IN RE: PETITION FOR VARIANCE

N/S East Joppa Road, 744' E of Snyder Lane 11th Election District 6th Councilmanic District (4520 East Joppa Road)

Mary L. Lupi Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 01-109-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 owner of the subject property, Mary Lupi. The Petitioner is requesting a variance for property she owns at 4520 East Joppa Road. The subject property is zoned DR 5.5. The variance request is from Section 1B02.3.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 5 ft. in lieu of the required 10 ft. for a proposed dwelling.

Appearing at the hearing on behalf of the variance request were Mary Lupi, property owner and her daughter, Heather Newcombe. There were no protestants in attendance at the hearing.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.2787 acres, more or less, zoned DR 5.5. The subject property is unimproved at this time. The owner of the property, Mary Lupi, is desirous of constructing a single-family dwelling on the property. The dwelling will be used by Ms. Lupi's daughter, Heather Newcombe, as a single-family residence for her family. In order to construct the type of house to accommodate the needs of the Petitioner, a variance is necessary.

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

DATE RECEIVED FOR FILING
DATE 101/9/00
By 87. Common

10/19/00 10/19/00 (1973). To prove practical difficulty for an area variance, the Petitioner 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 Petitioner seeks 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 Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 19th day of October, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 5 ft. in lieu of the required 10 ft. for a proposed dwelling, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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

3



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

Fax: 410-887-3468

October 19, 2000

Ms. Mary L. Lupi 5 Minebank Court Baltimore, Maryland 21286

> Re: Petition for Variance Case No. 01-109-A

> > Property: 4520 East Joppa Road

Dear Ms. Lupi:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been approved 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

husthy llotroco

TMK:raj Enclosure

















"REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4520 E. Jopa Rol which is presently zoned

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 802.3.C.1. BCZR TO PERMIT

SIDE YARD SETBACK (FOR A PROPOSED DWELLING) OF 5 Ft. IN LIEU OF 10 Ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Due to resident of propused household (4 year ord multiple handicapped child), is handicapped wheelchair bound. Need to put entire driveway in minimum set back area on sell of home to allow for easy access to ramp to 5.26/bychendow. Need to have a 5 foot MSBL on bft side of home and 15 bot msBl on right side of home when driving will be put 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.

			perjury, that I/we ar is the subject of this	re the legal owner(s) of s Petition.	f the property which
Contract Purchaser	<u>Lessee:</u>		Legal Owner(s	<u>):</u>	
Name - Type or Print			Mary L Name - Type or Print	Lupi Lupi	<u> </u>
Signature			Signature	1 × ouper	<i>/</i>
Address		Telephone No.	Name - Type or Print		
City Attorney For Petition	State	Zip Code	Signature S Mineba	ask of (4)	10)321-9556
	<u>161.</u>		Address Balto	md	Telephone No. 21286
Name - Type or Print			City Representative	State to be Contacted	Zip Code
Signature		,			
Company			Name		
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	State	Zip Code	City	State	Zip Code
			<u>c</u>	FFICE USE ONLY	l,
Case No. Ol - 1	(79 - A		ESTIMATED LE	NGTH OF HEARIN	16 1/2 HM
Case No	<u> </u>		UNAVAILABLE Reviewed By	FOR HEARING Dat	re 9700

I/We do solemnly declare and affirm, under the penalties of

909

ZONING DESCRIPTION 4520 EAST JOPPA ROAD

Beginning at a point on the north side of Joppa Road, a 60 foot right of way at a distance of 744 foot east of the center line of Snyder Lane beginning Lot #2 in the minor subdivision of the Todd Property thence N 12 degrees 11' 08" east 203.64 foot, S 79 degrees 52' 48" east 60.01' N 21 degrees 11' 08" east 192.94 foot thence binding along the northern right of way of Joppa Road a length of 61.37' with a radius of 570 foot back to the point of beginning. Lot size .2787 ACI election district 11, council district 6.

BALTIMORE COUNTY, MAR' \ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT JL 109 No.	
DATE 9/7/00 ACCOUNT ROO/6/50 AMOUNT \$ 50.00	P. P
RECEIVED FROM: / 17/1/1/1/C-	tation is established to the steen.
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NOTICE OF ZONING HEARING

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

Case: #01-109-A
4520 East Joppa Road, 744
4620 East Joppa Road, 744
46et +/- E of Snyder Lane
11th Election District
6th Councilmanic District
Legal Owner(s): Mary L. Lupi
Variance: to permit a side
yard setback (for a proposed dwelling) of 5 feet in
lieu of 10 feet
Hearing: Tuesday, October
17, 2006 at 10:00 a.m. in
Room 407, County Courts
Building, 401 Bosley 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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 9/244 Sept. 28 C422344

