

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
W/S Hunter Green Road, 425' S
centerline of Mount Carmel Road * DEPUTY ZONING COMMISSIONER
5th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * CASE NO. 00-479-A
(17212 Hunter Green Road) *
Eugene and Dolores Gemmill
Petitioners *

* * * * *

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, Dolores and Eugene Gemmill. The variance request is for property located at 17212 Hunter Green Road in the Upperco 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 (detached garage) to be located in the side 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

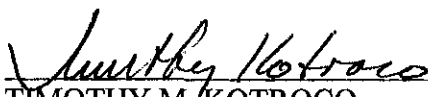
6/21/00
R. Gemmill

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 21st day of June, 2000, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the side 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

RECEIVED FOR FILING
DATE 6/12/00
BY R. P. Gmeson



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17212 Hunter Green Rd
which is presently zoned R.C.-2

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 (detached garage) 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):

EUGENE H GEMMILL
Name - Type or Print _____
Signature Eugene H Gemmill
DOLORES JEAN GEMMILL
Name - Type or Print _____
Signature Dolores Jean Gemmill
17212 Hunter Green Rd 410-686-7795
Address _____ Telephone No. _____
Upperco Md 21055
City _____ State _____ Zip Code _____

Representative to be Contacted:

JOHN THOMPSON
Name _____
6010 William Rd 410-817-4218
Address _____ Telephone No. _____
Hydes Md 21082
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. 00-479-A

Reviewed By [Signature] Date 5-16-00

Estimated Posting Date 5-28-00

REU 9/15/98

ORDER RECEIVED FOR FILING
DATE 5/16/00
BY [Signature]

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 17212 Hunter Green Rd
Address
Upperco, Md 21055
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):

Reason we are asking for a Variance is the House is only approx 75'0"ft from the back property line and the additional cost of new Drive way, and also it cut out the horses pasture and right away to the pasture along side of the House.

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.

Eugene H. Gemmill
Signature

Dolores Jean Gemmill
Signature

Eugene H. Gemmill
Name - Type or Print

Dolores Jean Gemmill
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of APRIL, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

EUGENE + DOLORES GEMMILL

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

4-14-2000
Date

John C. Smith
Notary Public

My Commission Expires Dec. 1-2002

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.

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City State Zip Code

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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.

Eugene H. Gemmill
Signature

Eugene H. Gemmill
Name - Type or Print

Dolores Jean Gemmill
Signature

Dolores Jean Gemmill
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of APRIL, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

EUGENE + DOLORES GEMMILL

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

4-14-2000
Date

[Signature]
Notary Public
My Commission Expires Dec. 1-2002



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17212 Hunter Green Rd
which is presently zoned R.C.-2

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 (detached garage) 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):

EUGENE H GEMMILL
Name - Type or Print _____
Signature Eugene H Gemmill
DOLORES JEAN GEMMILL
Name - Type or Print _____
Signature Dolores Jean Gemmill
17212 Hunter Green Rd -- 410-686-7795
Address _____ Telephone No. _____
Upperco Md 21055
City _____ State _____ Zip Code _____

Representative to be Contacted:

JOHN THOMPSON
Name _____
6010 William Rd 410-817-4218
Address _____ Telephone No. _____
Hydes Md 21082
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. 00-479-A

REV 9/15/98

Reviewed By [Signature] Date 5-16-00
Estimated Posting Date 5-28-00

ZONING DESCRIPTION FOR 17212 HUNTER GREEN RD
(address)

Beginning at a point on the WEST side of
(north, south, east or west)

HUNTER GREEN RD which is 50 feet
name of street on which property fronts (number of feet of right-of-way width)

wide at the distance of 425 feet SOUTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street MOUNT CARMEL RD
(name of street)

which is 80 FEET wide. *Being Lot # 9,
(number of feet of right-of-way width)

Block --, Section # I in the subdivision of HUNTER GREEN
(name of subdivision)

as recorded in Baltimore County Plat Book # 38, Folio # 10,

containing 3.20 AC. Also known as 17212 HUNTER GREEN RD
(square feet or acres) (property address)

and located in the 05 Election District, 03 Councilmanic District.

