

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Middletown Road, 800' S of the c/l
Walker Road
(19621 Middletown Road)
6th Election District
3rd Councilmanic District

Gary K. Enciso, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-382-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Gary K. and Sandra C. Enciso. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28 feet in lieu of the required 50 feet for a proposed 24' x 24' garage addition on the northwest side of the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, 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

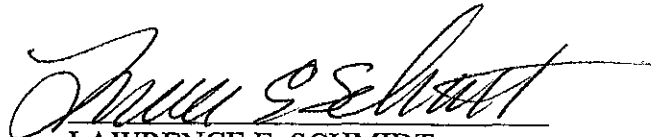
Date

By

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April, 2000, that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28 feet in lieu of the required 50 feet for a proposed 24' x 24' garage addition on the northwest side of the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/21/00
By [Signature]



Baltimore County
Zoning Commissioner

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

April 20, 2000

Mr. & Mrs. Gary K. Enciso
19621 Middletown Road
Freeland, Maryland 21053

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Middletown Road, 800' S of the c/l Walker Road
(19621 Middletown Road)
6th Election District - 3rd Councilmanic District
Gary K. Enciso, et ux - Petitioners
Case No. 00-382-A

Dear Mr. & Mrs. Enciso:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File



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 19621 MIDDLETOWN RD.
Address
FREELAND MD 21053
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 FEEL, IN EARNEST, THAT STRICT COMPLIANCE WITH THE BCZR WOULD RESULT IN PRACTICAL DIFFICULTY TO US, AS IT WOULD UNREASONABLY PREVENT US FROM BEING ABLE TO USE OUR PROPERTY FOR THE PERMITTED PURPOSE OF CONSTRUCTING A MODERATELY-SIZED 2-CAR ATTACHED GARAGE.

CONSTRUCTION OF OUR PROPOSED GARAGE WOULD STILL ALLOW FOR A DISTANCE OF 28' FROM GARAGE TO CLOSEST LOT LINE, AND THE SPIRIT OF THE ORDINANCE WILL CONTINUE TO BE OBSERVED, PUBLIC SAFETY AND WELFARE REMAINING SECURE.

ADDITIONALLY, A DENSE ROW OF EVERGREEN TREES (20+ yrs.) LOCATED ON OUR PROPERTY CURRENTLY SHARE THIS SAME LOT LINE AND WILL REMAIN IN PLACE. A DETACHED, SET-BACK GARAGE IS NOT POSSIBLE DUE TO LOCATION OF EXISTING DECK AND SEPTIC FIELD.

RESPECTFULLY,

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
MR. GARY K. ENCISO
Name - Type or Print

[Signature]
Signature
MRS. SANDRA C. ENCISO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of March, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gary K. and Sandra C. Enciso
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

3/15/00
Date

[Signature]
Notary Public
My Commission Expires 5/13/00



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

19621 MIDDLETOWN RD.
for the property located at FREELAND, MD 21053
which is presently zoned RCS

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)

1A04.3.B.3 to permit a side yard setback of 28 ft. in lieu of the required 50 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.

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):

MR. GARY K. ENCISO

Name - Type or Print

Signature

MRS. SANDRA C. ENCISO

Name - Type or Print

Sandra C. Enciso

Signature

19621 MIDDLETOWN RD. Hm: 410-357-5839

Address Telephone No.

FREELAND MD 21053

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 00-382-A

REV 9/15/98

Reviewed By BK Date 3/20/00

Estimated Posting Date 4/2/00

**ZONING DESCRIPTION
FOR 19621 MIDDLETOWN ROAD**

Beginning at the point on the east side of Middletown Road, which is 60 feet wide at the distance of 800 feet south of the centerline of the nearest improved intersecting street, Walker Road, which is 60 feet wide. Being Lot #6 in the subdivision of Walker Manor as recorded in Baltimore County Plat Book #35, Folio #3, containing 1.18 acres.

Also known as 19621 Middletown Road and located in the 6th Election District, 3rd Councilmanic District.

00.382-A

382

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

No. **079026**

DATE 7/10/00 ACCOUNT 06016/50

AMOUNT \$ 50.00

RECEIVED FROM: George L. Davis, Jr. Excess

FOR: for the Board of Administrative

Expenses

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 352

PAID TO BALTIMORE COUNTY
OFFICE OF BUDGET & FINANCE
7/10/00
FOR THE BOARD OF ADMINISTRATIVE
EXPENSES
CASHIER'S NAME
CASHIER'S SIGNATURE
CASHIER'S TITLE
CASHIER'S ADDRESS

00-382-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE Case No.

