

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE
 ZONING VARIANCE * ZONING COMMISSIONER
 N/S lot #2, 84.02', WS lot #2 * 67.76', SS #2, 90.95', ES #2, 51.54'
 4 Upman Court * OF BALTIMORE COUNTY
 1st Election District * Case No. 98-484-A
 1st Councilmanic District
 Phillip L. Stallings
 Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Phillip L. Stallings and wife, property owners, for that property known as 4 Upman Court in the Catonsville community of Baltimore County. The Petitioners/property owners herein seek a variance from Section 301.1.A. of the Baltimore County Zoning Regulations (BCZR) to allow an open projection (deck) with a rear yard setback of 19 ft. in lieu of the required 22.5 ft. 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 of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

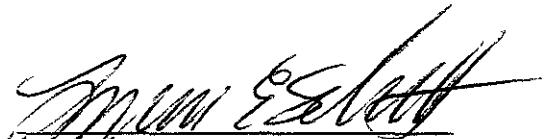
ORDER RECEIVED FOR FILING
 Date 7/13/98
 By [Signature]

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 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 13th day of July 1998 that the Petition for a Zoning Variance from Section 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow an open projection (deck) with a rear yard setback of 19 ft., in lieu of the required 22.5 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The 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:hamn

OFFICE OF THE ZONING COMMISSIONER
DATE: 7/13/98
BY: J. H. [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

July 9, 1998

Mr. and Mrs. Phillip L. Stallings
4 Upman Court
Catonsville, Maryland 21228

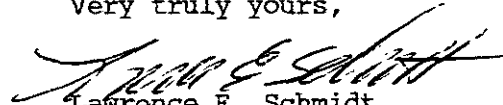
RE: Petition for Administrative Variance
Case No. 98-484-A
Property: 4 Upman Court

Dear Mr. and Mrs. Stallings:

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 #4 Upman Court
which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & 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) 301.1A BCZR

To permit an open projection addition (DECK) with a rear yard setback of 10' in lieu the required 22.5'

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

SEE BACK SHEET

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)

Phillip L Stallings

(Type or Print Name)

Signature

MR + MRS PHILLIP L STALLINGS

(Type or Print Name)

Mr + Mrs. Phillip L. Stallings

Signature

WORK-1-410-787-8104

#4 UPMAN CT - 788-6625

Address

Phone No

CATONSVILLE MD 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted

RICK BROSTROM / OW TIME CONSTRUCTION

Name

216 WESTSHIRE RD.

Address

(410) 747 4642

Phone No

BALTIMORE MD 21229

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: JRF

DATE: 6-10-98

ESTIMATED POSTING DATE:

6-21-98

Printed with Soybean Ink

ITEM #: 478

98-484-A

484

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 # 4 Upman Court
address
Baltimore Md. 21228
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)

more attractive, & more
deck space by 2-3 feet.

→ PERSONAL HARSHIP BECAUSE KIDS
NEED MORE PLAY SPACE.

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.

Sharon G Stallings
(signature)
SHARON G STALLINGS
(type or print name)



Phillip L Stallings
(signature)
Phillip L STALLINGS
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of 6, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared (Baltimore)

Sharon G. Stallings and Phillip L. Stallings

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 their knowledge and belief.

AS WITNESS my hand and Notary Seal.

6-8
date



Tyla A. Rendall
NOTARY PUBLIC

My Commission Expires: 8-1-98

A-1284-84

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 #4 Upman Court
address
Baltimore Md. 21228
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)

more deck space of 2-3 feet
to more attractive.

→ PERSONAL HARDSHIP, BECAUSE KIDS NEED MORE
PLAY SPACE

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.

Sharon G. Stallings  Phillip L. Stallings
(signature) (signature)
SHARON G. STALLINGS PHILLIP L. STALLINGS
(type or print name) (type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit.

I HEREBY CERTIFY, this 8 day of 6, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared (Baltimore)

Sharon G. Stallings and Phillip L. Stallings

the Affiants(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~~ their knowledge and belief.

AS WITNESS my hand and Notary Seal.

