

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Poplar Road, 266' NW
centerline of Riverside Road
15th Election District
7th Councilmanic District
(350 Poplar Road)

Roy B. and Barbara C. Smith
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-306-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Roy and Barbara Smith, property owners, for that property known as 350 Poplar Road in the Back River Highlands area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 5 ft. 7 in. setback in lieu of the minimum 10 ft. for an addition. 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 RECORDED FOR FILING

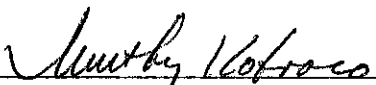
Date 2/28/00

By R. J. Jenson

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 28th day of February, 2000, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 5 ft. 7 in. setback in lieu of the minimum 10 ft. for an addition, 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

COPY RECEIVED FOR FILING
Date 2/28/00
By R. Jameson



Baltimore County
Zoning Commissioner

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

February 29, 2000

Mr. & Mrs. Roy B. Smith, Jr.
350 Poplar Road
Baltimore, Maryland 21221

Re: Petition for Administrative Variance
Case No. 00-306-A
Property: 350 Poplar Road

Dear Mr. & Mrs. Smith:

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 Department of Permits and Development Management. 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 black ink, reading "Timothy Kotroco". The signature is fluid and cursive, with the first name "Timothy" and last name "Kotroco" clearly distinguishable.

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 350 Poplar Rd., Balto., Md. 21221
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)

1B02.3.C.1 to permit a 5'-7" side setback in lieu of the minimum 10'.

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:

Legal Owner(s):

Name - Type or Print

Mr. Roy B. Smith, Jr.

Name - Type or Print

Signature

Signature

Signature

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Address

Telephone No.

City

State

Zip Code

Mrs. Barbara C. Smith

Name - Type or Print

Signature

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Attorney For Petitioner:

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By

Date

Estimated Posting Date

REV 9/15/98

CASE NO. 00-306-A

ORDER RECEIVED FOR FILING
this day of
regulations of Baltimore County and that the property be reposted.

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 350 Poplar Rd.

Address

Baltimore

Md.

21221

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):

We would like to build a bedroom with a handicap bathroom and a screened-in porch on the side of the bedroom for the following reasons: My father is 73 years old and cannot live by himself anymore because he has heart problems and has been diagnosed with Parkinson's disease. We are a family of five with children 4, 12 and 15 and there are no extra bedrooms.

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.

Signature

Mr. Roy B. Smith, Jr.

Name - Type or Print

Signature

Mrs. Barbara C. Smith

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of January, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Roy B. Smith, Jr. and BARBARA C. Smith

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

01/13/2000

Date

Kathleen P. Hoyle

Notary Public

My Commission Expires

03/01/2001

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Mr. Roy B. Smith, Jr.

Name - Type or Print

Signature

Mrs. Barbara C. Smith

Name - Type or Print

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Roy B. Smith, Jr. and BARBARA C. Smith

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AS WITNESS my hand and Notarial Seal

01/13/2000
Date

Notary Public

My Commission Expires

03/01/2001



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 350 Poplar Rd., Balto., Md. 21221
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1302.3.C.1 to permit a 5'7" side setback in lieu of the minimum 10'.

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Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Mr. Roy B. Smith, Jr.

Name - Type or Print

Signature

Signature

Mrs. Barbara C. Smith

Name - Type or Print

Signature

Signature

350 Poplar Rd.,

Address

Baltimore, Md.

City

State

Zip Code

202-906-2319-Work

410-391-4476-Home

Telephone No.

21221

Telephone No.

21221

City

State

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Zoning Description

Zoning Description For 350 Poplar Road

**Beginning at a point on NORTH side of POPLAR ROAD which is 50 FEET wide at the distance of 2661.4 FEET NORTH AND 64 DEGREES WEST of the centerline of the nearest improved intersecting street RIVERSIDE ROAD which is 50 FEET wide
*Being lot # 73, BLOCK E, SECTION # E in the subdivision of BACK RIVER HIGHLANDS as recorded in Baltimore County Plat Book # 0, FOLIO # 64, containing 10,000 sq. ft. Also known as 350 POPLAR ROAD and located in the 15 Election District, 5th Councilmanic**

7th

**ROY & BARBARA SMITH JR.
350 POPLAR ROAD
BALTIMORE, MD. 21221**

306
00-306-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **077962**

DATE 1/24/00 ACCOUNT 001-6150

Item 200

By: MTR

AMOUNT \$ 50.00

RECEIVED FROM: Roy B. Smith Jr. — 350 Poplar Rd.

