IN RE: PETITION FOR ADMIN. VARIANCE

N/S Sulphur Spring Road, 800' W of Birch Avenue 13th Election District 1st Councilmanic District (1250 Sulphur Spring Road)

Mary and Douglas Korb Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

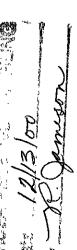
CASE NO. 01-196-A

#### 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, Mary and Douglas Korb. The variance request is for property located at 1250 Sulphur Spring Road in the Arbutus area of Baltimore County. The Petitioners herein seek a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) with a height of 16 ft. (maximum) and a side yard setback of 1 ft. (if deemed necessary) in lieu of the maximum 15 ft. height and 2 1/2 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 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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13 day of December, 2000, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) with a height of 16 ft. (maximum) and a side yard setback of 1 ft. (if deemed necessary) in lieu of the maximum 15 ft. height and 2 1/2 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:rai





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

Fax: 410-887-3468

December 13, 2000

Mr. & Mrs. Douglas Korb 1250 Sulphur Spring Road Arbutus, Maryland 21227

Re: Petition for Administrative Variance

Case No. 01-196-A

Property: 1250 Sulphur Spring Road

Dear Mr. & Mrs. Korb:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy lotroes

TMK:raj Enclosure















CASE NO. (\*)

REV 9/15/98

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	1250 Sulphur Spring Rd. Arbutus, Md. 21227
whie	th 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) 400.1 AND 400.3 TO PERMIT A ACCESSORY STRUCTURE (DETACHED GARAGE) WITH A HEIGHT OF 16 FT. (MAXIMUM) AND A SIDE YARD SETBACK OF 1FT. (IF DEEMED NECESSARY) IN LIEU OF THE MAXIMUM 15 FT, HEIGHT AND 2 12 SETBACK

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly declare perjury, that I/we are the is the subject of this Petit	legal owner(s) of the	e penalties of property which
Contract Purchase	r/Lessee:		Legal Owner(s):		
	<del></del>		Douglasof	AKONLA	<del></del>
Name - Type or Print		·	Name Type or Print	1. Kalo	
Signature			Signature  Many Stron-Kor	h	
Address		Telephone No.	Name - Type or Print		
O.W.		71- Ondo	mary Strok-Kor	<u> </u>	
City	State	Zip Code	Signature/		
Attorney For Petiti	o <u>ner:</u>		1250 Sulphur 5	princkd 413	737-0753 Telephone No.
			Address	$\mathcal{L}I$	relephone No.
Name - Type or Print			City	State	Zip Code
			•		- <b>/F</b>
Signature	Mainta	<del></del>	Representative to b	e Contacted:	
3		•			
Company	<del>-</del>	······································	Name		<del>,</del>
and the same					
Address		Telephone No.	Address		Telephone No.
MO					
CHE	State	Zip Code	City	State	Zip Code
A Public Hearing having this day of regulations of Baltimore Cou		hat the subject matter of t	required, it is ordered by the Z his petition be set for a public hea	oning Commissioner or iring, advertised, as red	f Baltimore County, puired by the zoning
V. 6			Zoning Commission	oner of Baltimore Count	ty
				•	1

Estimated Posting Date

# Affidavit in Support of Administrative Variance

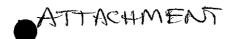
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at Address Zip Code That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty): SEF ATTACHE That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: before me, a Notary Public of the State day of I HEREBY CERTIFY, this <u>Marketing</u> of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal ress. a-1 Seaux

REV 09/15/98

Date

Teresa A. Beaumont, Notary Public Anne Arundei County State of Maryland My Commission Expires Feb. 2, 2002

My Commission Expires



I began reconstruction of garage before becoming aware that a permit was necessary to rebuild garage that was razed prior to ownership. Kneewalls were constructed atop existing foundation to square and level base for prefabricated trusses. The roof was built on a 7/12 pitch to match that of the existing house. Due to the width of the garage it brought the height to approximately 20 feet 6 inches. By the time I was made aware that I needed a permit, the walls and roof were already finished. To reconstruct to current requirements would cause a huge financial hardship on us. The property was partially destroyed by fire. I am building atop existing 8' stone walls which remained a fire the fire. The set backs

Remained a fire the fire the fire the set backs

Remained which are gied. The roof is occupied by 50'sts and unusable space.

LENING DESCRIPTION. 1250 SULPHER SPRING RD.

