

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Circle Road, 1500' W
centerline of Lake Roland Drive
9th Election District
4th Councilmanic District
(1731 Circle Road)

Charles and Judith Morgan
Petitioners

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*
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BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 00-435-A

* * * * *

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 owners of the subject property, Charles and Judith Morgan. The variance request is for property located at 1731 Circle Road in the Ruxton area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (shed) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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.

Case No. 00-435-A
Date 5/17/00
By R. J. Giverson

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 17th day of May, 2000, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (shed) to be located in the front yard in lieu of the required rear yard, 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

ORDER RECEIVED FOR FILING
Date 5/17/00
By R. J. [Signature]



Baltimore County
Zoning Commissioner

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

May 17, 2000

Mr. & Mrs. Charles W. Morgan
1731 Circle Road
Ruxton, Maryland 21204

Re: Petition for Administrative Variance
Case No. 00-435-A
Property: 1731 Circle Road

Dear Mr. & Mrs. Morgan:

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

TMK:raj
Enclosure



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

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 1731 Circle Road
Address
Ruxton, MD 21204
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):

The above address property has no flat back yard in which to place a shed. Directly behind the house is a steep ravine. All other side areas are incompatible, inaccessible or in violation of the Baltimore County Zoning regulations. The shed will house equipment that has to be rolled out on to level ground. The only reasonable and logical position for the shed placement is the proposed area connected by a gate to the west of the existing carport. A scale model of the house with the shed addition has been assembled for the esthetic approval of the homeowners. Polaroid pictures of the model are included with this petition.

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.

Charles W. Morgan
Signature
CHARLES W. MORGAN
Name - Type or Print

Judith W. Morgan
Signature
Judith W. Morgan
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

Charles W. Morgan and Judith W. Morgan
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

4/13/00
Date

Christine Hermann
Notary Public
My Commission Expires 7/3/03



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1731 CIRCLE RD
which is presently zoned DR-1

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 allow an accessory structure (shed) to be located in the front yard in lieu of the required rear yard.

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):

CHARLES W. MORGAN
Name - Type or Print _____
Signature Charles W. Morgan _____
JUDITH W. MORGAN
Name - Type or Print _____
Signature Judith W. Morgan _____
1731 CIRCLE ROAD (410) 825-4405 (#)
Address _____ Telephone No. _____
Ruxton, MD 21204
City _____ State _____ Zip Code _____

Representative to be Contacted:

JUDITH W. MORGAN (#)
Name _____
1731 CIRCLE ROAD (410) 825-4405
Address _____ Telephone No. _____
Ruxton, MD 21204
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-435-A

REV 9/15/98

Reviewed By [Signature] Date 4-18-00

Estimated Posting Date 4-30-00

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1731 Circle Road, Ruxton, MD 21204

Beginning at a point on the South side of Circle Road which is 30 feet wide at the distance of 1500 feet West of the centerline of the nearest improved intersecting street, Lake Roland Drive, which is 30 feet wide.

As recorded in Deed Liber 5434, Folio 880, containing 1.02 acres. Also know as 1731

Circle Road and located in the 9th Election District, 4th Councilmanic District.

Metes and bounds: S. 12 35' E. 153.14 ft., S. 71 04' W. 212.92 ft, S. 18 56' E. 41.00 ft., S. 71 04' W. 142.5 ft., N. 18 56' W. 59.43 ft., S. 42 06' E. 12.80 ft., S. 19 08' E. 9.17 ft., S. 4 54' W. 12.53 ft., N. 18 56' W 103.79 ft., N. 71 28' E. 91.04 ft., N. 84 49' E. 78.0 ft., N. 12 35' W. 408.25 ft., S. 78 04" W 30.0 ft. to the place of beginning.

00-435 A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 080435

DATE 11-18-06 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: MARYLAND

FOR: Resident of Vernon - 1100 Ave

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

NOV 20 2006
BALTIMORE COUNTY
RECEIVED
OFFICE OF THE COMPTROLLER
11/20/06

RECEIVED
OFFICE OF THE COMPTROLLER
BALTIMORE COUNTY

00-435-A

CASHIER'S VALIDATION

00-435-A

CERTIFICATE OF POSTING

**RE: CASE # 00-435-A
PETITIONER/DEVELOPER
(Charles Morgan)
DATE OF Closing
(5-15-00)**

**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**

1731 Circle Road Baltimore, Maryland 21204_____

THE SIGN(S) WERE POSTED ON_____ 4-28-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 00-435-A

To Permit An Accessory Structure (Shed) In
The Front Yard In View Of The Proposed Rear
Yard.