ADMIN
00-382-A

Petitioner/Developer

O'Keefe, Etal

Date of Hearing/Closing

4/17/00

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 #19621 MIDDLETOWN RD.

The sign(s) were posted on

(Month, Day, Year)

4/01/00

Sincerely,

Patrick M. O'Keefe SR
(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)

ZONING NOTICE
ADMINISTRATIVE
VARIANCE

CASE 00-382-A
TO PERMIT A SIDE-YARD SETB,
25 FEET IN LIEU OF THE REQUIRE
25 FEET (19621 MIDDLETOWN RD.)

PUBLIC HEARING ?

ANY PERSON OR GROUP MAY
EXPRESSION CONCERNING
PROVIDED IT
BEFORE

AVAILABLE A
MANAGEMENT

Need corrected certificate;
re: posting date.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 00- 382 -A Address 19621 Middletown Rd.Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 3/20/00 Posting Date: 4/2/00 Closing Date: 4/17/00

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- 382 -A Address 19621 Middletown Rd.Petitioner's Name Gary & Sandra Enciso Telephone 410 357-5839Posting Date: 4/2/00 Closing Date: 4/17/00Wording for Sign: To Permit a side yard setback of 28 ft. in lieu of the required 50 ft.

**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: 00-382-A
Petitioner: GARY K. + SANDRA C. ENCISO
Address or Location: 19621 MIDDLETOWN RD, FREELAND, MD 21053

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARY K. ENCISO
Address: 19621 MIDDLETOWN RD.
FREELAND, MD 21053
Telephone Number: 410-357-5839

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

April 17, 2000

Mr. & Mrs. Gary Enciso
19621 Middletown Road
Freeland MD 21053

Dear Mr. & Mrs. Enciso:

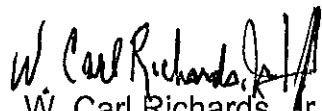
RE: Case Number 00-382-A , 19621 Middletown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 20, 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



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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



Baltimore County
Fire Department

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

April 6, 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 April 3, 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:

381, 382, 384, 385, 387, 388, 389, 391, 392, 393, 394,
395, and 397

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 */s/*

DATE: April 10, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 4, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
381	1954 Catanna Avenue
382	19621 Middletown Road
383	50 Westminster Pike
384	245 Ashland Road
387	9415 Horn Avenue
388	515 Picadilly Road
389	5504 Dunrovin Lane
390	3738 Butler Road
391	115 Carolstowne Road
392	113 Carolstowne Road
393	142 Carolstowne Road
394	140 Carolstowne Road
395	11930 Jericho Road
397	Glen Arbor North
335	Liberty Road

4/17 AV

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 17, 2000

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

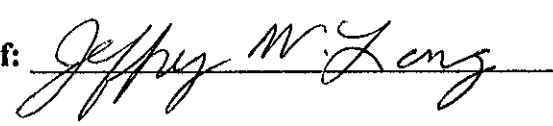
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comments on the following petitions(s):

Item No(s): **382/391/392/393/394/409/426**

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

Prepared by:  _____

Section Chief:  _____

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

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

Date: 4.3.00

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

RE: Baltimore County
Item No. 382 BR

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.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

