

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
 N/S Oldfield Court, 469' E of * DEPUTY ZONING COMMISSIONER
 the c/l of of Meadow Glen Road * OF BALTIMORE COUNTY
 (12 Oldfield Court) * Case No. 98-440-A
 15th Election District *
 5th Councilmanic District *
 Donald Funk *
 Petitioner *

* * * * *

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 Donald Funk, owner of the subject property, located at 12 Oldfield Court in Middle River. The Petitioner seeks relief from Sections 1B01.2.C.6 (Section V.B.C.6, 1971) and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a setback of 6 feet in lieu of the required 11.25 feet. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed 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

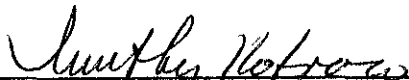
ORDER RECEIVED FOR FILING
 Date 6/11/98
 By [Signature]

B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of June, 1998 that the Petition for Administrative Variance seeking relief from Sections 1B01.2.C.6 (Section V.B.C.6, 1971) and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a setback of 6 feet in lieu of the required 11.25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
 Date 6/11/98
 By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 11, 1998

Mr. Donald Funk
12 Oldfield Court
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Oldfield Court, 469' E of the c/l of of Meadow Glen Road
(12 Oldfield Court)
15th Election District - 5th Councilmanic District
Donald Funk - Petitioner
Case No. 98-440-A

Dear Mr. Funk:

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 that reads "Timothy M. 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 12 Oldfield Court

which is presently zoned DR 2

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.C (V.B.G.b) (1971)
and 301.1A to allow an open projection a setback of 6' in lieu of the required 11.25'

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

Due to the lot configuration and building setbacks, no deck of adequate size could be built in the rear of this property. We are requesting to extend the deck greater than the allowed 25% into the setback dimension. The resulting request is to allow 6 feet in lieu of the required 11.25'.

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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City State Zipcode

Legal Owner(s):

Donald Funk

(Type or Print Name)

Signature

(Type or Print Name)

Signature

12 Oldfield Ct. (410) 686-6986

Address Phone No.

Baltimore, MD 21220

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

W. Duvall & Associates, Inc.

Chuck E. Merritt

530 E. Joppa Rd. 410-583-9571

Address Towson, MD 21286 Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: CAM DATE: 15 May 98

ESTIMATED POSTING DATE: 8 June 98

ITEM #: 440

98-440-A

ORDER RECEIVED FOR FILING
Date _____
By _____

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12 Oldfield Ct.
address
Baltimore, MD 21220
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)

Due to the lot configuration and building setbacks, no deck of
adequate size could be built in the rear of this property. We are
requesting to extend the deck greater than the allowed 25% into the
setback dimension. The resulting request is to allow 6 feet in lieu
of the required 11.25'.

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.

Donald W. Funk
(signature)
DONALD W. FUNK
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12TH day of MAY, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

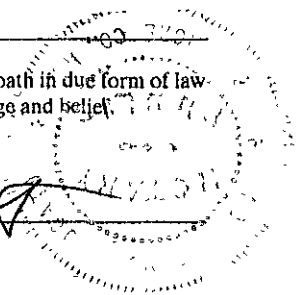
DONALD W. FUNK

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.

5-12-98
date

Robert V. Brocato
NOTARY PUBLIC



My Commission Expires:

ROBERT V. BROCATO
 NOTARY PUBLIC STATE OF MARYLAND
 My Commission Expires January 11, 1999

ORDER RECEIVED FOR FILING
 Date 5/11/98
 By [Signature]

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



530 East Joppa Road
Towson, Maryland 21286

Telephone: (410) 583-9571
Fax: (410) 583-1513

ZONING DESCRIPTION FOR 12 Oldfield Court

Beginning at a point on the North side of Oldfield Court which is 50' wide at the distance of 469'± East of the centerline of the nearest improved intersecting street Meadow Glen Road which is 50' wide. Being Lot #29 in the subdivision of Rohe Farm as recorded in Baltimore County Plat Book #64, Folio #111, containing 5401 sf or 0.124 acres. Also known as 12 Oldfield Court and located in the 15th Election District, 5th Councilmanic District.

