IN RE: PETITION FOR ADMIN. VARIANCE

S/S Middletown Road, 483' W centerline of Cooper Road 6th Election District 3rd Councilmanic District (18918 Middletown Road)

Luisa F. Massari and James R. Ayars Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 01-177-A

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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, Luisa F. Massari and James R. Ayars. The variance request is for property located at 18918 Middletown Road in the Parkton area of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a property line setback of 30 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 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

Mailos Je Jameson



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 18918 MIDDLE TOWN	\mathcal{R}_{o}
which is presently zoned <u>RC 5</u>	

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 (B.C.Z.R.)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A PROPERTY LINE SETBACK OF 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 do perjury, that I/we ard is the subject of this	eclare and affirm, under t e the legal owner(s) of the Petition.	ne penalties of e property which
Contract Purchaser	Lessee:		Legal Owner(s)) <i>:</i>	
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·		Name Type or Print	5 R AYAK	<u>25</u>
Signature			Signature	- It Ceya	
Address		Telephone No	Name - Type or Print	F ///A55/	981
City	State	Zıp Code	Signature	1. Massan	
Attorney For Petition	1e <i>r:</i>		PO BC Address /84/8/	x 325 4	10/357-805
Name::Type or Print	*		MONKTO	VV 1 V 1	Telephone No. 2)// Zip Code
Signature \			Representative	to be Contacted:	Zip Code
Company P			Name	BASTA	
Address		Telephone No	53 45 5 40 FFE Address	n. Mn. 20. 41	5 23 5 8563 Telephone No
City	State	Zıp Code	City City	State	2/10 8 Zip Code
A Public Healing having been day of regulations of Baltimore County	on formally demand th y and that the proper	ded and/or found to at the subject matter o tty be reposted.	pe required, it is ordered by t f this petition be set for a public	the Zoning Commissioner of chearing, advertised, as req	Baltimore County, uired by the zoning
			Zoning Comm	nissioner of Baltimore County	,
CASE NO. OF	177-A	Re	eviewed By LTM	Date 10/	

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.

That the Affiant(s) does/do presently reside at

, , , , , , , , , , , , , , , , , , ,	ıty	3	otate	Zip Code
That based upon personal knowledge, the followin Variance at the above address (indicate hardship of	ig are the facts or practical diffici	upon which I/we ilty);	base the request	for an Administrative
We request a Administrative Variance Due to the increased need for additing property to be stored. The shape of locate garage any further from side original existing house has a 30' seproposed garage due to the configura	onal securit the property property lin t back on the	y for person makes it in he. Please no he same side lot.	nal npossible to ote that as	
WITH LOCATION OF EXISTING	SEPTIC I	OPPITION C	ANNOT BE	
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Signature R Cyars		Luisa	H. Masse	1
JAMES R PYARS Name - Type or Print	No.	LUISA Ime - Type or Print	FMAG	55AR
France - Type of France	INA	ime - Type of Print		
STATE OF MARYLAND, COUNTY OF BALTIMOR	RE, to wit:			
i HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, person	nally appeared	······································	before me, a Notar	y Public of the State
the Affiant(s) herein, personally known or satisfact law that the matters and facts hereinabove set forth	orily identified to are true and co	me as such Arrect to the best	ffiant(s), and made of his/her/their know	oath in due form of wledge and belief.
AS WITNESS my hand and Notarial Seal	1	,	1.	
10-27-00	Tra	ned V	/Land	nev
Date	Netary Pu			
	My Comm	ission Expires _	Noterial Frances V. Gardner Codorus Twp.,	Soal , Notary Public
REV 09 15 98			Codorus Iwp., 1	POIN COUNTY

Member, Pennsylvania Association of Hotaries

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at

	POLONIETON	MD .	
That based upon personal knowledge, the fo	llowing are the facts u	State	Zip Code
Variance at the above address (indicate hards	ship or practical difficult	y):	dest for an Administrative
We request a Administrative Vari Due to the increased need for ad property to be stored. The shape locate garage any further from s	ditional security of the property	for personal makes it impossible to	0
original existing house has a 30 proposed garage due to the confi	guration of the 1	ot.	
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LOCATED IN REAR OF HOOSE	5		
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed additional information	d, Affiant(s) will be required	to pay a reposting and
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Signature	Sígi	nature	waw
JAMES R PYARS		LUISA F M) ASSAR I
Name - Type or Print	Nan	ne - Type or Print	
STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:		
I HEREBY CERTIFY, this day of		, before me, a N	Notary Public of the State
of Maryland, in and for the County aforesaid, p	ersonally appeared		•
the Affiant(s) herein, personally known or sat	sfactorily identified to	me as such Affiant/s) and m	ande noth in due form of
law that the matters and facts hereinabove set	forth are true and corr	ect to the best of his/her/their	knowledge and belief.
AC MUTNECO my bond and Material Coat	1		
AS WITNESS my hand and Notarial Seal	\mathcal{J}		
10-27-00	Vian	nest / Lan	dree
Date	Notary Publ	ic	
	My Commis	sion Expires No	startal Seal archer, Notary Public
REV 09 15 98		Codorus 7	Twp., York County Expires March 28, 2002

