Des 10/5/99

IN RE: PETITION FOR ADMIN. VARIANCE

N/W corner of Portship and

Homeway Roads 12<sup>th</sup> Election District

7<sup>th</sup> Councilmanic District

(1828 Portship Road)

Michael Patrick Rodgers Petitioner BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 00-106-A

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### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Michael Patrick Rodgers. The variance request is for property located at 1828 Portship Road, located in the Dundalk area of Baltimore County. The Petitioner herein seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure with a side yard setback of 1 ft. and a setback to the centerline of an alley of 8 ft. in lieu of the required 2 ½ ft. and 15 ft. respectively, and Section 400.2 to permit an accessory structure (swimming pool) to be located in the third portion of the rear yard closest to the road in lieu of the required one third portion farthest removed from the road. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner 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 Petitioner has 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

10/15/99 10/15/99

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 Petitioner.

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 day of October, 1999 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure with a side yard setback of 1 ft. and a setback to the centerline of an alley of 8 ft. in lieu of the required 2 ½ ft. and 15 ft. respectively, and Section 400.2 to permit an accessory structure (swimming pool) to be located in the third portion of the rear yard closest to the road in lieu of the required one third portion farthest removed from the road, 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



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

Fax: 410-887-3468

October 15, 1999

Mr. Michael Patrick Rodgers 1828 Portship Road Baltimore, Maryland 21222

Re: Petition for Administrative Variance

Case No. 00-106-A

Property: 1828 Portship Road

Dear Mr. Rodgers:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

lunthy Kotroco

TMK:raj Enclosure

# AffidaVA 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 p	within the persoi ublic hearing is s	nal knowledge cheduled in the	or the Amant(s) future with regar	and that Aman djthereto.	it(s) is/are
That the Affiant(s) does/do presently reside at	/828 Address //	PORT SI	ROA	$\mathcal{L}_{\mathcal{A}}$	
	BAHIM	ORE	MARYIA	Ind 2	1222
That based upon personal knowledge, the follovariance at the above address (indicate hardship)	wing are the fact ip or practical diffi	s upon which iculty):	/we base the req	uest for an Adm	Zip Code
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informa	filed, Affiant(s	) will be required	I to pay a repo	sting and
Michael Patrick Roc	/ .//.				
Signature Patrick &	200001	Signature			
Name - Type or Print	<u> </u>	Name - Type or f	Print		
STATE OF MARYLAND, COUNTY OF BALTIM	MORE to wit:			place place chair spine sum more spine spine	
I HEREBY CERTIFY, this RTH day of of Maryland, in and for the County aforesaid, pe		1999	, before me, a	Notary Public of	the State
of Maryland, in and for the County aforesaid, pe		d	,		
the Affiant(s) herein, personally known or satis- law that the matters and facts hereinabove set for	factorily identified	to me as suc correct to the l	h Affiant(s), and best of his/her/the	made oath in du ir knowledge and	ie form of d belief.
AS WITNESS my hand and Notarial Seal	,		1		
9/8/99	7/	Tay .	S. Whi		······································
Date	Notary	Public /	5-1	-03	_
	My Con	nmission Expir	es		<del></del>

REV 09/15/98



### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1828 Portship RoAd
which is presently zoned D. R. -5.5