6-6-98
date 

Tyler P. Redick
NOTARY PUBLIC

My Commission Expires: 8-1-98

APPROVED



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

4 Upman Court
which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & 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) 301.1A BCZR

To permit an open projection addition (deck) with a rear yard setback of 19' in lieu of the required 22.5'

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

SEE BACK SHEET

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)
Phillip L Stallings
(Type or Print Name)

Signature

MR + Mrs PHILLIP L STALLINGS
(Type or Print Name)

Mr + Mrs Phillip L Stallings
Signature
WORK 1-410-757-18104

4 UPMAN CT - 788-6625
Address Phone No

CATONSVILLE MD 21228
City State Zipcode

Name Address and phone number of representative to be contacted

RICK BROSTROM / ON TIME CONSTRUCTION
Name
216 WESTSHIRE Rd. (410) 7474642
Address Phone No
BALTIMORE MD 21229

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: JRP DATE: 6-10-98
ESTIMATED POSTING DATE: 6-21-98

Printed on Soybean Ink Recycled Paper
98-484-A

ITEM #: 478
484

ZONING DESCRIPTION

ELECTION-01 C-1

ZONING DESCRIPTION FOR #4 UPMAN CT
IN BALTIMORE COUNTY MD. 21228, IS AS
FOLLOWS; BEGINNING AT A POINT ON
THE NORTH SIDE OF LOT # 2 WHICH
IS 84.02', WEST SIDE OF LOT # 2
IS 67.76', SOUTH SIDE OF LOT # 2 IS
90.95' AND EAST SIDE OF LOT # 2 IS
51.54'. THIS DWELLING LOCATED IN
THE UPMAN PROPERTY AS THE SUBDIVISION
AS RECORDED IN BALTIMORE COUNTY PLAT
BOOK # 63 PAGE 103. ALSO KNOWN AS
#4 UPMAN COURT. TOTAL ACREAGE .117
NW CORNER OF OLD FREDRICK RD AND UPMAN CT.

98-484-A

~~#478~~

484

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056157

DATE 6-10-98 ACCOUNT R-001-615-000
AMOUNT \$ 50.00

RECEIVED FROM: ON TIME CONSTRUCTION
Q10 Variance Item # 477 484
FOR: Alipman Court Taken by: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
6/11/1998 6/10/1998 15:48:13
REC 45806 CASHIER LONI LXS DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 019367
CR NO. 056157

50.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

98.484-A

CERTIFICATE OF POSTING

RE: Case # 98-484-A
Petitioner/Developer:
(Phil. Astallings)
Date of ~~Posting~~/Closing:
(July 6, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21284

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

4 Upman Court Baltimore, Maryland 21228 _____

The sign(s) were posted on _____ June 19, 1998 _____
(Month, Day, Year)

Sincerely,

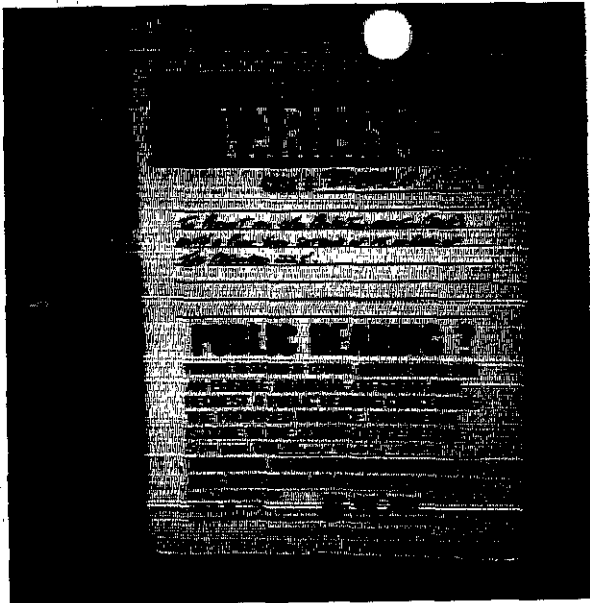

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8465
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- ⁴⁸⁴ ~~478~~ -A Address 4- Upman Court, 21228

Contact Person: Jun R. Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6-10-98 Posting Date: 6-21-98 Closing Date: 7-6-98

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

1. **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.
2. **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.
3. **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.
4. **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- ⁴⁸⁴ ~~478~~ -A Address 4 Upman Court

Posting Date: 6-21-98 Closing Date: 7-6-98

Wording for Sign: To Permit an open projection addition (deck) with a rear yard setback of 19' in lieu of the required 22.5'



Baltimore County
 Department of Permits and
 Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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

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

 ARNOLD JABLON, DIRECTOR

 For newspaper advertising:

Item No.: 484

Petitioner: PHILL ASTALLINGS

Location: #4 UPMAN CT. BALTIMORE MD. 21228

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PHILL ASTALLINGS

ADDRESS: #4 UPMAN CT.

