NEW SUBDIVISION SUFFERING UNDER the
some prohibition as mine. NiNE (a), have 12' decks. I feel as though
I should be granted the same priviledge.
▼ · · · · · · · · · · · · · · · · · · ·
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.
hay be required to provide additional minor matter.
Mi Chela & M. R. 2 West Biloverky
signature) (signature) (signature) ALBERT B:Loveing
type or print name) ALBERT B:Lovesky (type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 5th day of October . 1997, before me, a Notary Public of the State
SAL - 1 is add for the County atorneed pursonally appeared
William & Pholys Microm & Pholps Albert Bilorusky
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.
Otrofor 5,1997 Imold N. Sparal
My Commission Expires: 1, 1998
My Commission Expires.
•



Petition for Administrative Variance AND TO AMEND F.D.P. (ROHE FARM) to the Zoning Commissioner of Baltimore County

for the property located at

1014 MEADOW GLEN RD.

which is presently zoned

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

ResiDENTIAL

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) 95-12-14 504.2 BCZR 9 U.B. 5.4 & U.B. 5

See AffipaviT

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.

tract Purchaser/Lessee	,		Legal Owner(s). WILLIAM F. P MIRIAM C- P	helps helps	
e or Print Name)					
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ure	1 = 2	Mary Barry	Signature	resky	
985			(Type or Print Name)	3 : longs	ku
	State	Zipcode	Signature		7
ey for Petitioner			1014 MEADOW	GLEN RD	410-88 34-4/49
			Address	GLEN RD 410-2	410-88 38-4/49 Phone No
			Address		38-4149
or Print Name)				MARYLAND State	38-4/49 Phone No.
ney for Petitioner e or Print Name) ature	, Phor	ne No.	Address SAIT MORE	MARYLAND State	38-4/49 Phone No.

ORDER RECHIVED FOR FILE.

REVIEWED BY: R. T DAYE: 10-15-97

ESTIMATED POSTING DATE: 10-26-97

circulation-throughout Baltimore County, and that the property be reposted.



Printed with Soybean Ink on Recycled Paper

that the subject matter of this petition be set for a public hearing, advertised, as required by the Loning Regulations of Boltimore County, in two newspapers of general

98-162⁶ 34

Zoning Commissioner of Baltimore 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.

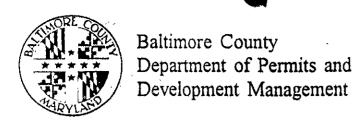
That the Affiant(s) does/do presently reside at 10/4 MEADOW ELEN Rd
BAITIMORE, MARYLAND. 21226 City State Zp Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardenip or practical difficulty)
AT PRESENT I CANNOT MEET THE REQUIRMENTS TO BUILD
A 12' DECK PURCH ON MY PROPERTY, CAT THE REAR OF MY
PROPERTY AND ATTACHED to MY house). BECAUSE I HAVE ONLY
30' of property from the REAR of my home to the
boundry Line of my NFIghbors Property. There ARE 34
completed dwellings in this New sub-division suffering under the
same prohibition as mine, NINE (9) have 12' decks. I feel As
though I should be granted the same priviledge
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.
(signature) William F PHE PS (signature)
MIRIAM C. PHELPS (type or print name) (type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
of Maryland, in and for the County aforesaid; personally appeared
William F. Phulps Missin C. Phulps Alburt Bilovasky
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of la 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.
Colober 5,1997 Smald W. Gwy 8
My Commission Expires: The 1, 1998

<u>Three</u> copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 1014 MEADOW GLEN RD. (address)
Beginning at a point on the
name of street on which property fronts) which is 50
name of street on which property fronts) which is
centerline of the nearest improved intersecting street BIRD RIVER RD. (name of street)
which is
Block,Section in the subdivision of ROHE FARM (name of subdivision)
as recorded in Baltimore County Plat Book # 64 , Folio # 111 ,
containing 6,525 Also known as (property address)
and located in the 15 Election District, 15 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ___, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., \$.18 27' 03" E.87.2 ft., \$.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.



Development Processing County Office Building 111 West Chesapeake Avenua 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.