98-440-A

440

BALTIMORE COUNTY, MARYL
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 253744

DATE 15 May 98 ACCOUNT R-0001-C150

440 CASH AMOUNT \$ 50.00

RECEIVED FROM: Fulk

FOR: 12 OFFICIAL CT

98-440-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED
PROCESS METHOD TIME
5/15/98 5/15/98 11:07:53
SERIAL NUMBER OF RECEIPT
5 MISC. RECVS
RECEIPT # 00005
ORNO. 00001
BALTIMORE COUNTY, MARYLAND
SERIAL CHECK
LPL

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN.

RE Case No: 98-440-A

Petitioner/Developer W. DUVALL ASSOC, ETAL

YO DWIGHT LITTLE

Date of Hearing/Closing 6/8/98

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 #12 OLDFIELD RD.

The sign(s) were posted on

5/20/98
(Month, Day, Year)

Sincerely,

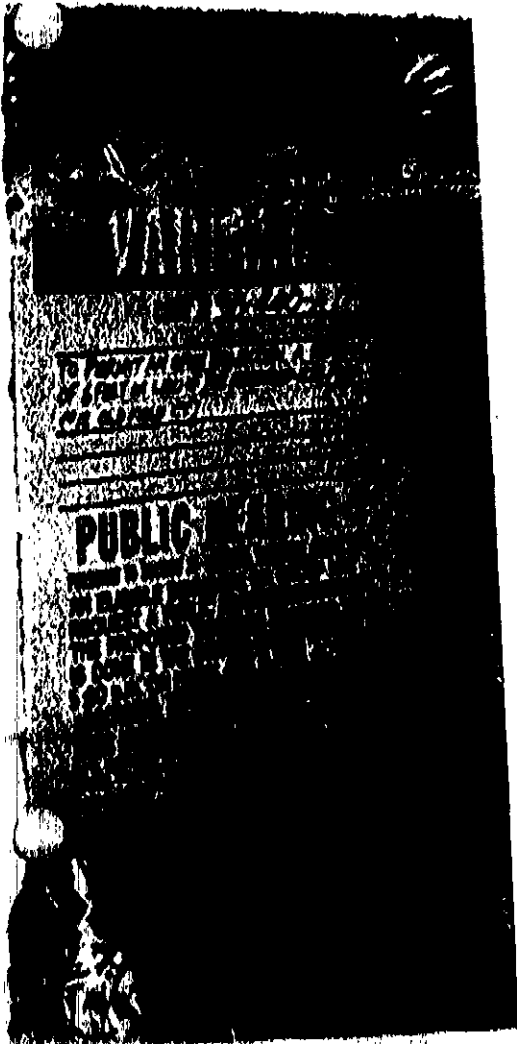
Patrick M O'Keefe 5/31/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD, 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



| | | | | | |
|-------------------|---------------------|---------|---------------------|------------|----------|
| Post-It® Fax Note | 7671 | Date | <u>6/4/98</u> | # of Pages | <u>3</u> |
| To | <u>ZONING COMM.</u> | From | <u>P. O'KEEFE</u> | | |
| Co/Dept. | <u>-BA.CO.</u> | Co | | | |
| Phone # | | Phone # | <u>410-905-8571</u> | | |
| Fax # | <u>887-3468</u> | Fax # | | | |

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 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 posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) 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.: 440

Petitioner: DONALD FUNK

Location: 12 OLDFIELD COURT

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DONALD FUNK

ADDRESS: 12 OLDFIELD COURT

BALTO. MD 21220

PHONE NUMBER: (410) 686-6986

AJ:ggs

98-440-A
(R) 10/9/03



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- AAU -A Address 12 Old Field Ct
Contact Person: Kate Minton Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 15 May 98 Posting Date: 24 May 98 Closing Date: 8 Jun 98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- AAU -A Address 12 Old Field Ct
Posting Date: 24 May 98 Closing Date: 8 June 98
Wording for Sign: variance
To Permit AN open projection A set back
of 6' in lieu of the required 11.25'



Baltimore County
Department of Permits and
Development Management

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

June 2, 1998

Mr. Chuck E. Merritt
W. Duvall & Associates, Inc.
530 E. Joppa Road
Towson, MD 21286

RE: Item No.: 440
Case No.: 98-440-A
Petitioner: Donald Funk
Location: 12 Oldfield Court

