

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S Handy Avenue, 250' N		
centerline of Rich Avenue	*	ZONING COMMISSIONER
1st Election District		
1st Councilmanic District	*	OF BALTIMORE COUNTY
(1005 Handy Avenue)		
	*	CASE NO. 01-203-A
Neville and Elizabeth Best		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Neville and Elizabeth Best. The variance request is for property located at 1005 Handy Avenue in the Catonsville area of Baltimore County. The Petitioners herein seek a variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (car port) with a side yard setback of 4 ft. and a front yard setback of 12 ft. in lieu of the required 7.5 ft. and 18.75 ft. respectively. 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 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.

12/13/00
R. J. Jenson

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 Zoning Commissioner for Baltimore County this 13th day of December, 2000, that a variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (car port) with a side yard setback of 4 ft. and a front yard setback of 12 ft. in lieu of the required 7.5 ft. and 18.75 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

RECEIVED FOR FILING
12/13/00
R. J. Jenson



Baltimore County
Zoning Commissioner

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

December 13, 2000

Mr. & Mrs. Neville Best
1005 Handy Avenue
Baltimore, Maryland 21228

Re: Petition for Administrative Variance
Case No. 01-203-A
Property: 1005 Handy Avenue

Dear Mr. & Mrs. Best:

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,

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

c: Mr. Myles Rosenblatt
4319 Harford Road
Baltimore, MD 21214



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 1005 HANDY AVE
Address
Catonsville MD 21228
City State 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):

To provide accessibility to the vehicle during inclement weather.

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.

Elizabeth I. Best
Signature
Elizabeth I. Best
Name - Type or Print

Neville D. Best
Signature
Neville D. BEST
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of November, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Neville D. Best Elizabeth I. Best
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

Nov 1, 2000
Date

Ellen G. Williams
Notary Public

My Commission Expires

ELLA G. WILLIAMS
NOTARY PUBLIC
MY COMMISSION EXPIRES 5/1/03



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1005 Handy Ave.
which is presently zoned D.R.-S.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) 301.1A to permit an open projection (car port) with a side yard setback of 4 ft. and a front yard setback of 12 ft. in lieu of the required 7.5 ft. and 18.75 ft. respectively.

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 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):

Neville D. Best
Name - Type or Print _____
Neville D. Best
Signature _____
Elizabeth I. Best
Name - Type or Print _____
Elizabeth I. Best
Signature _____
1005 Handy Ave 410-747-2722
Address _____ Telephone No. _____
Catonsville MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 01-203-A

REV 9/15/98

Reviewed By BR Date 11/15/00

Estimated Posting Date 11/26/00

Example 3 – Zoning Description

ZONING DESCRIPTION FOR 1005 HANDY AVE.

Beginning at a point on the **east** side of **Handy Ave.** which is **40 feet** wide at the distance of **250 feet north** of the centerline of the nearest improved intersecting street **Rich Ave** which is **40 feet** wide. Being lot # **95**, in the subdivision of **Douglas Park** as recorded in Baltimore County Plat Book # **7**, Folio # **169** containing **5,250** square feet. Also known as **1005 Handy Ave** and located in the **1st** election district, **1st** councilmanic distric.

01-203-A

#203

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

6762

DATE

ACCOUNT

AMOUNT \$

50.00

RECEIVED
FROM:

FOR:

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

CASHIER INITIAL TIME
3/15/2000 11:15:00 AM 03:26:02
FOR DEPOSIT CASHIER INITIAL TIME
3/15/2000 11:15:00 AM 03:26:02
CASHIER INITIAL TIME
3/15/2000 11:15:00 AM 03:26:02

PAID TO: 50.00
BY: 50.00
BALTIMORE COUNTY, MARYLAND

01-203-A

CASHIER'S VALIDATION

I am # 203

CERTIFICATE OF POSTING

RE: Case No.: 01-203-A

Petitioner/Developer: _____

NEVILLE & ELIZABETH BEST

Date of Hearing/Closing: 12-11-00

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 _____

1005 HANDY AVENUE

The sign(s) were posted on Nov. 24, 2000
(Month, Day, Year)