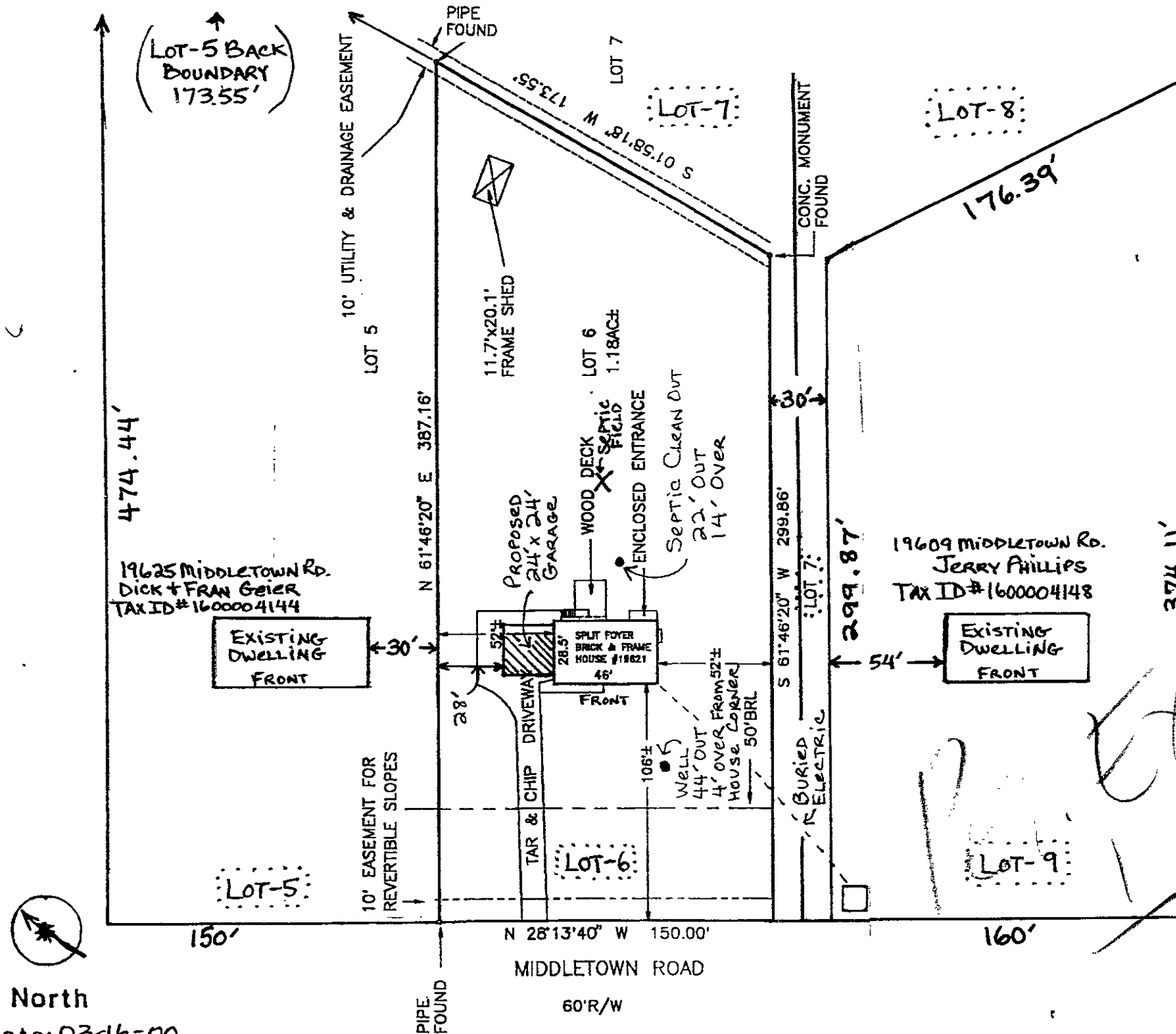
PROPERTY ADDRESS: 19621 MIDDLETOWN ROAD

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

Subdivision name: WALKER MANOR

plat book # 35, folio # 3, lot # 6, section # NONE

OWNER: GARY & SANDRA ENCISO

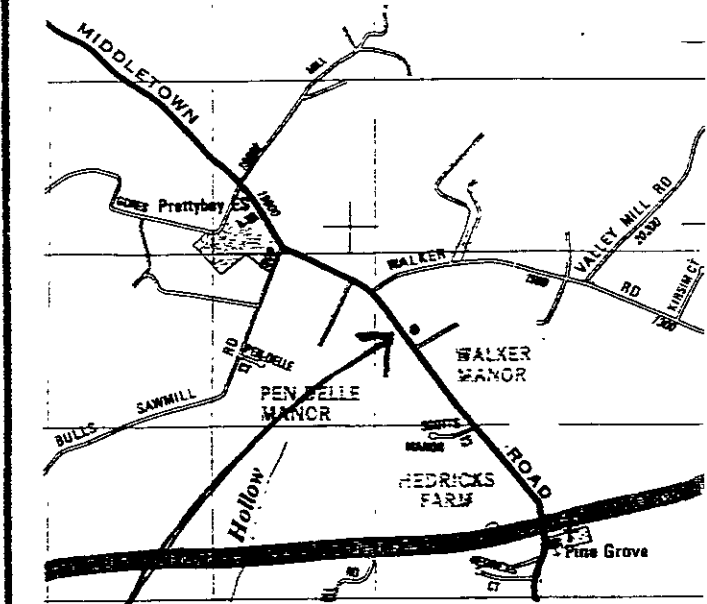


North

date: 03-16-00

prepared by: S. C. ENCISO

Scale of Drawing: 1" = 60'