Dear Mr. Merritt:

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 May 15, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)





Baltimore County
Fire Department

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

May 27, 1998

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

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF MAY 26, 1998

Item No.: 427, 428, 429, 433, 434
435, 436, 437, 438, 439
440

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:

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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

TO: PDM
FROM: R. Bruce Seeley. RBS/92
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 5/26/98

DATE: 5/29/98

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

Item #'s:

| | |
|-----|-----|
| 428 | 433 |
| 430 | 437 |
| 431 | 438 |
| 432 | 440 |

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

MAY 27

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

DATE: May 26, 1998

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

SUBJECT: Zoning Advisory Petitions

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

Item No. 417, 427, 428, 431, 433, 435, and 440

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: *Jeffrey W. Long*

Division Chief: *Jeffrey W. Long for Gary Kerne*

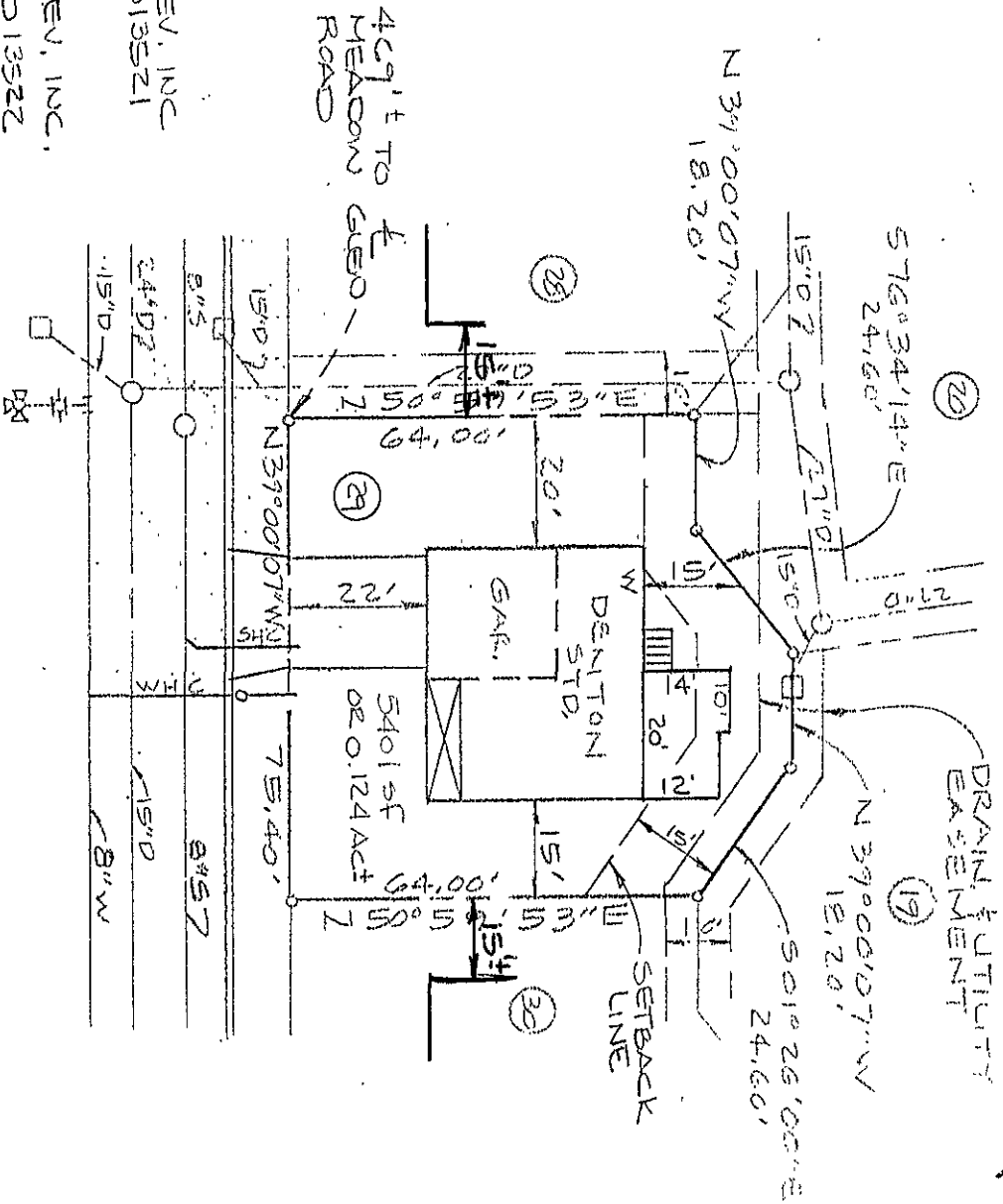
AFK/JL

LOT 19
 ROHE FARM LAKE DEV. INC.
 TAX ACCT # 2200013521

LOT 20
 ROHE FARM LAKE DEV. INC.
 TAX ACCT # 2200013522

LOT 28
 GUEU BRADISH & UNDA DEANUCERO
 TAX ACCT # 2200013530

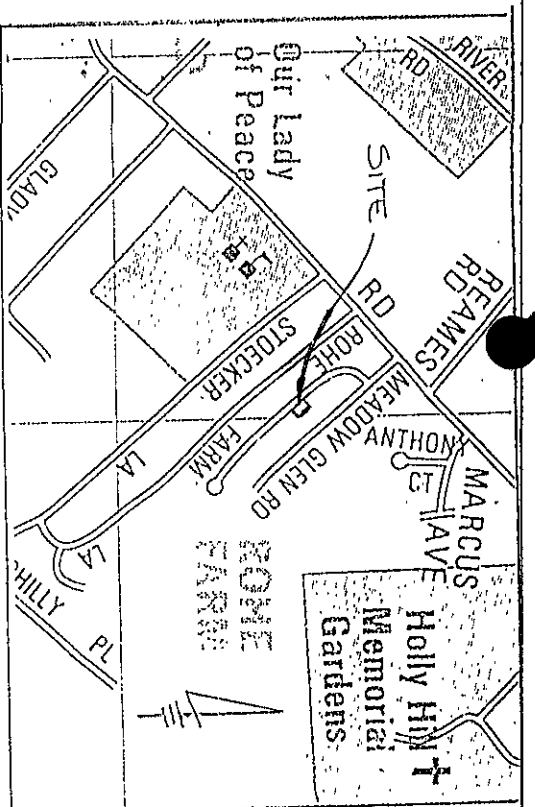
LOT 30
 JUDIS & UNDA FEJUNANDET, JR.
 TAX ACCT # 2200013532



OLDFIELD CT,
 (50' R/W)
 (30' P/W)

OWNER

DONALD FUNK
 12 OLDFIELD CT
 BALTO, MD 21220



LOCATION MAP
 SCALE 1"=1000'