BALTIMORE MD. 21228

PHONE NUMBER: (410)-788-6625

AJ:ggs

(Revised 09/24/96)

98-484-A

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: #4 UPMAN CT. BALTIMORE MD. 21228

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

Subdivision name: UPMAN PROPERTY

plat book# 63, folio# 2, lot# 2, section#

OWNER: PAUL ASTALLINGS



North

date:
prepared by:

Scale of Drawing: 1" = 20'

Vicinity Map
North
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 01

Councilmanic District: 01

1"=200' scale map#:

Zoning:

Lot size: acreage square feet

SEWER: public private
WATER:

Chesapeake Bay Critical Area: yes no
Prior Zoning Hearings: NO USE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

Handwritten signature/initials



Baltimore County
Department of Permits and
Development Management

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

July 1, 1998

Mr. Rick Brostrom
On Time Construction
216 Westshire Road
Baltimore, MD 21229

RE: Item No.: 484
Case No.: 98-484-A
Petitioner: Phillip L.
Stallings
Location: 4 Upman Court

Dear Mr. Brostrom:

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 June 10, 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,


W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



**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 6-25-94
Item No. 484 JRF

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,

A handwritten signature in cursive script, appearing to read 'R. J. Burns'.

RB
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

INTEROFFICE CORRESPONDENCE

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

Date: June 26, 1998

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 29, 1998
Item Nos. 473, 476, 477, 479, & 484

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0629.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED

JUN 30 1998

DATE: June 29, 1998 PDM

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

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

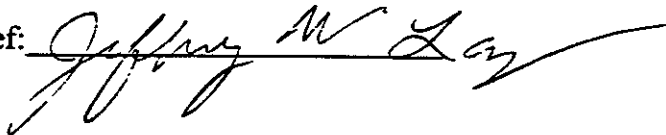
SUBJECT: Zoning Advisory Petitions

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

Item No. 458, 473, 478, 484, 485, and 487

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) 887-3480.

Section Chief:



AFK/JL



Baltimore County
Department of Permits and
Development Management

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

June 15, 1998

Mr. and Mrs. Phillip L. Stallings
4 Upman Court
Catonsville, MD 21228

RE: Administrative Variance
4 Upman Court
1st Election District

Dear Mr. and Mrs. Stallings:

This notice is to inform you that your administrative variance case number has been changed. Your old case number 98-478-A has been changed to 98-484-A. Please notify your sign man to inform him of the change so he can make sure the property is properly posted.

If you have any questions, please contact me at 410-887-3391.

