

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Proctor Lane, 328' W
of centerline of Seven Courts Drive
11th Election District
5th Councilmanic District
(3749 Proctor Lane)

Scott L. & Paula S. Gardner
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-104-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Scott L. & Paula S. Gardner, property owners, for that property known as 3749 Proctor Lane in the Pine Dale Woods subdivision of Baltimore County. The Petitioners herein seek a variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 72 inch fence in lieu of the required 42 inches to be erected on the property line in the rear yard of a lot which adjoins the front yard of another residential lot. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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 Deputy 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 B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

Date

10/15/99

By

R. J. J. J.

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 Deputy Zoning Commissioner for Baltimore County this 15th day of October, 1999, that a variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 72 inch fence in lieu of the required 42 inches to be erected on the property line in the rear yard of a lot which adjoins the front yard of another residential lot, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES DESTROYED FOR PLANNING
DATE 10/15/99
BY R. J. Jones



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 15, 1999

Mr. & Mrs. Scott Gardner
3749 Proctor Lane
Perry Hall, Maryland 21236

Re: Petition for Administrative Variance
Case No. 00-104-A
Property: 3749 Proctor Lane

Dear Mr. & Mrs. Gardner:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco". The signature is fluid and cursive, written over a horizontal line.

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3749 Proctor Lane
which is presently zoned D.R. - 3.5

This Petition shall be filed with the Department of Permits and 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)

427 to permit a
72 inch fence in lieu of the required 42 inches to be erected
on the property line in the rear yard of a lot which adjoins
the front yard of another residential lot.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

SCOTT L. GARDNER
Name - Type or Print _____
Scott L. Gardner
Signature _____
PAULA S. GARDNER
Name - Type or Print _____
Paula S. Gardner
Signature _____
3749 PROCTOR LANE
Address _____ Telephone No. (410) 998-3483
PERRY HALL, MD
City _____ State _____ Zip Code 21236

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-104-A

Reviewed By BR Date 9/9/99

Estimated Posting Date 9/19/99

REV 9/15/98

Affidavit in Support of Administrative Variance

00-104-A

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 3749 Proctor Lane
City Baltimore, State Maryland Zip Code 21236

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 PROPOSED SIX FOOT PRIVACY FENCE WILL CROSS APPROXIMATELY 30 FEET INTO OUR REAR NEIGHBORS FRONT YARD. We want the fence for privacy for pool. Due to adjoining driveway need for security reasons. Problems with children coming into yard using adjoining driveway as walkway.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Scott L. Gardner
Signature
SCOTT L. GARDNER
Name - Type or Print

Paula S. Gardner
Signature
Paula S. Gardner
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of September, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Scott L. Gardner & Paula S. Gardner
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

9/8/99
Date

Shirley Lynn Miller
Notary Public
My Commission Expires 1/1/02

ZONING DESCRIPTION

Zoning description for 3749 Proctor Lane. Beginning at a point on the south side of Proctor Lane which is 70 feet wide at the distance of 328 feet west of the centerline of the nearest improved intersecting street Seven Courts Drive which is 70 feet wide. Being Lot # 78, Block H, Section II in the subdivision of Pinedale Woods as recorded in Baltimore County Plat Book # 49, Folio #38 containing .35 acres. Also known as 3749 Proctor Lane and located in the 11th Election District, 5th Councilmanic District.

00-104-A

#104

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANC
MISCELLANEOUS RECEIPT**

No. **07221**

DATE 9/2/99

ACCOUNT 18001-6150

AMOUNT \$ 50.00

RECEIVED FROM:

Paula Gardner

FOR:

cash on Adv. variance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item #104

PAID RECEIPT

PROCESS ACTUAL TIME
9/9/1999 9/9/1999 09:38:31
REQ WORK CASHIER WORK JLC DEPT 5
REQ 5 528 ZONING VERIFICATION
Receipt # 093048
CR NO. 07213

Receipt Tot 50.00
50.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN.

