

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE
ZONING VARIANCE
Northern intersection Duncannon * ZONING COMMISSIONER
and Bonnie Brae Roads
4730 Duncannon Road * OF BALTIMORE COUNTY
2nd Election District
2nd Councilmanic District * Case No. 98-218-A
James H. Smith, et ux, Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James H. Smith and Louise B. Smith, his wife, for that property known as 4730 Duncannon Road in the Pikesville section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 208.2 of the 1995 Baltimore County Zoning Regulations (BCZR) to allow a side setback of 3.5 ft., in lieu of 10 ft., and a variance from Section 208.4 of the 1995 BCZR to allow a rear yard setback of 9.0 ft., in lieu of the requested 30 ft., (pursuant to Section 1B02.3.B) for an attached garage and walkway, in a D.R.5. zone. The property and relief sought are more particularly described on Petitioners' Exhibit 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

ORDER RECORDED FOR FILING
Date 03/19/97
By [Signature]

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 31st day of December 1997, that the Petition for a Residential Variance from Section 208.2 of the 1995 Baltimore County Zoning Regulations (BCZR) to allow a side setback of 3.5 ft., in lieu of 10 ft., and a variance from Section 208.4 of the 1995 BCZR to allow a rear yard setback of 9.0 ft. in lieu of the requested 30 ft., (pursuant to Section 1B02.3.B) for an attached garage and walkway, in a D.R.5.5 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



Baltimore County
Zoning Commissioner
Office of Planning

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

December 31, 1997

Mr. and Mrs. James H. Smith
4730 Duncannon Road
Pikesville, Maryland 21208

RE: Petition for Administrative Variance
Case No. 98-218-A
Property: 4730 Duncannon Road

Dear Mr. and Mrs. Smith:

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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

c: Mr. Bruce E. Doak, Gerhold, Cross and Etzel, Ltd.
320 E. Towsontown Boulevard
Baltimore, Maryland 21286
c: Mr. Ben Stoltzfus
140A Nottingham Road
Peach Bottom, PA 17563





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4730 Duncannon Road, Pikesville, Md. 21208
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) 208.3 (1955BCZR) to allow

a side yard setback of 3.5 feet in lieu of the required 10 feet
and section 208.4 (1955 BCZR) to allow a rear yard setback of
9.0 feet in lieu of the required 30 feet, as per section 1B02.3.B
(BCZR)

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

SEE ENCLOSED LETTERS

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

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

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

James H. Smith

Signature

Signature

Address

Louise B. Smith

City

State

Zipcode

Signature

Surveyor

Gerhold, Cross & Etzel, LTD.

4730 Duncannon Road 410 - 922 - 7656

Address

Phone No

Pikesville, Md. 21208

City

State

Zipcode

Name Address and phone number of representative to be contacted

Signature

Bruce E. Doak

320 East Towsontown Blvd.

Address

Phone No

Towson, MD. 21286

City

State

Zipcode

Wakefield Builders - Ben Stoltzfus
140A Nottingham Road 717-548-2016
Peach Bottom, Pa. 17563

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

98-218-A

REVIEWED BY: CM

DATE: 5 Dec 97

ESTIMATED POSTING DATE

14 Dec 97

Printed with Soybean Ink
on Recycled Paper

ITEM #

218



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4730 Duncannon Road, Pikesville, Md. 21208
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)

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

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.

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

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

James H. Smith
(Type or Print Name)

Signature

Signature

Address

Louise B. Smith
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

4730 Duncannon Road 410 - 922 - 7656
Address Phone No

Pikesville, Md. 21208

City State Zipcode
Name, Address and phone number of representative to be contacted

Signature

Address

Phone No

Wakefield Builders - Ben Stoltzfus
Name

140A Nottingham Road 717-548-2016

City

State

Zipcode

Address

Phone No

Peach Bottom, Pa. 17563

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 #: 218

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

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)

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)

(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, 19____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

NOTARY PUBLIC

My Commission Expires:

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 4730 Duncannon Road
address
Pikesville, Maryland 21208
City State Zip Code

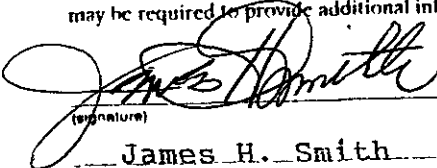
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The occupants (owners) at the above address are retired,
senior citizens and one is disabled. (Physicians statement attached)

They are requesting permission to build a walkway and a two car
garage attached to it so that when they drive up to the garage, they
may enter the house without being on the street. Mr. Smith has
difficulty in walking and would not have to walk up the long driveway.