PUBLIC HEARING ?

PURSUANT TO SECTION 20-127(b)(1), BALTIMORE CITY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
5:00 p.m. ON Monday May 15, 2000
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 N. CALVERT ST.
Baltimore, MD 21204
TEL: 887-3391
MEETING IS HANDICAP ACCESSIBLE

Posted at 1731 Circle Rd.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 00- 435 -AAddress 1731 Circle Rd.Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4-18-00Posting Date: 4-30-00Closing Date: 5-15-00

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- 435 -AAddress 1731 Circle Rd.Petitioner's Name Charles & Judith MorganTelephone (410) 828-4405Posting Date: 4-30-00Closing Date: 5-15-00Wording for Sign: To Permit an accessory structure (shed) in the front yard in lieu of the required rear yard.

**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: DD-435-A
Petitioner: CHARLES W & JUDITH W. MORGAN
Address or Location: 1731 CIRCLE ROAD, RUXTON, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES W. MORGAN
Address: 1731 CIRCLE ROAD
RUXTON, MD 21204
Telephone Number: (410) 828-4405

Revised 2/20/98 - SCJ

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

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

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____
 acreage square feet

SEWER: ☐ public ☐ private

WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



North

date: _____

prepared by: _____

Scale of Drawing: 1"= _____



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

May 14, 2000

Mr. & Mrs. Charles and Judith Morgan
1731 Circle Road
Ruxton MD 21204

Dear Mr. & Mrs. Morgan:

RE: Case Number 00-435-A , 1731 Circle Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 18, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Fire Department

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

May 1, 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 17, 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:

433, 434, 435, 436, 437, 439, 440,

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

cc: File



5/15/00

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 1, 2000

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

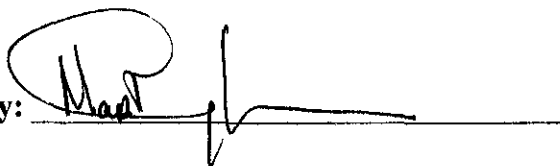
APR 28

SUBJECT: Zoning Advisory Petition(s): Case 435

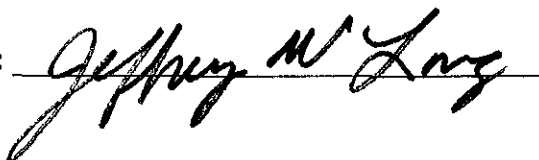
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, 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: 5.1.00

