IN RE: PETITION FOR ADMIN. VARIANCE

N/S East Joppa Road, 401' E

of Snyder Lane

11th Election District

5th Councilmanic District

(4502 East Joppa Road)

Patricia Ann Carbaugh

Petitioner

BEFORE THE

**DEPUTY ZONING COMMISSIONER** 

OF BALTIMORE COUNTY

CASE NO. 00-311-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Patricia Ann Carbaugh, property owner, for that property known as 4502 East Joppa Road in the Perry Hall area of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 3 ft. in lieu of the required 10 ft. for a proposed addition (garage). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for 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 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 February, 2000, that a variance from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 3 ft. in lieu of the required 10 ft. for a proposed addition (garage), be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:rai





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

Fax: 410-887-3468

February 29, 2000

Ms. Patricia A. Carbaugh 4502 East Joppa Road Perry Hall, Maryland 21128

Re: Petition for Administrative Variance

Case No. 00-311-A

Property: 4502 East Joppa Road

Dear Ms. Carbaugh:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

hu they llotroco

TMK:raj Enclosure



R20 9115198

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 4502 EAST 50FPA Rd. 21128 which is presently zoned D. R. 5.5

which is presently zoned 3.723.3
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) 1802.3.C.   TO PERMIT A SIDE YARD SETDACK FOR A PROPOSED ADDITION (GARAGE) OF 3FT. IN LIEU OF THE Required 10ft.
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.

			Legal Owner(s):	" 4287"	\
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			Patriain an	n Carbana	.h
Signature			Signature		
Address		Telephone No.	Name - Type or Print		-
City	State	Zip Code	Signature		
Attorney For Petit	ioner:		4502 EXT 50	PPA Rd. 41	02568
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			PERRY HA!	wg	· 2
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Signature			MATT BOW	in G	
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5 · B.			HOZ E. JOR	st cy. A	10256
Address		Telephone No.	Address		Telepho
1 6			Perry HAll	mg	2
City	State	Zip Code	City	State	Z
A(Public Hearing having	been formally demand	ied and/or found to be	required, it is ordered by the Zor	nna Commissioner a	of Baltimore
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# 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.

4502

That the Affiant(s) does/do presently reside at

2025B

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Patricia A. Carbaugh			_	
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the Affiant(s) herein, personally known or satis		_		nade oath in due form of
law that the matters and facts hereinabove set	forth are true	and correct	to the best of his/her/the	r knowledge and belief.
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# 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	4502 EAST J	oppa pd.	
	Address Perry 1-1411 City	$\omega$	21128
	City	State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh	owing are the facts upo ip or practical difficulty)	n which I/we base the request THE REQUEST FO	it for an Administrative
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* Octricis a. Carbaugh			
Signature	Signa	ture	
Patricia A. Carbaugh	None	Time or Print	
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Patricia A	A. Carbaugh		To the trade of
the Affiant( herein, personally known or satisflaw that the matters and facts hereinabove set	sfactorily identified to n forth are true and corre	ne as such Affiant(s), and ma ect to the best of his/her/their k	nowledge and belief.
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Date	Notary Publi	c / ¯	•
•	My Commiss	sion Expires	

REU 09/15/98



CASE NO.

220 9/15/98

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 4502 EAST 50PPA PD 21128 which is presently zoned DR. 5.5

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

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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) 1802.3.C. I TO PERMIT A SIDE YARD SETBACK FOR A PROPOSED ADDITION (GARAGE) OF 3FT. IN LIEU OF THE FROUNCED 10 FT.

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.

			is the subject of this Peti		e property writer
Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>			
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Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petitione	<u>er:</u>		4502 EAST J	OPPA ROBO	4102568021
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			Perry HAIL	wg.	
Name - Type or Print			City	State	Zip Code
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Signature					
`		•	MATT BOW	DLING	
Company			Name		
			4502 E.5089	64 6g. 410	2568021
Address		Telephone No.	Address		Telephone No.
			Perry HAll	am	91178
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County	. th	at the subject matter of the	required, it is ordered by the 2 nis petition be set for a public hea	Coning Commissioner of aring, advertised, as re-	of Baltimore County, quired by the zoning

Reviewed By

Estimated Posting Dat

# Zoning Description

ZONING DESCRIPTION FOR 4502 E. JOPPA Rd.