The area is changing and these citizens must sometimes come home
after dark and also seek this as a safety measure.

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)
James H. Smith
(type or print name)




(signature)
Louise B. Smith
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

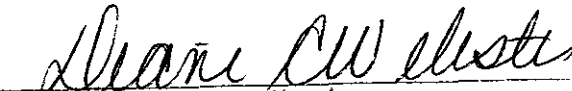
I HEREBY CERTIFY, this 16 day of Oct, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JAMES H. SMITH & LOUISE B. SMITH

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

10/16/97
date


NOTARY PUBLIC

My Commission Expires: 3/1/98



Northwest Primary Care Group, P.C.

Jerome H. Ginsberg, M.D.

Internal Medicine

October 10, 1997

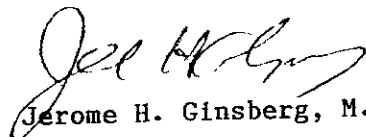
RE: James H. Smith

To Whom It May Concern:

The above patient has been under my medical care since June 1990.
He is being followed by me for Hypertriglyceridemia and Hypercholesterolemia.

Please contact this office if additional information is needed.

Sincerely,


Jerome H. Ginsberg, M.D.

JHG/dml

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

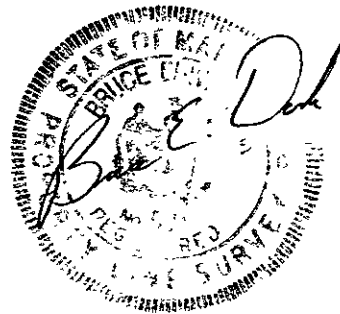
410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL

November 18, 1997

ZONING DESCRIPTION FOR 4730 Duncannon Road

The subject property being on the Northwestern side of Duncannon Road and on the Northeastern side of Bonnie Brae Road. Being Lot # 9 , Block A , Section #1 in the subdivision of Bell Farm Estates as recorded in Baltimore County Plat Book GLB 25 , Folio 96 , containing 0.313 of an acre. Also known as 4730 Duncannon Road and located in the 2nd Election District, 2nd Councilmanic District of Baltimore County.



98-218 A

218

BALTIMORE COUNTY, MD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

AND

No. 046953

DATE

5 Dec 98

ACCOUNT

R-001-6150

218

CLM

AMOUNT

\$ 50.00

RECEIVED
FROM:

SMITH

FOR:

ADVANCE

4730 DUNCANSON RD

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

98-218-A

CASHIER'S VALIDATION

PAID RECEIPT

PROJECT

ACTUAL

THE

2/05/1997

12/05/1997

13:18:11

MD 0005

CASHIER BURY EXT

DISCOUNT

5 MISCELLANEOUS CASH RECEIPT

06/20/22

OPEN

Receipt #

046953

50.00

Baltimore County - Maryland

CERTIFICATE OF POSTING

ADMIN, VAR.

RE: Case No.:

98-218-A

Petitioner/Developer:

REV. SMITH, ETAL

Date of Hearing/Closing:

12/29/97

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 #4730 DUNCANNON RD.