FOR: 610-Res. Voucher — \$ 50.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

00-306-A

CERTIFICATE OF POSTING

RE: CASE #00-306-A
PETITIONER/DEVELOPER
(Roy Smith)
DATE OF Closing
(Feb 21, 2000)

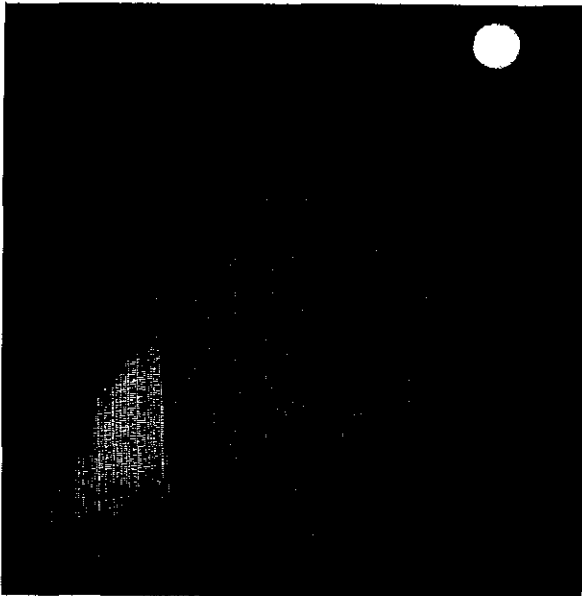
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
350 Poplar Road Baltimore, Maryland 21221_____

The sign(s) were posted on _____ 2-4-00 _____
[Month, Day, Year]



Sincerely,


(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
[Telephone Number]

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 306 -A Address 350 Poplar Rd.
Contact Person: Mitchell J. Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/24/08 Posting Date: 2/4/08 Closing Date: 2/21/08

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- 306 -A Address 350 Poplar Rd.
Petitioner's Name Roy B. Smith, Jr. Telephone 410-391-4476
Posting Date: 2/4/08 Closing Date: 2/21/08
Wording for Sign: To Permit a 5' 7" side setback in
lieu of the minimum 10'

**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/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: 00-306-A
Petitioner: Roy B. Smith Jr.
Address or Location: 350 Poplar Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Roy B. Smith Jr.
Address: 350 Poplar Road
Balto. Md. 21221
Telephone Number: 410-391-4476

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

February 22, 2000

Mr. Roy B. Smith
350 Poplar Road
Baltimore MD 21221

Dear Mr. Smith:

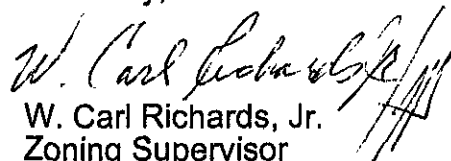
RE: Case Number 00-306-A , 350 Poplar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 2000.

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.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

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

DATE: February 18, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for February 14, 2000
 Item Nos. 305, 306, 307, 308, 309,
 310, 311, and 312

 The Bureau of Development Plans Review has reviewed the subject zoning
items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

February 15, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED FEB 25 2000

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF February 7, 2000

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.

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

305, 306, 307, 308, 310, 311, 312,

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *AC for RBS*

DATE: February 18, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of February 7, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
306	350 Poplar Road
308	1345 Western Run Road
309	4201 Wholesale Club Road
310	328 Delight Meadows Road
311	4502 East Joppa Road
312	322 Weatherbee Road

AY
2/21

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

Date: February 8, 2000

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

SUBJECT: Zoning Advisory Petitions

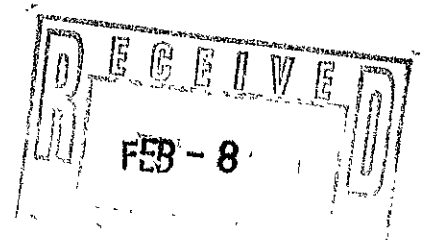
The Office of Planning has no comment on the following petition(s):