479

No. ~~081334~~

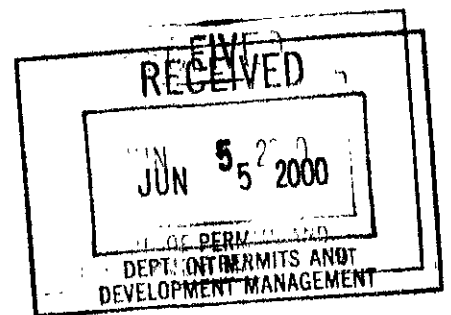
AMOUNT \$ 50.00

FOR: Residential Vermin Control
@ 17212 Hunter Green Rd.

YELLOW - CUSTOMER

CASHIER'S VALIDATION

RECEIVED
JUN 5 2000
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT



Shannon
Baum
Signs, Inc.

Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Eldersburg, MD 21784

FAX

Quality Signs & Graphics Since 1950

Month: Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec Number of Pages: 3
 (Including Cover Page)
 Date: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
 20 21 22 23 24 25 26 27 28 29 30 31 Time 9:45 AM PM

To: <u>Baltimore County Zoning</u>	From: <u>Stacy</u>
Attention: <u>Robin</u>	Subject:
Fax # <u>410 887-3468</u>	Fax No. 410-781-4673
Phone #	Verifying No. 410-781-4000

Note: If you did not receive all of the pages, or if you have a question, please call the verifying number above.

Robin-

Please find the following to be the certificate of posting & picture for the property located at 17212 Hunter Green Rd Upperco, MD 21155. The original picture was mailed to the address noted on the cert of posting on 5/26/00, as well as the cert. of posting form. Any questions, please do not hesitate to call.

Thanks,
 Stacy

CERTIFICATE OF POSTINGRE: Case No.: 00-479-A

Petitioner/Developer: _____

Eugene H. GermmillerDate 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 17212 Hunter Green Rd.
Upperco, MD 21155

The sign(s) were posted on May 26, 2000
(Month, Day, Year)

* Please note that the
original was mailed to
the above address on
5/26/00 *

Sincerely,

Stacy Gardner 5/26/00
(Signature of Sign Poster and Date)

Stacy Gardner

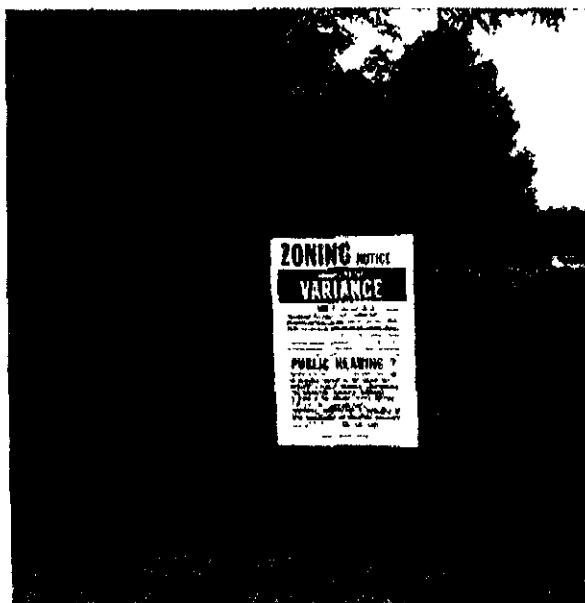
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 479 -A

Address 17212 Hunter Green Rd.

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5-16-00

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- 479 -A

Address 17212 Hunter Green Rd.

Petitioner's Name Eugene H. Gemmill

Telephone (410) 686-7795

Posting Date: 5-28-00

Closing Date: 6-12-00

Wording for Sign: To Permit an accessory structure (detached garage)
to be located 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-479-A

Petitioner: EUGENE + DOLORES GEMMILL

Address or Location: 17212 HUNTER GREEN Rd
UPPERCO, MD,

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Thompson

Address: 6D10 WILLIAM Rd
Hydes Md 21082

Telephone Number: 410-817-4218

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: May 31, 2000

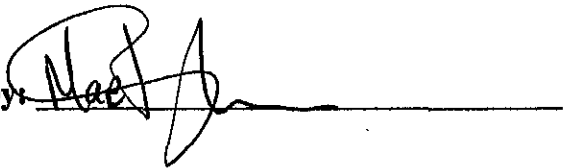
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