Beginning AT A POINT ON the NORTH side of

E. JOPPA Rd which is 25 FT. wide AT THE

DISTANCE OF 401 FT EAST OF THE CENTERLINE

OF THE NEAREST IMPROVED INTERSECTING STREET

SNYDER LANE which is 25 FEET WIDE. AS

RECORDED IN DEED LIBER 9702, Folio 408" AND DIRECTIONS S. 83° 19 m 13 S. W 12.11 FT, NO2° 01 M 12W. Sec. 330 F S 80° 19 M 20 Sec. & 10219 ft, So2° 1 min 12 sec 95 ft, S. 87° 58 m. 48 & W 88 ft, So2° 01 min 12 sec. 213.3 ft. to the point of the beginning here and on the PLAT in the Correct JOCATION BEING 1301 AC IN THE 11TH ELECTION DISTRICT 5TH COUNCIL DISTRICT.

#### **CERTIFICATE OF POSTING**

RE: CASE #00-311-A
PETITIONER/DEVELOPER
(Patricia Carbaugh)
DATE OF Closing
(Feb 21, 2000)

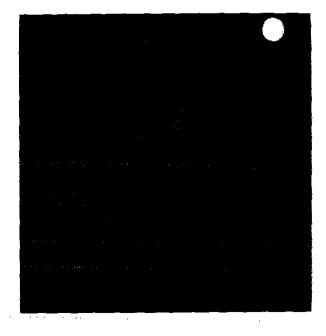
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

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 4502 E. Joppa Road Baltimore, Maryland 21128\_\_\_\_\_\_

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



Sincerely,
Olion Dole Soly
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405
(Telephone Number)

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT (1) S// No. 073220	PAID RECEIPT
DATE 1/28/00 ACCOUNT ROO16150	728/2000 D/29/2000 09:44:35 REG WS01 CASHIER JRIC JHR WRAHER J 2001 5 528 ZONING VERIFICATION
AMOUNT \$ 50.00	Receipt 9 133241 GFLH SP 40. 073220
RECEIVED M BOWLING / CARBAUGH.	Recrit Tot 59,00 CA 50.00 CA 50.00 CA Baltimore County, Haryland
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## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW



Case N	umber 00-311 -A Address 4502 E. Joppa RD.
Captao	Pornon: \_ \tau \
Filing !	Person: Planner, Please Print Your Name  Planner, Please Print Your Name  Partie: 1 28 00 Posting Date: 2/4/00 Closing Date: 2/21/00
Anv cr	ntact made with this office regarding the status of the administrative variance should be the contact person (planner) using the case number.
	POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the everse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
	DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
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)
Petitio	oner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case	Number 00-311 -A Address 4502 E. Joppa RD.
Petitio	ner's Name PATRICIA CARBAUGH Telephone
Posti	ng Date: 14 0 Closing Date: 221 60
Word	ng for Sign: To Permit A SIDE YARD SETBACK FOR A PROPOSED ADDITION
(GA	RAGE OF SFT. IN LIEU OF THE PLEQUIPED IN FT.
<u> </u>	
	WCR - Revised 7/28/99
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## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

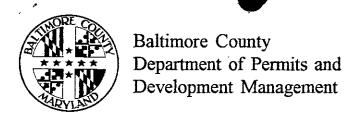
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 311
Petitioner: PATRICIA CARBAUGH
Address or Location: 4502 E. JOPPA Pd.
PLEASE FORWARD ADVERTISING BILL TO:
Name: MATE Bowling
Address: 4502 E. JOPPA Rd.
Perry HAIL MD. 21128
Telephone Number:

Revised 2/20/98 - SCJ



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

February 22, 2000

Mr. Matt Bowling 4502 E. Joppa Road Perry Hall MD 21128

Dear Mr. Bowling:

RE: Case Number 00-311-A, 4502 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 28, 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 Zoning Supervisor

Zoning Review

WCR:ggs

**Enclosures** 











#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director Department of Permits & Development Management

DATE: February 18, 2000

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



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 2 5 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 Knr85

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

FEB | 6

### BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 14, 2000

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT:

4502 East Joppa Road

**INFORMATION:** 

**Item Number:** 

311

**Petitioner:** 

Patricia Ann Carbaugh

Zoning:

DR 5.5

Requested Action:

Administrative Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The proposed addition, as shown on the plat to accompany the subject request, would have a negative impact on the community due to proximity of the adjacent property located at 4504 East Joppa Road. There does not appear to be a sufficient setback provided to the property line; therefore, the Office of Planning recommends that the applicant's request be denied.