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) 400, 1 to permit an accessory structure with a side yard setback of one ft, and a setback to the centerline of alley of 8 ft, in lieu of the required 2th ft, and 15 ft; respectively, and Section 400.2 to permit an accessory structure (swimming pool) to be located in the third portion of the tear yard closest to the read of the required one third portion farthest removed from the road. 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 d perjury, that I/we ar is the subject of this	eclare and affirm, under t re the legal owner(s) of the s Petition.	he penalties of e property which
Contract Purchaser/Lessee:			Legal Owner(s	i Patrick Ro	deski
Name - Type or Print			Name - Type of Print	10 Phol	(n)
Signature	<u> </u>	· · · · · · · · · · · · · · · · · · ·	Signature	0	7
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature	talia lan On	H41078818
Attorney For Petition	ier:		Address SAHMOR	112	1/800 96 9 8 90 Telephone No. 2/22
Name - Type or Print			City	State e to be Contacted:	Zip Code
Signature	<del></del>	1	CAME		
Company			Name	,	
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having be- this day of regulations of Baltimore Count	. ths	at the subject matter o	be required, it is ordered by f this petition be set for a pub	the Zoning Commissioner of the line of the	of Baltimore County, quired by the zoning
regulations of baltimore count	y and mar no proper	i, bo i spouldu.			
			Zoning Con	nmissioner of Baltimore Cour	nty
CASE NO 60	-106- A	R	eviewed By	Date9/9	199
RSV 9 15 98	—	E	stimated Posting Date	9/19/99	·

# ZONING DESCRIPTION 1828 PORTSHIP RD.

BEGINING At POINT ON the N.W. CORNER OF PORTShip AND HOMEWAY ROADS EACH
30 FT WIDE BEING LOT # 5 IN
SUBDIVISION OF LORRAINE PARK
AS RECORDED IN BALTIMORE COUNTY
PLAT BOOK # 9 FOLIO # 24
CONTAINING 3,480 SQUARE FEET OR ACCES
ALSO KNOWN AS 1828 PORTSHIP ROAD
AND LOCATED IN THE 12 FELECTION
DISTANT 7 COUNCIL MANIC DISTRICT

DATE	9/9/ 59 ACCOUNT	ROUP 6/50	7/10/1999 9/09/1999 15:32:35 REG WOO1 CASHIER JRIC JW: WAWE Deed 5 528 ZONING VERIFICATION
	AMOUNT \$	50.60	Receipt # 116072 _ CR NO. 075214
RECEIVED FROM:	Mr Rodgers	-	Recrt Tot 5 .00 CK 50.0 _ Baltimore County, Haryland
FOR:	role or Ad	min Jariance	

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### CERTIFICATE OF POSTING

	RE: Case No.: 00-106-A
	Petitioner/Developer:
	MR. MICHAEL P. ROGERS
	Date of Hearing/Closing: Oct. 4, 1999
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 pewere posted conspicuously on the property locations of the penalties of perturbations of the penalties of perturbations of the penalties of penalties	
The sign(s) were posted on <u>SEPT. 18,</u>	Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
	CTARLAND E. MOORE (Printed Name)
	3225 RYERSONI CINCLE
•	(Address)  BACTIMONE, MD. 2122)  (City, State, Zip Code)  (410) 242-4263
,	(Telephone Number)

9/96 cert.doc

BALTIMORE COUNTY, M. OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIVE	CE "	No. 070		ind Alkii Oes ada t
DATE 9.99	ACCOUNT	201- LISO_	7/1 	0/1999 9/09/1999 15:2 05 Cashier Wate Aeb D 5 528 Juniur Verifica
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FOR:	UMA.			
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## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 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: 50-106-A  Petitioner: Nichael Patrick Rod (Ed.)
Address or Location: 1828 ORTShip ROAD
PLEASE FORWARD ADVERTISING BILL TO:  Name: PichARL Atrick Rodgers
Address: 1828 Portship Road
BAH-MORE MAKE/AND 21222  Telephone Number: 410/288-1729
Telephone Number: 410/288-1729

## G NOTICE

ADMINISTRATIVI

O PREMIT AU ACCESSORY STRUCTURE WATH A SIDE YARD CETRACK OR GIVE PT. AND A CRAR YARD BETANCK TO THE COUTERLINE OF AN ALLEY. DE SECTIVITIEU DE TUE PROVIDE D'ENER ANDIS PT. RESERCTIVELY. GENT AN ACCESSOR: STANTURE (Summer But) TO BE LOCATED IN THE NETION OF THE REED WAS CAUSED TO THE ROOD IN LIST OF T THE PUR THE POSTION FROMEST PRINCIPLE FROM THE

