IN RE: PETITION FOR ADMIN. VARIANCE

E/S Emory Road, 1,305' NW centerline of Eastview Drive 4th Election District 3rd Councilmanic District (5533 Emory Road)

(5555 Emory Road)

Robert and Geraldine Martin Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 01-066-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, Robert and Geraldine Martin. The variance request is for property located at 5533 Emory Road in the Upperco area of Baltimore County. The Petitioners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single-family dwelling with addition (garage) to have a property line setback of 24 ft. in lieu of the required 35 ft. 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

460 9/5/60

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.

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





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

Fax: 410-887-3468

September 5, 2000

Mr. & Mrs. Robert R. Martin 5533 Emory Road Upperco, Maryland 21155

Re: Petition for Administrative Variance

Case No. 01-066-A

Property: 5533 Emory Road

Dear Mr. & Mrs. Martin:

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, buthy 16 troco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:rai Enclosure













PECEIVED FOR FILING

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	SS 33	EMORY	120
which	ı is presently	zoned	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) (AOI.3.8.3(B.C.7.2.12.))

TO PERMIT AND EXISTING SINGLE FAMILY DWELLING WITH ADDITION (GARAGE) TO HAVE A PROPERTY LINE SET BACK OF Z4' IN LIEU OF THE REQUIRED 30'

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 de perjury, that I/we are is the subject of this	clare and affirm, under the legal owner(s) of the Petition.	the penalties of he property which
Contract Purchaser/Lesse	<u>e:</u>	•	Legal Owner(s):	<u>.</u>	
Name - Type or Print			ROBERT Name - Type of Print	RMARTIN	
The Type of the			Name - Type or Prior	* nula	
Signature					
Address		Telephone No.	GERALDI.	NE E- MARI	TW
, 104.000		relephone No.	Name - Type or Print	WE E- MAR!	•
City	State	Zip Code	Signature		
Attorney For Petitioner:		•	5533 E	MORY ROAD MP. State	410-833-8605
-			Address		Telephone No.
N	<u></u>		UPPERCO	MP.	21155
Name - Type or Print			City	State	Zip Code
Signature			Representative :	to be Contacted:	
100			ROBERT	-R MARTIN	
Company	-		Name	MARTIN MORY ROAD O	4 410-833-8605
Address		Telephone No.	<u> </u>	MORY ROAD O	N 410-844-6171 8
		releptione No.	Address	1	releprione No.
City	State	Zip Code	City	MD. State	Zip Code
A Public Hearing having been forma	Ily demanded	and/or found to be	required, it is ordered by t	he Zoning Commissioner	of Baltimore County,
this day of			his petition be set for a public	hearing, advertised, as re	equired by the zoning
8 8					
7					
			-	nissioner of Baltimore Cou	
CASE NO. $\bigcirc l - \bigcirc$	66-A	Dev	iewed By CTN	1 Note \$/	10/00

Estimated Posting Date

VIT 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 pro-	ublic hearir	ng is schedul	ed in the future	with regard th	nereto.	is/arc
That the Affiant(s) does/do presently reside at	Address	533 Em	ORY ROAD			
		PPENCO	MARYLI	3~V	21155	Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardshi	wing are th	e facts upor	which I/we ba		.. -	
WE WANT	AN AI	TACHED	G-ARAGE	יטסאק סד	DE.	
PROTECTION FA	ROM TH	IE ECEX	1EURS AS	WE GROW	W OLDER.	
THE LAND,	FALLS	AWAY 1	BEHIND T	HE HOUS	SE-	
MAKING IT	IM PRA	ETICAL	TO BUILE	O WITHIN	I THE SETBI	К,
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a Signature ROBERT R MARTIN Name - Type or Print	rmal dema	nformation. Signati	4	; E M	artin:	, and
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this SHU day of A d	セラルS rsonally ap <i>セスタレの I</i> actorily ide	peared NE E. entified to me	MARTW e as such Affiai	nt(s), and ma	tary Public of the	rm of
law that the matters and facts hereinabove set for AS WITNESS my hand and Notarial Seal	orth are tru	e and correc	t to the best of	his/her/their k	nowledge and bel	ief.
Date August 8, 2000		lotary Public	ul Be	all 8	1110	
**************************************	V	ly Commissi	on expires/_	(2)	BUBLIC S	



REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

ARYLAND .	7777
for the	property located at _5533 LEMONY ROAD
	which is presently zoned Rc 2
This Petition shall be filed with the Department owner(s) of the property situate in Baltimore County made a part hereof, hereby petition for a Variance f	of Permits and Development Management. The undersigned, legally and which is described in the description and plat attached hereto and from Section(s) 1 AO 1 - 3 . B . 3 (B . C . Z . 1Z .)
TO PERMIT AN EXISTIN	9 SINGLE FAMILY DWELLING WITH
ADDITION (GARAGE)	TO HAVE A PROPERTY LINE
SETBACK OF 24' IH LI	EU OF THE REQUIRED 351.
of the zoning regulations of Baltimore County, to the of this petition form.	e zoning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribe, or we, agree to pay expenses of above Variance, advergulations and restrictions of Baltimore County adopted	efficient posting atc and further agree to and are to be bounded by the agriculture.
	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:	Legal Owner(s):
	ROBERT R MARTIN
lame - Type or Print	Name - Type or Print
ignature	Signature
ddress Telephon	CERAL DINE E. MARTIN Name - Type or Print
<u> </u>	Deraldeni & Martin
	Code Signature
Attorney For Petitioner:	SS33 EMORY ROAD 41V-F33-5605 Address Telephone No.
lame - Type or Print	City State Zip Code
	Representative to be Contacted:
ignature 0 N	PORISAT A MARKI
ompany V ()	ROBERT R MARTIN Name
ddress Telephone	
ity State Zip	Code City M.D. 21155 Code State Zip Code
that the subject gulations of Baltimore County and that the property be reposted	ound to be required, it is ordered by the Zoning Commissioner of Baltimore County, matter of this petition be set for a public hearing, advertised, as required by the zoning d.
/ NOTARY / /	Zoning Commissioner of Baltimore County
CASICNO 01-066-A	Reviewed By CTM Date 8/10/00

Estimated Posting Date ___

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.

competent to testify thereto in the event that a p	ublic hearing i	is scheduled i	n the future with regard th	nereto.
That the Affiant(s) does/do presently reside at	Address	533 EM	10RY ROAD	
		PL=V2 CO	MARY LAND State	21155
	City		State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship)	wing are the f p or practical	facts upon whe	ich I/we base the reques	st for an Administrative
WE WI	ANT AN	ATTACHE	ED GARAGE TO	PROVIDE
PROTECTION FR	OM THE	ELEMI	ENTS AS WE G	ROW OLDER,
THE LAND	FALLS	OFF BE	HIND THE HOU	SE MAKING
IT IMPRACTICA	AL TO B	UILD WI	THIN THE SET	BACK.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional info	t is filed, Affi rmation.	ant(s) will be required to	pay a reposting and
Signature // W/artho		Signature	Kraldine & M	Partin_
ROBERT R. MARTIN		G	ERBLDINE E. A e or Print	MARTIN
Name - Type or Print		Name - Typ	e or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	O// MORE, to wit:		<u> </u>	
I HEREBY CERTIFY, this $\frac{\mathcal{S}^{+}\mathcal{L}}{\text{County}}$ day of formal day o		ared S	<u>2000</u> , before me, a No	tary Public of the State
ROBERT R MARTIN AND	GERAL	DINE ET	MARTIN	1
the Affiant(s) herein, personally known or satisflaw that the matters and facts hereinabove set f	orth are true a	and correct to	the best of his/her/their k	nowledge and belief.
AS WITNESS my hand and Notarial Seal				
August 8, 2000	<u>.</u>	Latur	- L Beall	RICIAL BE
Date '		ary Public Commission I	- 10-1-03	NOTARY)F

7) 09|15|98

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 5533 EMORY ROAD
BEGINING AT A POINT ON THE EAST SIDE OF EMORY ROAD
WHICH 15 GOFT. WIDE AT A DISTANCE OF 13,05KFT. NORTHWEST
OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING
STREET, EASTVIEW DRIVE, WHICH IS 30FT. WIDE. BEING LOT #41
OF THE SUBDIVISION OF GLEN EMORY, AS RECORDED IN
BALTIMORE COUNTY PLAT BOOK #37 FOLIO 101. CONTAINING
1.07 ACRES ALSO KNOWN AS 5533 EMORY ROAD, AND LOCATED
IN THE 4TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- OGG -A Address 5533 EMORY ROAD			
Contact Person: LIOYOT. MOXLEY Phone Number: 410-887-3391			
Filing Date: 8/10/00 Posting Date: 9/20/00 Closing Date: 9/4/00			
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.			
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 01-066 -A Address 5533 EMORY RD			
Petitioner's Name ROBERT & GERALDINE MARTIN Telephone 410 833 8605			
Posting Date: 8/20/00 Closing Date: 9/4/00			
Wording for Sign: To Permit AN EXISTING SINGLE FAMILY			
DWELLING WITH ADDITION (GARAGE) TO HAVE A			
PROPERTY LINE SETBACK OF Z4 IH CIEU OF			
TUE REQUIRED 35'.			

WCR - Revised 6/"

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 Cas	e Number: 01-066-A			
Petitioner:	ROBERT MARTIN			
Address or Location:	5533 EMORY ROAD			
PLEASE FORWARD	ADVERTISING BILL TO:			
Name:	ROBLERT MARTIN			
Address:	5533 EMORY ROAD			
	UPPERCY MA 21155			
Telephone Number:	410-833-8605			

Revised 2/20/98 - SCJ

DISTRIBUTION WHITE - CASHER PINK	FOR	RECEIVED.	DATE 310	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT
PINK AGENCY YELLOW - CUSTOMER	DIO VARIANCE	AMOUNT \$ 50	ACCOUNT (200)	NTY, MARYLAND & FINANCE RECEIPT
	176	50.00	ROO1 6150	No. 85242
CASHIE	01-0	ES S	MACE OF STANSMILLS.	TOWN ORDER OF THE PROPERTY OF
CASHIER'S VALIDATION	066 -A	on tot 50.	283HER BIOGL BYO BRANCH COLOR (CARDON CARDELLON COLOR	17.17.17.17.17.17.17.17.17.17.17.17.17.1

CERTIFICATE OF POSTING

RE: CASE # 01-066-A
PETITIONER/DEVELOPER
(Robert Martin)
DATE OF Closing
(9-4-00)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

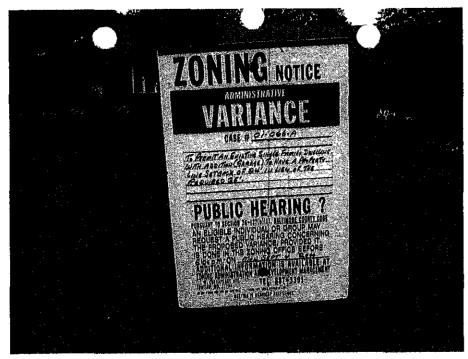
ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

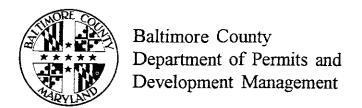
THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

533 Emory Road Baltimore , Maryland 21155		
THE SIGN(S) WERE POSTED ON	8-18-00	
	(MONTH, DAY, YEAR)	
	SINCERELY,	
	Chomo Se Se //s/as (SIGNATURE OF SIGN POSTER & DATE)	
	THOMAS P. OGLE SR	
	325 NICHOLSON ROAD	
	BALTIMORE, MARYLAND 21221	
	410-687-8405	

(TELEPHONE NUMBER)



5533 Emory Road



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

September 1, 2000

Mr. & Mrs. Robert Martin 5533 Emory Road Upperco, MD 21155

Dear Mr. & Mrs. Martin:

RE: Case Number: 01-066-A, 5533 Emory Road

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

W. Carl Richards, Jr. Supervisor, Zoning Review

W. Carl Richards, Jr.

(3)Z

WCR: gdz

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

DATE: August 30, 2000

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 28, 2000

Item Nos. 058, 059, 060, 061, 062, 063,

064, 065, 066, 067, 068, 069,

and

Item No. 551 (Zoning Case 00-551-A)

318 Wye Road by TAG

and

Item No. 057 (2601 Old Court Road)

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



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

August 22, 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 AUGUST 21, 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:

058, 059, 060, 061, 064, 065, 066, 067, 068, 069,

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 K 265

DATE:

September 11, 2000

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of August 21, 2000

DEPRM has no comments for the following zoning petitions:

Item#	Address
057	2601 Old Court Road
- 058	4 Jacob Lee Court
059	Priceville Road/Hunt Farms Court
061	Tartan Hill Road
063	3737 Courtleigh Drive
064	7820 Ellenham Avenue
065	4 Silver Maple Court
066	5533 Emory Road
067	1007 Chesaco Avenue
068	6715 Ransome Drive

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 21, 2000

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-058, 01-059, 01-060, 01-062 and 01-066

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:MAĆ



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

8-21-00 Date:

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

RE: Baltimore County

> Item No. 266 LTM

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,

f. J. Soull /r Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

August 8, 2000

To Whom It May Concern.

We reside at 5529 Emory Road, Upperco, MD 21155 and are the neighbors of Robert and Gerry Martin This letter will acknowledge that we are not opposed to the 2 car garage which will be built on our neighbor's property.

If you need further information, please do not hesitate to contact us at 410-429-0932.

Sincerely,

David A. Dawson

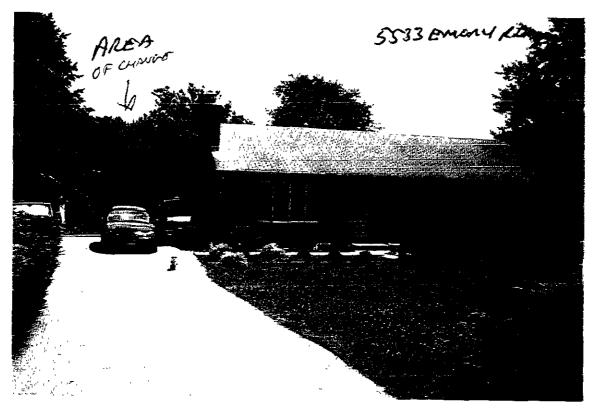
Ignet F. Dawcor

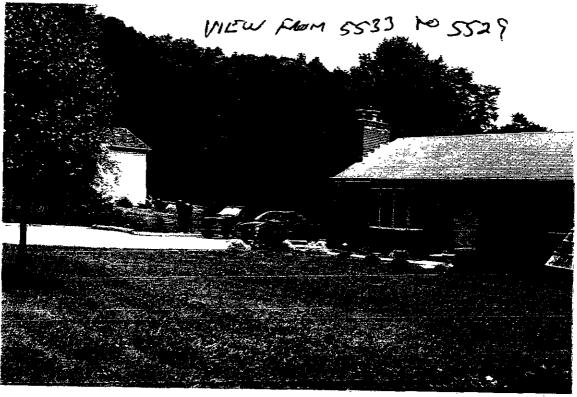
IN CASE A
HEARING IS
REQUESTED

DO HOT SCHEDUAL
HEARING DATE

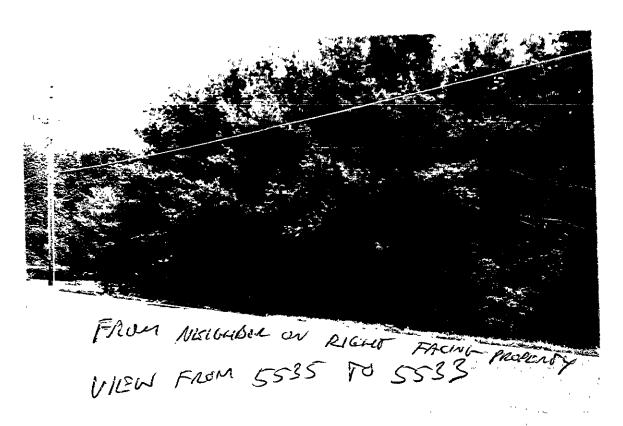
FROM OCT G TO OCT IS
PERIOD.

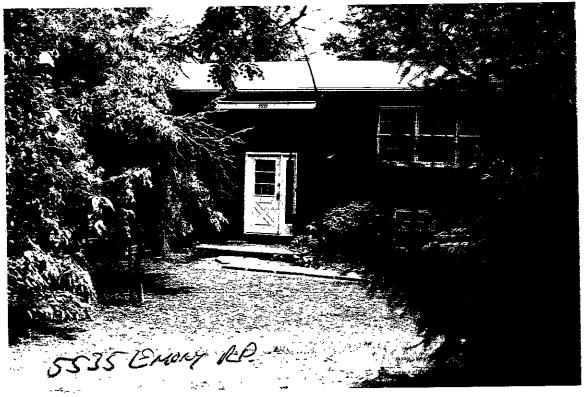
O1-066-A





01-066-A





01-066-A

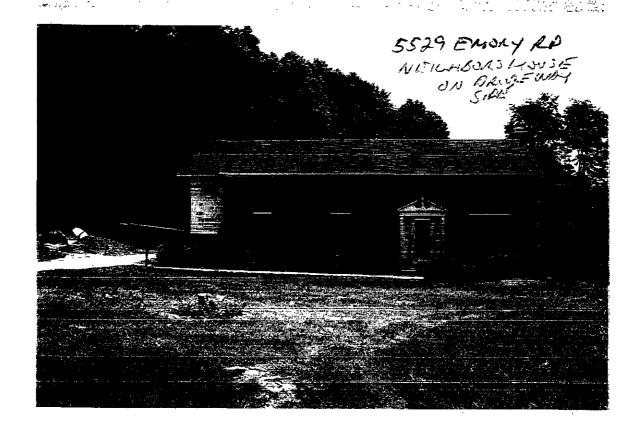




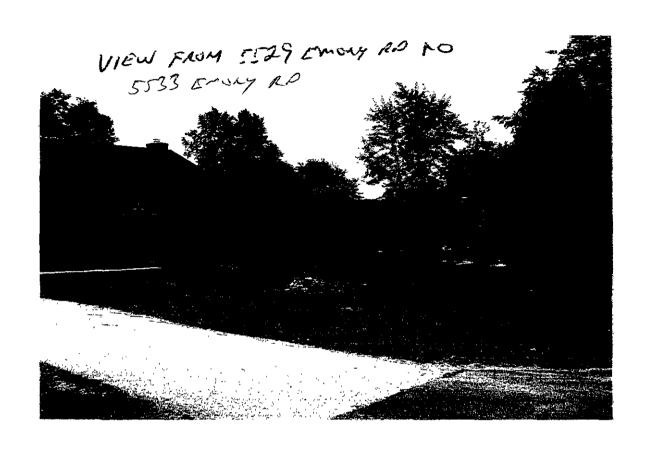
01-066-4



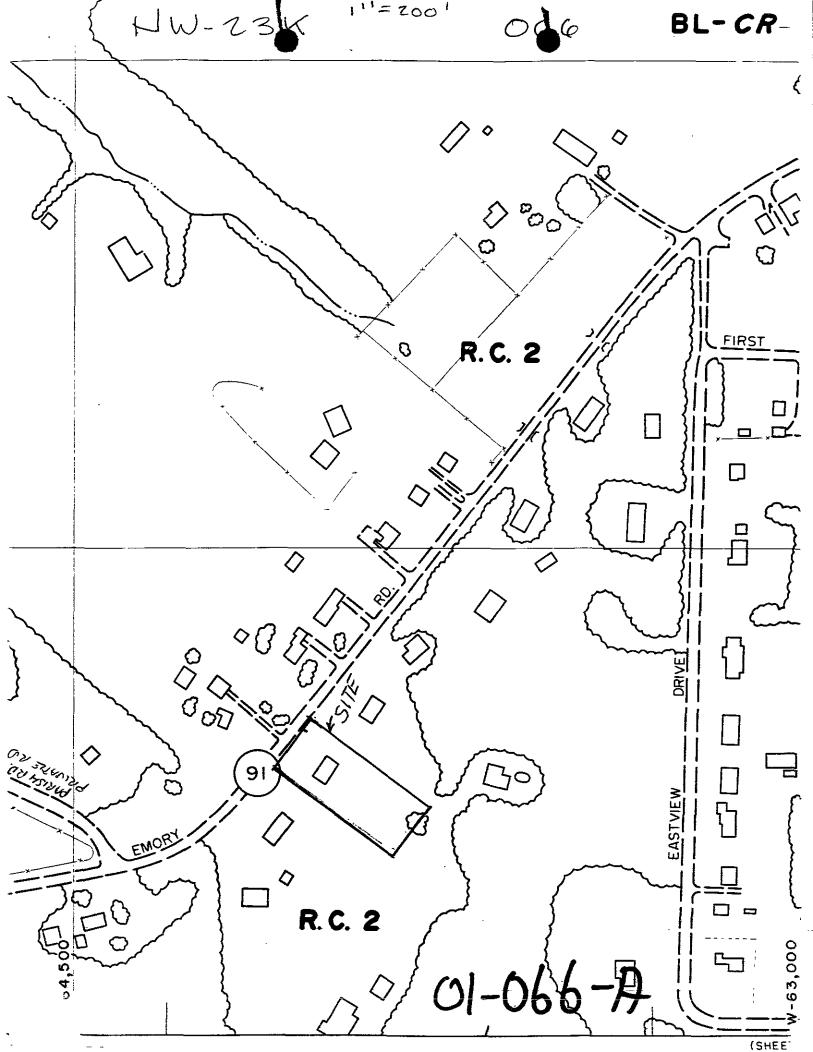
ARENT OF CHANGE



01-066-A



01-066-A



A-990-10

D. 9.4