The sign(s) were posted on

12/14/97
(Month, Day, Year)

Sincerely,

Pat Patrick O'Keefe 12/15/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

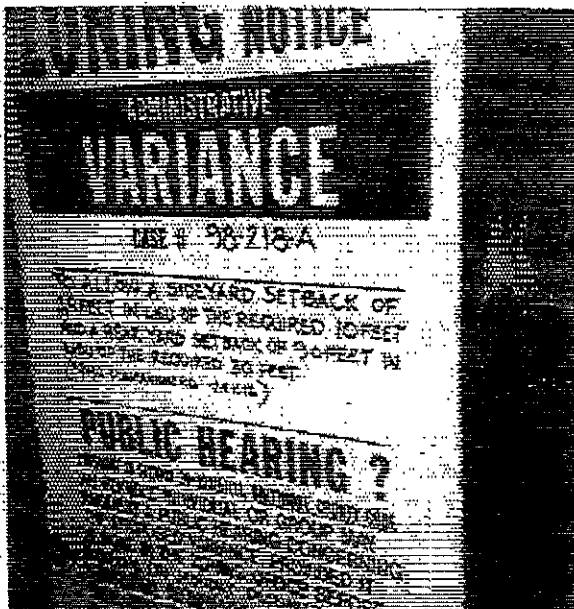
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

905-8571
Pager (410) 401-8571



#98-218-A
#4730 DUNCANNON RD.

7-12/14/97

CL 12/29/97



Baltimore County
Department of Permits and
Development Management

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

December 10, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-218-A

4730 Duncannon Road

northern intersection Duncannon and Bonnie Brae Roads

2nd Election District - 2nd Councilmanic District

Legal Owner: James H. Smith & Louise B. Smith

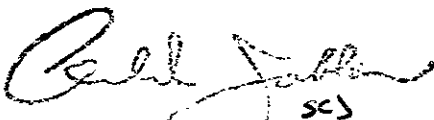
Post by Date: December 14, 1997

Closing Date: December 29, 1997

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: Louise & James Smith
Wakefield Builders
Gerhold, Cross & Etzel, Ltd.



Request for Zoning: Administrative Variance

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

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

ZONING NOTICE**ADMINISTRATIVE
VARIANCE**Case No.: 98-218A

To Allow A Sideyard set back of 3.5 feet
in lieu of the required 10' and a Rear yard
setback of 9.0 feet in lieu of the
required 30'

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**

*

29 Dec 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/neighbors 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.: 218
Petitioner: James H & Louise B. Smith
Location: 4730 Duncan Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: James & Louise B. Smith
ADDRESS: 4730 Duncan Road
Pikesville, Md. 21202
PHONE NUMBER: 410-922-7656

AJ:ggs

98-218-A

(Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

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

December 23, 1997

Mr. and Mrs. James Smith
4730 Duncannon Road
Pikesville, MD 21208

RE: Item No.: 218
Case No.: 98-218-A
Petitioner: James Smith, et ux

Dear Mr. and Mrs. Smith:

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 December 5, 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." in a cursive script.

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

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

RE: Baltimore County 12.12.97
Item No. 218 CAM

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,

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: 12/17/97

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

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 15, 1997

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

Item #'s:

208	<u>218</u>
209	219
210	
211	
213	
214	
215	

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 17, 1997

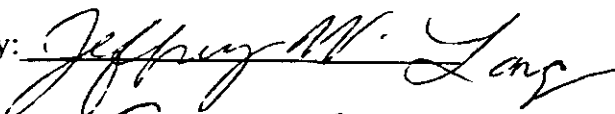
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 208, 209, 210, 212, 214, 215, 216, and 218

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: 

Division Chief: 