PART OF LEARING AND THE PROPERTY OF LARGE AND



### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

			·				
	Number 00-		] -A	Address _	1828	Portship Rd.	
Contac	t Person: _	Bry	r, Please Print You	e daitis		Phone Number: 410-887-339	1
Filing I	Date:	9/99	Pos	iting Date: _	9/19/99	Closing Date: 10/4/	, 20
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.							
! !	reverse side reposting mu is again rest	of this form ust be done o onsible for a	) and the pe only by one c all associate	ititioner is responder the sign poses of the sign poses of the costs. The	ponsible for sters on the zoning not	ters on the approved list (on the all printing/posting costs. An approved list and the petition ice sign must be visible on the emain there through the closing	iy er e

- 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.
- 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.

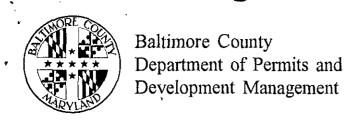
(Detach Along Dotted Line)

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

date.

#### USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 106 -A Address _	1828 Portship Rd.
Petitioner's Name Mike Rodgers	Telephone 410 - 288 - 1729 4
Posting Date: 9/19/99	Closing Date:(\(\beta\)\(\sq\)
Wording for Sign: To Permit un accessory	structure with a side yard settrade
of one ft, and a rear yard setback	to the centerline if an alley of & A
in lieu of the required 2 t ft. an	d 15 ft, respectively, and to permit an
accessory structure (swimming pos	1) to be located in the third portion
of the rear yard closest to the road	in lieu of the WCR-Revised 7/28/99
required one third portion far	



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

October 12, 1999

Mr. Michael Rodgers 1828 Portship Road Baltimore, MD 21222

Dear Mr. Rodgers:

RE: 00-106-A , 1828 Portship Road

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

Carl (Kichards My

Zoning Review

WCR:rsj

**Enclosures** 



Printed with Soybean Ink

on Recycled Paper











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

October 20, 1900

Designment of Permits and Devilorment Management (PPM) County Office Building, Room 111 Mail Stop #1105 111 West Thesabeaky Avenue Towson, Marviand 21204

ATTENTION: Owen Stephens

RE: Proberty Owned: SEE BELOW

Lacation: PICTRIEUTION MEETING OF October 12, 1990

Itam No.: See Balow

Gear Mo. Itephens:

Durinant to your request, the referenced exoperty has been carveyed by this Birdan and the comments below are applicable and required to be corrected or incorporated into the final clans for the property.

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

191, 102, 101, 104, 105, 106 108, 109, 110, 141, 111 114, 115, 116, 117, 118, 119, 120, 212, 121, 121, 124 125, 126, 127, 128 and 129

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office FHONE 887-4881, MS-1102F

co: File

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Date: October 7, 1999

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 Office of Planning has no comment on the following petition(s):

Item No(s): 102, 106, and 115

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



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. 1016

乃凡

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,

f. J. Drelle

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

## DO-106-A



#106



#-106





#106

in commence

A resident asked if the existing pond on the site would be filled. Mr. Hoffman stated permits will be pursued with state and local regulators to fill the pond and develop the site. A resident asked if one story cluster homes had been considered. Mr. Hoffman stated the developer believes there is a market for housing type being proposed at this time.

A resident stated he had fear of the unknown, but believes this to be a nice plan. He also had concern for what he believes is high density in a rural area.

Another resident stated he has general concern for growth in the area and wants to make sure this land is being developed correctly.

At his point Larry Macks, of Macks & Macks, developers of this property gave a history of the Honeygo area and the county council approved Honeygo Plan.

A resident asked if a roundabout is being considered for the Cowenton and Joppa Roads intersection. Mr. Hoffman stated the developer is not proposing a roundabout at this location.

In response to a questions, Mr. Hoffman stated the development will be built prior to the Cowenton Road location.