196 DECINNING AT A POINT ON THE NORTH SIDE OF SULPHER SPRING RD (36 FT PAVING) AT A DISTANCE OF BOO FT. WEST OF BIRCH AVE, CENTER LINE THENCE ALONG THE RIGHT OF THEN SOUTHERLY 155 FT BACK TO THE POINT OF BEGINNING. BEING. , 34 AC + IN THE IST COMEIL DIST, 13 TH ELECTION DISTIRICT.

Quaglas L. Kolo 11/9/00

BALTIMORE COUNTY, MAR AND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  No.	78
DATE 11/09/00 ACCOUNT RODIGIES  AMOUNT \$ 50.00	PRIVED OFFI THE STATE OF THE ST
FOR: RES VAR	Figure Contractions of the second sec
DISTRIBUTION WHITE - CASHIER PINK - AGENCY	01-196-A
VALUE - CASHER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

## CERTIFICATE OF POSTING

RE: C	ase No.: 01-196-A
P	etitioner/Developer:
<u>Ţ</u>	DOUG & MARY KORB
	ate of Hearing/Closing: 12/04/00
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 were posted conspicuously on the property located at	
The sign(s) were posted on $\frac{NoV \cdot 18}{2}$	
( Month,	Day, Year)
Sin	cerely,
	Signature of Sign Poster and Date)
<u>C</u> <sub>7</sub>	Printed Name)
<u>3</u>	(Address)
<u> </u>	PACTIMONE, MD. 21275
	(City, State, Zip Code)
- <del>1</del>	(Telephone Number)

9/96 cert.doc



# ZONING NOTICE

**ADMINISTRATIVE** 

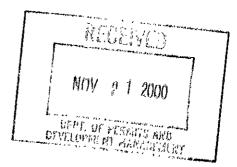
CASE # 01-196-A
TO PERMIT AN ACCESSORY
STRUCTURE DETACHED GARAGE WITH A HEIGHT OF 16FT (MAXIMUM)
AND A SIDE YARD SETBACK OF 1FT.
(IF DEEMED NECESSARY) IN LIEU OF
THE MAXIMUM 15FT. HEIGHT AND
21/4 FT. SETBACK

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE

AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
A:30 p.m. on December at 2000
ADDITIONAL IN OR MAY ON IS AVAILABLE AL
ONING ANABILITY ATTOMATION AND ANABOMENTAL

ONING ANABILITY AND ANABOMENTAL

ONING ANABO



# DEPARTMENT F 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:
100
Item Number or Case Number:
Petitioner: Danglas A. Kowb
Address or Location: 1250 Suphur Spring Rd.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Donglas A. Kort
Address: 1250 Sulphur Spring Rd.
Arbutus Md. 21227
Telephone Number: 410 737 0753

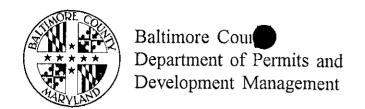
Revised 2/20/98 - SCJ

01-196-7

### ADMINISTRATIVE ARIANCE INFORMATION SEET AND DATES

Case Number 01- 196 -A Address 1250 SULPHER SPRING RD.		
Contact Person: John Lewis Phone Number: 410-887-3391		
Filing Date: 11 09 00 Posting Date: 11 19 00 Closing Date: 12 14 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. <b>POSTING/COST:</b> 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. <b>DEADLINE:</b> 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- 196 -A Address 1250 SULPHER SPRING-RD		
Petitioner's Name Pouc AND MARY KORB. Telephone 410 7370753		
Posting Date: 11 19 00 Closing Date: 12 04 00		
Wording for Sign: To Permit A ACCESSORY STRUCTURE (DETACHED GARAGE) WITH A		
HEIGHT OF 16 FT. (MAXIMUM) AND A SIDE YARD SETBACK OF IFT. (IF DEFMED		
HEIGHT OF 16 FT. (MAXIMUM) AND A SIDE YARD SETBACK OF IFT. (IF DEFINED NECESSARY) IN LIEU OF THE MAXIMUM 15 FT. HEIGHT AND 2/2 SETBACK		

01-196-A



December 4, 2000

Mary S. & Douglas A. Korb 1250 Sulphur Spring Road Arbutus, MD 21227

Dear Mr. & Mrs. Korb:

RE: Case Number: 01-196-A, 1250 Sulphur Spring Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 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. G. Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