AFK/JL

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: December 22, 1997

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

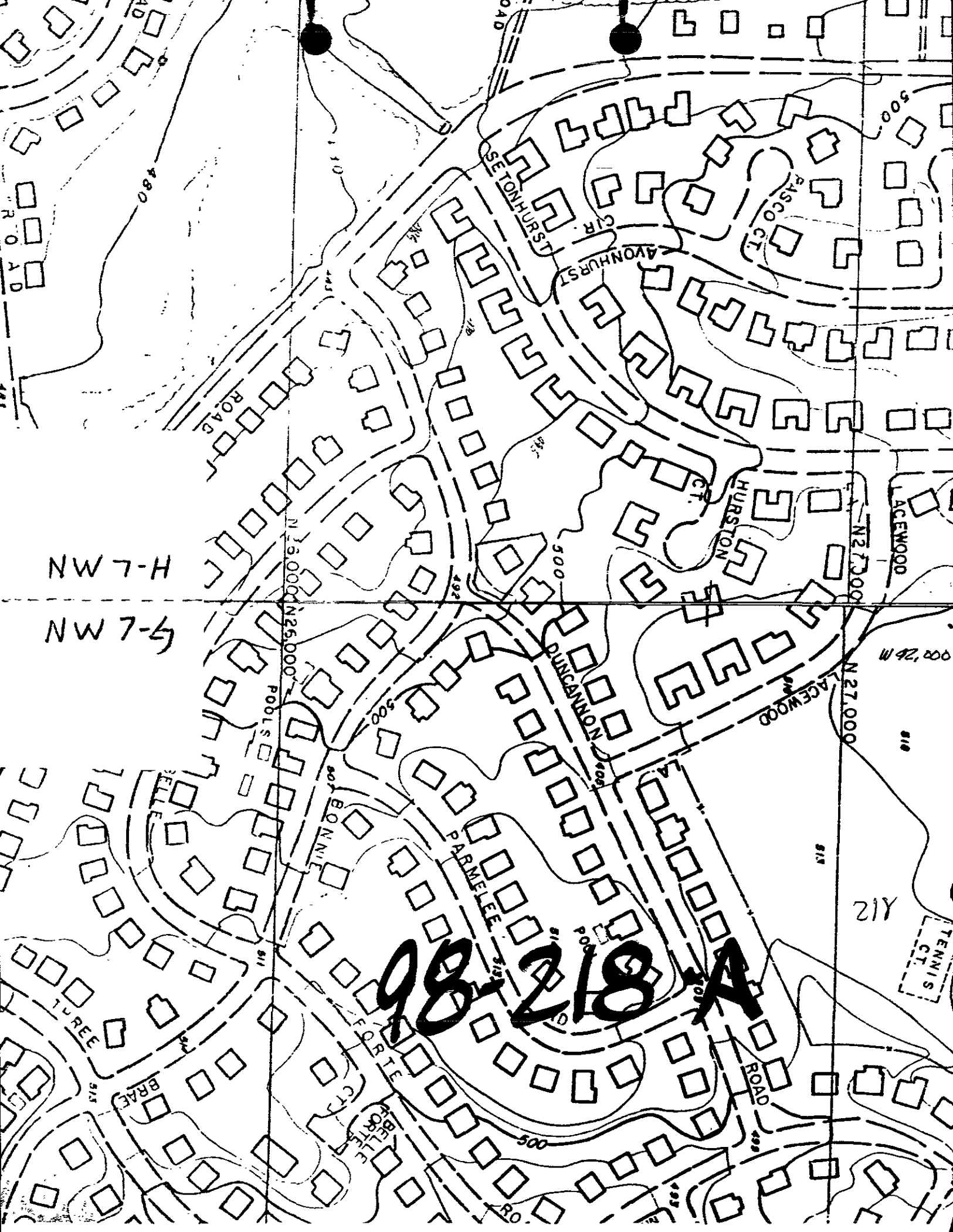
SUBJECT: Zoning Advisory Committee Meeting
 for December 22, 1997
 Item Nos. 209, 210, 213, 214, 215,
 216, 217, 218, and 220