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

RE: Baltimore County
Item No. 435 JJS

RECEIVED MAY 05 2000

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

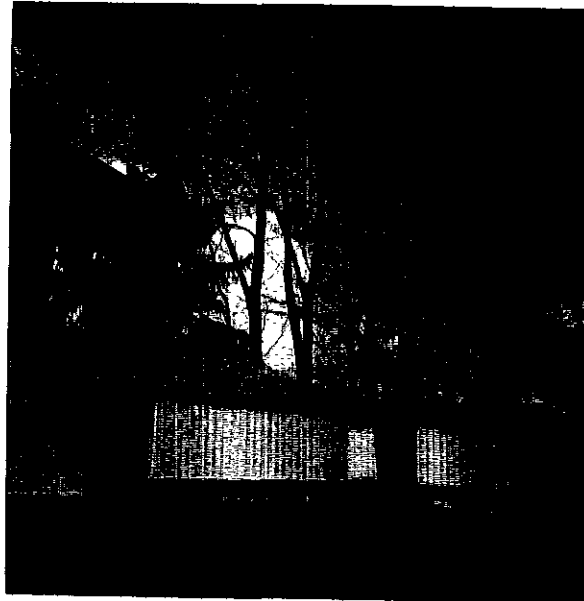
My telephone number is _____

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



*Model of proposed
Shed*



*Model of proposed
shed.*

00-435-A



00-435-A



00-435-A



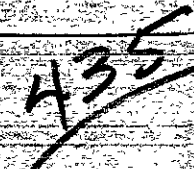
00-435-A



00-435-A



00-435-A



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

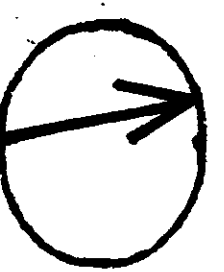
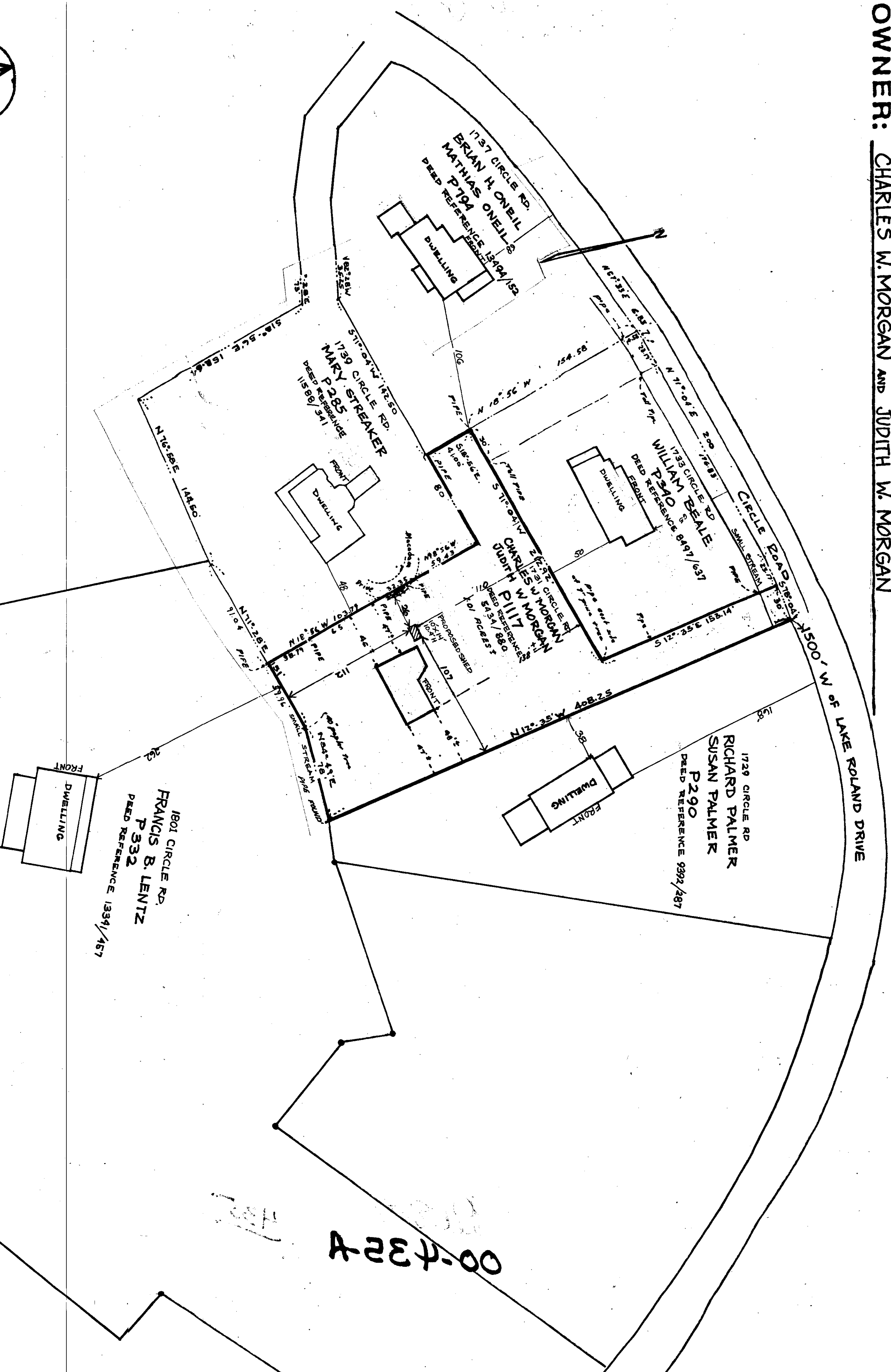
PROPERTY ADDRESS: 1731 CIRCLE ROAD

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

Subdivision name: N/A

plat book # N/A, folio # N/A, lot # N/A, section # N/A

OWNER: CHARLES W. MORGAN AND JUDITH W. MORGAN



North

date: 4/18/00
prepared by: JUDITH W. MORGAN

Scale of Drawing: 1" = 50'