PLAN TO ACCOMPANY
 ZONING VARIANCE
 SITE PLAN

ROHE FARM

12 OLDFIELD CT,

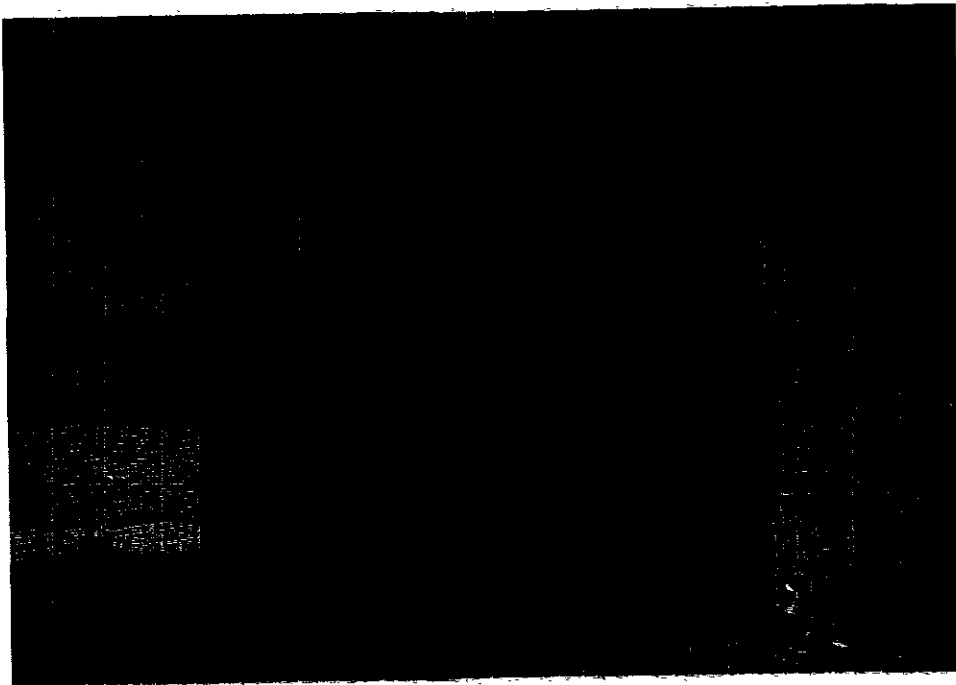
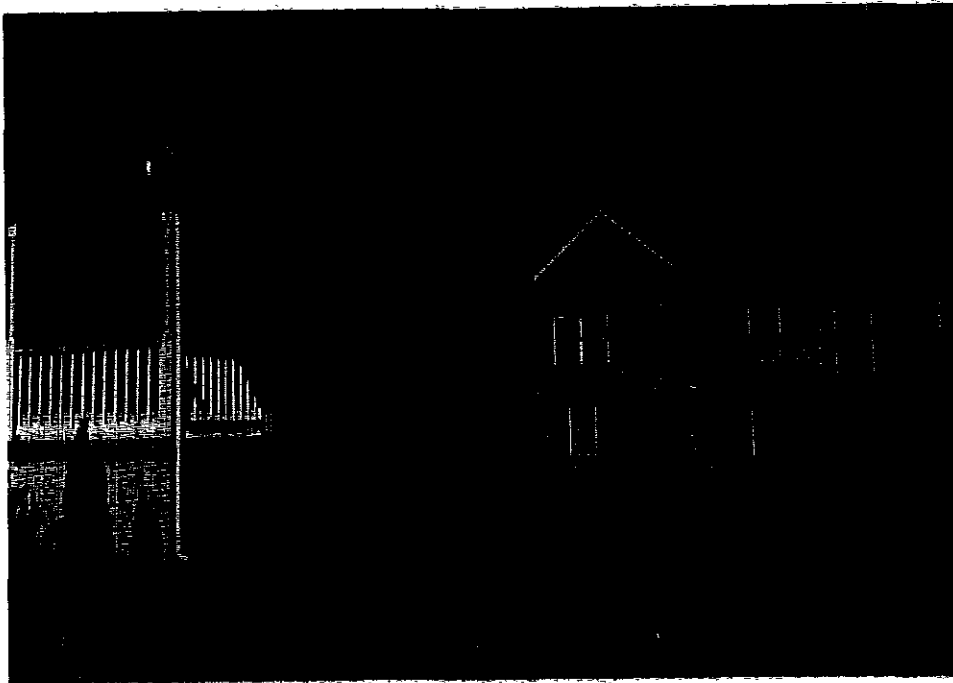
SM 64/111

BALTIMORE, MD,
 SCALE 1"=30'