Sincerely,

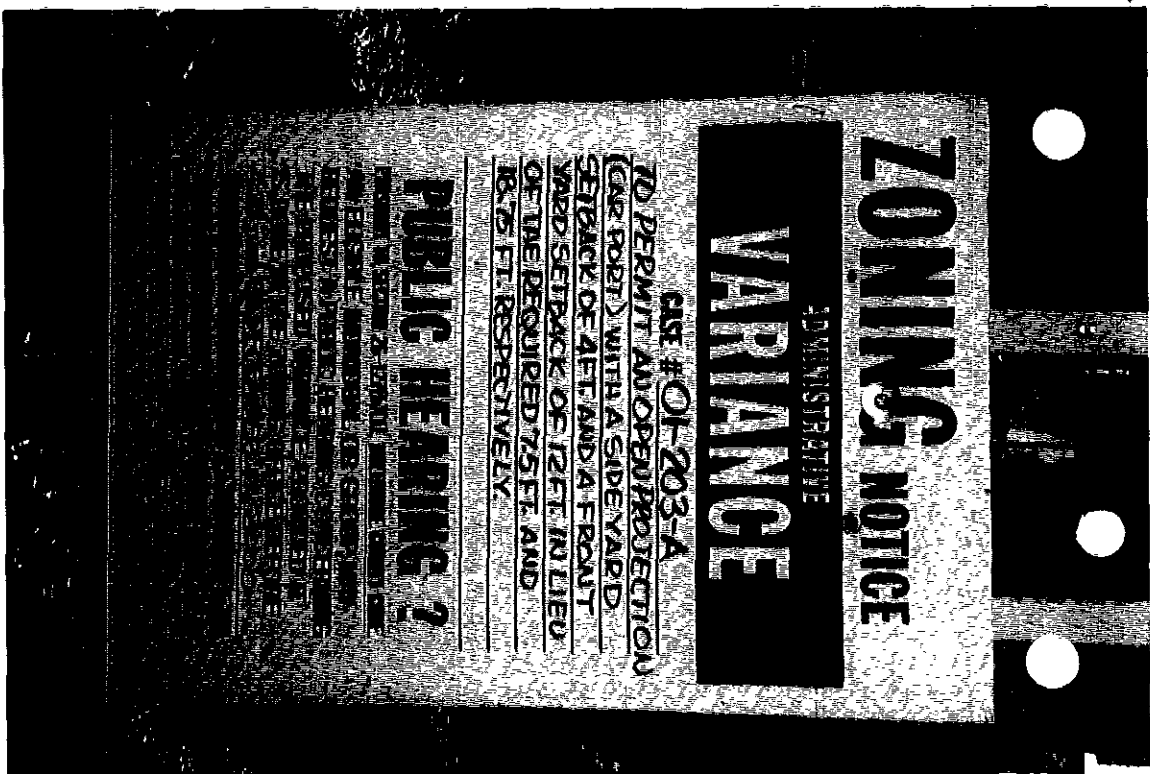
Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)



29 2000

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: 01-203 A
Petitioner: ~~001~~ Neville & Elizabeth Best
Address or Location: 1005 HANDY AVE BALTO MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: Neville & Elizabeth Best
Address: 1005 Handy Ave
Baltimore, MD 21228
Telephone Number: 410-747-2722

Revised 2/20/98 - SCJ

01-203-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 01- 203 -A Address 1005 Handy Ave.Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 11/15/00 Posting Date: 11/26/00 Closing Date: 12/11/00

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.
3. **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- 203 -A Address 1005 Handy Ave.Petitioner's Name Neville & Elizabeth Best Telephone 410-747-2722Posting Date: 11/26/00 Closing Date: 12/11/00Wording for Sign: To Permit an open projection (carport) with a side yard setbacks of 4 ft and a front yard setback of 12 ft. in lieu of the required 7.5 ft. and 18.75 ft. respectively.**01-203-A**