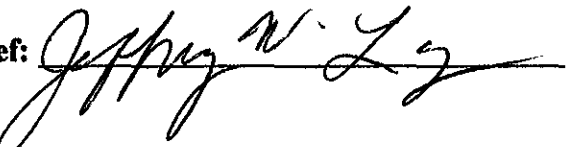
MAY 31

SUBJECT: Zoning Advisory Petition(s): Case 479 & 480

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

Photo

#

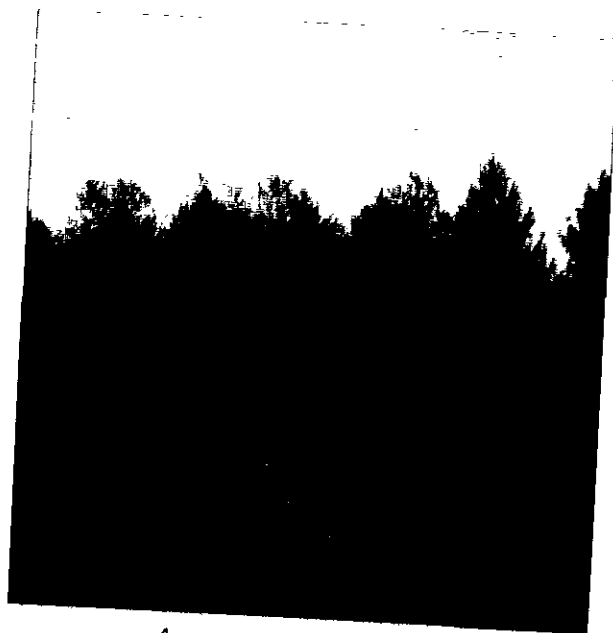
Case Number 00-479-A

00-479-A

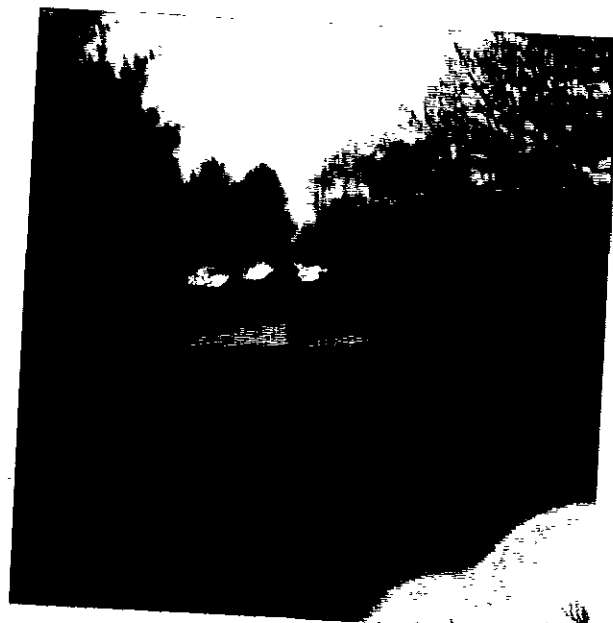
Cannot locate a posting certificate. I checked the log book and this was not logged as being received by this office. Therefore, it appears that this property was never posted.

6/28/00 - Call placed to Pat O'Keefe
& Mr. Thompson re: posting
of sign at Hunter Green Rd.