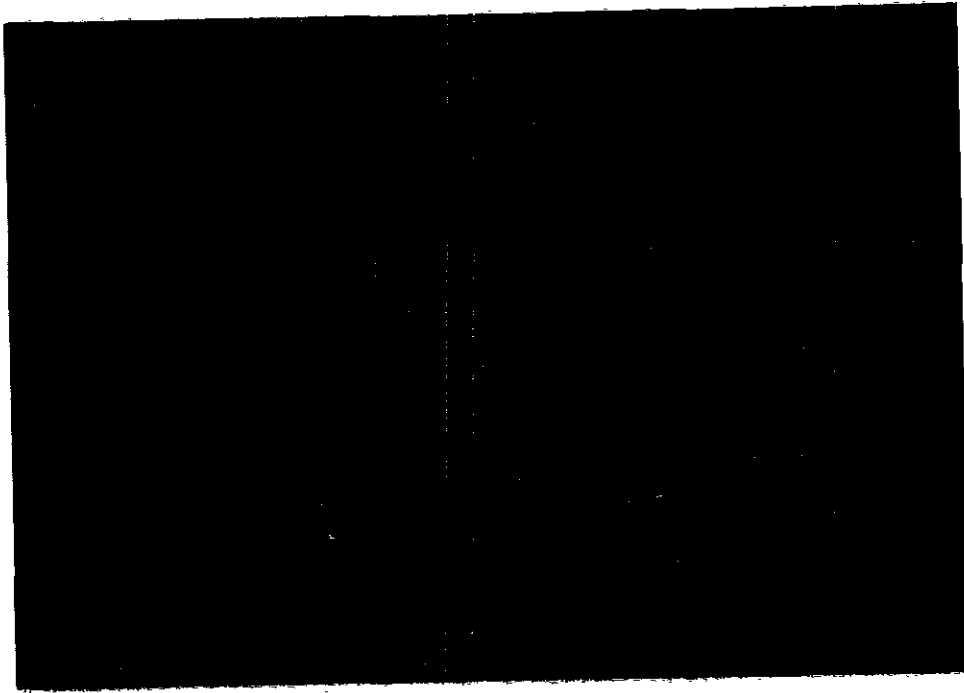
ELEC. DIST. IS
 COUNCILMANIC DIST. 5

N/D PRIOR ZONING HEARINGS
 NOT IN 100 YEAR FLOOD PLAIN

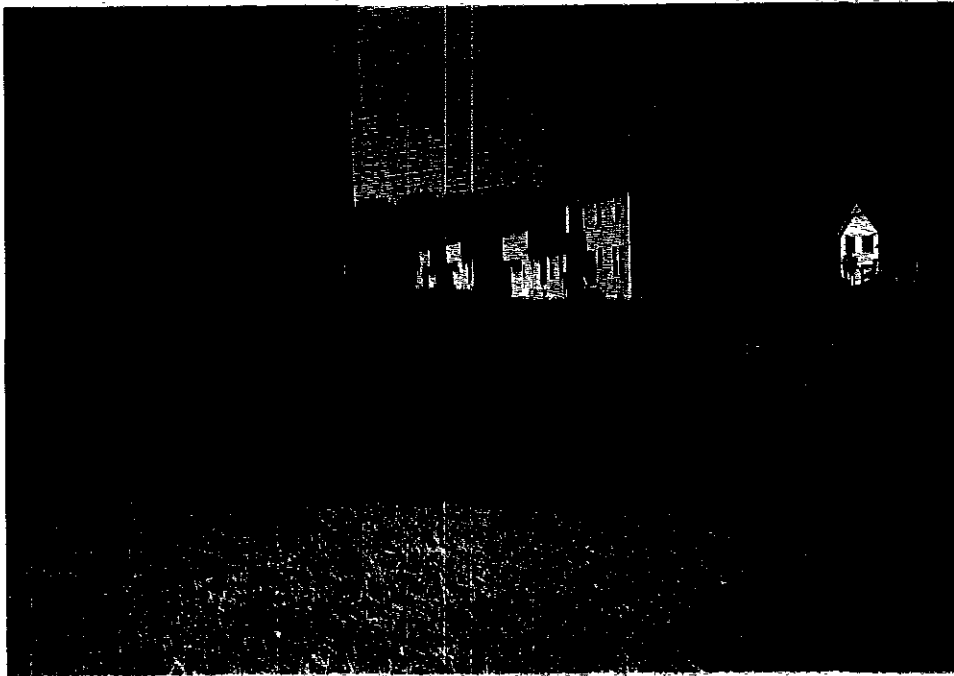
1-311-89