SUBJECT PROPERTY



Vicinity Map
scale: 1" = 2000'

LOCATION INFORMATION

Election District: 6

Councilmanic District: 3

1" = 200' scale map #: NW 34 E

Zoning: RC5

Lot size: 1.18 acreage 51,526.50 square feet

	public	private
SEWER:	☐	☒
WATER:	☐	☒
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings:

NONE

Zoning Office USE ONLY!

reviewed by: Br ITEM #: 382 CASE #: 00-382-A

OFFICIAL
ZONING MAP
200' SCALE

WALKER

R. C. 2

IDDLETOWN

R. C. 4

R. C. 5

R.

R. C.

Site

R. C. 5

RD.

R. C. 5

BL

NW 3/4 E

00-382-A

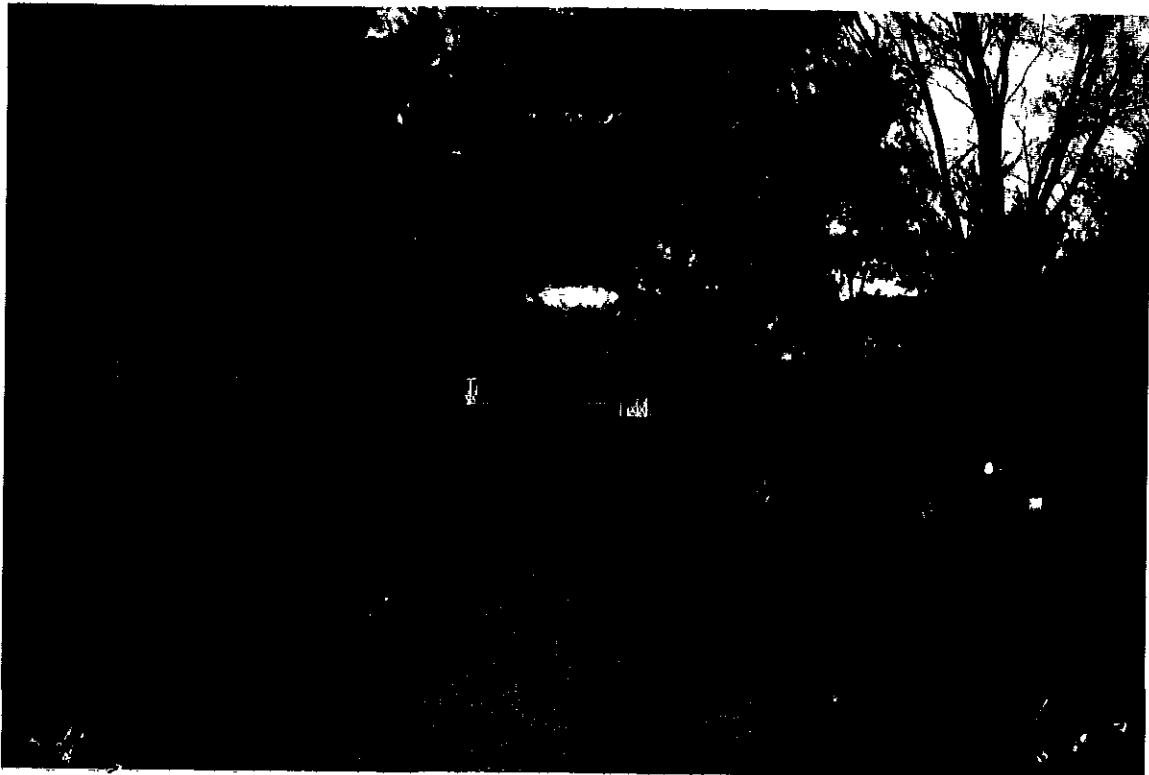
#382

4

This photo shows the front of our house and driveway leading to proposed attached garage location.



This photo looks to our north lot line which is located just beyond pictured trees, also showing Lot # 5 and Lot #5 dwelling. This is the only immediately adjacent dwelling to the north.



