

IN RE: PETITION FOR VARIANCE
S/S of Summit Avenue, 2,360' S
centerline of Davis Avenue
2nd Election District
1st Councilmanic District
(10931 Summit Avenue)

Ruth Ann Jackson, Gladys E. Kemp
and Marva C. Kelly
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-019-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Ruth Ann Jackson and Gladys E. Kemp and Marva C. Kelly. The variance request is for property located at 10931 Summit Avenue, in the Granite area of Baltimore County. The variance request is from Section 1A04.3.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 18 ft. in lieu of the required 50 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

8/9/00

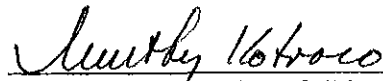
By

R. P. Jameson

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 9th day of August, 2000, that a variance from 1A04.3.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 18 ft. in lieu of the required 50 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

8/9/00

By

H. J. J. J. J.



Baltimore County
Zoning Commissioner

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

August 9, 2000

Ms. Ruth Ann Jackson
Ms. Gladys E. Kemp
Ms. Marva C. Kelly
10931 Summit Avenue
Granite, Maryland 21163

Re: Petition for Administrative Variance
Case No. 01-019-A
Property: 10931 Summit Avenue

Dear Ladies:

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10931 Summit Ave.
which is presently zoned RC-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) 1A04.3.B.2 BCZR

To permit an addition with a side yard setback of 18 feet in lieu of the required 50 feet.

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:

③ MARVA Kelly
Name - Type or Print
MARVA Kelly
Signature
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Ruth Ann Jackson
Name - Type or Print
① Ruth Ann Jackson
Signature
Gladys E. Kemp
Name - Type or Print
② Gladys E. Kemp
Signature
10931 Summit Ave 410461 5627
Address Telephone No.
Granite MD 21163
City State Zip Code

Attorney For Petitioner:

Dorothy Bennett
Name - Type or Print
Deceased
Signature
Company _____
Address _____ Telephone No. _____
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. 00-019-A

Reviewed By JF Date 7-14-00

Estimated Posting Date 7-23-00

REC'D 9/15/98

ORDER RECEIVED FOR FILING

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

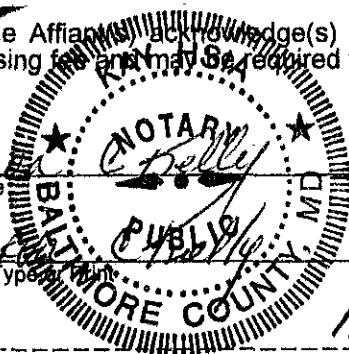
10931 Summit Ave
Address
Granite MD 21103
City State Zip Code

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):

To accommodate an ailing family member with cancer. To make her living area more accessible for her to get around.

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
[Name]
Name - Type or Print



Gladys E. Kemp
Signature
Gladys E. Kemp
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, 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

Date

7/6/00

Notary Public

My Commission Expires

[Signature]
1/28/04

Affidavit in Support of Administrative Variance

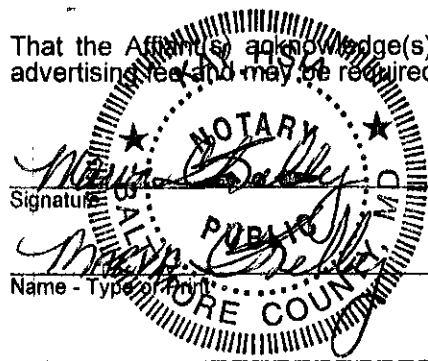
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at ✓ 10931 Summit Ave.
Mildred Hairston Granite Md. 21163
Address 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):

To accommodate an ailing family member. To make her living area more accessible for her to get around.

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.



Gladys E. Kemp
Signature
Gladys E. Kemp
Name - Type or Print

Ruth Ann Jackson Ruth Ann Jackson

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, 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

Date

7/5/00

Notary Public

My Commission Expires

Kay Hea
1/28/04



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10931 Summit Ave
which is presently zoned RC-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) 1A04.3.B.2 BCZR

To permit an addition with a side yard setback of 18 feet ~~in~~ lieu of the required 50 feet.

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.

Legal Owner(s):

① Ruth ANN JACKSON
Name - Type or Print

Ruth Ann Jackson
Signature

Gladys E. Kemp
Name - Type or Print

② Gladys E. Kemp
Signature

10931 Summit Ave.
Address

Granite Md
City

410
State

461-5627
Telephone No.

21163
Zip Code

7-14-00
Date

7-23-00
Estimated Posting Date

7-23-00
Estimated Posting Date

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Contract Purchaser/Legal Owner

MARVA C. Hsia
Name - Type or Print

③ MARVA C. Hsia
Signature

10931 Summit Ave
Address

Granite Md
City

410
State

461-5820
Telephone No.

21163
Zip Code

7-14-00
Date

7-23-00
Estimated Posting Date

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ZONING DESCRIPTION FOR

10931 Summit Avenue

(address)

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

Summit Avenue which is 60 feet
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 2,360 feet south of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Davis Avenue
(name of street)

which is 60 feet wide and containing 36,721 square feet.
(number of feet of right-of-way width) (square feet or acres)

Also known as 10931 Summit Avenue and located in the 2nd Election
(property address)

District, 1st Councilmanic district.

019

01-019-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 083863

DATE 7-14-00 ACCOUNT R-001-0130

AMOUNT \$ 50.00

RECEIVED FROM: Mary K Kelly

10331 Dimple Ave ITEM # 019

FOR: CI Voucher TRIN by JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT: ACTUAL TOTAL

7/14/2000 7/14/2000 10:25:10

AND 4200 CASHIER SPAT 994 7/14/00

Dept 5 500 ZIMING VERIFICATION

Receipt # 121/00

DP 17. 083863

Payment Tot

50.00

50.00

00.00

Baltimore County, Maryland

01-019-A

CASHIER'S VALIDATION

A-910-10

CERTIFICATE OF POSTING

**RE: CASE # 01-019-A
PETITIONER/DEVELOPER
(Marva Kelly)
DATE OF Closing
(8-7-00)**

**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**

10931 Summit Ave. Baltimore, Maryland 21163_____

THE SIGN(S) WERE POSTED ON_____ 7-22-00 _____
(MONTH, DAY, YEAR)

SINCERELY,

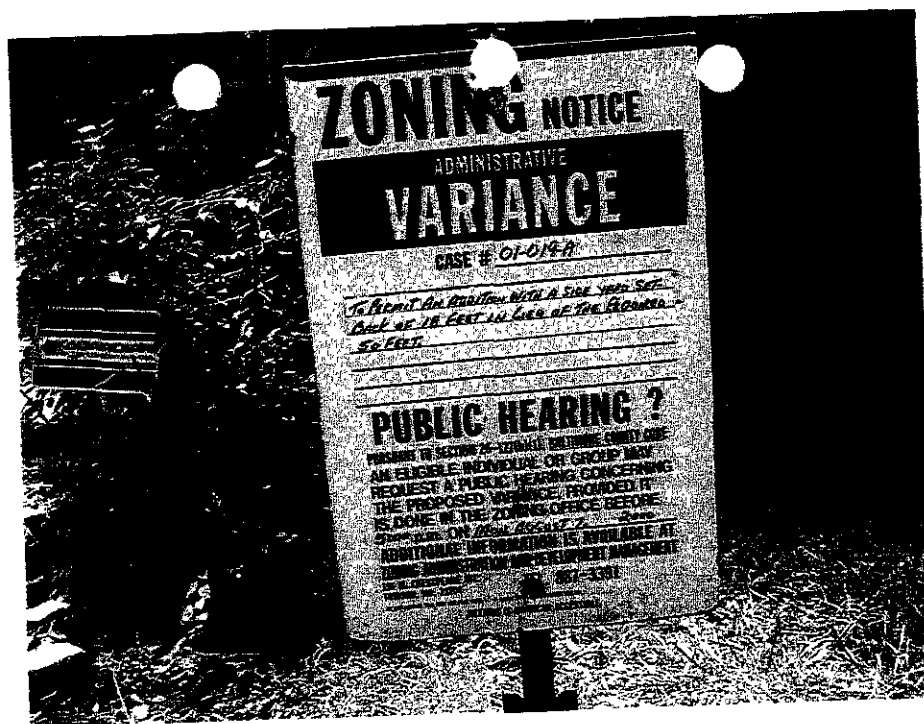

(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)



Posted at 10931 Summit Ave.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 019 -A

Address 10931 Summit Ave

Contact Person: Jon R. Fernando
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7-14-00

Posting Date: 7-23-00

Closing Date: 8-7-00

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 01- 019 -A

Address 10931 Summit

Petitioner's Name Marva Kelly

Telephone 410-461-5820

Posting Date: 7-23-00

Closing Date: 8-7-00

Wording for Sign: To Permit an addition with a side yard setback
of 18 feet in lieu of the required 50 feet.

**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: 01-019-A

Petitioner: Marva Kemp Kelly

Address or Location: 10931 Summit Ave, Granite, MD 21143

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marva Kemp Kelly

Address: 10931 Summit Ave, Granite, MD 21143

Telephone Number: 410-461-5820



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 3, 2000

Ms. Ruth Ann Jackson & Ms. Gladys E. Kemp,
& Ms. Marva C. Kelly
10931 Summit Avenue
Granite, MD 21163

Dear Ms. Jackson, Ms. Kemp, & Ms. Kelly:

RE: Case Number 01-019-A, 10931 Summit Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 14, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

A handwritten signature in cursive script, appearing to read "W. Carl Richards, Jr.", written in dark ink.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 29, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For July 31, 2000
Item Nos. 006, 008, 009, 010, 011, 012,
013, 014, 015, 016, 017, 018, 019, and
020

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

July 31, 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 July 24, 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:

008, 009, 011, 012, 013, 018, 019, 017, and 020

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 *MB*
DATE: August 4, 2000
SUBJECT: Zoning Item #019
10931 Summit Avenue

Zoning Advisory Committee Meeting of July 24, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X Groundwater Management: The proposed addition must be at least 30 feet from the well and 20 feet from the septic system.

Reviewer: Kevin Koepenick
Reviewer: John Russo

Date: July 27, 2000
Date: August 2, 2000

AV
8/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 2000

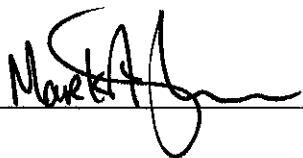
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-19, 00-554

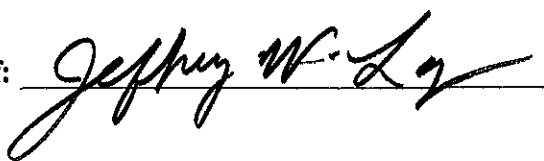
The Office of Planning has reviewed the above referenced case and has no comments to offer.

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:



JUL 21

AFK/JL:MAC

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

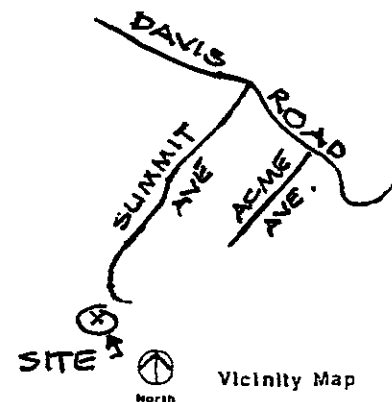
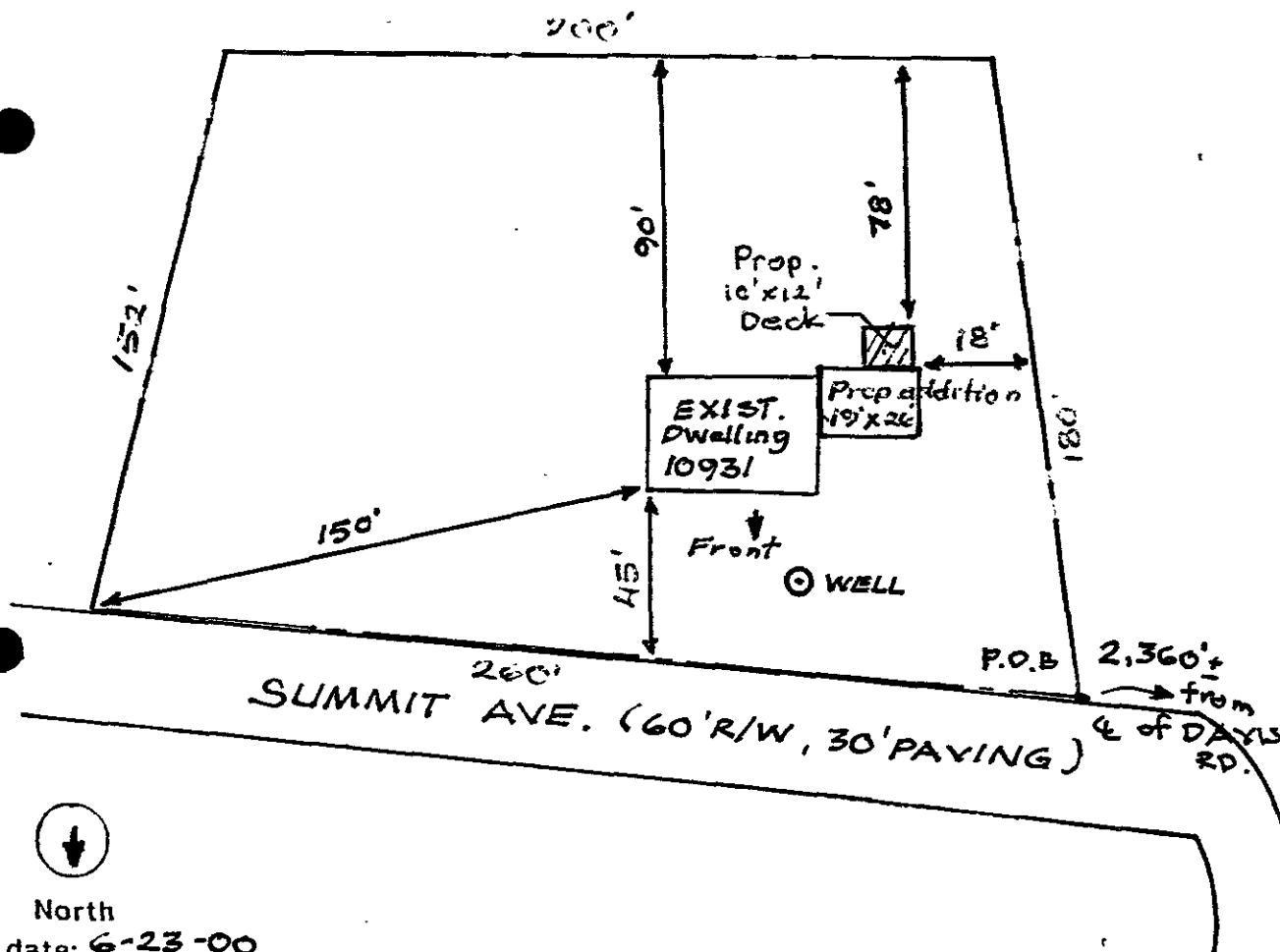
PROPERTY ADDRESS: 10931 Summit Ave. 21163

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

Subdivision name: _____

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

OWNER: Marva Kelly, Kemp Gladys, Jackson Ruth



LOCATION INFORMATION

Election District: 2nd

Councilmanic District: 1st

1"=200' scale map#: NW 4-L

Zoning: RC-5

Lot size: 36,721 ^{sq} feet
acreage

SEWER: ☐ public ☒ private

WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

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

JF

019

01-019-A

Det. Ex. #1



North

date: 6-23-00

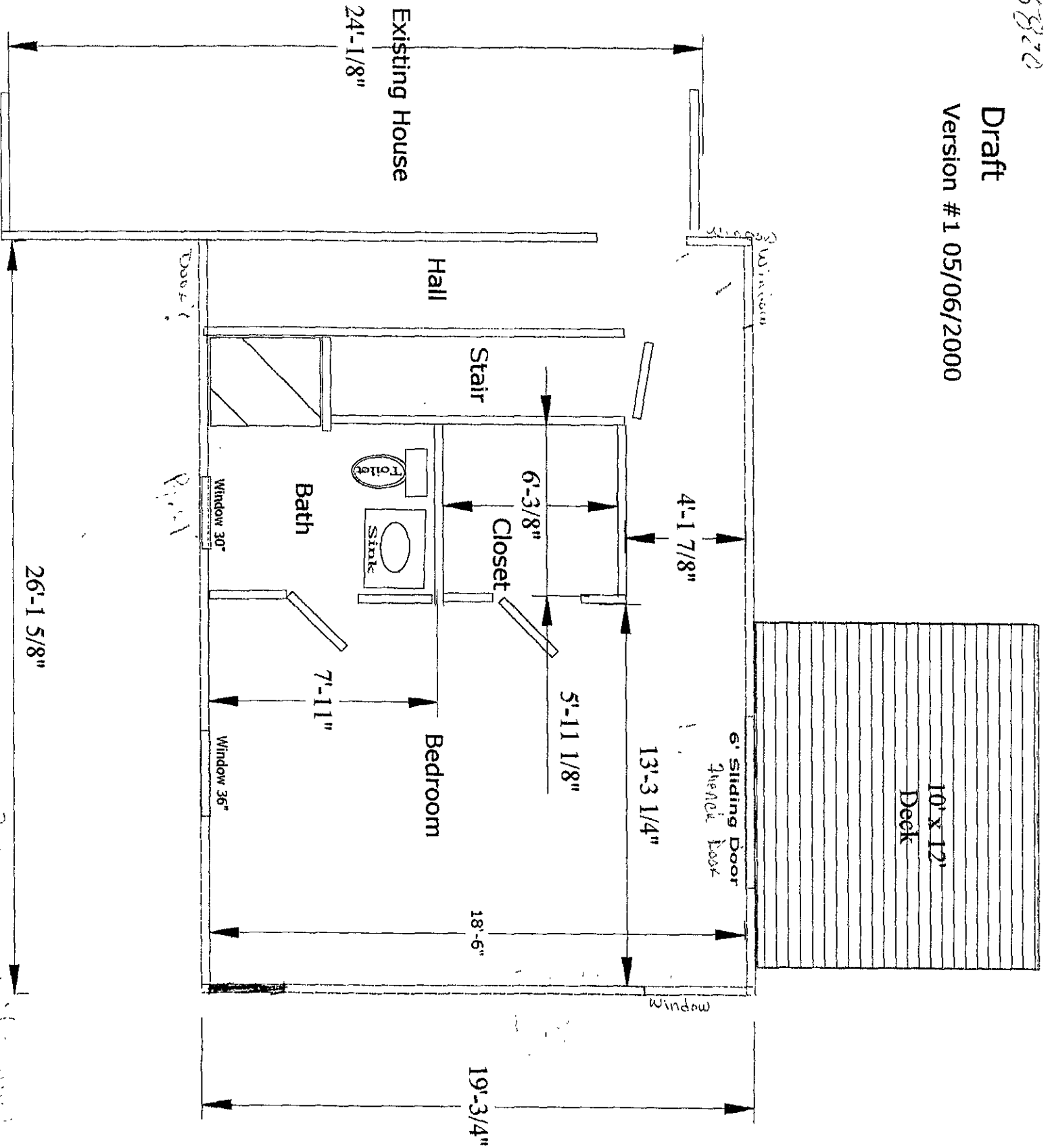
prepared by: G.K.

Scale of Drawing: 1"=50'

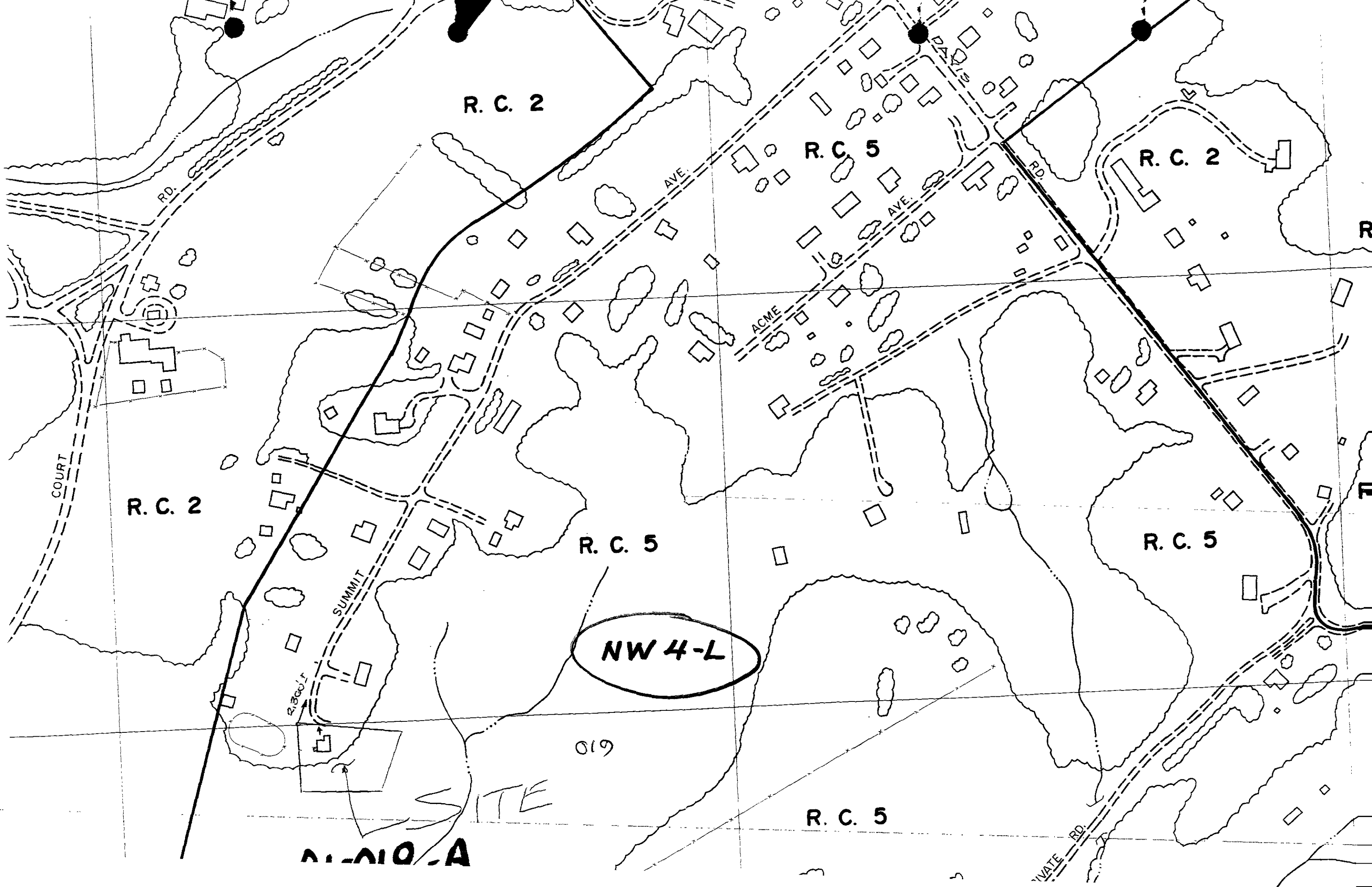
4/6/01-58220

Draft

Version #1 05/06/2000



01-019-A



R. C. 2

R. C. 5

R. C. 2

R

R

R. C. 2

R. C. 5

R. C. 5

NW 4-L

019

R. C. 5

AL-10-A

SITE

COURT

RD.

AVE.

ACME

AVE.

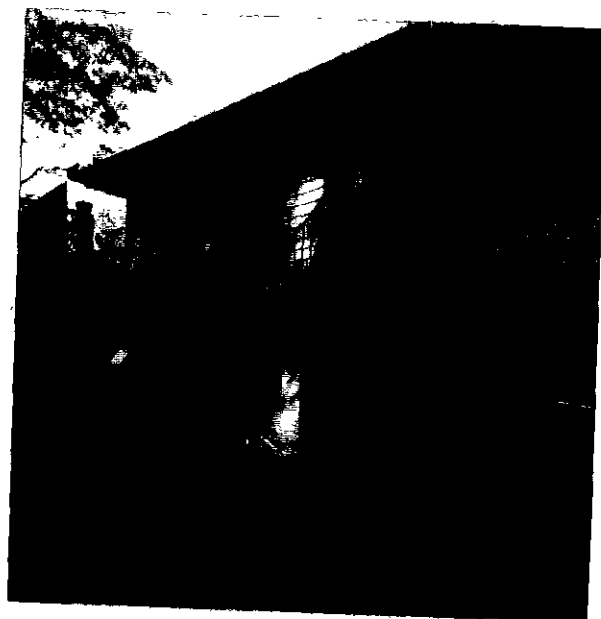
RD.

PRIVATE RD.

SUMMIT



01-019-B



01-019-A

01-019-A



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	WOOD STOCK		N.W. 4-L 619	