

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Edwin Court, 600' E
Centerline of Smiloff Road
11th Election District
5th Councilmanic District
(5529 Edwin Court)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-478-A

John C. and Amy Jenkins
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by John and Amy Jenkins, property owners, for that property known as 5529 Edwin Court in the White Marsh area of Baltimore County. The Petitioners herein seek a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 18 ft. for an open deck in lieu of the minimum required 22 ½ ft. 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.

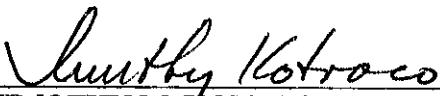
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 RECEIVED FOR FILING
Date 6/21/00
By R. J. [Signature]

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 21st day of June, 2000, that a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 18 ft. for an open deck in lieu of the minimum required 22 ½ ft., 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 6/21/00
By [Signature]



Baltimore County
Zoning Commissioner

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

June 22, 2000

Mr. & Mrs. John C. Jenkins
5529 Edwin Court
White Marsh, Maryland 21162

Re: Petition for Administrative Variance
Case No. 00-478-A
Property: 5529 Edwin Court

Dear Mr. & Mrs. Jenkins:

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.

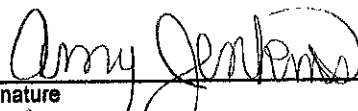
That the Affiant(s) does/do presently reside at 5529 EDWIN COURT
Address
WHITE MARSH MD 21162
City State Zip Code

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 property line of our residence is located thirty (30) feet behind the rear of our house. We are planning to build a deck but the county code requires twenty two and one half feet (22 1/2) clearance between the edge of the deck and the property line. This leaves seven and one half (7 1/2) feet in which to build a deck. We feel this is an impractical size to fully enjoy our backyard and believe we need at least twelve (12) feet, minimum, for the deck to be of practical use and of any value.

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
John Jenkins
Name - Type or Print


Signature
Amy Jenkins
Name - Type or Print

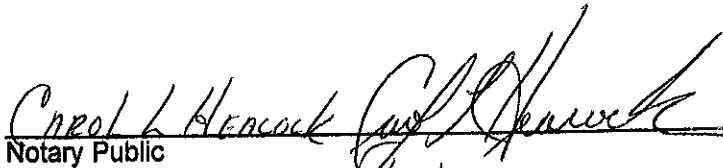
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of MAY, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

May 11 2000
Date


Notary Public
My Commission Expires 8/1/01



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5529 EDWIN CT. WHITE MARSH MD
which is presently zoned DR 3.5

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) 1 B 01, C.1.b. (Case # 97-72-A restriction) ³⁰⁴

To allow a rear yard setback of 18 ft. for an open deck in lieu of the minimum required 22 1/2 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):

John C. Jenkins
Name - Type or Print _____
John C. Jenkins
Signature _____
Amy Jenkins
Name - Type or Print _____
Amy Jenkins
Signature _____
5529 EDWIN COURT 410-529-0377
Address Telephone No. _____
WHITE MARSH MD 21162
City State Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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. 00-478-A

Reviewed By [Signature] Date 5-15-00

REV 9/15/98

Estimated Posting Date 5-28-00

MAY 3, 2000

ZONING DESCRIPTION FOR 5529 EDWIN COURT

Beginning at a point on the **SOUTH** side of EDWIN COURT which is 50 feet wide at the distance of 600 ft. EAST of the centerline of the nearest improved intersecting street SMILOFF RD. which is 50 feet wide. As recorded in Deed Liber 11094, Folio 709. containing 8145 square feet. Also known as 5529 Edwin Court and located in the 11th Election District, 5th Councilmanic District.

Typical metes and bounds: S. 27 17' 17.36" W. 89.65 ft., N 53 30' 18" W. 36.60 ft., N 37 03' 03" W. 55.24 ft., N. 41 26' 55" E. 42.10 ft., N. 25 49' 15" E. 67.00 ft., S. 64 10' 45" E. 8.56 ft., R = 25 ft. L = 30.77 ft., R = 50.00 ft. L = 38.36 ft. to the place of beginning

478

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

08-493-92
No. 081333

DATE 5-15-00 ACCOUNT R-601-6150

AMOUNT \$ 50.00

RECEIVED FROM: Mr. Jenkins

FOR: Resident Vehicle License Fee
for 5329 Edman Ct (1548)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
FORM 900M
DATE 5/15/00
AMOUNT \$50.00
RECEIVED BY [Signature]
CASHIER [Signature]
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN.