00-104-A

RE: Case No.:

Petitioner/Developer: S. GARDNER, ETAL

Date of Hearing/Closing:

10/4/99

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 #3749 PROCTOR LANE

The sign(s) were posted on

9/17/99

(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 9/25/99

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

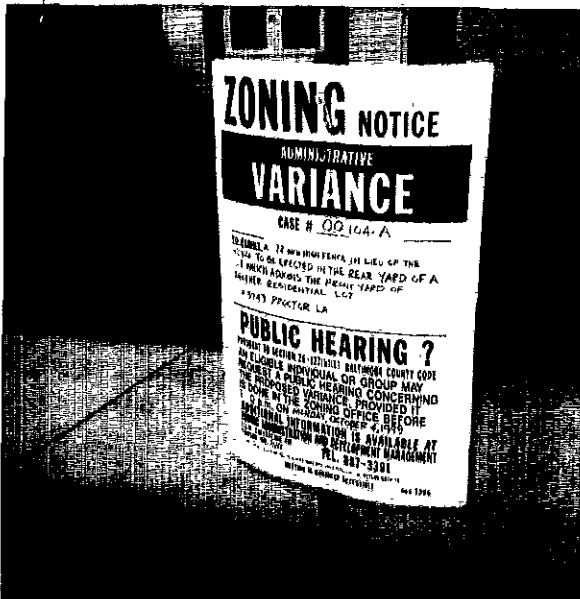
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



3749 PROCTOR LANE

0-104-A

S. GARDNER CL-10/4/99

9/17/99

C1

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 104 -A Address 3749 Proctor Lane
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 9/9/99 Posting Date: 9/19/99 Closing Date: 10/4/99

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 00- 104 -A Address 3749 Proctor Lane
Petitioner's Name Gardner Telephone 410-998-3483 W
410-256-2894 H
Posting Date: 9/19/99 Closing Date: 10/4/99
Wording for Sign: To Permit a 72 inch fence in lieu of the required 42 inches
to be erected in the rear yard of a lot which adjoins the front
yard of another residential lot.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-104-A
Petitioner: Scott L. + Paula S. Gardner
Address or Location: 3749 Proctor Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott L. Gardner
Address: 3749 Proctor Lane
Baltimore, Md. 21236
Telephone Number: (410) 256-2894

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 12, 1999

Mr. Scott Gardner
3749 Proctor Lane
Perry Hall, MD 21236

Dear Mr. Gardner:

RE: 00-104-A , 3749 Proctor Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on .

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 20, 1999

Department of Permits and
Development Management (PEM)
County Office Building, Room 111
Mail Stop #1101
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Susan Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 12, 1999

Item No.: See Below

Dear Ms. Stephens:

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.

3. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112,
114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124,
125, 126, 127, 128 and 129

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 897-4881, MS-1102F

cc: File

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AV
10/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 8, 1999

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

SUBJECT: 3749 Proctor Lane

INFORMATION:

Item Number: 104

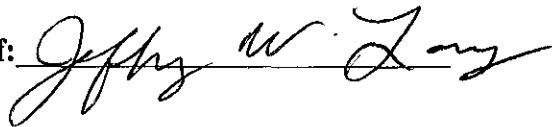
Petitioner: Gardner Property

Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The subject request will directly impact the residence located at 3751 Proctor Lane; therefore, the applicants should be required to demonstrate that the residents of the above-mentioned property have been notified of the plan to erect a 6-foot fence.

Section Chief: 
AFK/JL

*I called Mrs. Stacy Barbalace who resides at 3751 Proctor Lane (Phone: 410/256-7069) concerning the fence to be erected at the Gardner residence. She stated that she and her husband had discussed this with the Gardners and that they had no objection.

Robin Jameson
10/15/99



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.25.99

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

RE: Baltimore County
Item No. 104 BR

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

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

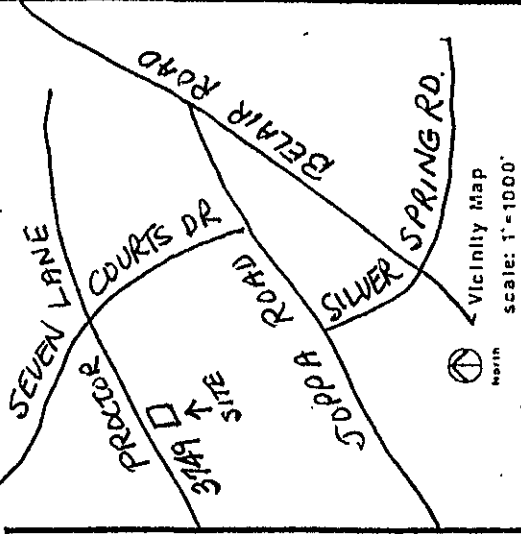
PROPERTY ADDRESS: 3749 PROCTOR LANE

Subdivision name: PINEDALE WOODS

[plat book # 49, folio # 38, lot # 78, section # II]