Section Chief:

AFK/JL



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. 311

JLL

RECEIVED FEB 0 8 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,

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

### SUPPORT SUPPORT SUPPORT NEIGHBORS.

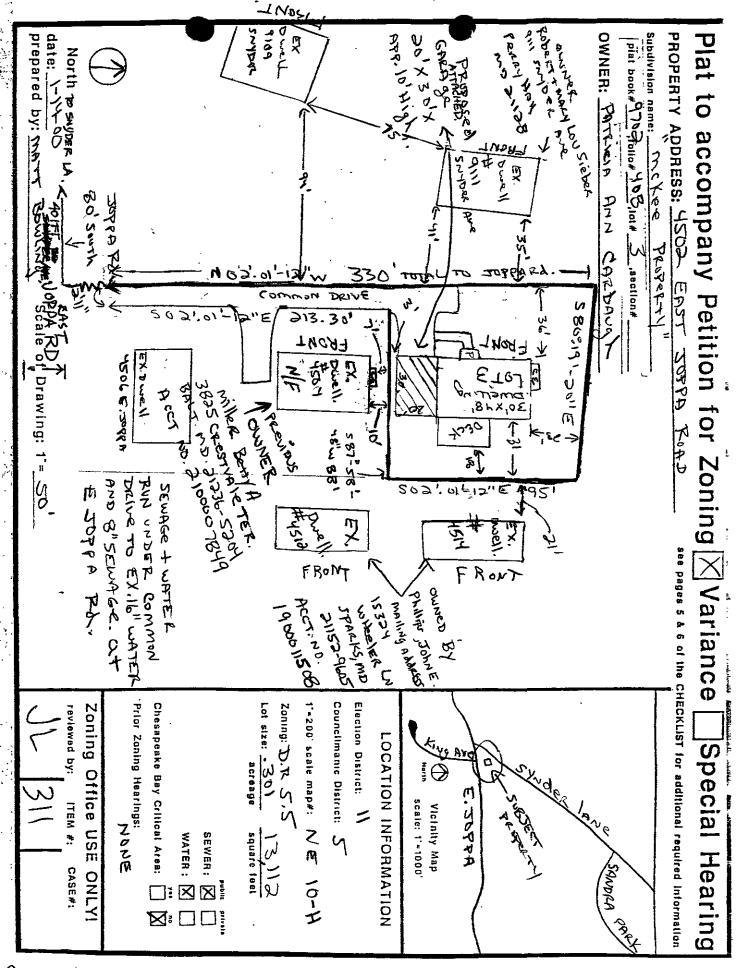
We, the undersigned are awone of, and have no objection to, the proposed garage to be hult at 4502 E. Joppa Road.