Wermber, Perensylvania Association of Hotaries



CASE NO. \bigcirc - []- \triangle

REU 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 18918 MIDDLE TOWN	Ro
which is presently zoned $RC5$	

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 (B.C.Z.R.)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A PROPERTY LINE SETBACK OF 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.

			perjury, that I/we is the subject of the	declare and affirm, under are the legal owner(s) of th his Petition.	the penalties of e property which
Contract Purchaser/Les	<u> 500:</u>		Legal Owner(<u>(s):</u>	
Name - Type or Print	, <u></u>		Name Type or Prin		es
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Address	······································	Telephone No.	Name - Type or Prin	9 F ///A55	981
City	State	Zip Code	Signature	H. Massaw	
Attorney For Petitioner:	,		Address /89/8	MIDDLE TOWN RD	110/357-805 Telephone No.
Name - Type or Print	-	, , , , , , , , , , , , , , , , , , , 	City //ONK	State	Zip Code
Signature			Representativ	e to be Contacted:	
Company			EDWARD Name	BASTA	
ddress	(1984 -1984)	Telephone No.	5 <u>3 45 3 Hp FF</u> Address	En Min 20. 4	10 23 5 8 5 6 3 Telephone No.
lity	State	Zip Code	City City	State	<i>3/10 &</i> Zip Code
Public Hearing having been for his day of guiations of Baltimore County and its guiations of Baltimore County and the Balt	mally demand th that the prope	ded and/or found to be r at the subject matter of thi rty be reposted.	equired, it is ordered b s petition be set for a put	y the Zoning Commissioner o olic hearing, advertised, as rec	f Baltimore County, guired by the zoning
			Zoning Cor	nmissioner of Baltimore Count	v

Estimated Posting Date

Zoning descridtion for 18918 Middletown Rd.

Begining at a point on the south side of Middletown Rd. a drive way shared with lot #2 of Middletown Heights That is 20' wide and runs 455'west to property starting point. the lot is shaped in a triangle. With 453' down west side, 435.21' on south side, and 581.10 on east side connecting back at north side starting point.

Nearest intersecting street is Cooper Rd. witch sets 483' west of property off of Middletown Rd. Being Lot # 1 in the subdivision of Middletown Heights. As recorded in Baltimore county Plat Book #39, Folio#16 Containing 98,527.5 Square feet, 2.27+/- acres also known as 18918 Middletown Rd. and located in the 6 Election District 3 Councilmanic District

BALTIMORE COUNTY, NOFFICE OF BUDGET & FINAN MISCELLANEOUS RECE	ICE	No.	57 40	PAID REVERVI
DATE_ 1/ / / / /	ACCOUNT	1 6.50		1/2000 10/77/2000 15:22:10 15 CAPITER LUIL LIN IMMER 5 528 JUNING MERIFIKATUR
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FOR:	TO VALUE	1111		CK. 5029
				01-177-A

,		RE: Case No.: <u>01-11-1-</u>	<u> </u>
		Petitioner/Developer:	iars/Massar
		Date of Hearing/Closing: _	11-20-00
Baltimore County Department Mermits and Development Mermits and Development Mermits County Office Building, Roll 111 West Chesapeake Aver Towson, MD 21204	Management om 111	,	
Attention: Ms. Gwendolyn	Stephens		
Ladies and Gentlemen:			٠
	on the property locate	ary that the necessary sign(s) red at 18918 Middle 17	
The sign(s) were posted on	10vember	Inth, Day, Year)	· · · · · · · · · · · · · · · · · · ·
		Sincerely, Signature of Sign Post Stacy Gardne	24
		SHANNON-BAUM	e) Signs inc.
		ELDERSBURG, MI	GOALS DR. D 21784
		(City, State, Zip C	
		410.781.40	00
		(Telephone Num	ber)

RECEIVED

NOV 3 2000

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

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.