OWNER: SCOTT L. & PAULA S. GARNER

00-104-A



LOCATION INFORMATION

Election District: 11th

Councilmanic District: 5th

1"=200' scale map: N.E. 11-G

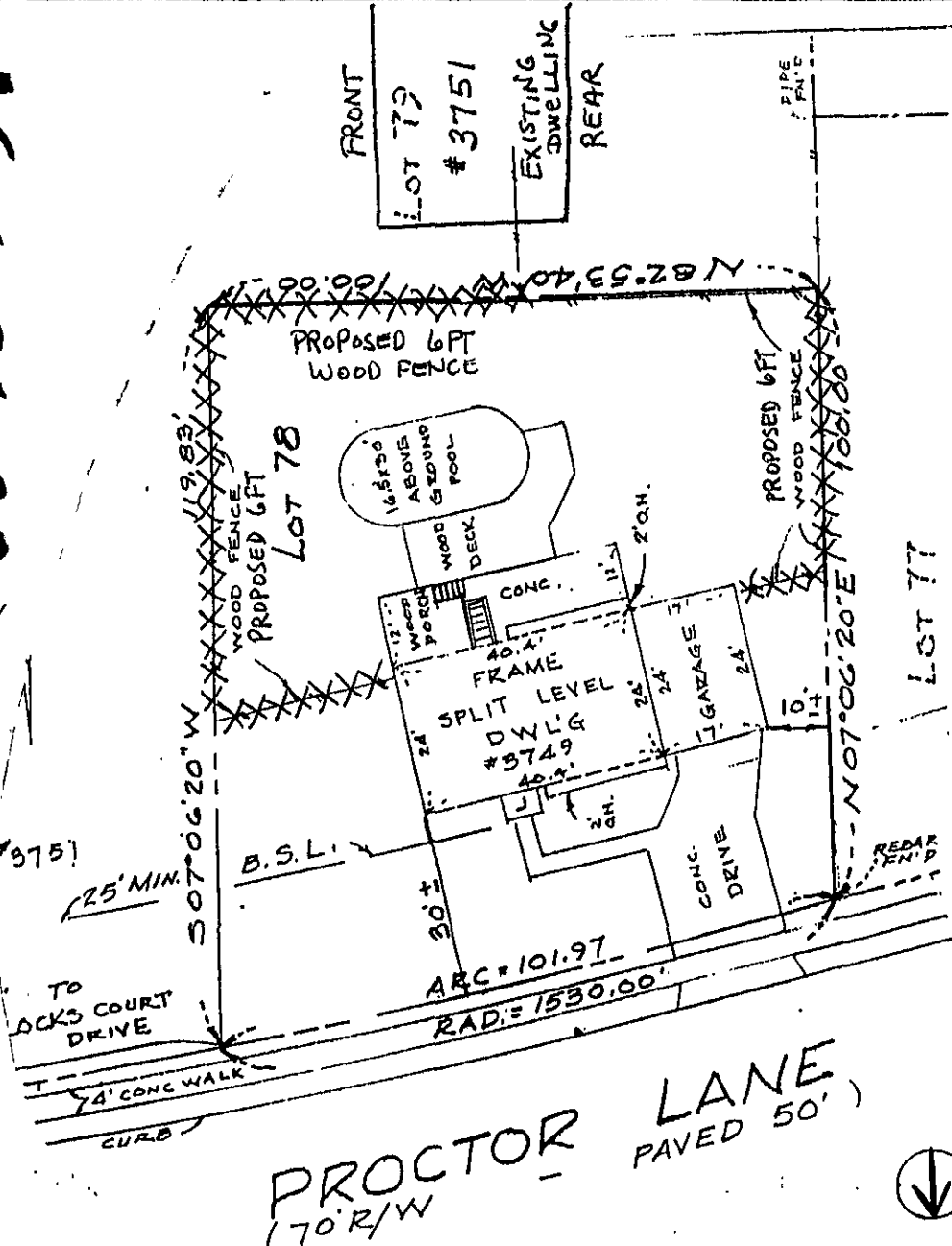
Zoning: D.R. 3.5