Sincerely,


Jun R. Fernando
Planner II
Zoning Review

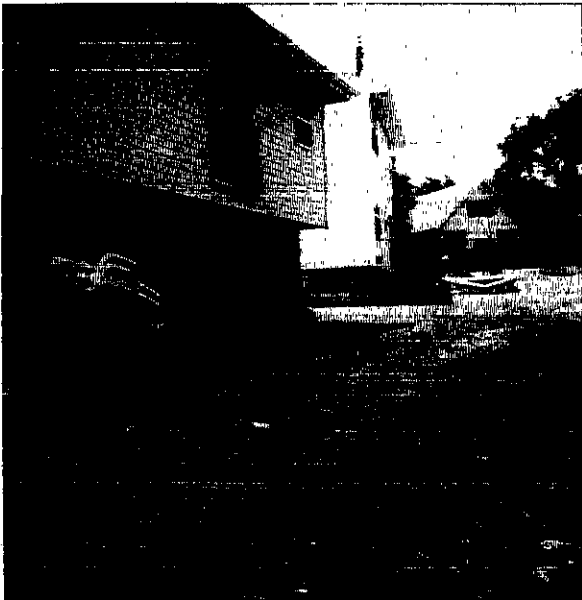
JRF:rye

98-484-A





484
~~478~~



PROPOSED LOCATION
OF DECK
484
~~478~~



PROPOSED LOCATION
OF DECK
484
~~478~~

98-484-A

Plat to accompany Petition for Zoning Variance Special Hearing

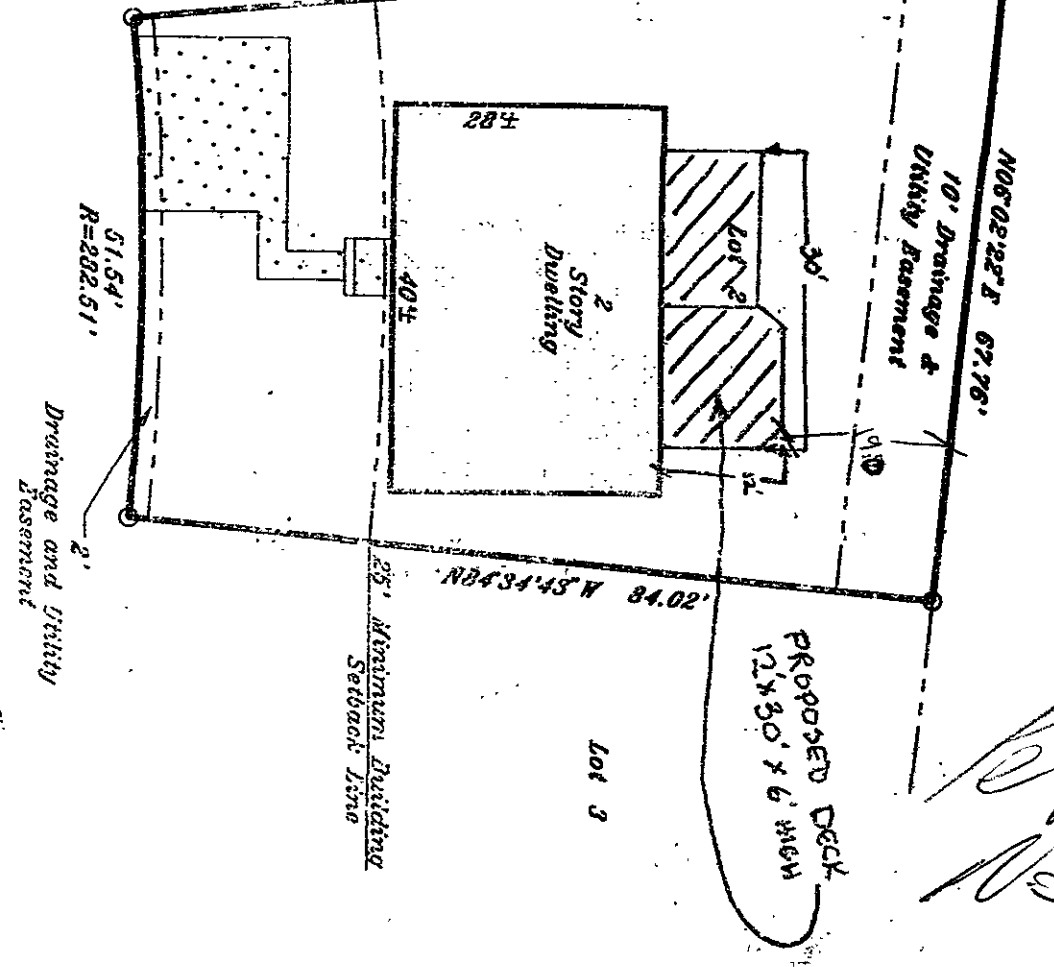
PROPERTY ADDRESS: #4 UPMANU CT. BALTIMORE MD. 21228
 Subdivision name: UPMANU PROPERTY
 plat Spoke # 65, follow lot # 2, section #

OWNER: PAUL ASTALLINGS

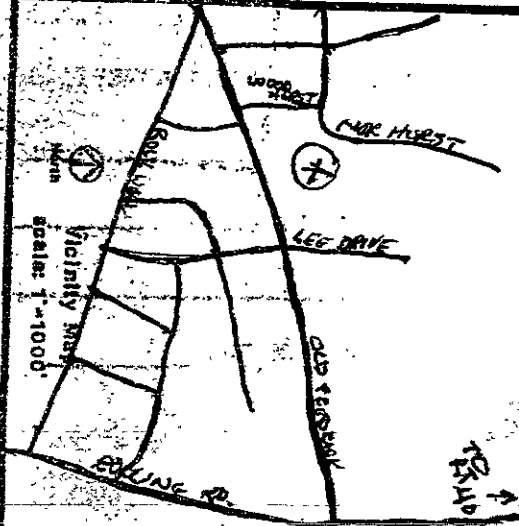
see pages 5 & 6 of the CHECKLIST for additional required information

North
 date: 6/10/98
 prepared by: O.T.C.