RE: Case No.: 00-478-A

Petitioner/Developer: JENKINS, ETAL

Date of Hearing/Closing: 6/12/00

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 #5529- EDWIN CT.

The sign(s) were posted on 5/25/00
(Month, Day, Year)

ZONING NOTICE
ADMINISTRATIVE VARIANCE

CASE #00-478-A

TO PERMIT A REAR YARD SETBACK OF 18 FEET FOR AN OPEN DECK IN LIEU OF THE REQUIRED 22.5 FEET (#5529-EDWIN CT - JENKINS)

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 9:00 P.M. ON MON. JUNE 12, 2000. ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 WEST CHESAPEAKE AVENUE TOWSON, MD 21204

Sincerely,

Patrick O'Keefe 6/2/00
(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)

CERTIFICATE OF POSTING

ADMIN

RE: Case No.: 00-478-A

Petitioner/Developer: JENKINS, ETAL

Date of Hearing/Closing: 6/12/00

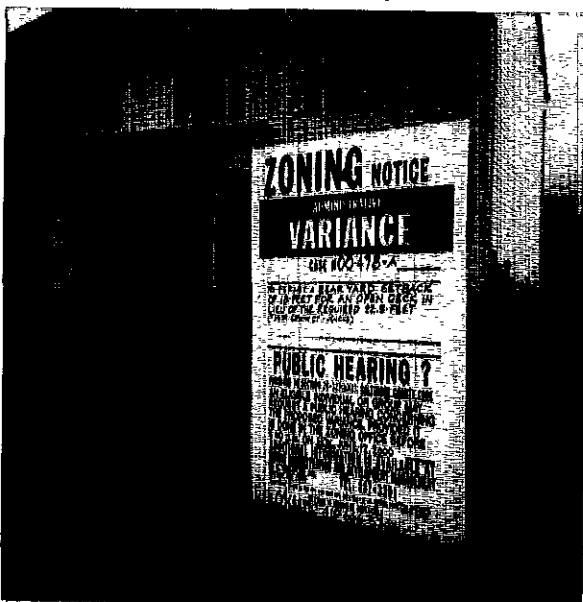
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 #5529 EDWIN CT.
ONSITE

The sign(s) were posted on 5/29/00
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 6/1/00

(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)

00-478-A
5529 EDWIN CT.
JENKINS
539-0317
6/12

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00-

478

-A

Address

5529 Edwin Ct

Contact Person:

John Sullivan

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date:

5-15-00

Posting Date:

5-28-00

Closing Date:

6-12-00

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-

478

-A

Address

5529 Edwin Ct

Petitioner's Name

John C. Jenkins

Telephone

(410) 529-0377

Posting Date:

5-28-00

Closing Date:

6-12-00

Wording for Sign:

To Permit a rear yard setback of 18 ft for an open deck in lieu of the minimum required 22 1/2 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: DD-478-A
Petitioner: John Jenkins
Address or Location: 5529 EDWIN CT WHITE MARSH MD 21162


PLEASE FORWARD ADVERTISING BILL TO:

Name: John Jenkins
Address: 5529 EDWIN CT WHITE MARSH MD 21162
Telephone Number: 410-529-0377

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 14, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For June 5, 2000
Item Nos. 477, 478, 479, 480, 481, 482,
483, 485, 486, 487, and 488

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

June 2, 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 May 29, 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:

477, 478, 479, 480, 482, 483, 485, 487, and 488

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 1, 2000

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

JUN - 1

SUBJECT: Zoning Advisory Petition(s): **Case 478**

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: 