Dated 1:27:00

1. Mls - 11. 1 1514 East Joppa Rd

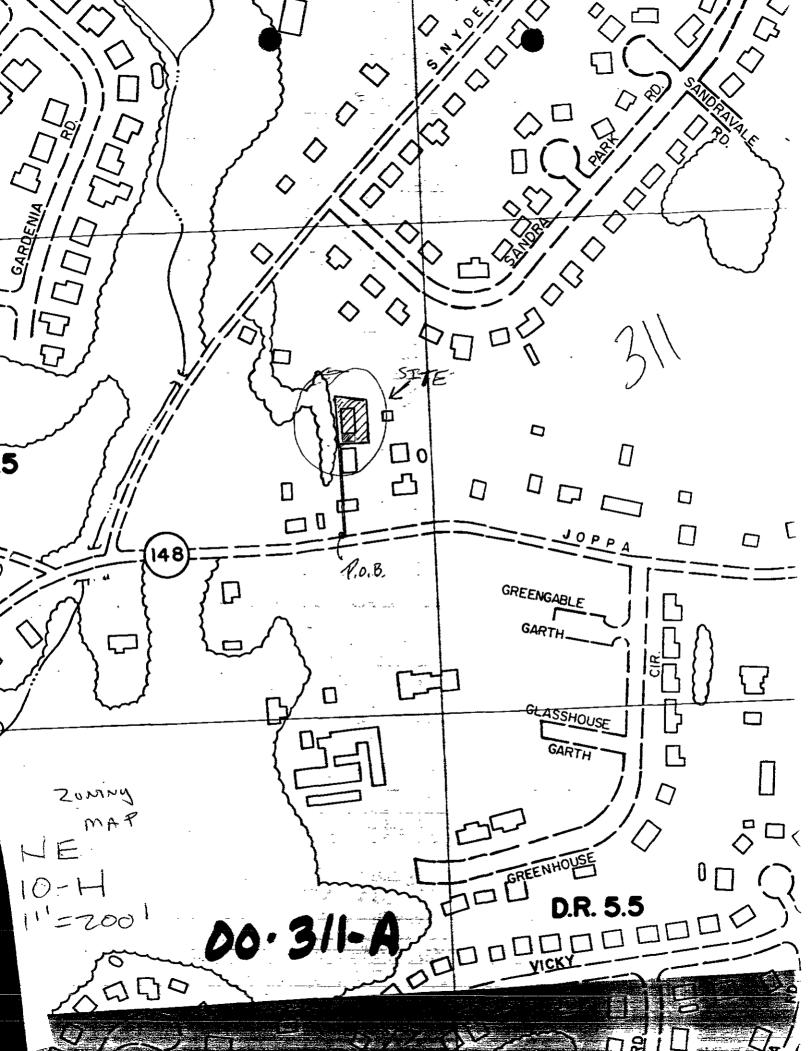
9111 Sneyder Cane

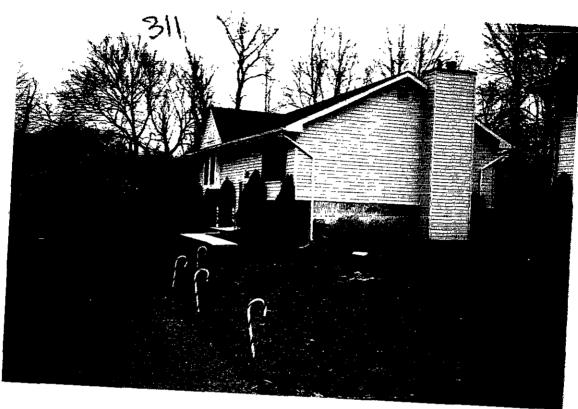
00-311-A

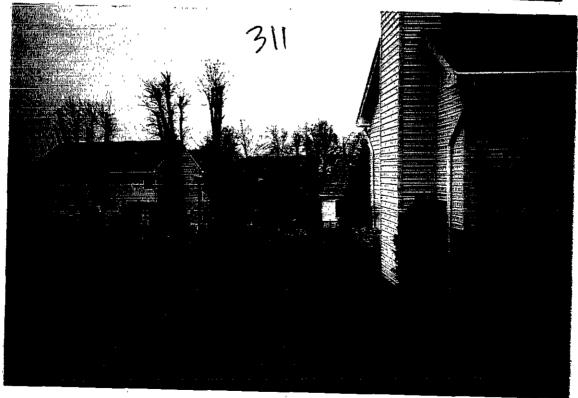


PET. Ex. #1

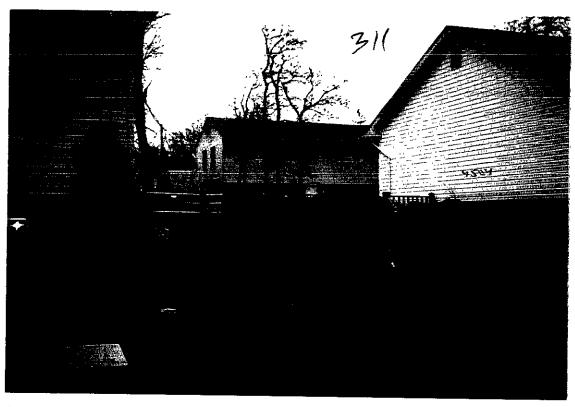
00.311-A

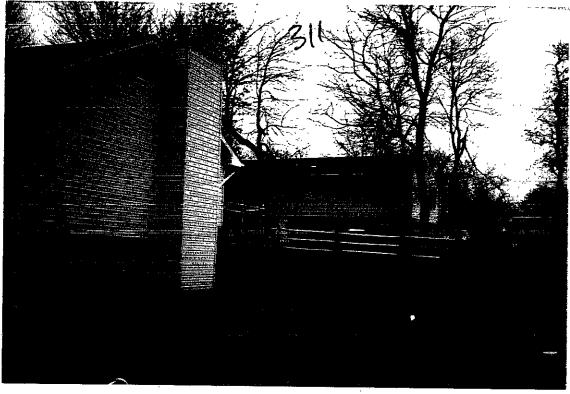






00-311-A





# 00-311-A

A-116-00