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IN RE: PETITION FOR ADMIN. VARIANCE

W/S Forest Drive, 420' N of Magruder Avenue 1st Election District

1st Councilmanic District

(2 Forest Drive)

Ruth & Steve Whelley Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 00-378-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Ruth and Steve Whelley, property owners, for that property known as 2 Forest Drive in the Catonsville area of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open projection (deck) to have setbacks for side and rear yards of as close as 4 ft. in lieu of the required 12 ft. and 40 ft. respectively. 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.

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 April, 2000, that a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open projection (deck) to have setbacks for side and rear yards of as close as 4 ft. in lieu of the required 12 ft. and 40 ft. respectively, 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

April 13, 2000

Mr. & Mrs. Steve Whelley 2 Forest Drive Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 00-378-A Property: 2 Forest Drive

Dear Mr. & Mrs. Whelley:

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, husty Kotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:rai Enclosure











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.

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 The Affiant of
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):
Area Consumed by deck is unusable and prone to
overgrowth and pest infestation. Deck will allevia
the Situation. The zoning regularments of the
distance from the property line to
the house does not meet the
Counties measurements. To ADD a
deck would void this requirement
Shape of fot creates unusual problem for side
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 Signature & Signature & Willy
Signature Ruth Whelley Name - Type or Print Name - Type or Print Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this And for the County aforesaid, personally appeared, before me, a Notary Public of the State
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
Date MAKRIM 15, 2000 Notary Public My Commission Every Street Course of 2001
My Commission Expires

REV 09/15/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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			-	red 22771)	DRZ
This Petition shall be filed with the De owner(s) of the property situate in Baltim made a part hereof, hereby petition for a	partment of Permore County and wh Variance from Sec	nits and Developme ich is described in the tion(s)	nt Manageme e description a	ent. The under	rsigned, legal ed hereto and
PERMIT A PROPOSED OPEN P	ROVERTION (DECK TO HAVE	(1400) E. 4. CE - :	1 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	.1170
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40 FT, RESPECTIVELY),		, , , , , , , , , , , , , , , , , , , ,		a cheep 1	<i>P</i> 7,14.5
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of the zoning regulations of Baltimore Co of this petition form.	unty, to the zoning	law of Baltimore Cou	inty, for the re	asons indicated	l on the back
Property is to be posted and advertised a I, or we, agree to pay expenses of above Var regulations and restrictions of Baltimore Cour	s prescribed by the iance, advertising, porty adopted pursuant	e zoning regulations. osting, etc. and further to the zoning law for B	agree to and ar altimore County	e to be bounded	by the zoning
•	, - ·	I/We do solemnly perjury, that I/we is the subject of t	are the legal ov	ffirm, under the p wner(s) of the pro	enalties of operty which
Contract Purchaser/Lessee:		Legal Owner	/e)·		
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Signature	1_	Signature	0		
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City State	, Zip Code	Signature		1	
Attorney For Petitioner:	•	Address	rest I sulle,	2r. 410	744522 Telephone No.
Name - Type or Print		City	SVIIIE ,	State	Zip Code
		<u>Representati</u>	ve to be Cor	ntacted:	
Signature		47			
Company		Name	Whelley		
Address	Telephone No.	Address	est D1	c. 410'/	
4	relephone 140.	Caton	suille h	nd 712	Telephone No. ` フソ
City State	Zip Code	City	<u> </u>	State	Zip Code
A Public Hearing having been formally demand this day of that regulations of Baltimore County and that the property	it the subject matter of t	e required, it is ordered this petition be set for a p	by the Zoning Co ublic hearing, adv	ommissioner of Ba vertised, as require	ltimore County, d by the zoning
l l					
1		Zoning Co	ommissioner of B	altimore County	<u> </u>
CASE NO. <u>00 - 378 -</u>	A Rev	viewed By	Dat	te 3 15	00
REV 9/15/98	Est	imated Posting Dat	e <u> </u>	26 00	-

DEGINNING AT A DOTNT ON THE WESTSIDE OF FOREST DR.