Lot size: .35 acreage 12,240 square feet

Public Private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

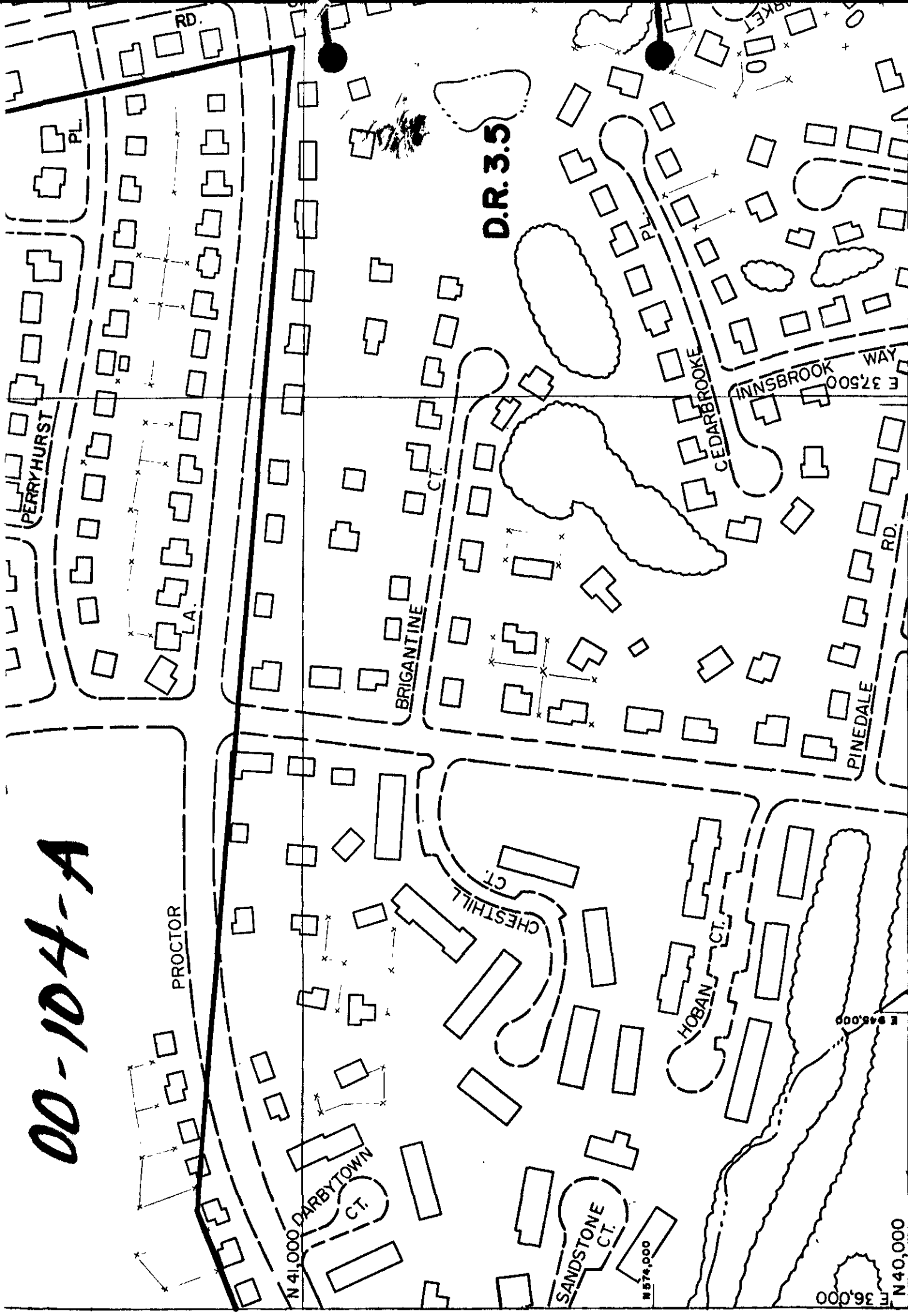
reviewed by: BH ITEM #: 104 CASE #: 00-104-A