Sophia
6/23/00



Site of proposed work

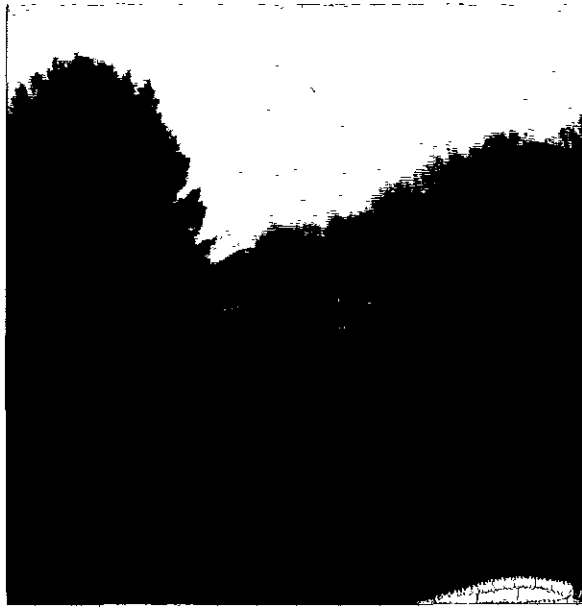


WEST Side

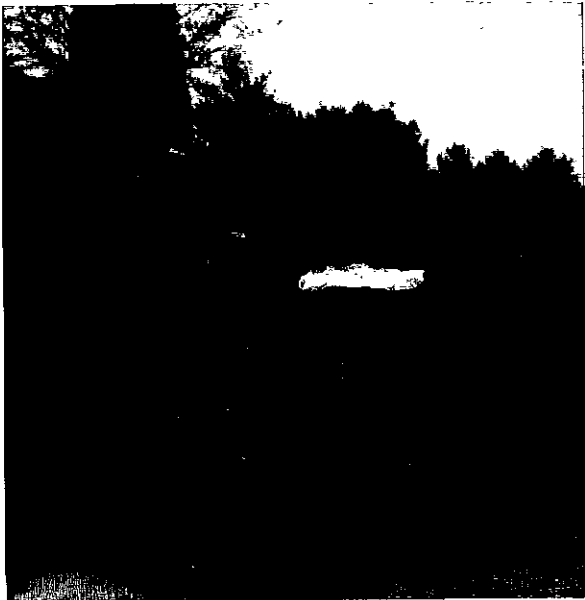


Driveway to the west side of proposed site





Site of work.