Item No(s): 291, 293, 299, 304, 306, 308, 310, and 312

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: Jeffrey W Long

AFK/JL





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 2.7.00

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

RE: Baltimore County
Item No. 306 MJK

RECEIVED FEB 08 2000

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

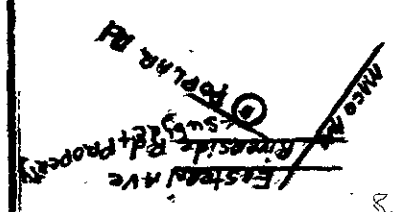
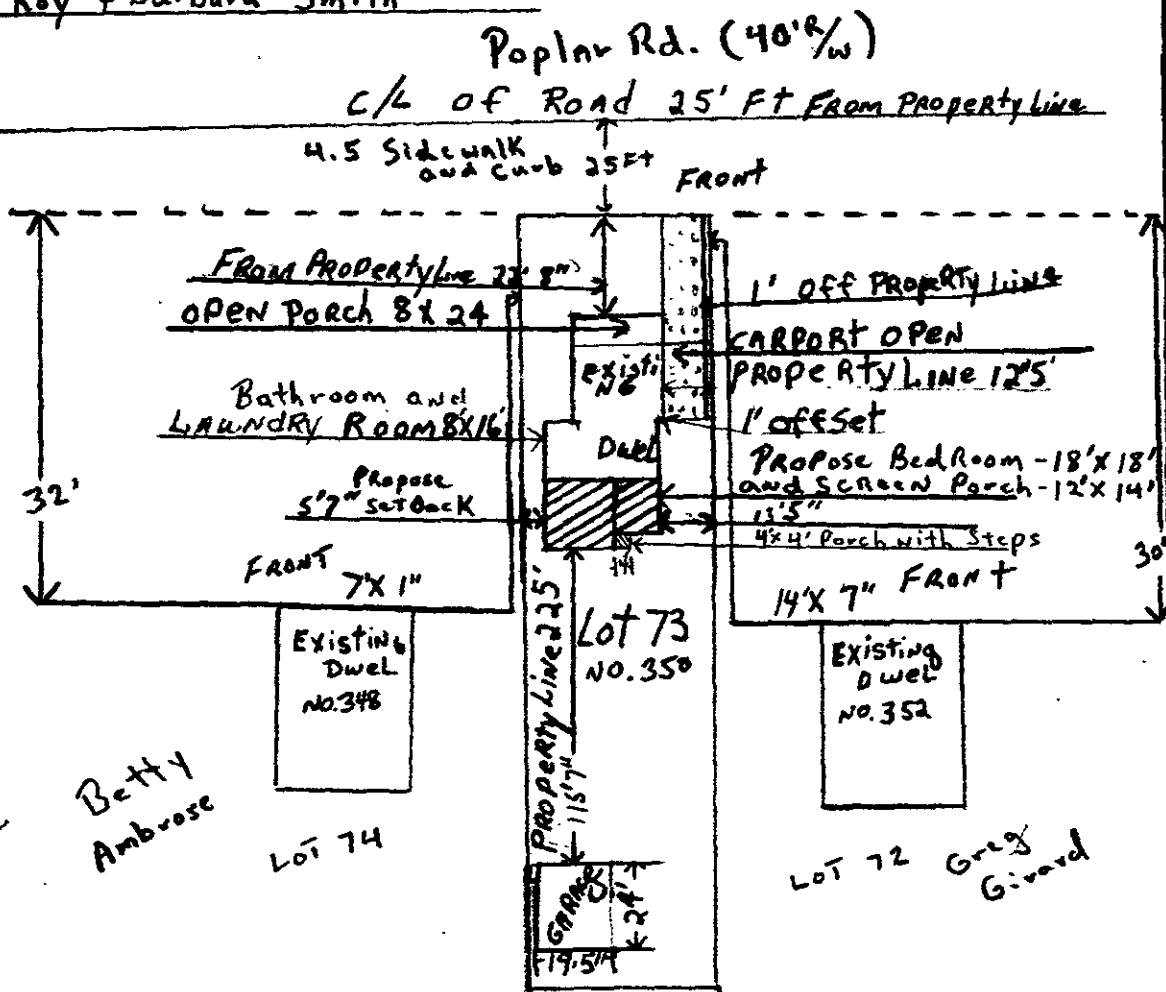
PROPERTY ADDRESS: 350 Poplar Road