North
date: 9/6/99
prepared by: SLG

PET. EX. #1

00-104-A



1996 COMPREHENSIVE ZONING MAP

ADOPTED by

THE BALTIMORE COUNTY COUNCIL

OCTOBER 8, 1996

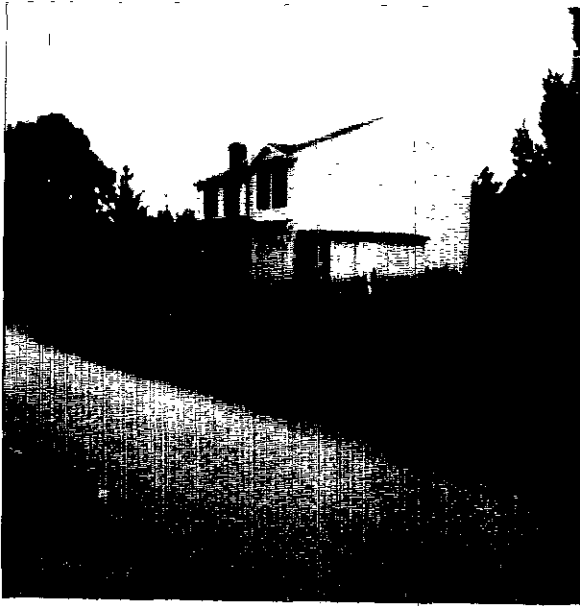
NE 11-G

Q -SW

M -NW

#104

00-104-A



side & front of adjoining
#104 neighbor's house



rear of subject property
#104



rear of neighbor's house
#104

A resident asked if the Camp Chapel side of the property will drain to one of the proposed stormwater management facilities. Mr. Rorke stated that side of the property will drain to a State Highway maintained facility nearby.

A resident in attendance asked who would maintain the open space proposed on the plan. Mr. Macks stated the open space areas will be maintained by the apartment complex owner. The resident suggested walkways be constructed as to make it easy for residents to walk to Camp Chapel Church.

A member of the Camp Chapel Church asked if a sewer connection will be provided along Honeygo Boulevard to the Camp Chapel Church. Mr. Rorke stated such a connection will be provided.

A resident asked what if the developer abandoned the site prior to construction being completed. Mr. Hoffman stated the developer is required to post security that insures enough funds are available to complete the project should that occur.

A resident asked what was the proposed name of the development. Mr. Macks stated it will be called Honeygo Village Center.

A citizen asked if a traffic light is being proposed at Joppa Road and Cowenton Road. Mr. Rorke stated a traffic light is not being proposed. Another resident expressed concern for traffic traveling on Gerst Road.

A resident asked if an archeological investigation has been done on the property. Mr. Hoffman stated no one has suggested a need for such an investigation.

A resident asked about stormwater run-off. Mr. Rorke stated the county requires infiltration for the first one inch of runoff. In response to another question, Mr. Rorke stated the water coming from the spring on the property will be managed in the Rexis Road stormwater management facility.

Mr. Hoffman responded to a questioner that a special exception hearing before the zoning commissioner will be required prior to construction of the assisted living facility.

A resident asked about school enrollment for this project from the Board of Education. Mr. Rascoe stated their projection is not in the file, but would contact Board of Education representatives for the numbers. Mr. Rascoe stated the number is base on the housing types proposed on the site.

A resident asked if there would be a traffic light at Honeygo Boulevard. Mr. Hoffman stated there will be a left turn lane to help ease traffic movements, but no light is being proposed.

In response to a question, Mr. Macks stated signs in the development will be consistent with Honeygo Plan regulations will be similar to signs seen in Columbia, Maryland.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SHEET

NE
II-C

LOCATION

PERRY HALL

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY

JANUARY
1966

00-104-A

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

#104