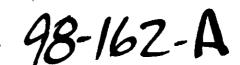
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

Ā	RNOLD	JABLON,	DIRECTOR
For newspaper advertising:			***************************************
Item No.: \$ 162			
Petitioner: William F. PHELPS			
Location: BALTIMORE, MARYLAND 21	220		· · · · · · · · · · · · · · · · · · ·
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: William F. PHELPS	···········		
ADDRESS: 1014 MEADOW GLEN RD	4	<u> </u>	
BALTIMORE, MARYLAND 2122	0		
PHONE NUMBER: 410-238-4149		-	

AJ:ggs

(Revised 09/24/96)



BALTIMORE COUNTY, MARYLAND DE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	04426		PAID RECEIPT PROCESS ACTUMENT THE
PERFECTIVED WILLIAM F. Phelps FOR: Adm. Van. & Amonding F.1 1014 Mandaw Glen	0.		REG Fe CR A	0/15/1997 10/15/1997 10:54:11 NBO3 CASHIFR WOIL ULII DRAFBR 5 MISCELLANDON CASH RELEIPT FIRE 020989 NJ. 044264 100.CO CHETA Baltimore County, Paryland
DUTION PINK - AGENCY YELLOW - CUSTOMER	R.T	Sattered For the Sacret Sacret	و المائية	CASHIER'S VALIDATION

100.00 部號

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CERTIFICATE OF POSTING

162

RE: Case No.: # 98-426-A

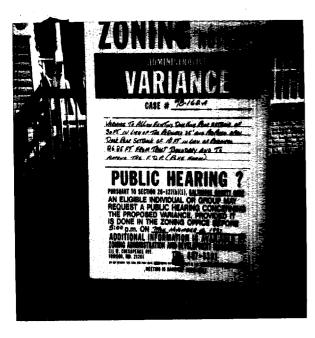
Petitioner/Developer:
(William Phelps)

Date of Hearing/Closing:
(Nov. 10, 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:



Sincerely,

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405

(Telephone Number)

98-16Z-A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 10-26-97



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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 98-26 A

VARIANCE TO ALLOW EXISTING DWELLING REAR SETBACK OF 30 FT IN LIEU OF THE REQUIRED 35 AND PROPERTY OPEN DECK OFLABILITY REAR SETBACK OF 18 FT IN LIEU OF REQUIRED 26.25 FT. FROM TRACT BOUNDARY, AUD TO AMEND THE F.D.P. (ROHE FARM)

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

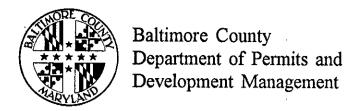
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post2.doc 504.2 BCZR V.B. 5. a > CMDP. V.B. 5. b > CMDP.

98-16Z-A



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

October 30, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-162-A
1014 Meadow Glen Road
NE/S Meadow Glen Road, 285' +/- SE from centerline Bird River Road
15th Election District - 5th Councilmanic District
Legal Owner: William F. Phelps & Miriam C. Phelps & Albert Bilovesky

Post by Date: 10/26/97 Closing Date: 11/10/97

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

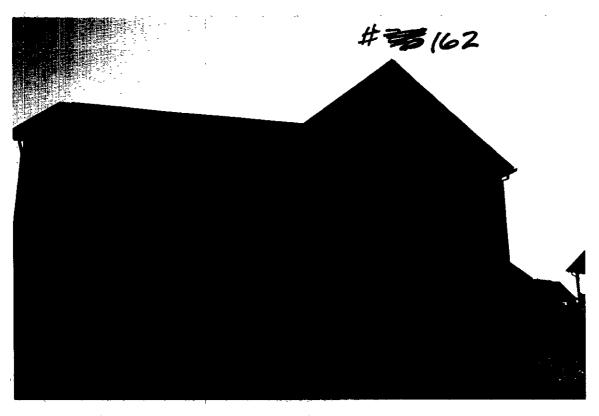
c: William & Miriam Phelps Albert Bilovesky