CERTIFICATE OF PUBLICATION

		t	
TOWSON, MD,	- 9	28	, 20 <u>CO</u>
THIS IS TO CERTIFY, that th	e annex	ed advert	tisement was
published in THE JEFFERSONIAN, a	weekly i	newspapei	r published ir
Towson, Baltimore County, Md., once in	n each of		successive
weeks, the first publication appearing of	on	7/28	, 20 <u>C)O</u>
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THE.	JEFFE	RSONL	AN,
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	ZONING NOTICE		
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4520 East Joppa Road

CERTIFICATE OF POSTING

RE: CASE # 01-109-A
PETITIONER/DEVELOPER
(Mary L. Lupl)
DATE OF Hearing
(10-17-00)

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

4520 East Joppa Road Baltimore, Maryland 21236		
THE SIGN(S) WERE POSTED ON	9-29-00	
	(MONTH, DAY,YEAR)	
	SINCERELY,	
	(SIGNATURE OF SIGN POSTER & DATE)	
	THOMAS P. OGLE SR	
	325 NICHOLSON ROAD	
	BALTIMORE, MARYLAND 21221	
	A10_697_9A05	

(TELEPHONE NUMBER)

RE: PETITION FOR VARIANCE 4520 E, Joppa Road, N/S E. Joppa Rd, 744'+/- E of Snyder Ln 11th Election District, 6th Councilmanic

Legal Owner: Mary L. Lupi Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-109-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
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

ciolo S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47 400 Washington Avenue

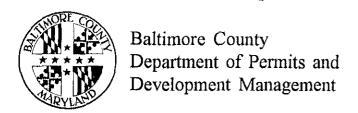
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Mary L. Lupi, 5 Minebank Court, Baltimore, MD 21286, Petitioner.

PETER MAX ZIMMERMAN



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

Fax: 410-887-5708

September 15, 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: 01-109-A
4520 East Joppa Road
N/S East Joppa Road, 744 feet +/- E of Snyder Lane
11th Election District – 6th Councilmanic District
Legal Owner: Mary L. Lupi

Variance to permit a side yard setback (for a proposed dwelling) of \mathscr{J} feet in lieu of 10 feet

HEARING: Wednesday, October 17, 2000, at 10:00 a.m., in Room 407, County

Courts Building, 401 Bosley Avenue

Arnold Jablon Director

C: Mary L. Lupi, 5 Minebank Court, Baltimore 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: SEPTEMBER 29, 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

Thursday, September 28, 2000 Issue - Jeffersonian

Please forward billing to:

Mary L. Lupi 5 Minebank Court Baltimore, MD 21286

410 321-9556

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: 01-109-A 4520 East Joppa Road N/S East Joppa Road, 744 feet +/- E of Snyder Lane

11th Election District - 6th Councilmanic District

Legal Owner: Mary L. Lupi

Variance to permit a side yard setback (for a proposed dwelling) of & feet in lieu of 10 feet

HEARING: Wednesday, October 17, 2000, at 10:00 a.m., in Room 407. County Courts Building, 401 Bosley Avenue

awrence E. Schmidt

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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.

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.

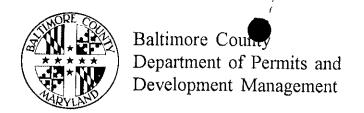
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising
For Newspaper Advertising:
Item Number or Case Number: 01 109 t
Petitioner: Mary L. Lupi
Address or Location: 4520 E. Jopen Bl Balto Md
PLEASE FORWARD ADVERTISING BILL TO:
Name: Mary Lupi
Address: 5 Minebank et.
Basto Ad 21286
Telephone Number: (410)321-9556

Revised 2/20/98 - SCJ

Plat to accompany Petition for Zoning X Varianc	e Special Hearing	
11101 2114 1 112 11 2 2 2 2 2 2 2 2 2 2 2 2	CHECKLIST for additional required information	٠.
Subdivision name: Todd Property		-15
plat book \$4_, lollo#,lot# 2_, section#		
OWNER: MARY L. Lupi	./	
	-	
	l	
	Vicinity Map	Lan Survey
	Morth scale: 1°=1000'	#72 * 12 TSP
	LOCATION INFORMATION	*
	Election District:	Carried Section
	Councilmanic District:	The same
	1-200 scale map#: NE IDH	0
	Zoning: DL 5.5 Lot size: <u>.2787</u>	
	acreage square feet	# # *
	public private	The second
	SEWER: 📉 🗌	
	WATER:	
	Chesapeake Bay Critical Area: A	-
	DONE	
	Zoning Office USE ONLY!	
North	reviewed by: ITEM #: CASE#:	
date: Scale of Drawing: 1'=		
L/		





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

October 13, 2000

Mary L. Lupi 5 Minebank Court Baltimore, MD 21286

Dear Ms. Lupi:

RE: Case Number: 01-109-A, 4520 East Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 7, 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. Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director Department of Permits &

DATE: October 10, 2000

Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

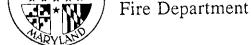
for September 25, 2000

Item Nos. 106, 107, 108, 109, 110, 111 (409 Main Street), 112, 113, 115

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 18, 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:

106, 107, 108, 109, 110, 112, 113, and 115

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 Mh5

DATE:

October 3, 2000

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of September 18, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
106	51 Honeycomb Road
107	9801 Richlyn Drive
108	1112 Westwicke Lane
109	4520 East Joppa Road
110	20 Glenwood Avenue
111	409 Main Street
112	12207 Falls Road
113	4715 Ruby Avenue
115	2750 Butler Road

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 22, 2000

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4520 E. Joppa Road

INFORMATION:

Item Number:

01-109

Petitioner:

Mary L. Lupi

Zoning:

Dr 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a side yard setback of 5 feet in lieu of the required 10 feet.

Prepared by:



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

Date: 9.18.06

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

RE: **Baltimore County**

> J22 Item No. 109

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,ind.us).

Very truly yours,

1. f. dolla

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





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

*** HEARING ROOM - Room 48 ***

Basement -Old Courthouse 400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF AUGUST 19, 2002

TUESDAY

8/20

10:00 am

Case No.: CBA-01-110

/HEARING

In the Matter of:

Kevin B. O'Connor - Applicant 740 Eddy Road. Crownsville, MD 21032

RE: ERS Decision / Denial of Disability Benefits

WEDNESDAY

8/21

9:30 am

Case No.: CBA-01-142

/HEARING

In the Matter of:

Freestate Indoor Sports Arena 5811 Allender Road, White Marsh, MD 21162

RE: False Alarm Fees / Reg #C 9799739 0

10:30 am

Case No.: CBA-01-125

/HEARING

In the Matter of:

John E. Hammen

1013 Susquehanna Ave., Baltimore, MD 21220

RE: ERS Decision / Denial of Disability Benefits

Day #2 from 7/11/02

THURSDAY

8/22

10:00 am

Case No.: 01-109-SPHXA

/HEARING

In the Matter of:

Virginia E. Smith Trust, Linda Smith Mulhern, Augustus W. Smith / Owners

2444 York Road

7th Election District; 3rd Councilmanic District

RE: SPH – Approve amendment to 65-3RC

SE – fuel service station in combo w/conven store/carryout restaurant, ATM;