**Enclosures** 

C: People's Counsel

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 29, 2000

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 27, 2000

Item Nos. 178 (5113 Old Court Road), 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 191, 192, 193, 194, 195, 196, 198, 199, 201,

and 202

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 27, 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

Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 20, 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:

179, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, and 203

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 KRBS

DATE:

December 1, 2000

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of November 20, 2000

DEPRM has no comments for the following zoning petitions (page 1 of 2):

Item #	Address
178	5113 Old Court Road
181	4 St. Thomas Lane
182	1912 Wilson Lane
184	1214 Blue Mount Road
185	10911 Reisterstown Road
186	7 Henderson Hill Court
187	11504 Hannibal Road
188	7419 Beech Avenue
189	3300 Willoughby Road
191	6823 Old Pimlico Road
192	3900 Beckleysville Road
194	2315 Benson Mill Road
195	Security Blvd. & Rolling Road
196	1250 Sulphur Spring Road

AN 12/4

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 4, 2000

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1250 Sulphur Spring Road

INFORMATION:

Item Number:

01-196

Petitioner:

Douglass and Mary Stroh Korb

Zoning:

DR 5.5

**Requested Action:** 

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance provided the garage is not converted into a dwelling unit.

Prepared by:

Section Chief:

AFK:MAC:



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

Date: 11.27.00

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

RE: Baltimore County

Item No. 196 ()LL)

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.

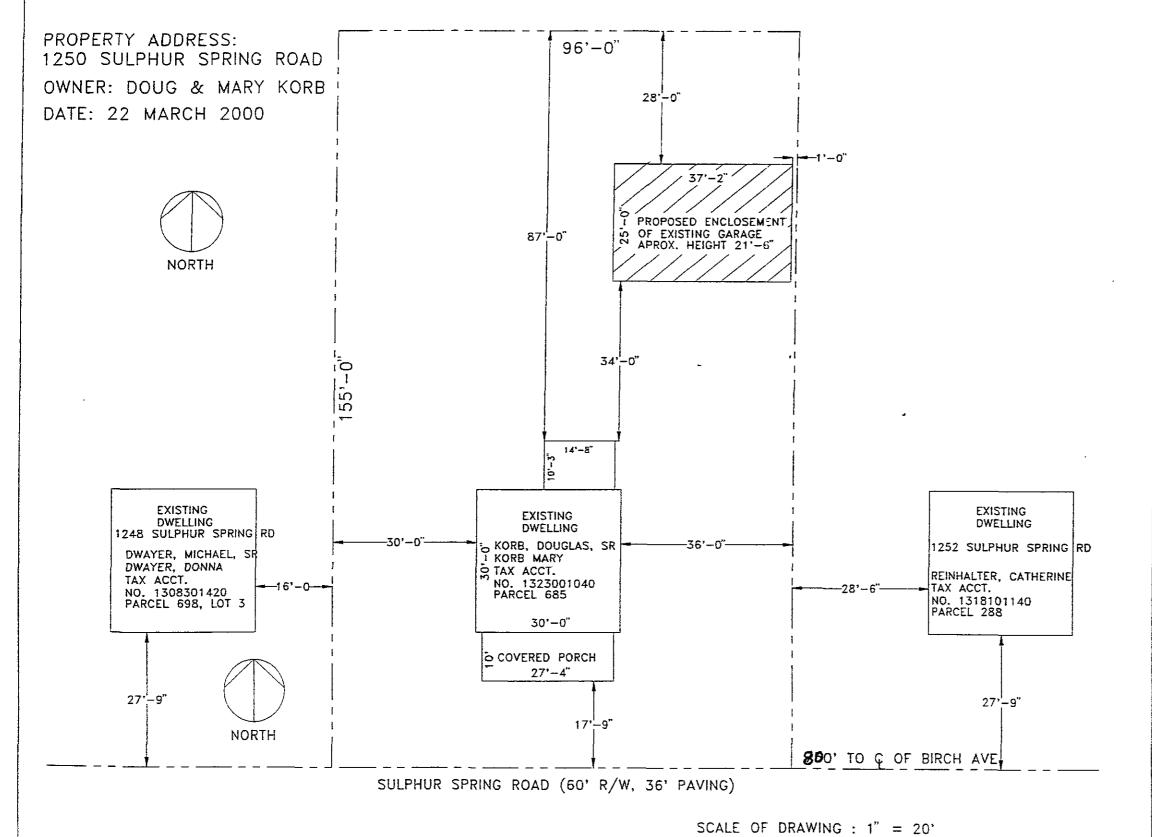
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.ad.us).