00-382-A

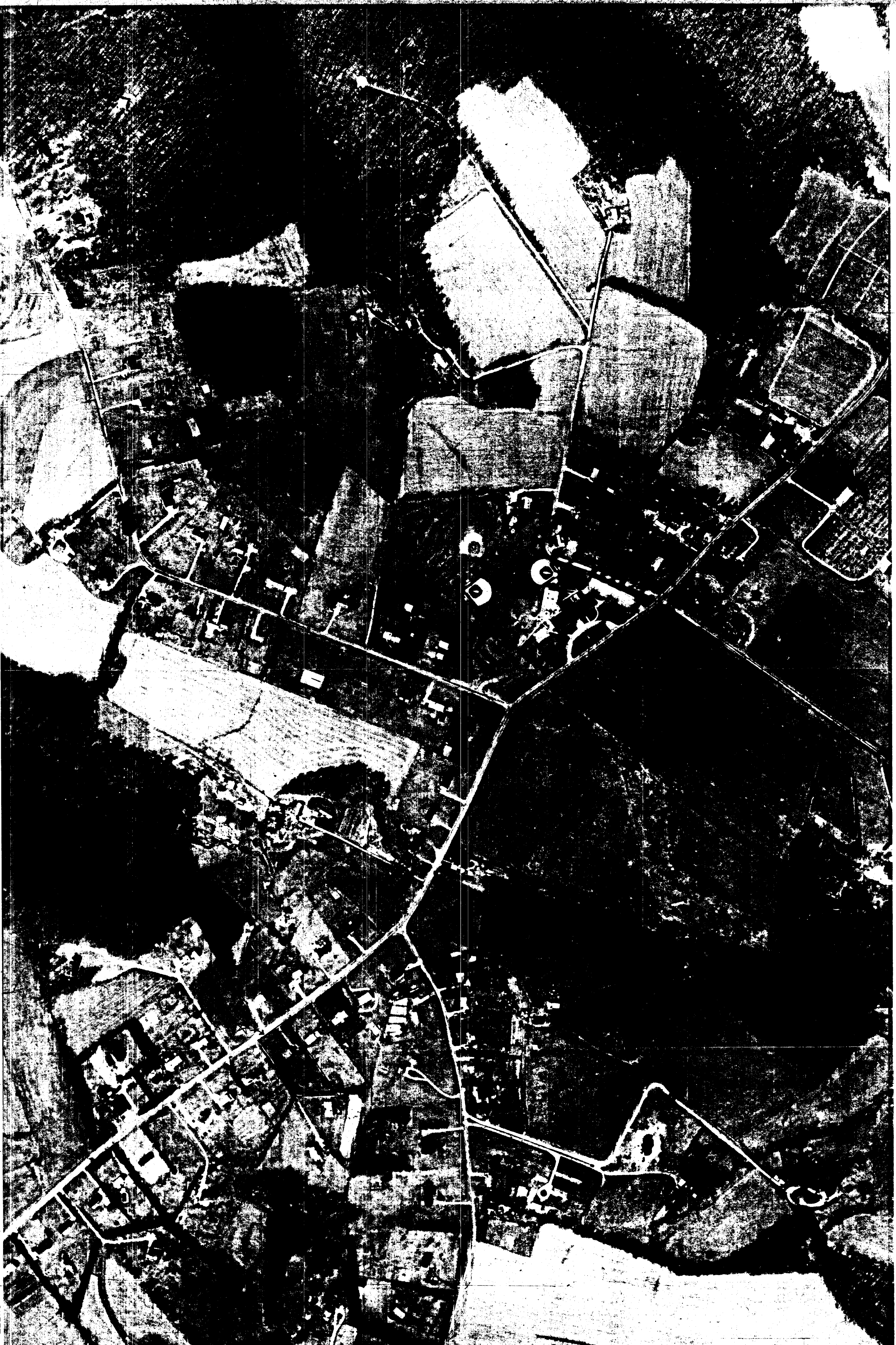
382

This photo shows the existing parking area where the garage would be attached to the north side of our house.



This photo shows the deck on the back of the house and where our septic field is in front of the deck preventing a detached, set-back garage.





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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	6TH DISTRICT	N. W.
DATE OF PHOTOGRAPHY JANUARY 1986	CONSOLIDATED SCHOOL	34-E
	00-382-A	

1/1/86
382-A