Scale of Drawing: 1" = 20'



LOCATION INFORMATION



Election District: 01
 Councilmanic District: 01
 1"=200' scale map#:

Zoning: DR S S
 Lot size: 117 square feet
 5,125 square feet

SEWER: public private
 WATER: MA MD

Cheapeake Bay Critical Area: MA MD
 Prior Zoning Hearings:
 90444A 93 ~~94A~~
 Zoning Office USE ONLY!
 reviewed by: ITEM #: CASE#:

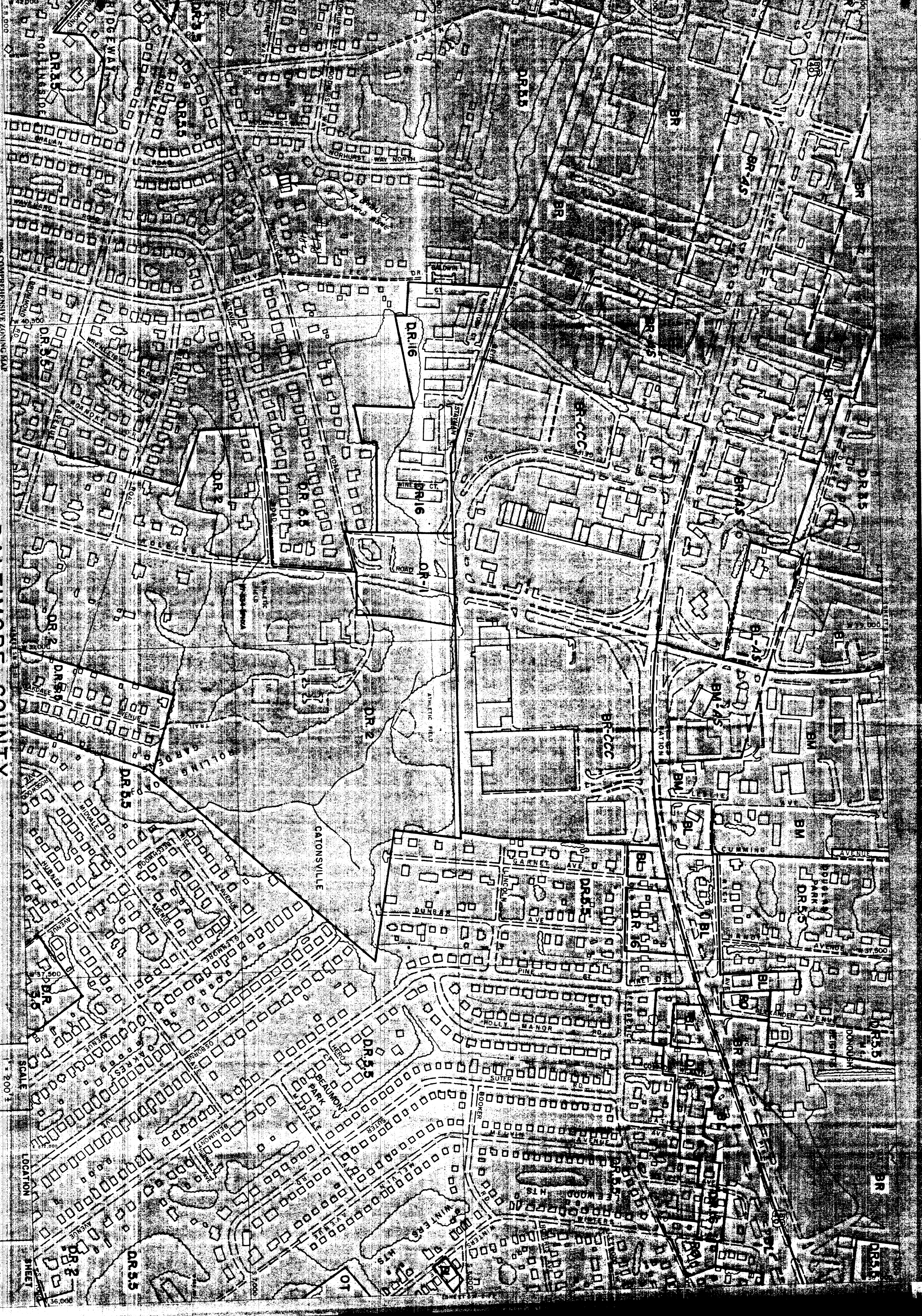
JRF 478

98-484-A

28484-A

Kenneth L. ...

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP



DATE OF PHOTOGRAPHY
JANUARY 1986

CATONSVILLE

S.W.

SCALE 1" = 200'

LOCATION SHEET

John ...