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

Subdivision name: Back River Highlands

plat book # 0, folio # 64, lot # 73, section # F

OWNER: Roy & Barbara Smith



LOCATION INFORMATION

Election District: 15th
Councilmanic District: 7th
1"=200' scale map: NE 2G
Zoning: D.R. 5.5
Lot size: 10,000
acreage square feet

SEWER: ☒ PUBLIC ☐ PRIVATE
WATER: ☒ PUBLIC ☐ PRIVATE

Chesapeake Bay Critical Area: ☐ YES ☒ NO
Prior Zoning Hearings: January 14, 1997
CASE NO. 97-268-A (Granted)
5'7" SETBACK for 8' x 16' addition

Zoning Office USE ONLY!

reviewed by: mill ITEM #: 306 CASE #: 00-306-A



North

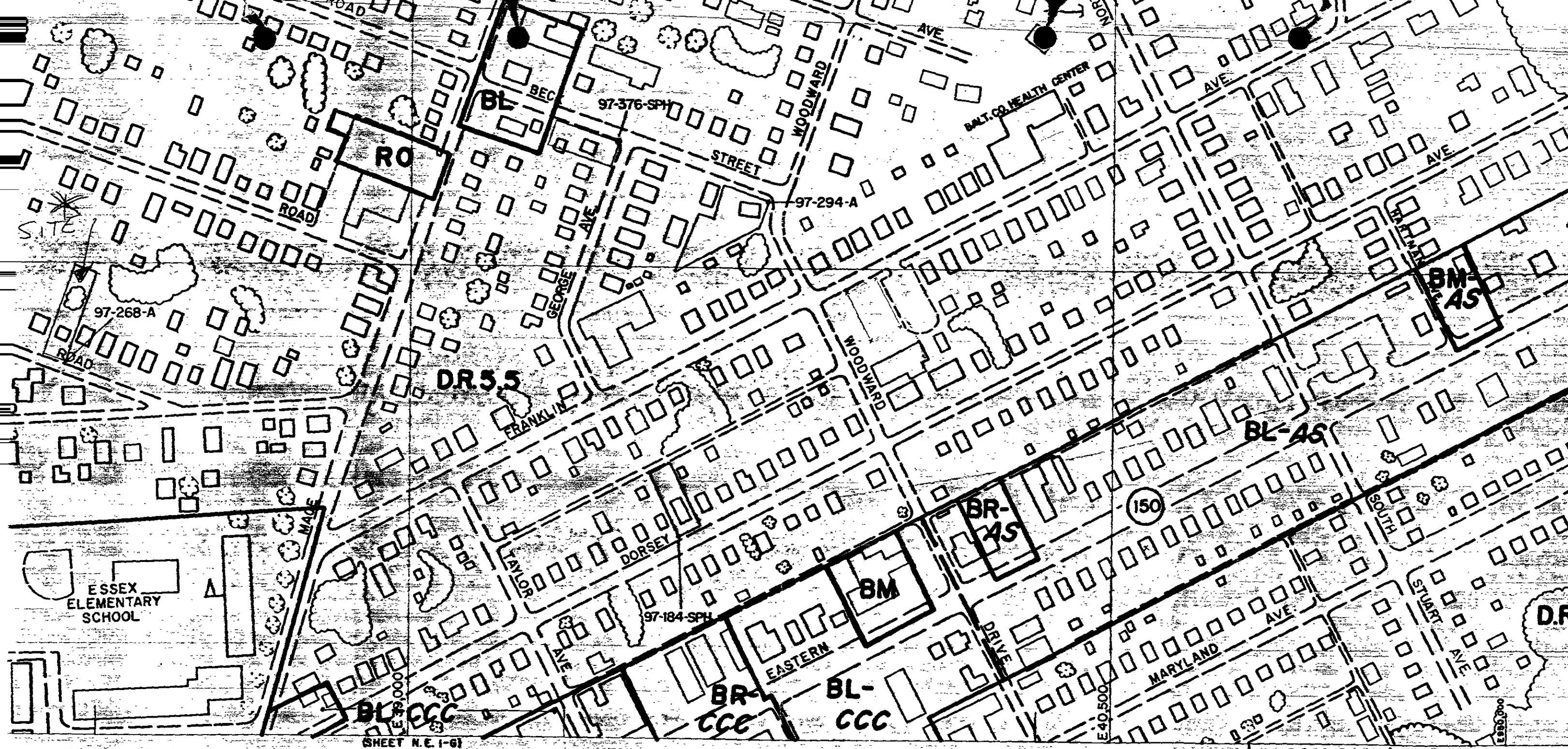
date: 1/10/00
prepared by: Roy B. Smith JR. Scale of Drawing: 1"= 50'