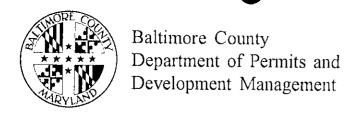
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	_
Item Number or Case Number: OI-I77-A Petitioner: AYBRS / MASSBZ /	_
Address or Location: 18918 MIDDLE TOWN 20.	_
PLEASE FORWARD ADVERTISING BILL TO: Name: EDWARD BASTA	
Address: 5045 SHAFFER MILL RO.	-
LINESOLO MD. 21102 Telephone Number: 410 339 8963	_

Revised 2/20/98 - SCJ

ADMINISTRATIVE ARIANCE INFORMATION SEET AND DATES

Case Number 01- 177 -A Address 18918 MIDDLETOWH RD
Contact Person: LIOYD T. MOXLEY Phone Number: 410-887-3391
Filing Date: 10/27/00 Posting Date: 11/5/00 Closing Date: 11/20/0
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. <u>DEADLINE</u> : 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- 177 -A Address 18918 MIDDLETOWN RD
Petitioner's Name AYARS/WASSAR 1 Telephone (410) 357-8055
Posting Date: 11/5/00 Closing Date: 11/20/00
Wording for Sign: To Permit AH EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A PROPERTY LINE SETBACK OF 30'
IN LIEU OF THE 50'
ΜCR - Revised 6/28/00



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

November 17, 2000

Edward Basta 5245 Shaffer Mill Road Lineboro, MD 21108

Dear Mr. Basta:

RE: Case Number: 01-177-A, 18918 Middletown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 27, 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,

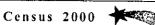
W. Carl Richards, Jr. CDZ

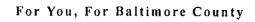
Supervisor, Zoning Review

WCR:

Enclosures

C: Luisa F. & James R. Ayars, 18918 Middletown Road, Monkton 21111 People's Counsel











BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: November 24, 2000

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For November 13, 2000

Item Nos. 167, 168, 169, 170, 171, 172,

174, 176, and 177

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

November 3, 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 November 6, 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:

177, 173, 172, 170, 169, 175, and 167

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 MANS

DATE:

November 30, 2000

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of November 6, 2000

DEPRM has no comments for the following zoning petitions:

Address
109 Graystone Farm Road
2316 Carroll Mill Road
6116 Buckingham Drive
1203 Dairy Road
10601 York Road
Pomona Drive
18918 Middletown Road

11/20/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 13, 2000

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

3

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-172, 01-174, and 01-177.

The Office of Planning has reviewed the above referenced case(s) 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:

AFK/JL:MAC

Section Chief:



Maryland Department of Transportation State Highway Administration

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

Date: // . 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. 177 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.tad.us).

Very truly yours,

1. J. Grelle

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

My telephone number is ______

October 30, 2000

To Whom It May Concern:

I have been asked by James R. Ayars, to comment on the proposed building of an attached garage on his property located at 18918 Middletown Road, Parkton, MD 21120. My property, which is located at 18914 Middletown Road, and which can be further identified as Lot 2, Gibson Estates, shares a common boundary with the property owned by Mr. Ayars.

It is my understanding that Mr. Ayars has been required to request a variance to the Baltimore County "setback" requirement of fifty (50) feet from the property boundary. Further, I understand that if the requested variance is approved, the new structure may be built to within Thirty (30) feet of the property boundary.

I have no objection to the building of the proposed structure or to the approval of the requested variance. 01-127 A

William R. Zittle

Wille ST

410-357-5417

October 30, 2000

To Whom It May Concern:

I have been asked by James R. Ayars, to comment on the proposed building of an attached garage on his property located at 18918 Middletown Road, Parkton, MD 21120. My property, which is located at 18920 Middletown Road, and which can be further identified as Lot 2, Middletown Heights, shares a common boundary with the property owned by Mr. Ayars.

It is my understanding that Mr. Ayars has been required to request a variance to the Baltimore County "setback" requirement of fifty (50) feet from the property boundary. Further, I understand that if the requested variance is approved, the new structure may be built to within Thirty (30) feet of the property boundary.

I have no objection to the building of the proposed structure or to the approval of the requested variance.