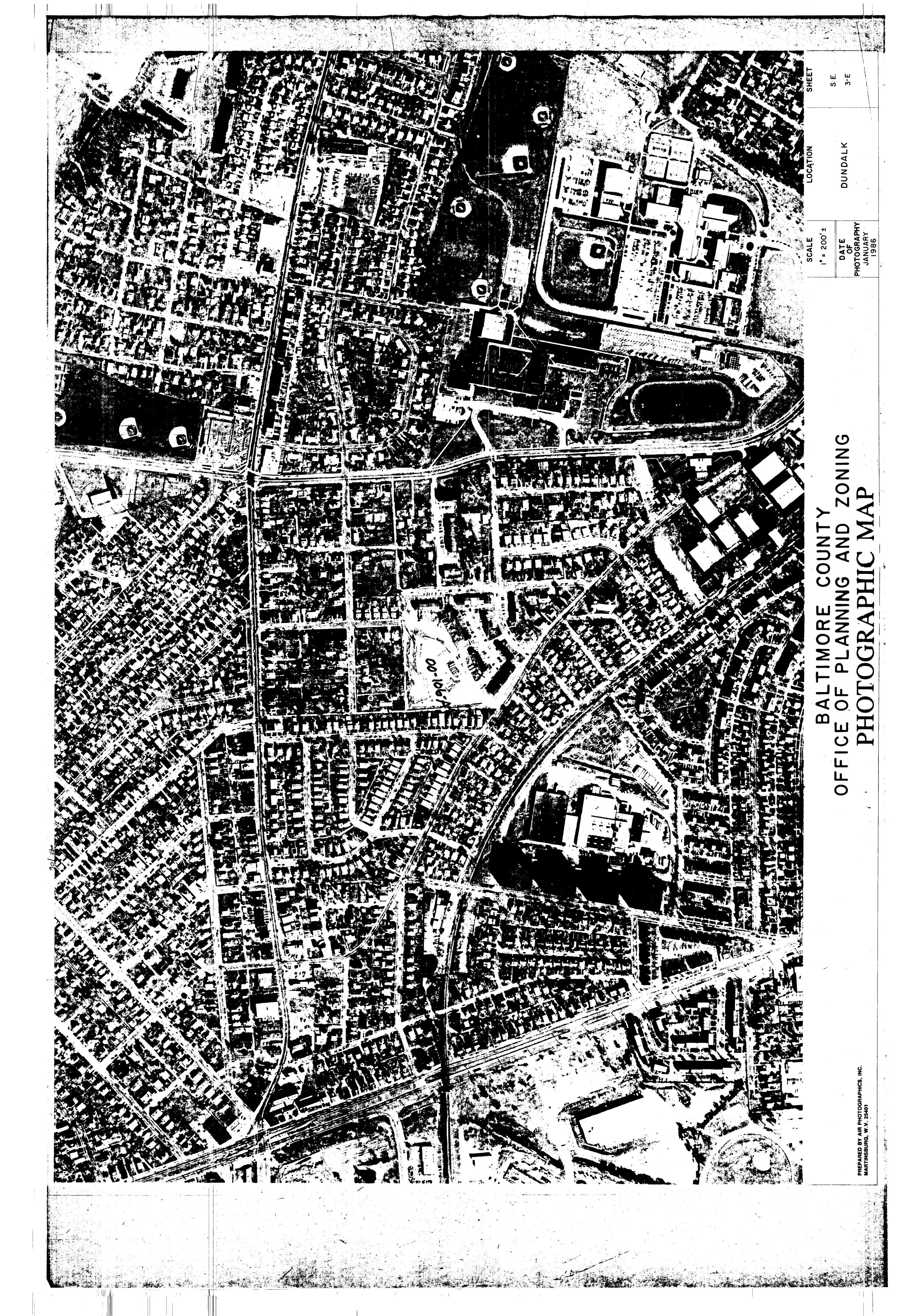
A resident asked if the development will follow the approved Honeygo Plan. Mr. Hoffman stated the development will not be built until the proposed infrastructure such as roads, schools, sewers and other public improvements are in place. He said apartment construction will not get ahead of the infrastructure installation.