A 50 't R/W AT A DISTANCE OF 420 FT. NORTH OF MAGRUDER AVE

PARTOFICOTS 24ND 12 BLOCK B

BEING DEED IN PLAT BOOK 5 FOLIO 71, LOT SIZE . 11 AC. ±

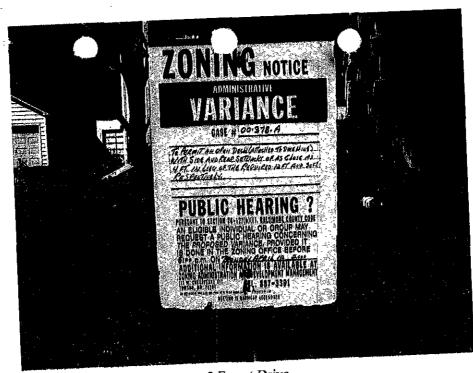
ALSO KNOWN AS #2 FOREST DR. IN THE 1ST E.D.

THIS TRESCRIPTION AND ACCOMPANYING-FLAN HAS BEEN CHANGED BY BALTY, COUNTY, THE UNDERSIGNED ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION.

Ros Welly 3/15/00

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2 Forest Drive

CERTIFICATE OF POSTING

RE: CASE # 00-378-A
PETITIONER/DEVELOPER
(Ruth Whelley)
DATE OF Closing
(4-10-00)

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 SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

2 Forest Drive Baltimore, Maryland 21228			
THE SIGN(S) WERE POSTED ON	3-24-00(MONTH, DAY, YEAR)		
	SINCERELY,		
	SINCERELI,		
	(SIGNATURE OF SIGN POSTER & DATE)		
	THOMAS P. OGLE SR		
	325 NICHOLSON ROAD		
	BALTIMORE, MARYLAND 21221		
	410.687.8405		

(TELEPHONE NUMBER)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

·
Case Number 00- 378 -A Address # 2 FOREST DR Number: 410-887-3391
Contact Parson: 1) L LEWIS Phone Number: 410-887-3391
Contact Person. Planner, Please Print Your Name
Contact Person: Oo O Oo Oo
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 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.
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- 318 -A Address #2 FcREST DR.
Petitioner's Name <u>RUTH AND STEVE WHENLEY</u> Telephone <u>410 744 522</u>
Posting Date: 3/26/00 Closing Date: 4/10/00
Wording for Sign: To Permit AN OPEN DECK (ATTACHED TO DWELLIUM)
WOITH SIDE AND REAR SETBACKS OF AS CLOSE AS AFT IN LIEU
OF THE REQUIRED 12 FT AND 30 FT. RESPECTIVELY
WCR - Revised 7/28/99

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baitimore 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: 378
Petitioner: Whelley
Address or Location: 2 Forest Dr. Catons ville Ma
, , , , , , , , , , , , , , , , , , ,
PLEASE FORWARD ADVERTISING BILL TO:
Name: Ruth Whelley
Address: 2 Forest Dr.
Catonsville, md 21228
Telephone Number: 910744 5221

Revised 2/20/98 - SCJ

00.378-A



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

April 10, 2000

Ms Ruth Whelley 2 Forest Drive Catonsville MD 21228

Dear Ms Whelley:

RE: Case Number 00-378-A, 2 Forest Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 15, 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



Printed with Soybean Ink

on Recycled Paper









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

March 30, 2000

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

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 27, 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:

371, 372, 374, 375, 376, 377, 378) AND 379

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 My

DATE:

April 10, 2000

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of March 27, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
370	103 Riverton Road
372	1 Woods Court
374	323 N. Beaumont Road
375	5701 & 5709 Trumps Mill Road
376	301 Golf Course Road
(378)	2 Forest Drive
379	1603 Dennis Avenue
380	10324 S. Dolfield Road
334	8741-8771 Mylander Lane

fliop

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: March 24, 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): 371, 374, 376, 378, and 379

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:

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

RE:

Baltimore County

Item No. 378

: JLL

Dear. Ms. Jackson:

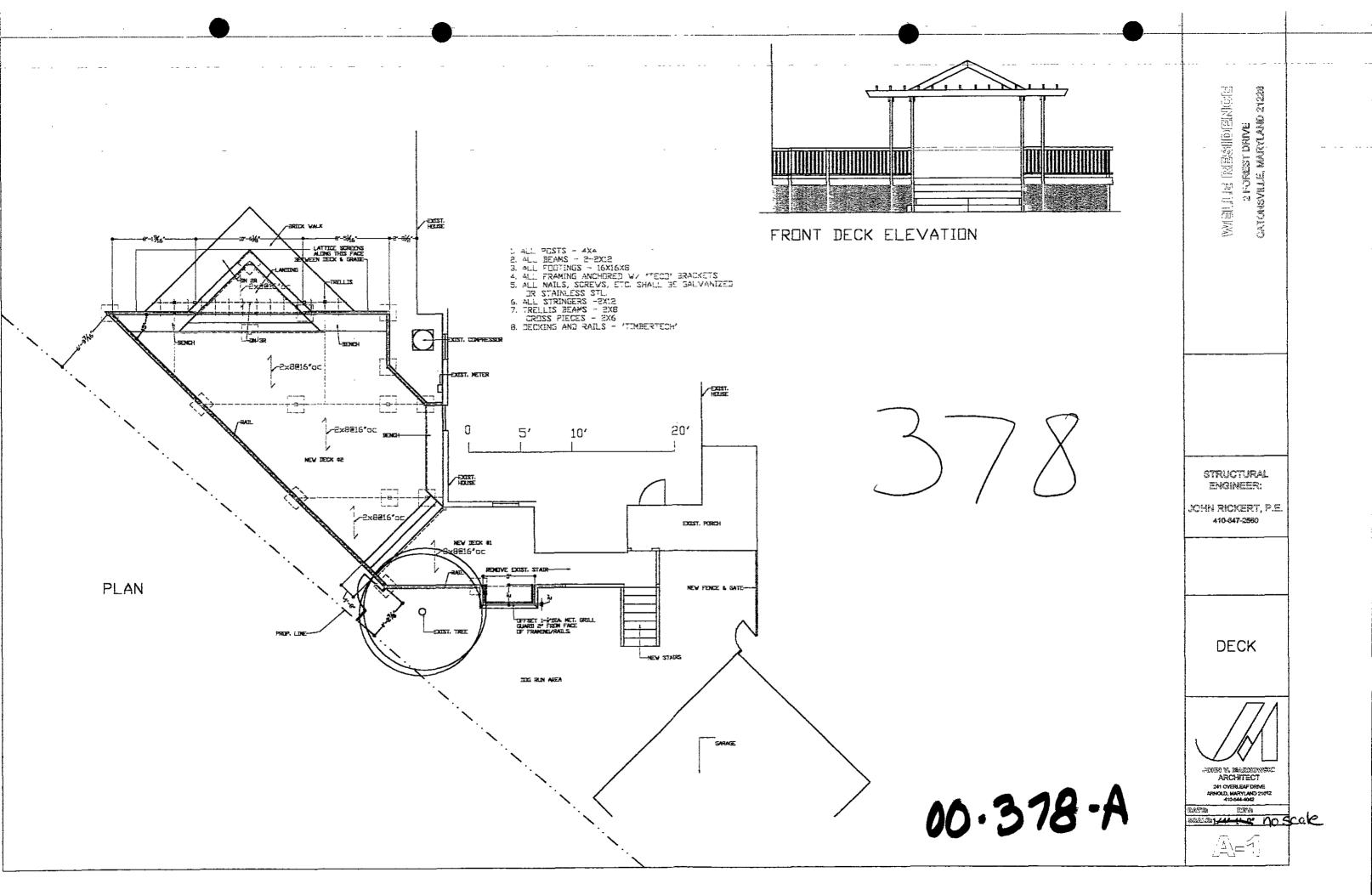
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

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

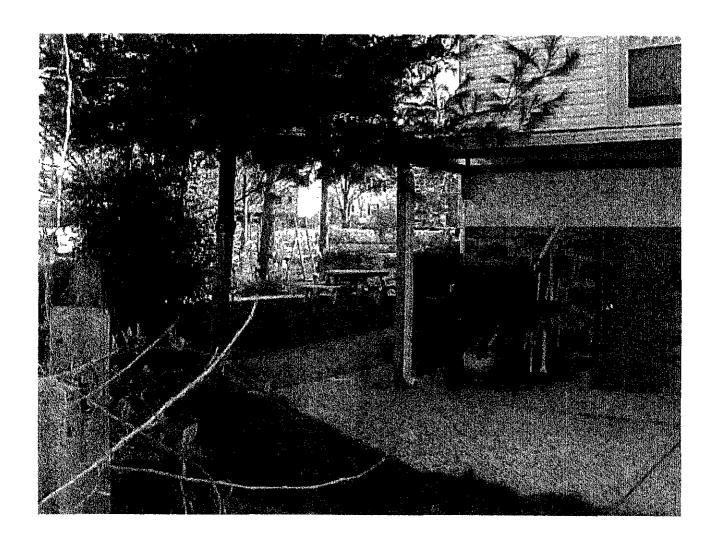
Plat to accompany Petition for Zoning Variance	Special Hearing
PROPERTY ADDRESS: 2 Forest Dr. Catonsville see pages 5 & 6 of the Chromosomer Forest Park plat book# 5 , tolio# 71 , lot# 2,2, section#	SECKLIST for additional required information
OWNER: Pot whelley ALUTO MAGRUTER AVE C/L	Pour Bullou Map
The same of the sa	LOCATION INFORMATION Election District: S+ Councilmanic District: S+ 1'-200 scale map#: "= 30' Zoning: D-R1 Lot stze: 2 7,746 acreage square feet
Long in the state of the state	SEWER: Description of the same
North date: 1/21/85 prepared by: NTT Associates Scale of Drawing: 1 = 30'	JL 378