Thomas Dominick

Mones C' Down h

410-343-3051

October 30, 2000

To Whom It May Concern:

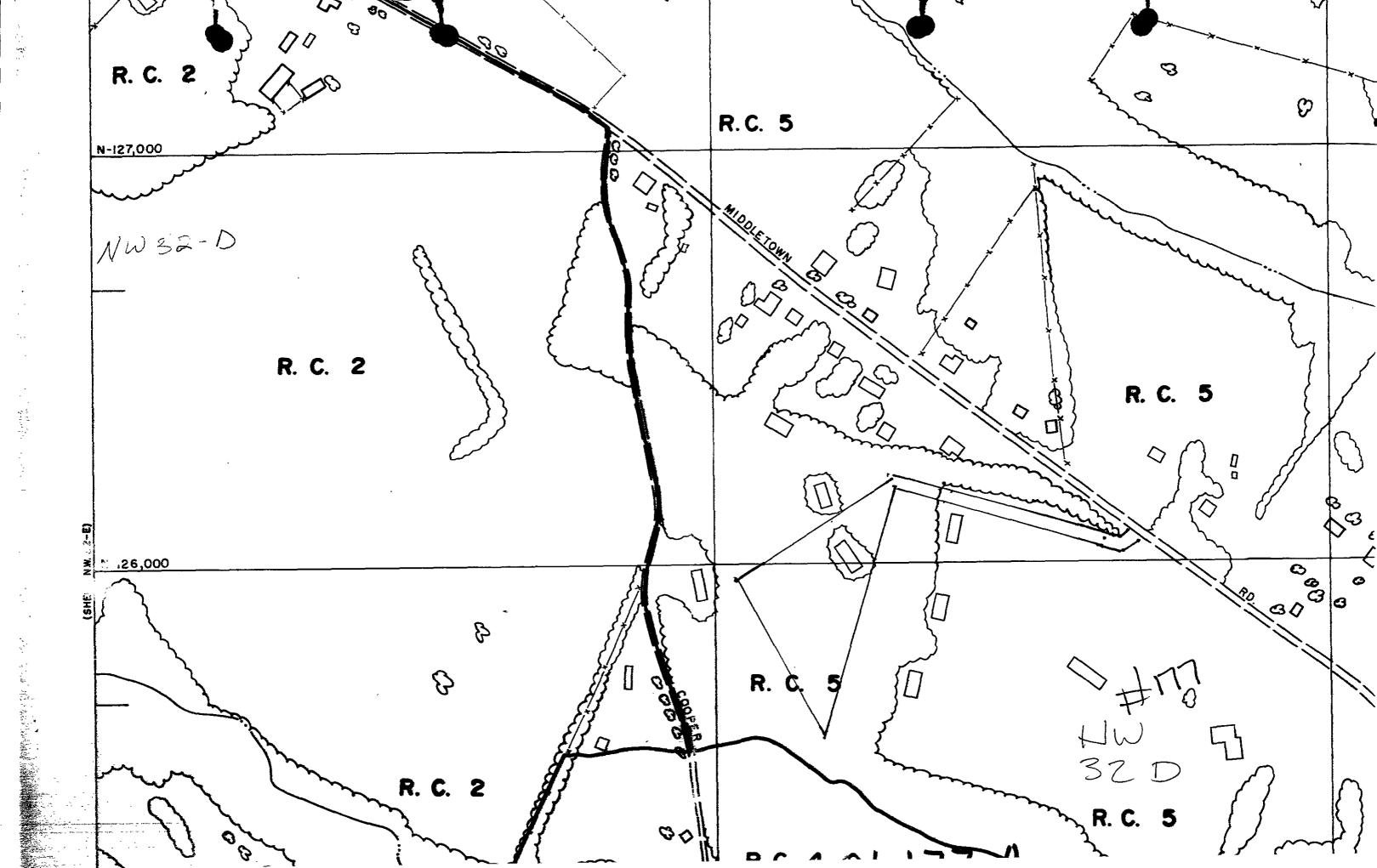
I have been asked by James R. Ayars, to comment on the proposed building of an attached garage on his property located at 18918 Middletown Road, Parkton, MD 21120. My property, which is located at 18916 Middletown Road, and which can be further identified as Lot 1, Gibson Estates, shares a common boundary with the property owned by Mr. Ayars.

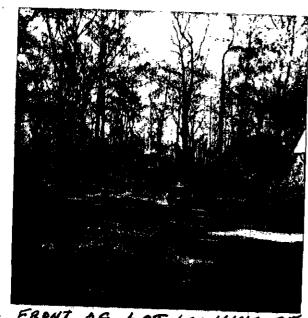
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I have no objection to the building of the proposed structure or to the approval of the requested variance.

Gene Harting

410-357-4233





FRONT OF LOT LOOKING PT LEPT OF HOUSE AT FUTURE GARAGE LOCATION IN FRONT OF CAR.



BACK OF LOT BY SHED LOOKING AT NEW GARAGE LOCATION INFRONT OF CAR #177