Very traly yours,

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

1. J. Soll

## PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE



SUBJECT PROPERTY-SULPHUR SPRING RO. WILLYS AVE LINK AVE OREGON NORTH VICINITY MAP SCALE : 1" = 1000"

#### LOCATION INFORMATION

COUNCILMANIC DISTRICT:

**ELECTION DISTRICT:** 

1"=200' SCALE MAP#:

ZONING:

LOT SIZE:

.340 ACREAGE

14,453.00 SQUARE FEET

SEWER:

WATER:

PUBLIC

PRIVATE

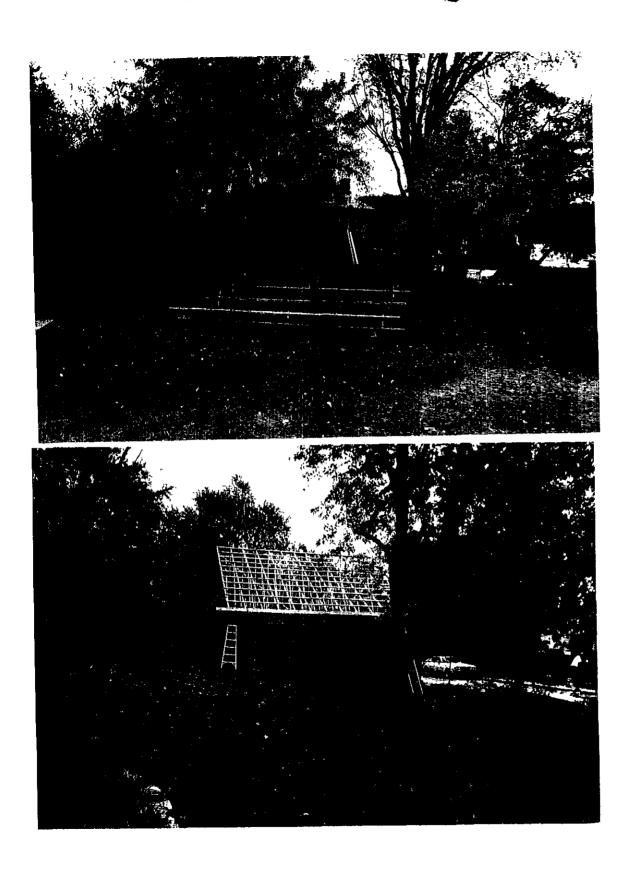
CHESAPEAKE BAY CRITICAL AREA:

PRIOR ZONING HEARINGS: NONE





01-196-A



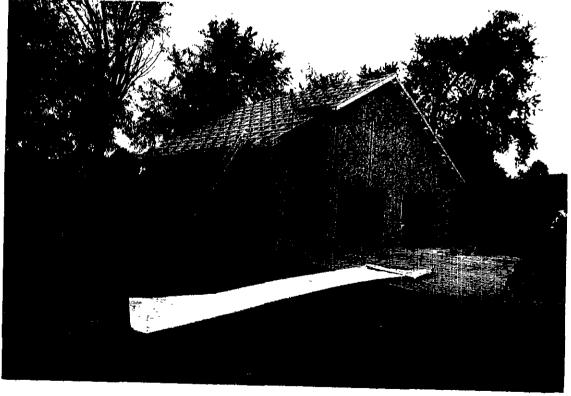
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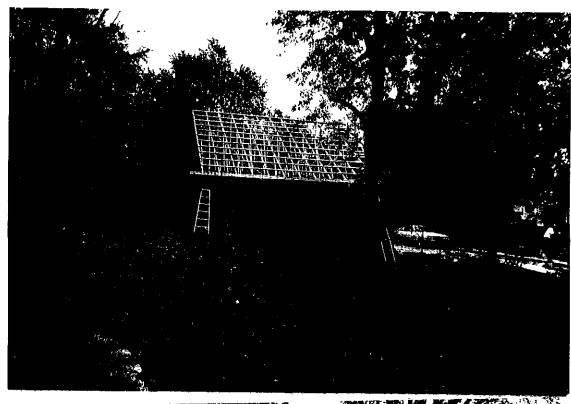