Vicinity Map
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 9

Councilmanic District: 4

1" = 200' scale map #: NW-10-B

Zoning: DR-1

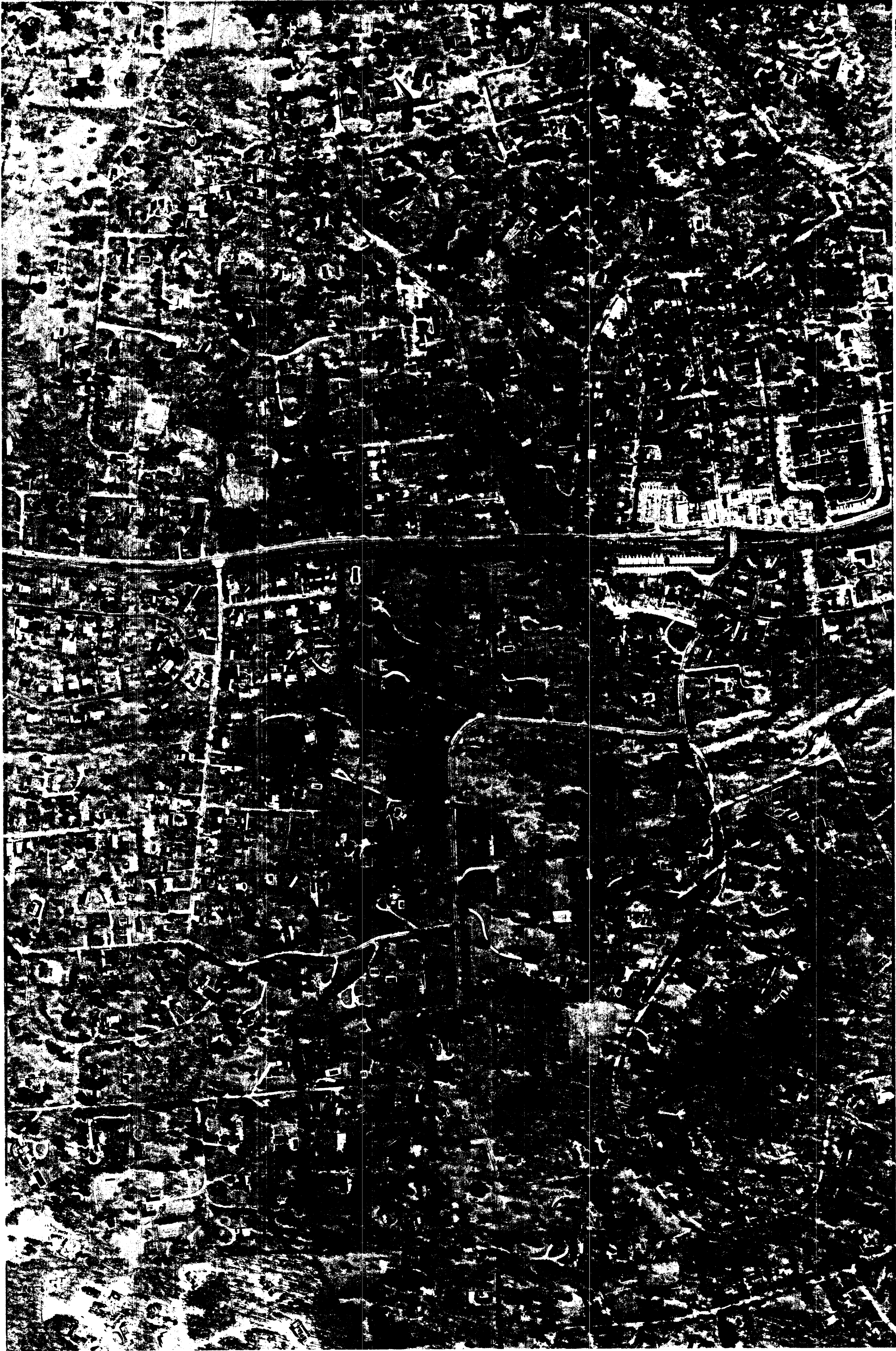
Lot size: 1.02 1604
acreage square feet

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

Prior Zoning Hearings: NO

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200'			
DATE OF PHOTOGRAPHY JANUARY 1986		RUXTON	N.W. 10-B
		00-435-A	