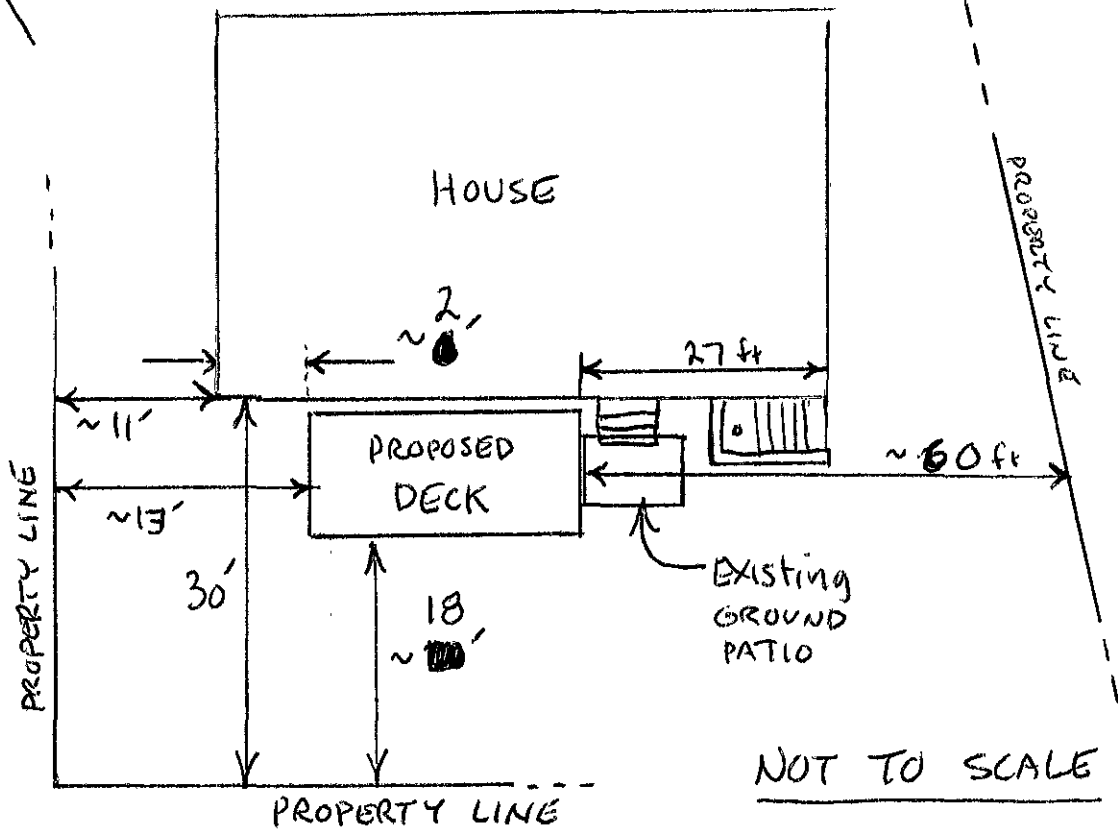
AFK/JL:MAC

John Jenkins
5529 EDWIN C

WHITE MARSH MD

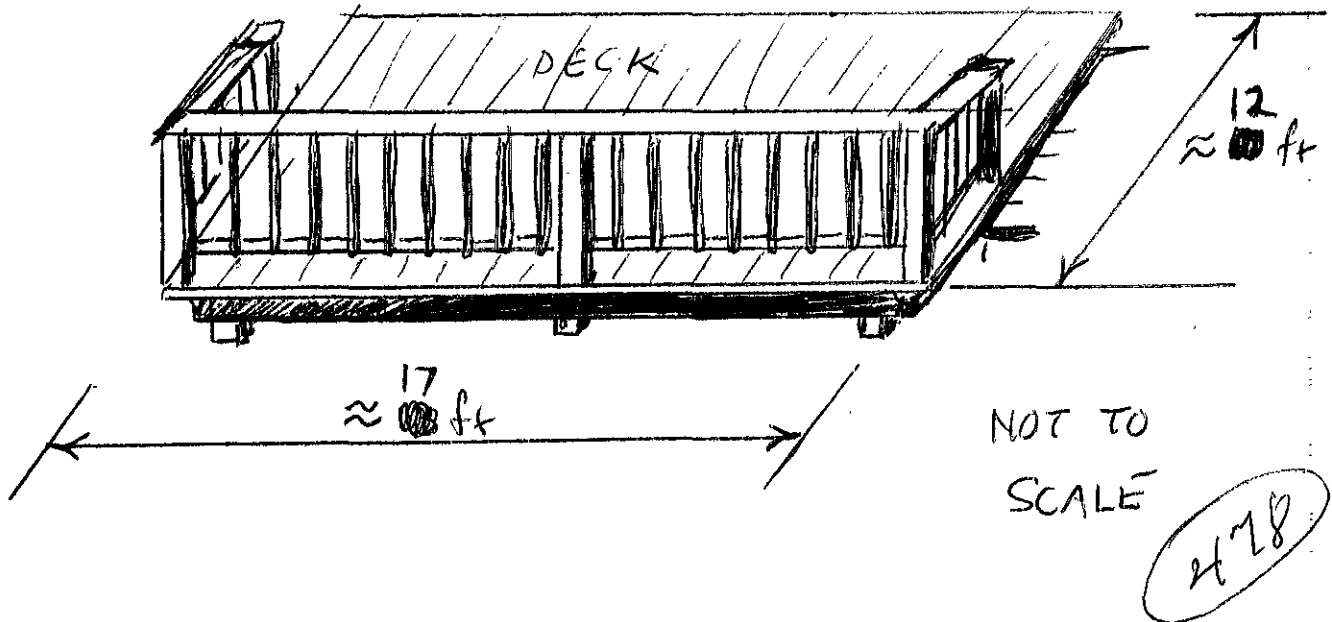


5529 EDWIN COURT



$$\text{AREA} = 156 \text{ ft}^2$$

HOUSE



meter

S2

RC

Property

58

51

04-424705-00-4

22-00-023039

MEMORIAL HIGHWAY

LLOYD

D.R. 2
H

MADGE CT

SMILOFF RD

EDWIN CT

APPERSON RD

THIS PROPERTY

D.R. 3.5
H

1" = 200'