South Side



West Side

PLAT FOR ZONING ☒ VARIANCE

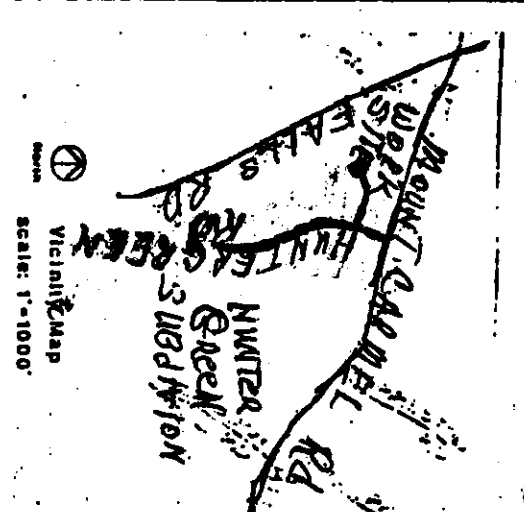
PROPERTY ADDRESS

17212 HUNTER GREEN RD

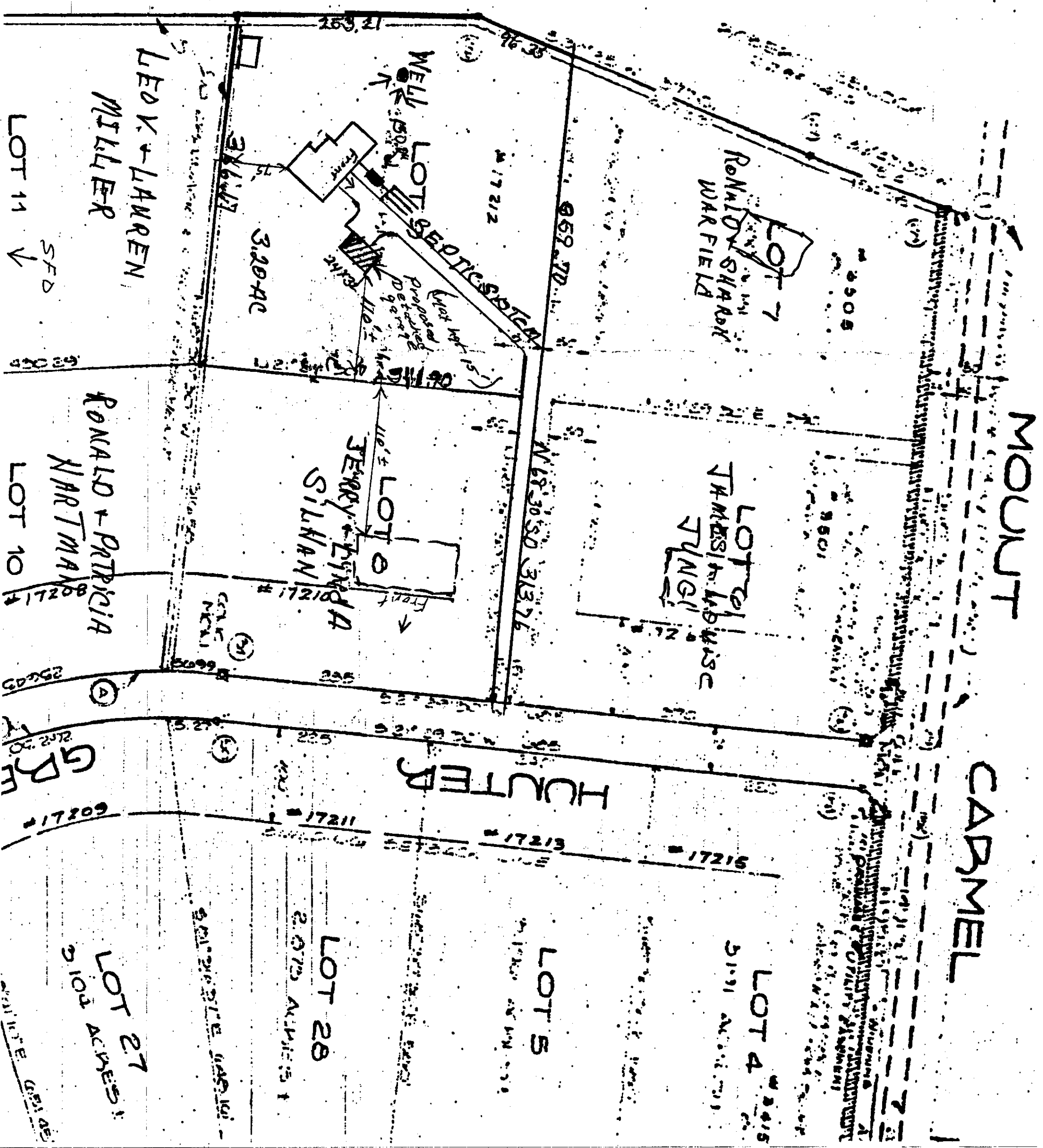
SUBDIVISION NAME HUNTER GREEN

PLAT BOOK 38 FOLIO 10, LOT 2

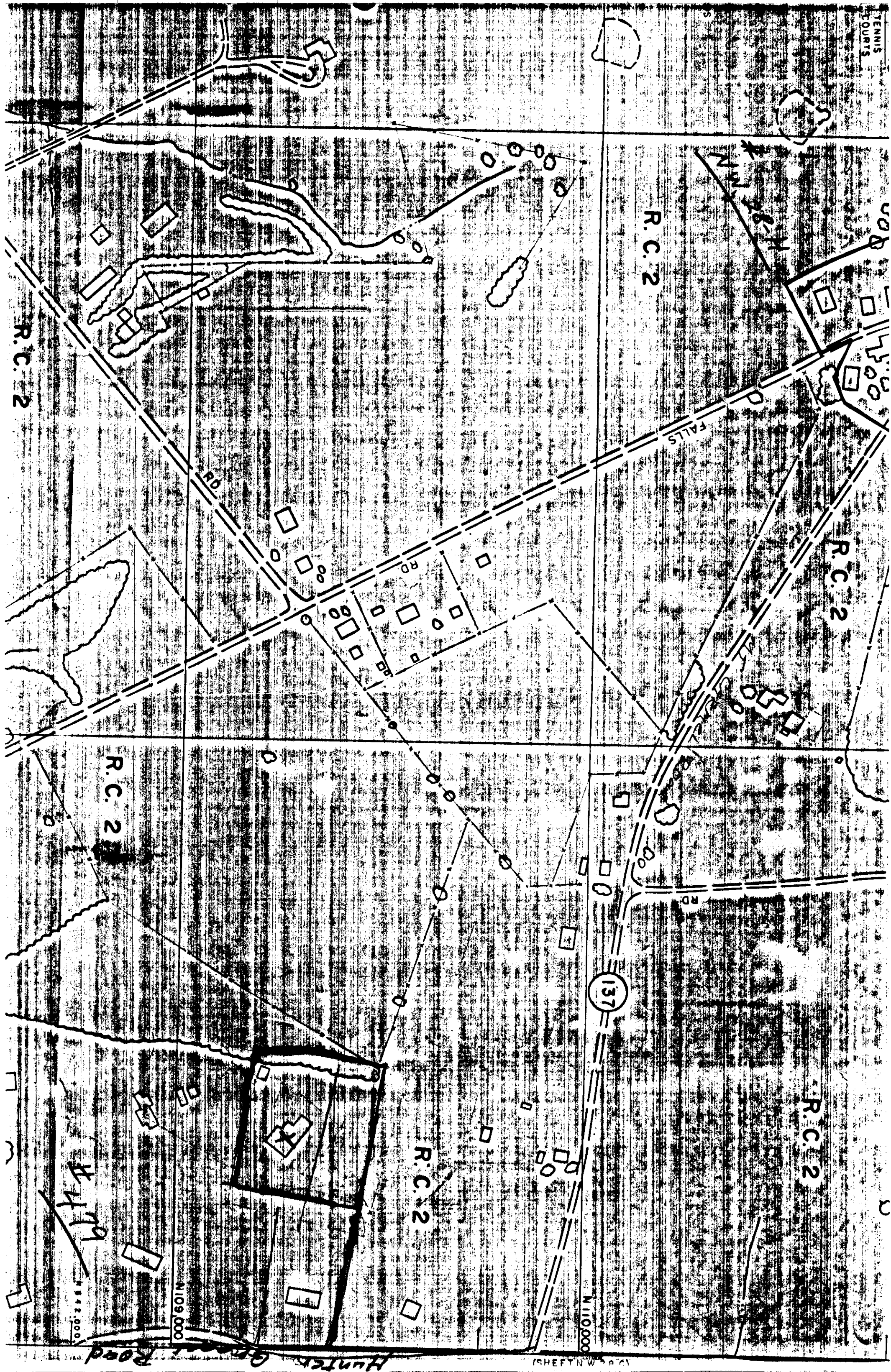
SECTION I
OWNER EUGENE + DOLORES GEMMILL

	
LOCATION INFORMATION	
Election District:	05
Councilmanic District:	03
1"=200' scale map:	N.W. 25-H
Zoning:	R.C.-2
Lot size:	3.20 139,342
acreage	square feet
SEWER:	☒ Public ☐ Private
WATER:	☒ Public ☐ Private
Chesapeake Bay Critical Area:	☐ ☒
Prior Zoning Hearings:	None
Zoning Office USE ONLY!	
reviewed by:	ITEM #: CASE#:
	479

Net. 4.471
SCALE 1"=100'



TENNIS
COURTS





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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1986	WHITEHOUSE	N. W. 28-H

429



Baltimore County
Zoning Commissioner

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

June ²⁹22, 2000

Mr. & Mrs. Eugene Gemmill
17212 Hunter Green Road
Upperco, Maryland 21055

Re: Petition for Administrative Variance
Case No. 00-479-A
Property: 17212 Hunter Green Road

Dear Mr. & Mrs. Gemmill:

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

c: John Thompson
6010 William Road
Hydäs, MD 21082



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

CERTIFICATE OF POSTING

RE: Case No.: 00-479-A

Petitioner/Developer: _____

Eugene H. Gemmill

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 17212 Hunter Green Rd.
Upperco, MD 21155

The sign(s) were posted on May 26, 2000
(Month, Day, Year)

Sincerely,

Stacy Gardner 5/30/00
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.

105 COMPETITIVE GOALS DR.

ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000

(Telephone Number)