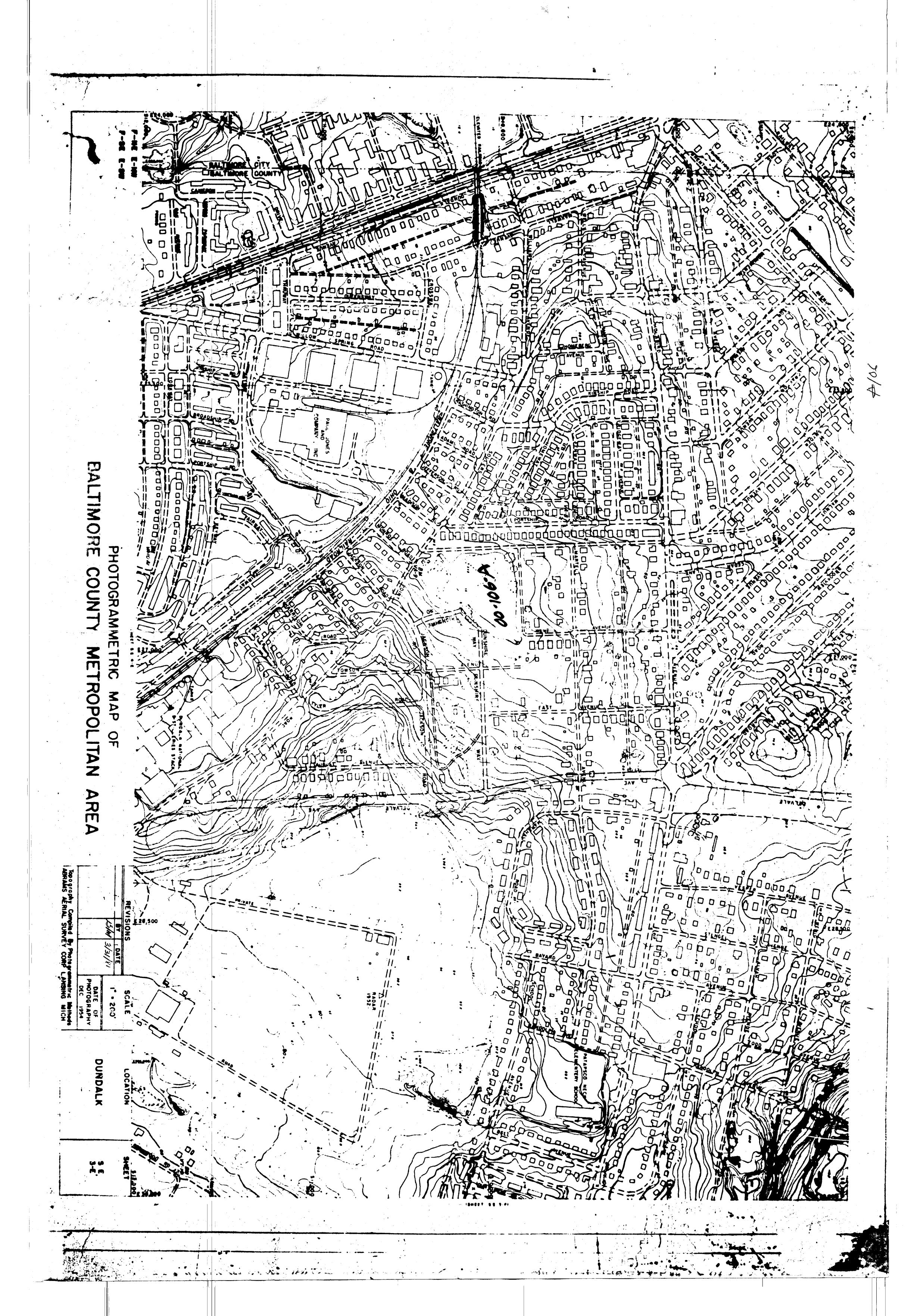
A resident asked about the number of school age children expected from this development. Mr. Rascoe stated the projection form from the Board of Education was not in the file, but promised to follow up and get the numbers from the Board of Education. (Projections generated by the Board of Education states that 42 elementary, 17 middle school and 17 high school students can be expected from a development of 424 apartments.)