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

RWB:HJO:jrb

cc: File

ZONE1222.NOC



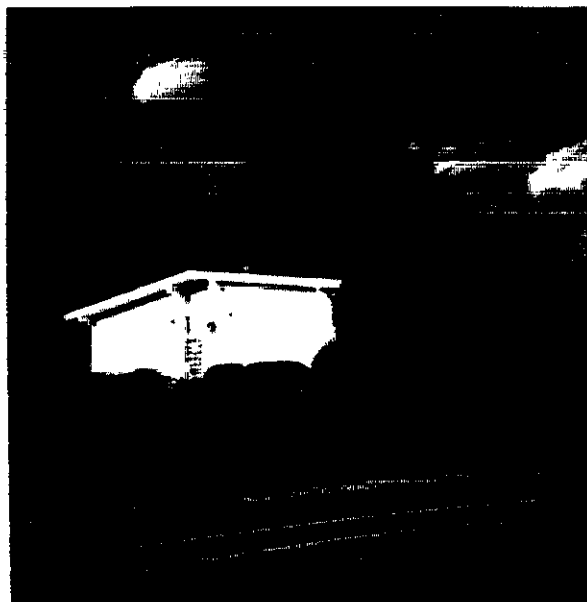
NW 7-H

NW 7-G

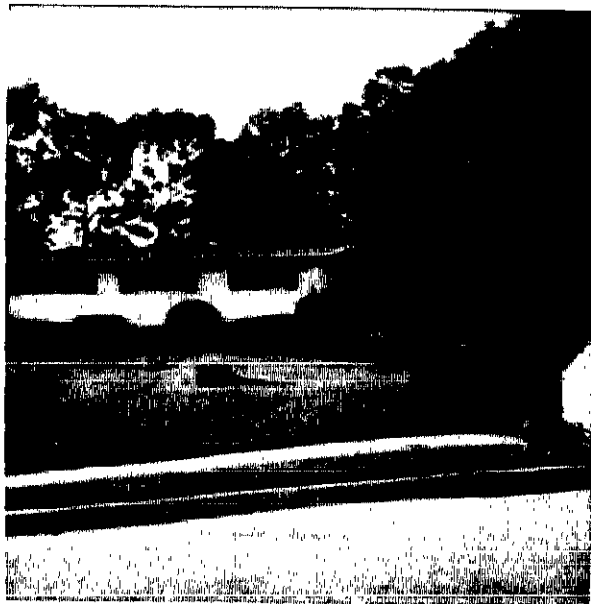
98-218-A



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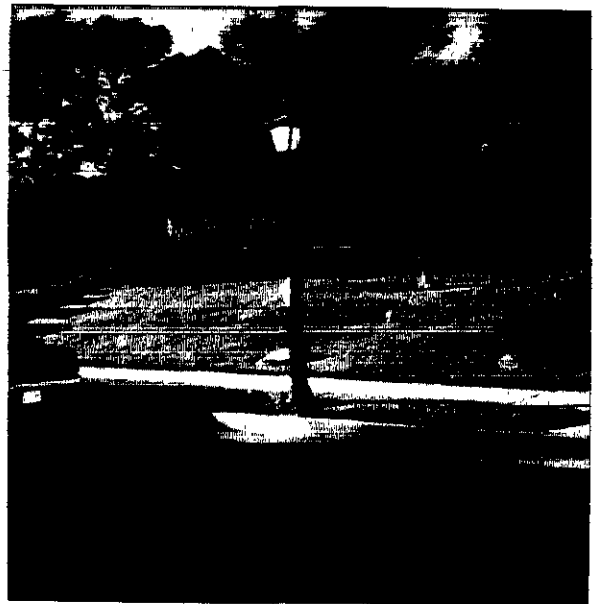


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98-218-A



5



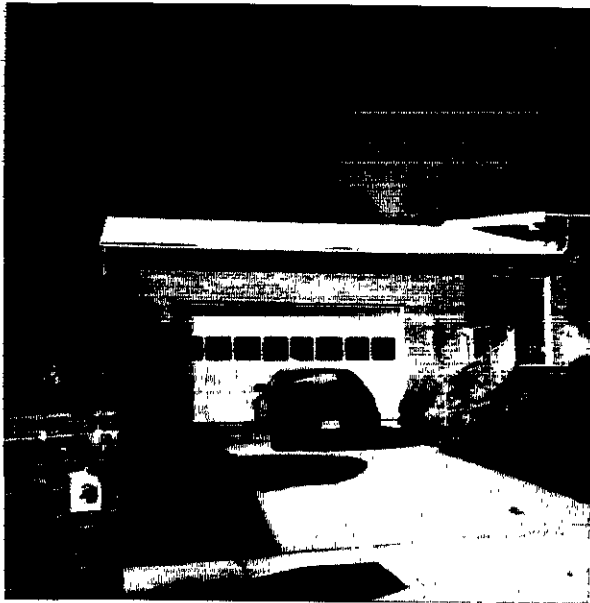
6



7



98-218-A



NEBOR WILL GARAGE
AND VARIANCE



98-218-A