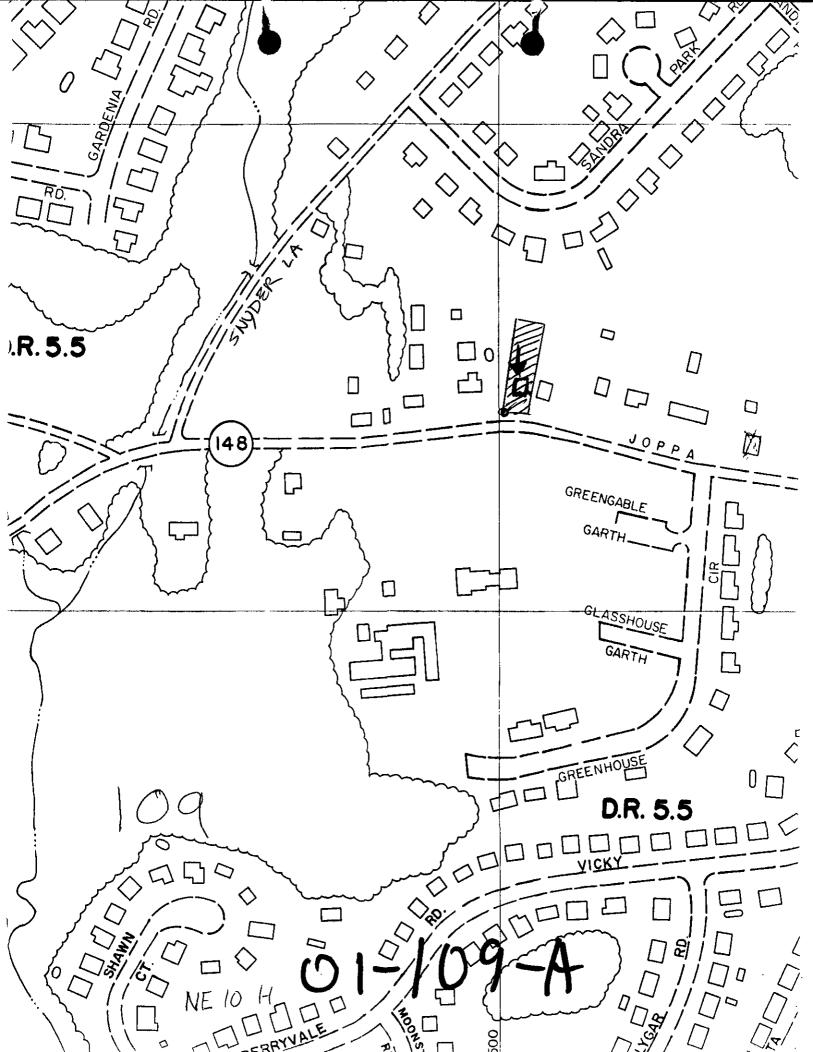
VAR - sign

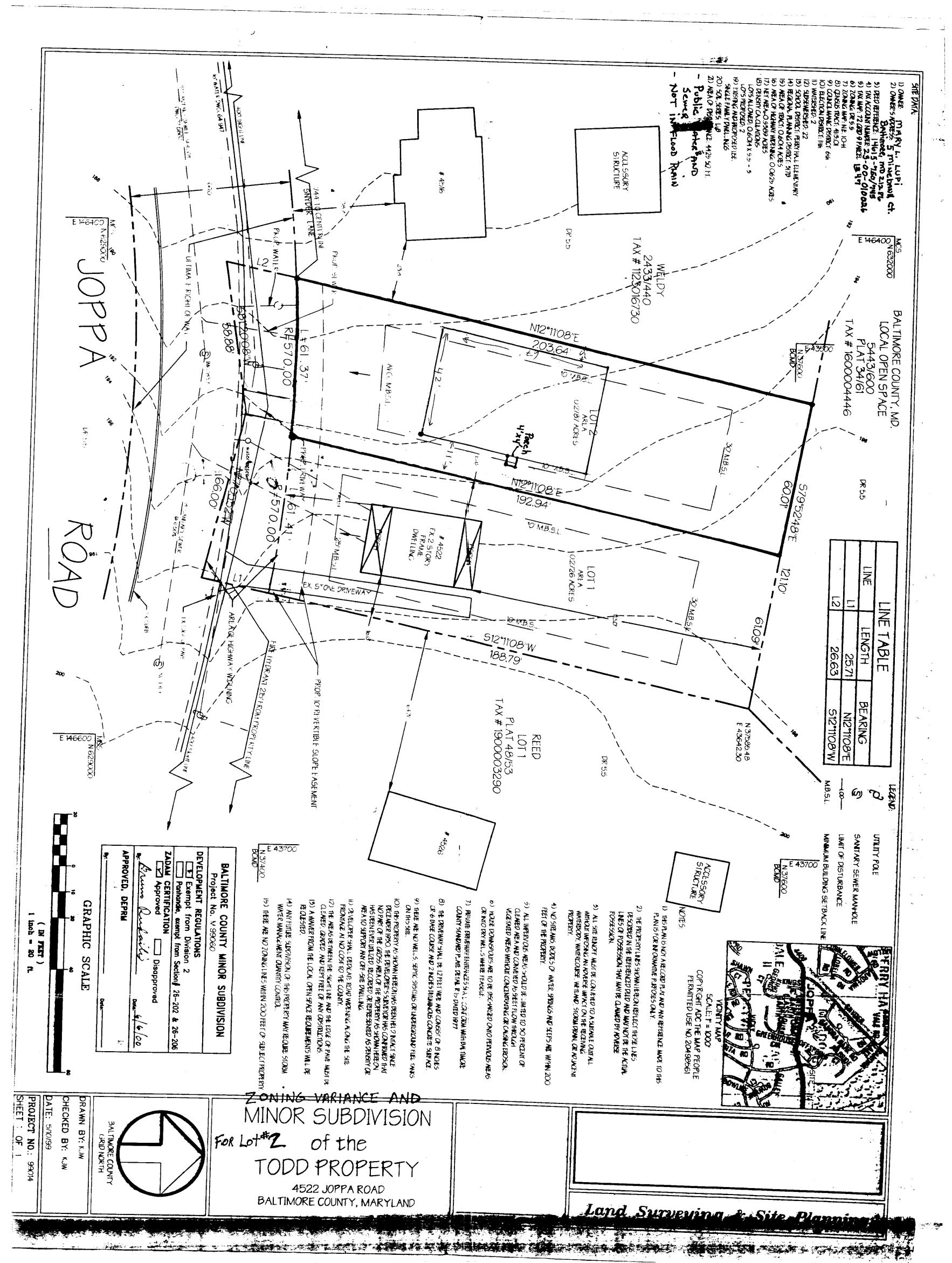
c:

Executive Office Law Office Director /PDM People's Counsel Planning Office Court Info. Desk

County Council Board Members Court Reporter Cailed Patuxent
had Sue make correction,
call Mr Newcomb
she will get the sign
today and put in correction

Yeurge
9-21
9:15





Q 109