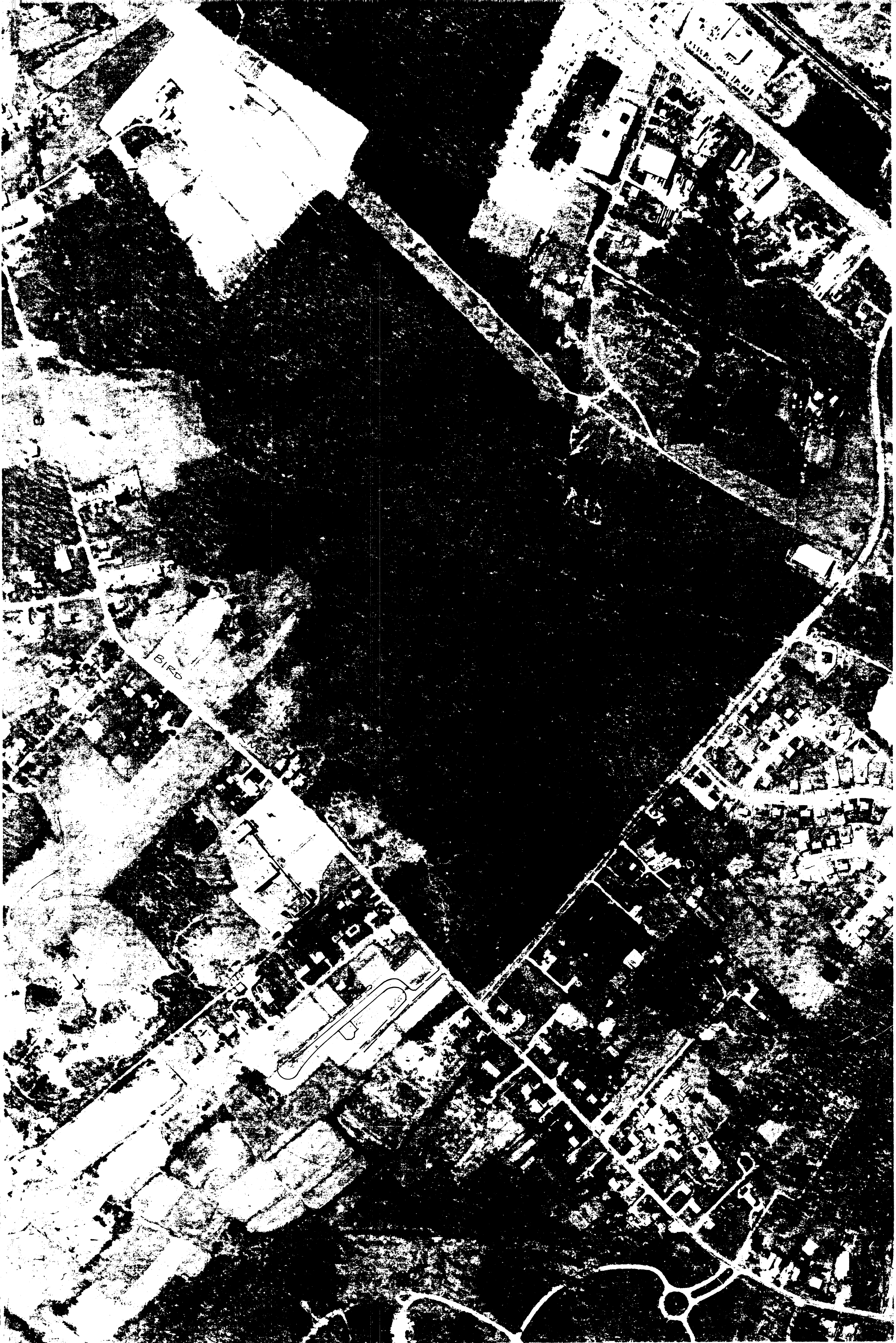
98.440-A



98.440-A



98-440-A



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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