97-284-1

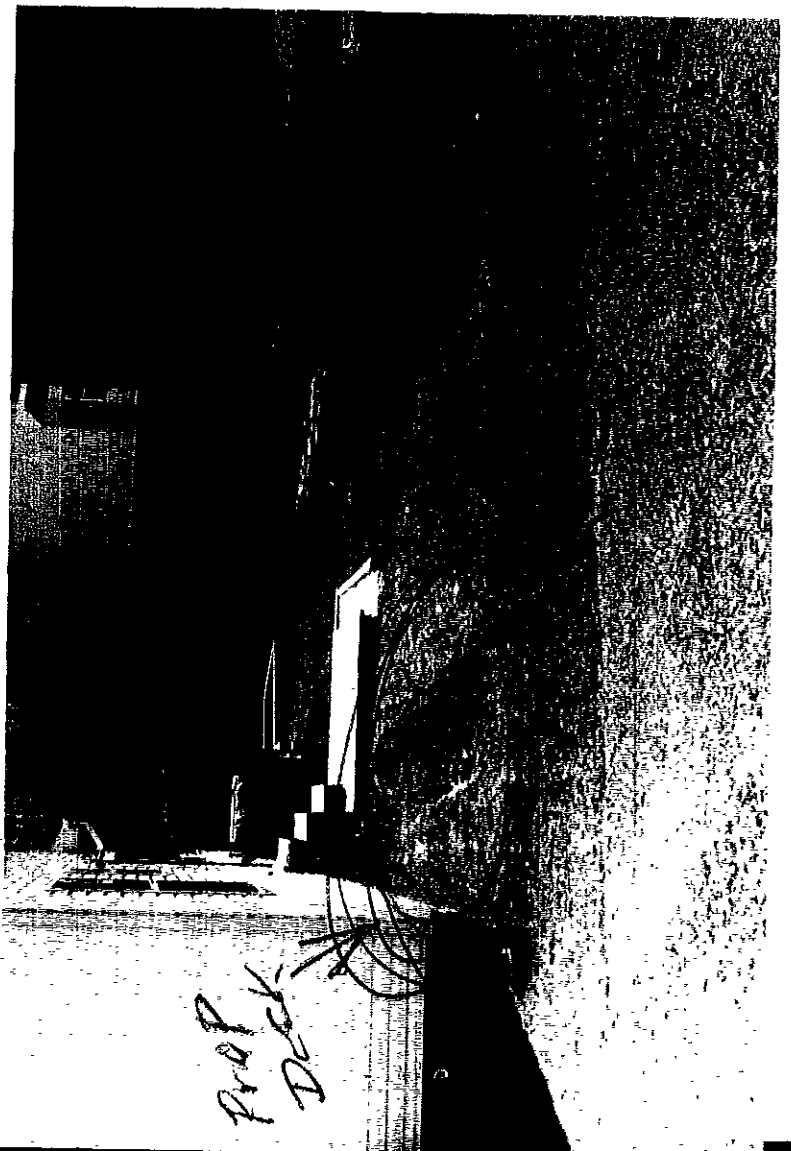
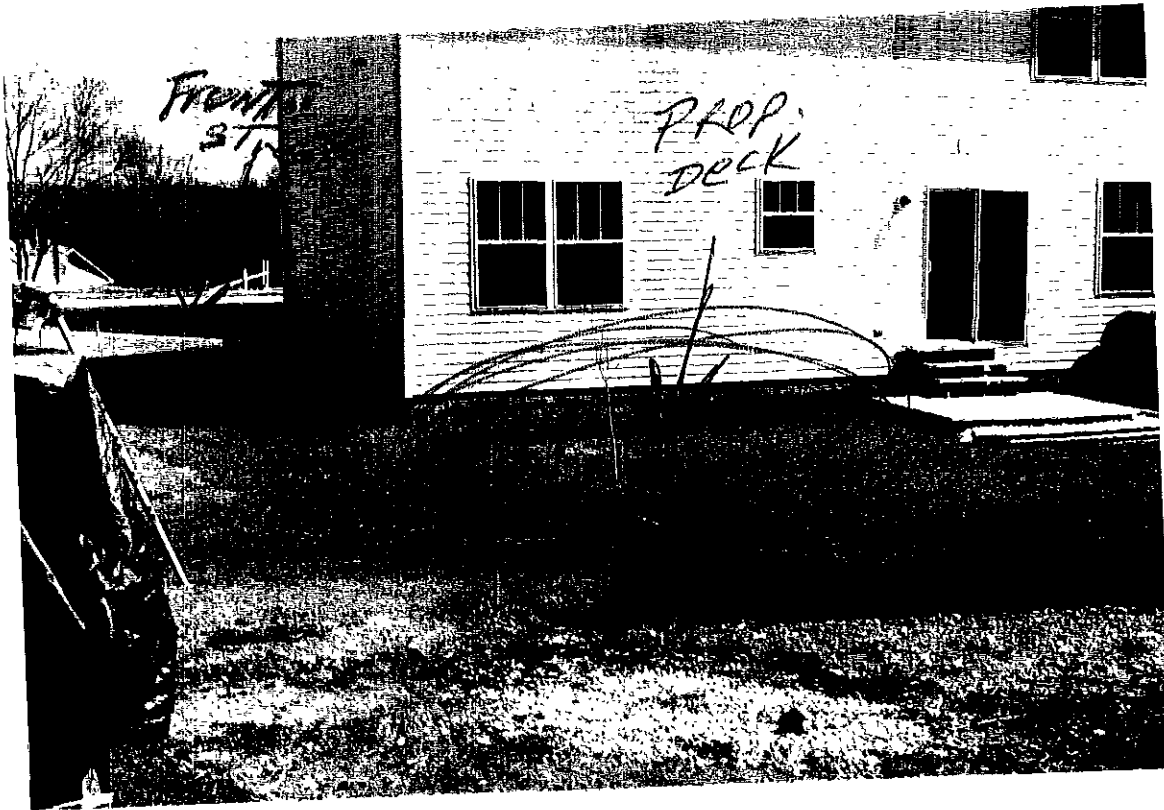
478