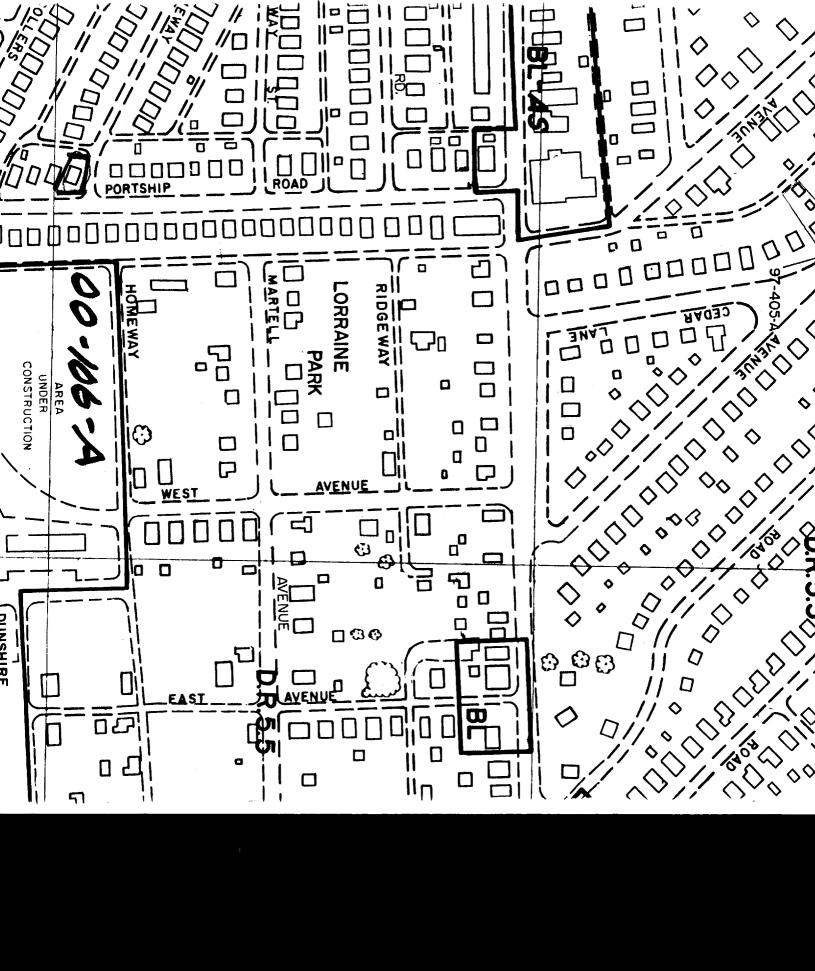
A representative of the Perry Hall Improvement Association asked that some trees be left along the boundary of this development and the Camp Chapel Cemetery and to add a buffer at the boundary with the school.

A resident asked why condominiums weren't being proposed. Mr. Macks stated there were already enough condominiums proposed in the area. He said the intent is to design a more traditional neighborhood with a park like feel to it.

A resident asked Mr. Macks if his company owned the Canterbury Apartments in Owings Mills. Mr. Macks stated they do. He went on to describe the Canterbury Apartments as Class "B" apartments with rents appealing to the middle class. He said the proposed apartments at this site will have higher rents than the Canterbury Apartments.







VIICHAE tollo# 2 Us good ORRANG Nedwork \_,section# Homeway 88'90" अववाष्ट्रेग्डल अववाष्ट्रेग्डल