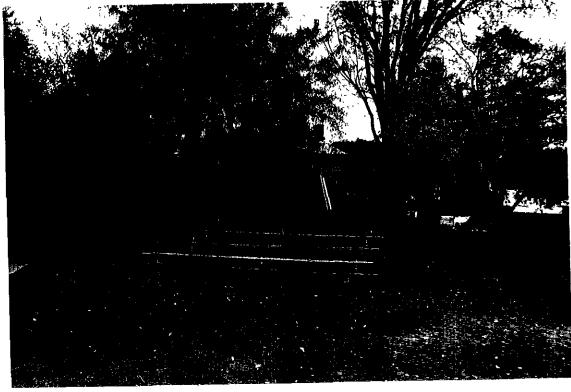


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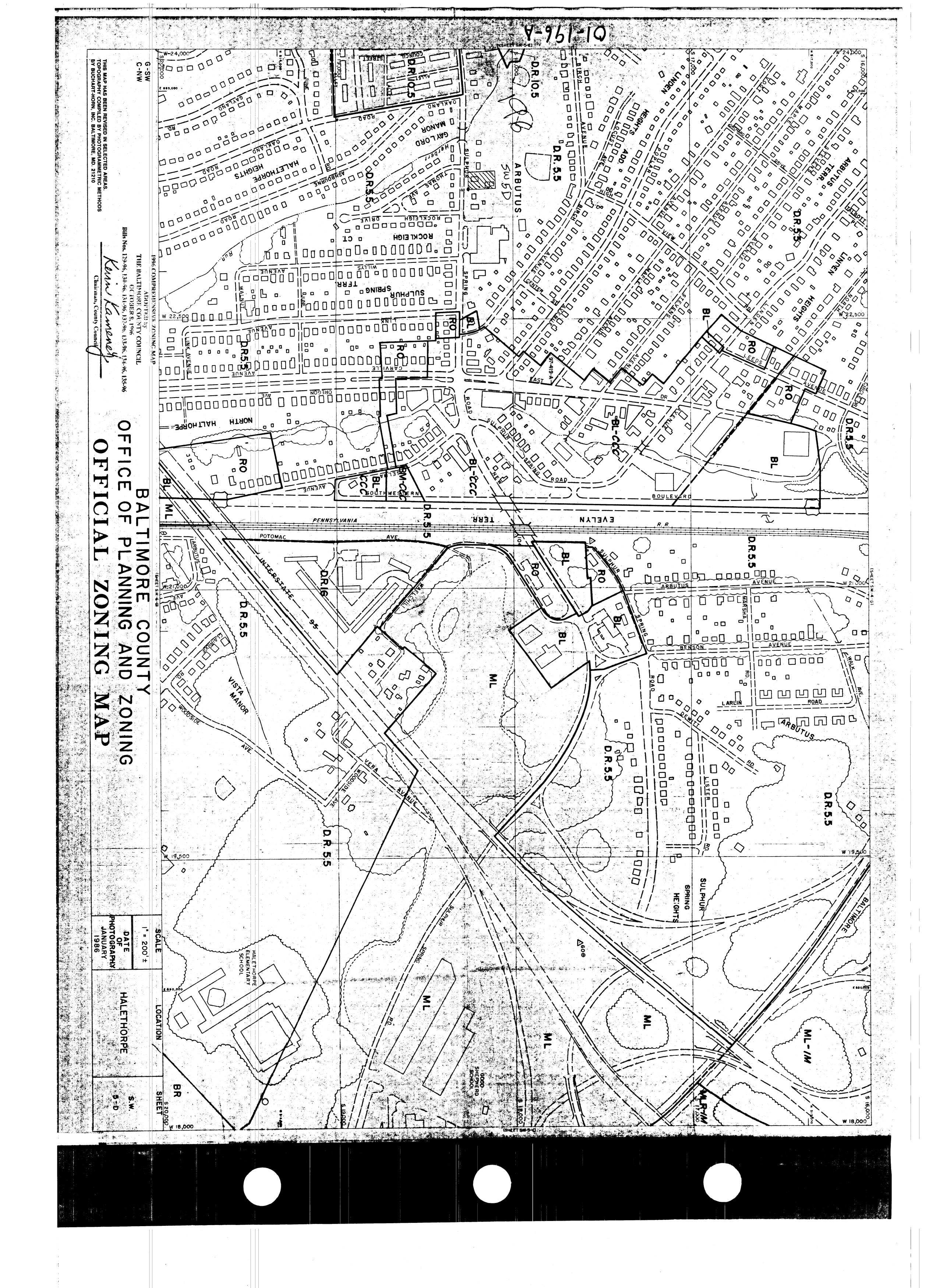


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