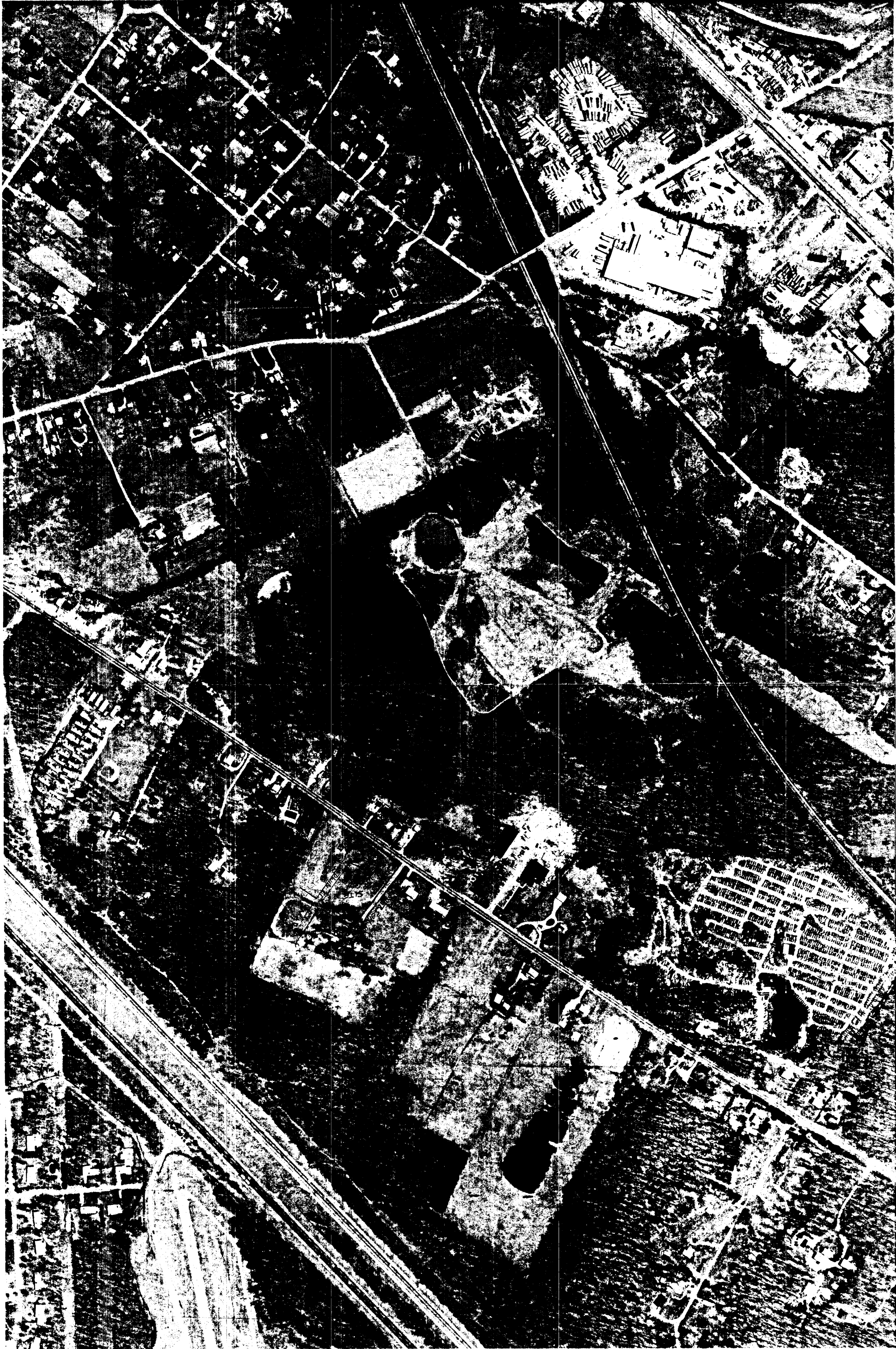
LIE

10-J

CHIL

MIR





478

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

LORELEY

SHEET

N.E.
10-J