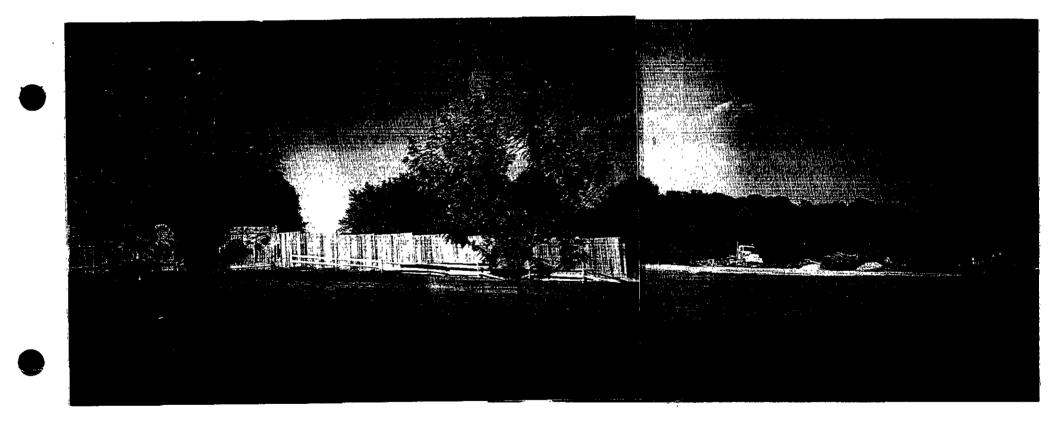


98-16Z-A

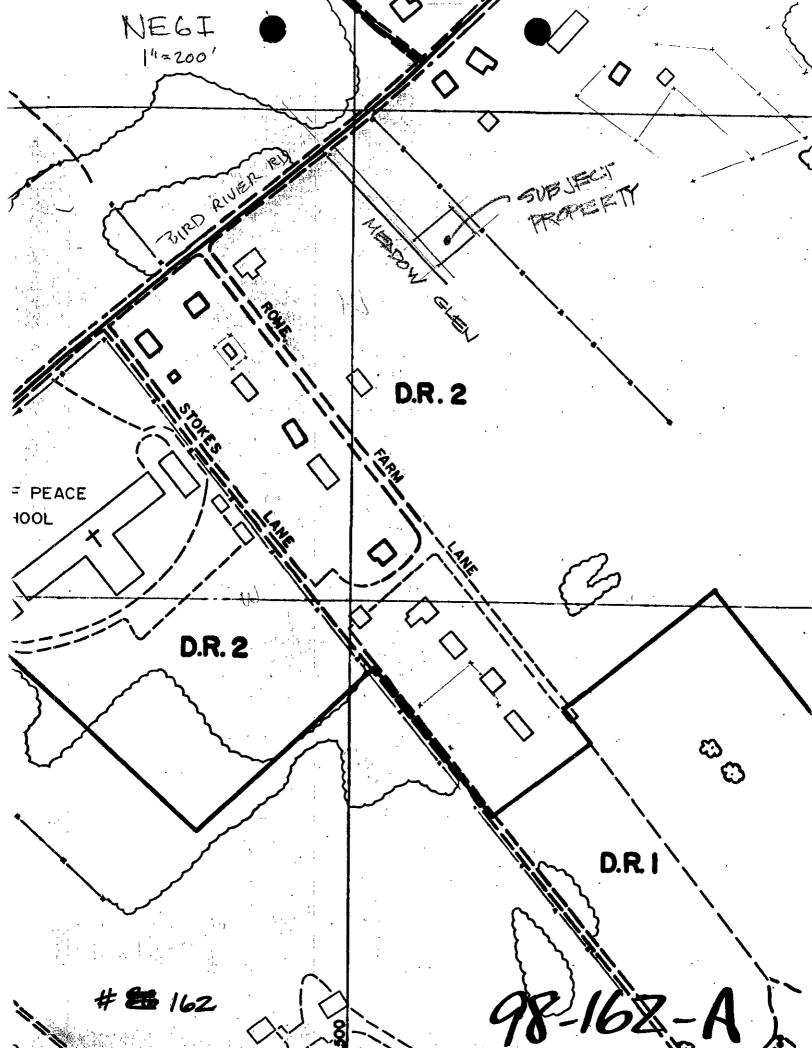


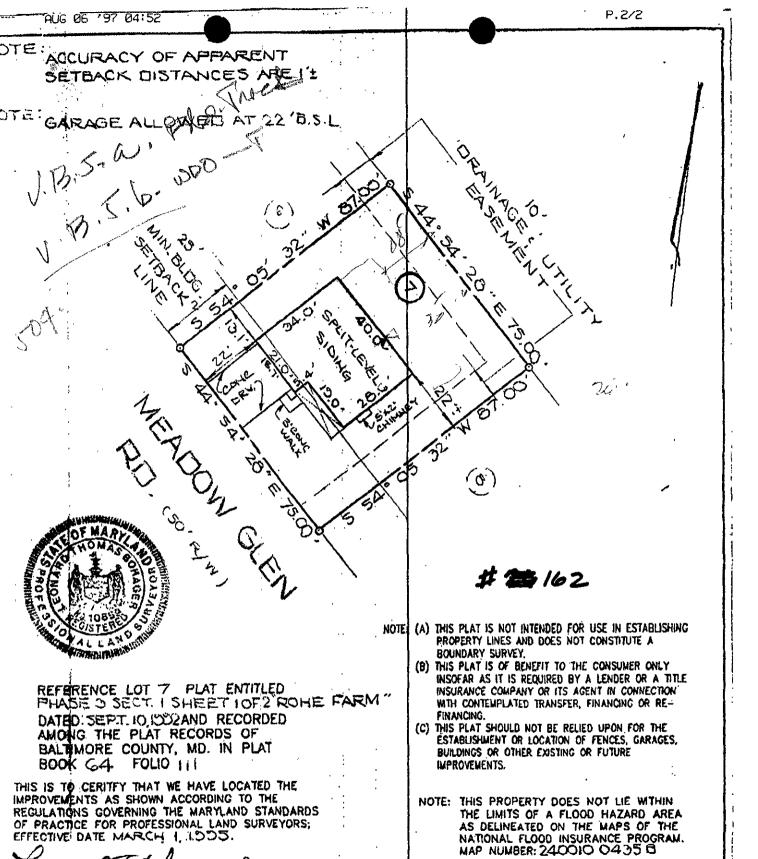


98-162-A



9629 P629





REFERENCE LOT 7 PLAT ENTITLED PHASE 3 SECT. I SHEET 10F2 ROHE FARM" DATED: SEPT. 10,1002AND RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY, MD. IN PLAT BOOK GAL FOLIO III

THIS IS TO CERITFY THAT WE HAVE LOCATED THE IMPROVEMENTS AS SHOWN ACCORDING TO THE REGULATIONS GOVERNING THE MARYLAND STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS; EFFECTIVE DATE MARCH 1, 1005.

NOTE ACCURACY OF APPARENT

REGISTERED NO. / TO

w. Duvall & Associates, inc. ENGINEERS . SURVEYORS . LAND PLANNERS

550 EAST JOPPA ROAD TOWSON, MARYLAND 21204 (410) 583-9571

LOCATION CERTIFICATION OF

10:14 MEADOW GLEN ROAD

15TH ELEC. DIST.

BALTO, CO., MD.

SCALE: 1 = 30 / ALXA. 5, 1997

Plat to accompany Petition for Zoning X Variance	e Special Hearing
	CHECKLIST for additional required information