MIDDLE RIVER
VICINITY

NE
6-1

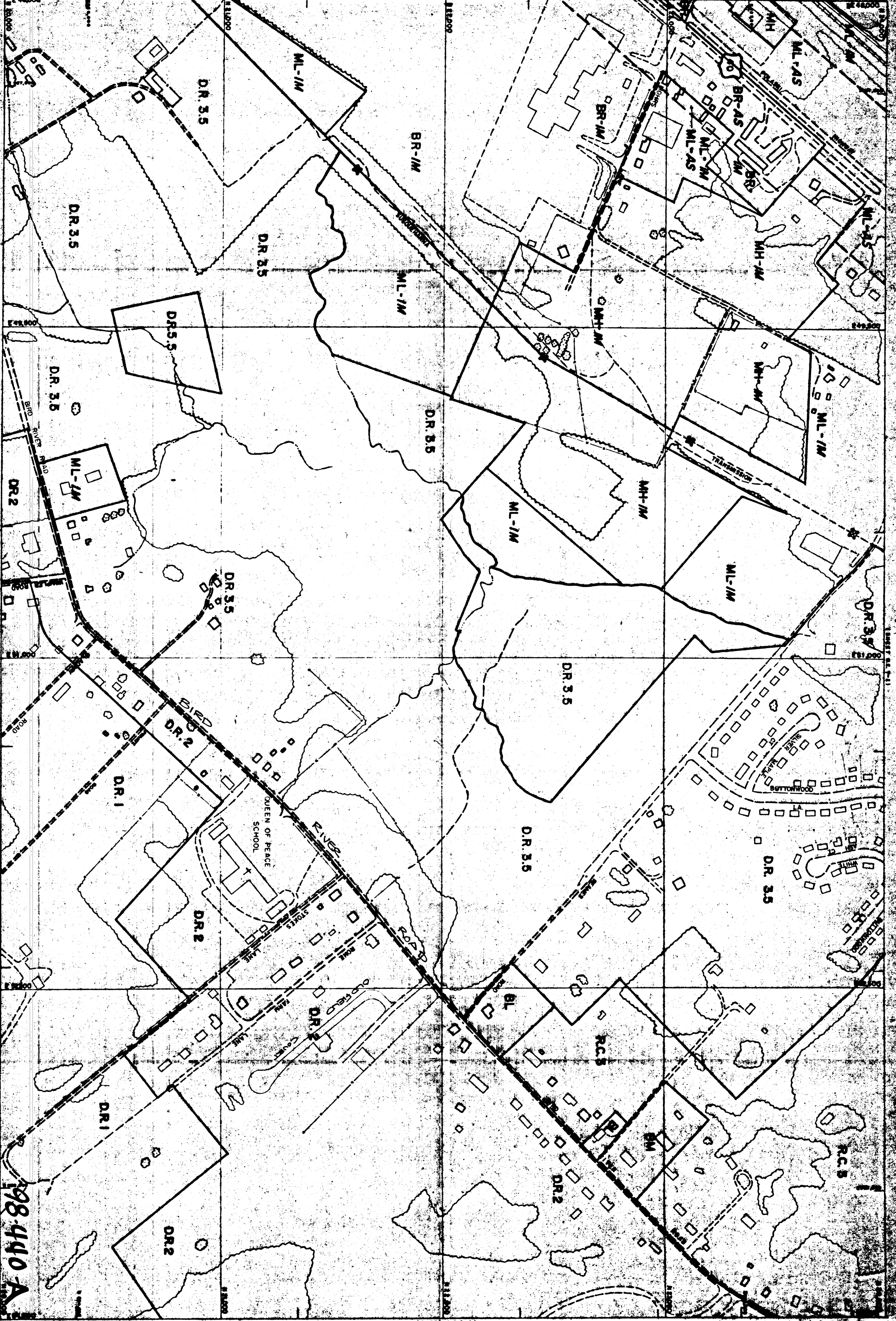
98-440-A

AKO

M - SE
 1 - NE
 THE BALTIMORE COUNTY COUNCIL
 ADOPTED BY RESOLUTION
 OCTOBER 8, 1968
 1968 COMPREHENSIVE ZONING MAP
 JOHN H. DICK, Mayor, 1968-1971
 1971-1974
 1974-1977
 1977-1980
 1980-1983
 1983-1986
 1986-1989
 1989-1992
 1992-1995
 1995-1998
 1998-2001
 2001-2004
 2004-2007
 2007-2010
 2010-2013
 2013-2016
 2016-2019
 2019-2022
 2022-2025
 2025-2028
 2028-2031
 2031-2034
 2034-2037
 2037-2040
 2040-2043
 2043-2046
 2046-2049
 2049-2052
 2052-2055
 2055-2058
 2058-2061
 2061-2064
 2064-2067
 2067-2070
 2070-2073
 2073-2076
 2076-2079
 2079-2082
 2082-2085
 2085-2088
 2088-2091
 2091-2094
 2094-2097
 2097-2100

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE
 1" = 200'
 DATE OF PHOTOGRAPHY
 JANUARY 1968
 LOCATION
 MIDDLE RIVER
 VICINITY
 198-440 A





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 5.22.98
Item No. 440 CAM

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

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