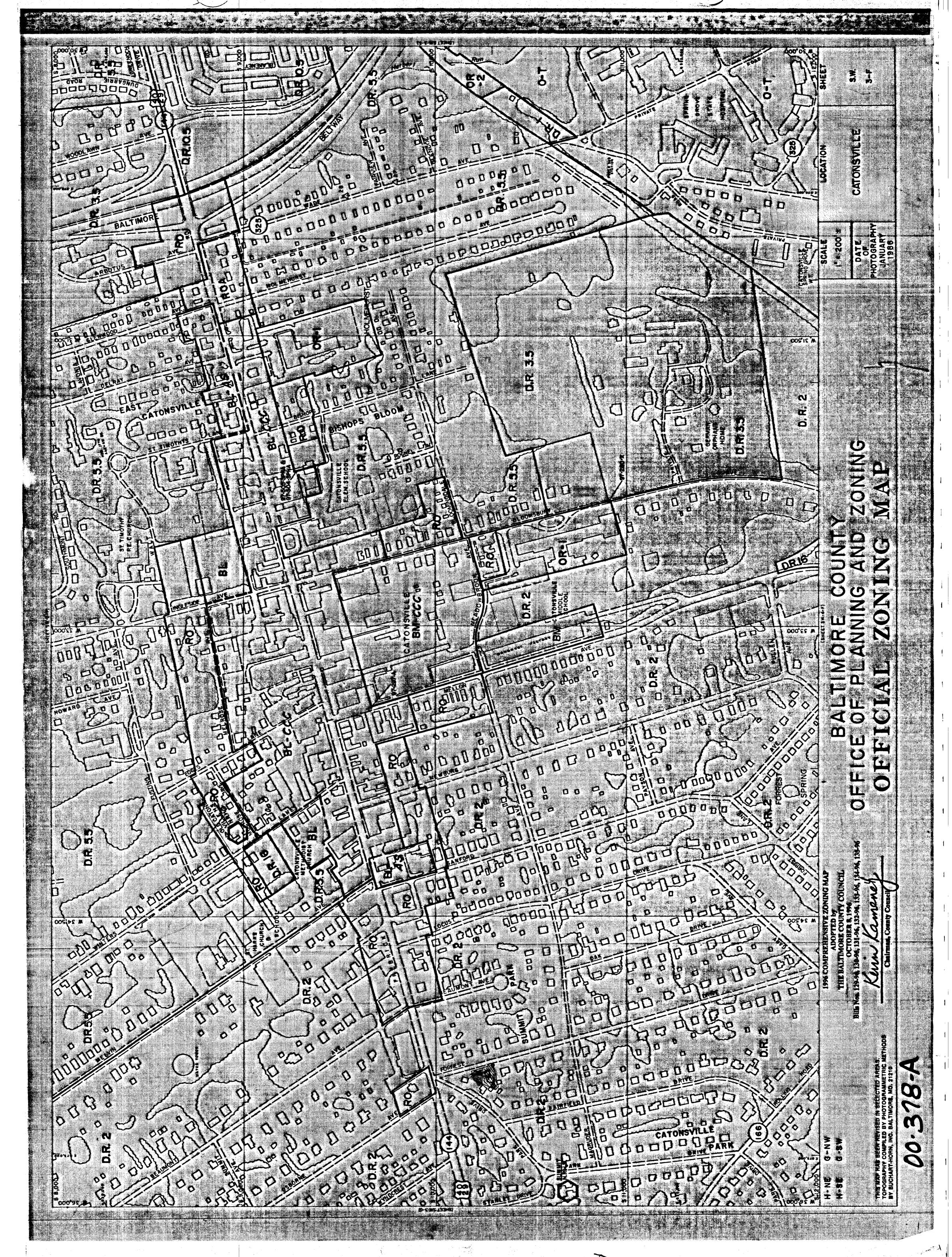




00-378-A



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