plat book# 64 ,tolio# 111 ,lot# 7 ,section# N/A	
OWNER: WILLIAM F. PHELPS, MIRIAM C. PHELPS, PARENT BILOVESKY	
DRAINAGE 1 UTILITY EASEMENT PROPOSE IZEND PROPOSE IZEND PROPOSE IZEND LUTHER PEARL PERELL PROPOSE IZEND LUTHER PEARL PERELL PROPOSE IZEND LUTHER PEARL PERELL PERELL PRONT EXISTING DUEL NO. 1014 EXISTING DUEL NO. 1014 FRONT LOT 6: NO. 1017 LOT 6: NO. 1017 LOT 6: NO. 1018 RONT PRONT LOT 6: NO. 1018 NO. 1018 PRONT LOT 6: NO. 1018 NO. 1018 PRONT LOT 6: NO. 1018 NO. 1018 PRONT LOT 6: NO. 1018 PRONT LOT 6: NO. 1018 PRONT LOT 6: NO. 1018 NO. 1018 PRONT LOT 6: NO. 1018 NO. 1018 PRONT LOT 6: PRONT	REAMES RD Repoper 14 PROPERTY PROPERTY PROPERTY PROPERTY PLOTIFICATION PORT FARM LAME VICINITY Map Scale: 1-1000: LOCATION INFORMATION Election District: 15 Councilmanic District: 15 Zoning: D2-2 Lot size: 15 6,525 acreage square feet WATER:
date: 10-1-97 prepared by: W.F. PHELPS Scale of Drawing: 1 = 30'	reviewed by: ITEM #: CASE#: