

IN RE: PETITION FOR VARIANCE

W/S Kendrick Road,
562.94' N of Berkfield Road
15th Election District
7th Councilmanic District
(1242 Kendrick Road)

Evangelos and Debra Epitropakis
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-101-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, Evangelos and Debra Epitropakis. The Petitioners are requesting a variance for property they own at 1242 Kendrick Road, which property is zoned DR 5.5. The variance request is to permit a side yard setback of 2 ft. in lieu of the required 7 ft. for a proposed carport.

Appearing at the hearing on behalf of the variance request was Evangelos Epitropakis, owner of the property. There were no protestants or other persons in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.128 acres, more or less, zoned DR 5.5. The subject property is improved with a single family residential dwelling, wherein the Petitioners have resided for the past 15 years. They are interested in constructing a carport over top a driveway that exists on the side of their property. The carport would extend off of their single family home to within 2 ft. of the side property line. In order to proceed with the construction of the carport, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208

10/10/03/00
By: R. Sp...
10/10/03/00

(1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

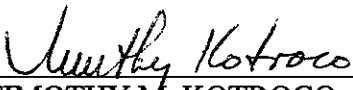
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 23rd day of October, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance to permit a side yard setback of 2 ft. in lieu of the required 7 ft. for a proposed carport, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

OFFICE OF THE DEPUTY ZONING COMMISSIONER
10/23/00
By: J. J. [Signature]

- 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.
- 2) The Petitioners shall be required to install gutters and downspouts to insure that no runoff is directed onto their neighbors property.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES OF PERMITS
D-22 10/23/00
By R. G. [signature]



Baltimore County
Zoning Commissioner

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

October 23, 2000

Mr. & Mrs. Evangelos Epitropakis
1242 Kendrick Road
Baltimore, Maryland 21237

Re: Petition for Variance
Case No. 01-101-A
Property: 1242 Kendrick Road

Dear Mr. & Mrs. Epitropakis:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





KEEP THIS ORIGINAL IN ZONING FILE. SIGNED BY 2 copies + stamp 0815

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1242 KENDRICK RD.

which is presently zoned DR 5.5

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) III - "A" RESIDENCE ZONE (1945-1953 R265) TO PERMIT A SIDE YARD SETBACK OF 2 FT. IN LIEU OF THE REQUIRED 7 FT. ~~AND~~ ~~FOR A PROPOSED CAR PORT.~~

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING.

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):

x EVANGELOS Epitropakis

Name - Type or Print

x Evangelos Epitropakis

Signature

x DEBRA Epitropakis

Name - Type or Print

x Debra Epitropakis

Signature

x 1242 Kendrick Rd x 410-574-8161

Address

Telephone No.

x Baltimore x MD. x 21237

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JK

Date 8/30/00

Case No. 01-101-A

REV 9/15/98

Date 10/23/00
By [Signature]

ORIGINAL FILED FOR FILING

3

Zoning Description 1442 KENDRICK RD.

BEGINNING AT A POINT ON THE WEST SIDE
OF KENDRICK ROAD A DISTANCE OF
562.94 FT ± NORTH OF BERKFIELD RD,
BEING LOT 12 BLOCK F IN THE PLAT OF
BERKFIELD AS RECORDED IN PLATBOOK 20 FOLIO 105

101

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 8529

DATE 3/20/00 ACCOUNT R0016150

AMOUNT \$ 50.00

RECEIVED FROM: MR EPITSOPOAKIS

FOR: RV

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
3/30/2000 3/30/2000 08:35:12

REL MS01 CASHIER JRIC JMR DATED 1
Dept 5 528 ZIMING VERIFICATION
Receipt # 160346
CR NO. 085290

Receipt Tot 50.00
.00 OK 100.00 OK
50.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-101-A
1242 Kendrick Road
W/S Kendrick Road, 562.94
feet +/- N of Berkfield Road
15th Election District
7th Councilmanic District
Legal Owner(s): Debra &
Evangelos Epitropakis
Variance: to permit a side
yard setback of 2 feet in lieu
of the required 7 feet for a
proposed carport.
Hearing: Friday, October
13, 2000 at 9:00 a.m. in
Room 106, Baltimore
County Building, 111 West
Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/9/96 Sept. 26 C422343

CERTIFICATE OF PUBLICATION

TOWSON, MD, 9/28/, 2000

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published in
Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 9/26/, 2000.

S. Wilkinson
THE JEFFERSONIAN,
LOCAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-101-A

Petitioner/Developer: Debra & Evangelos

EPITROPAKIS

Date of Hearing/Closing: 13 Oct 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 1242 Kendrick Rd

The sign(s) were posted on Sept 27, 00
(Month, Day, Year)



Sincerely,

[Signature] 27 Sept 00
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk Md 21222
(City, State, Zip Code)

410-282-7940
(Telephone Number)

RE: PETITION FOR VARIANCE
1242 Kendrick Road, W/S Kendrick Rd,
562.94' +/- N of Berkfield Rd
15th Election District, 7th Councilmanic

Legal Owner: Evangelos & Debra Epitropakis
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-101-A

* * * * *

ENTRY OF APPEARANCE

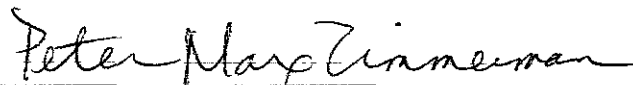
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Evangelos & Debra Epitropakis, 1242 Kendrick Road, Baltimore, MD 21237, Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

September 8, 2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-101-A

1242 Kendrick Road

W/S Kendrick Road, 562.94 feet +/- N of Berkfield Road

15th Election District – 7th Councilmanic District

Legal Owners: Debra & Evangelos Epitropakis

Variance to permit a side yard setback of 2 feet in lieu of the required 7 feet for a proposed carport.

HEARING: Friday, October 13, 2000, at 9:00 a.m. in Room 106, Baltimore County Building, 111 West Chesapeake Avenue.



GDZ

Arnold Jablon
Director

C: Evangelos & Debra Epitropakis, 1242 Kendjrick Road, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: SEPTEMBER 27, 2000**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 26, 2000 Issue – Jeffersonian

Please forward billing to:
Evangelos Epitsopakis
1242 Kendrick Road
Baltimore, MD 21237

410 574-8161

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-101-A
1242 Kendrick Road
W/S Kendrick Road, 562.94 feet +/- N of Berkfield Road
15th Election District – 7th Councilmanic District
Legal Owners: Debra & Evangelos Epitropakis

Variance to permit a side yard setback of 2 feet in lieu of the required 7 feet for a proposed carport.

HEARING: Friday, October 13, 2000, at 9:00 a.m. in Room 106, Baltimore County Building, 111 West Chesapeake Avenue.


Lawrence E. Schmidt
GDZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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**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: 01-101-A

Petitioner: ☒ EVANGELOS EPITSOPAKIS

Address or Location: ☒ 1242 KENDRICK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ☒ EVANGELOS EPITSOPAKIS

Address: ☒ 1242 KENDRICK RD.

☒ BALTO. MD. 21237

Telephone Number: ☒ 410 574 8161



Baltimore County
Department of Permits and
Development Management

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

October 6, 2000

Evangelos & Debra Epitropakis
1242 Kendrick Road
Baltimore, MD 21237

Dear Mr. & Mrs. Epitropakis

RE: Case Number: 01-101-A, 1242 Kendrick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 30, 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.

W. Carl Richards, Jr. GDZ
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: October 3, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2000
Item Nos. 070, 071, 072, 073, 075, 078,
079, 081, 082, 085, 086, 087, 088, 089,
090, 091, 092, 093, 094, 095, 097, 098,
100, 101, 103, and 104

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

RWB:HJO:jrb

cc: File



September 19, 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 September 11, 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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS REGARDING THE FOLLOWING:

ITEM #'S 070, 071, 072, 073, 074, 075, 079, 080, 081, 082, 083,
084, 085, 086, 087, 088, 089, 092, 093, 094, 095, 097,
098, 099, 100, 101, 102, 103, AND 104

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

cc: File

Come visit the County's Website at www.co.ba.md.us

Jim
10/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 18, 2000

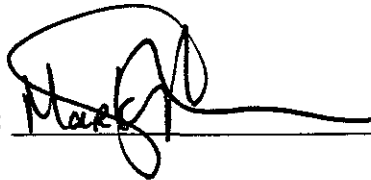
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 01-097, 01-098, and 01-101**

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

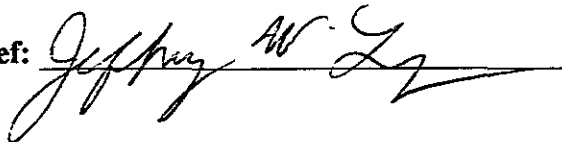
For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



SEP 19

Section Chief:



AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

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

Date: 10.2.00

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

RE: Baltimore County
Item No. 101

JLL

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,

lr

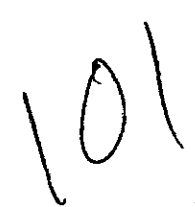
Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

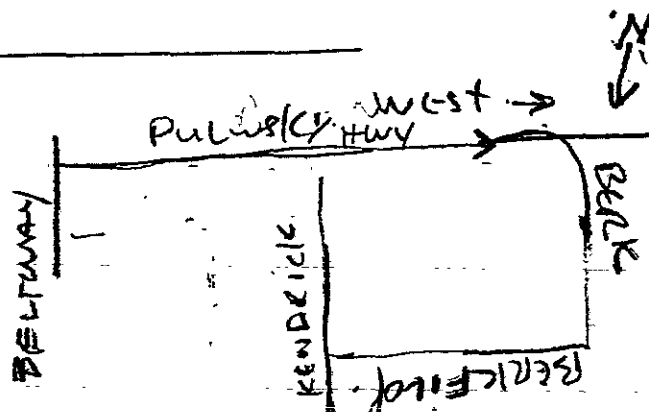
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ref Ex #1



POSSIBLE GAR IN REAR YARD IN FUTURE,



Date: 8/24/00

E 33000

D.R. 16

BR

KENDRICK

LANDOVER

ROAD

RD.

BERK

FIELD

BERK

AVE.

D.R. 16



M.L.-IM

BR-AS
HIGHWAY

BR

ML-AS

1"=200'
NE 3F

PRIVATE

RA