Propose Bedroom with a Bathroom and screened Porch
Wooden CONSTRUCTION, ESTIMATE COST \$18,000.00

Roy B. Smith JR.
350 Poplar Rd.
Baltimore, Md. 21221

00-306-A

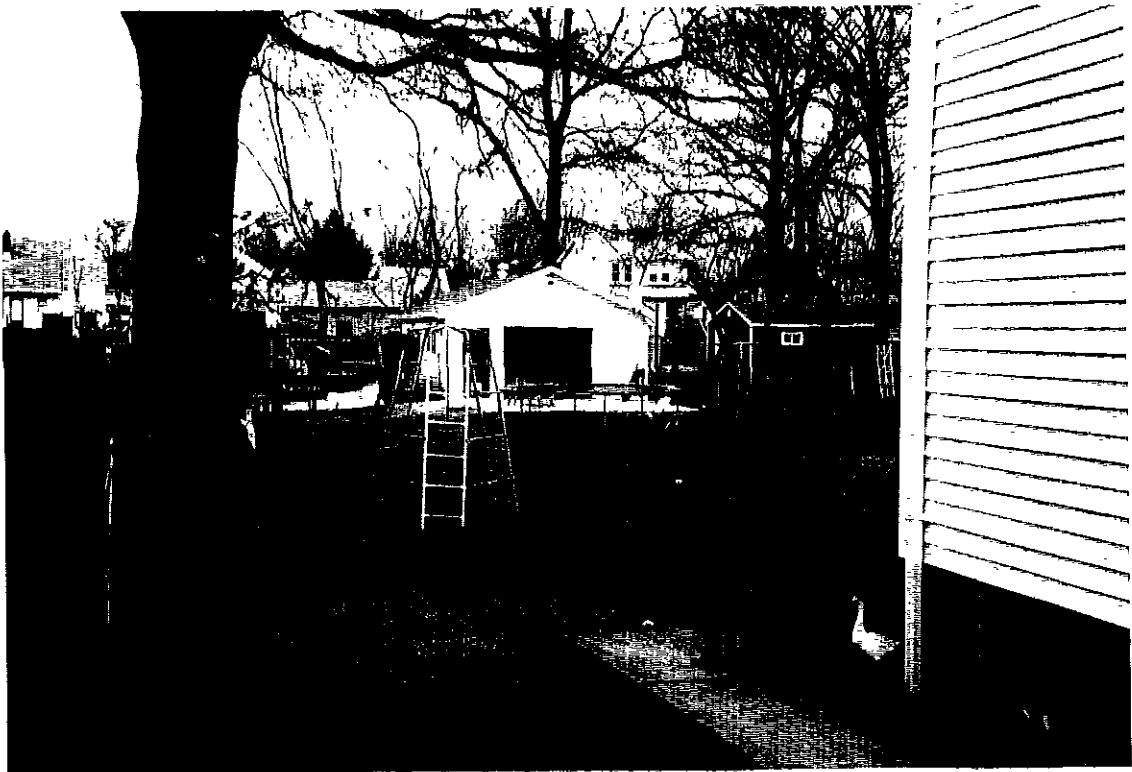
001-241



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

306
00-306-A

SCALE 1" = 200' ±	LOCATION ESSEX
DATE OF PHOTOGRAPHY JANUARY 1986	



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REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	ESSEX	NE 2-6
		DATE OF PHOTOGRAPHY DEC. 1964	# 306	
Topography Compiled By Photogrammetric Methods ADAMS AERIAL SURVEY CORP. LANSING MICH				

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

00-306-A