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

December 11, 2000

Elizabeth I. & Neville D. Best
1005 Handy Avenue
Catonsville, MD 21228

Dear Mr. & Mrs. Best:

RE: Case Number: 01-203-A, 1005 Handy Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 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. CDR
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Myles Rosenblatt, 4319 Hartford Road, Baltimore 21214
People's Counsel





Maryland Department of Transportation
State Highway Administration

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. 203 (BZ)

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,

for 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

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

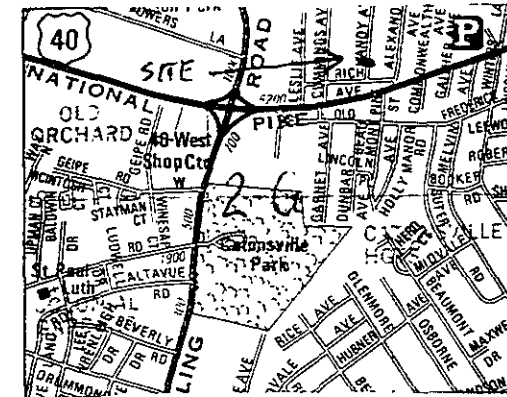
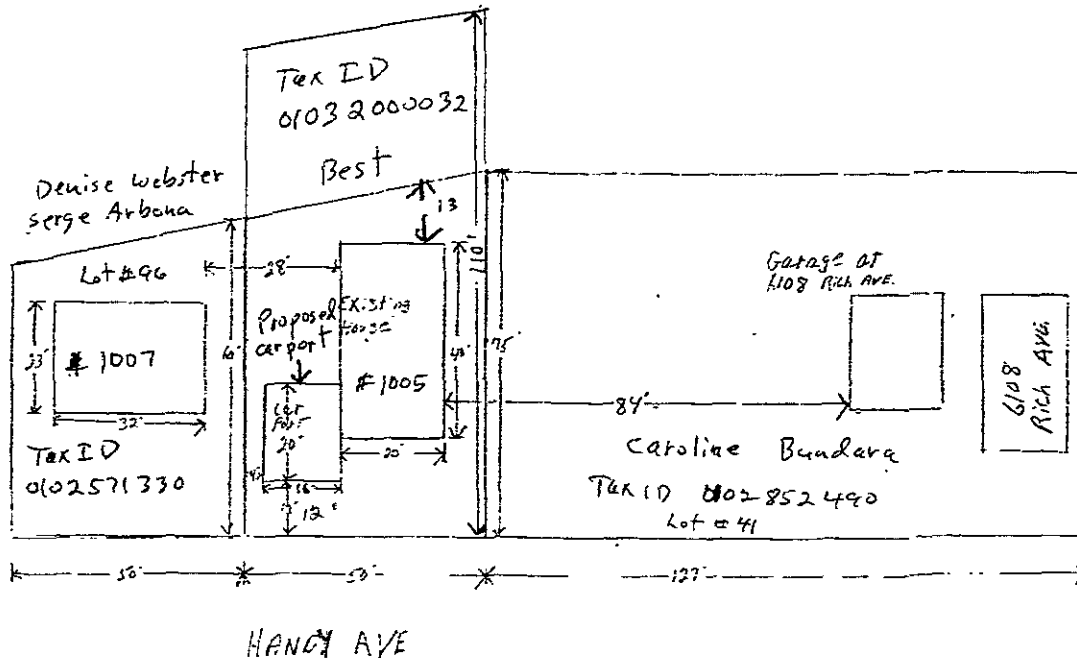
PROPERTY ADDRESS: 1005 HANDY AVE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Douglas Park

plat book # 7, folio # 170, lot # 95, section #

OWNER: Neville & Elizabeth Best



LOCATION INFORMATION

Election District: 1st
 Councilmanic District: 1st
 1"-200' scale map: SW 2-G
 Zoning: D.R.-S.5
 Lot size: 0.12 acreage 5,250 square feet

SEWER: ☒ public ☐ private
 WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ YES ☒ NO
 Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

Bh 203 01-203-A

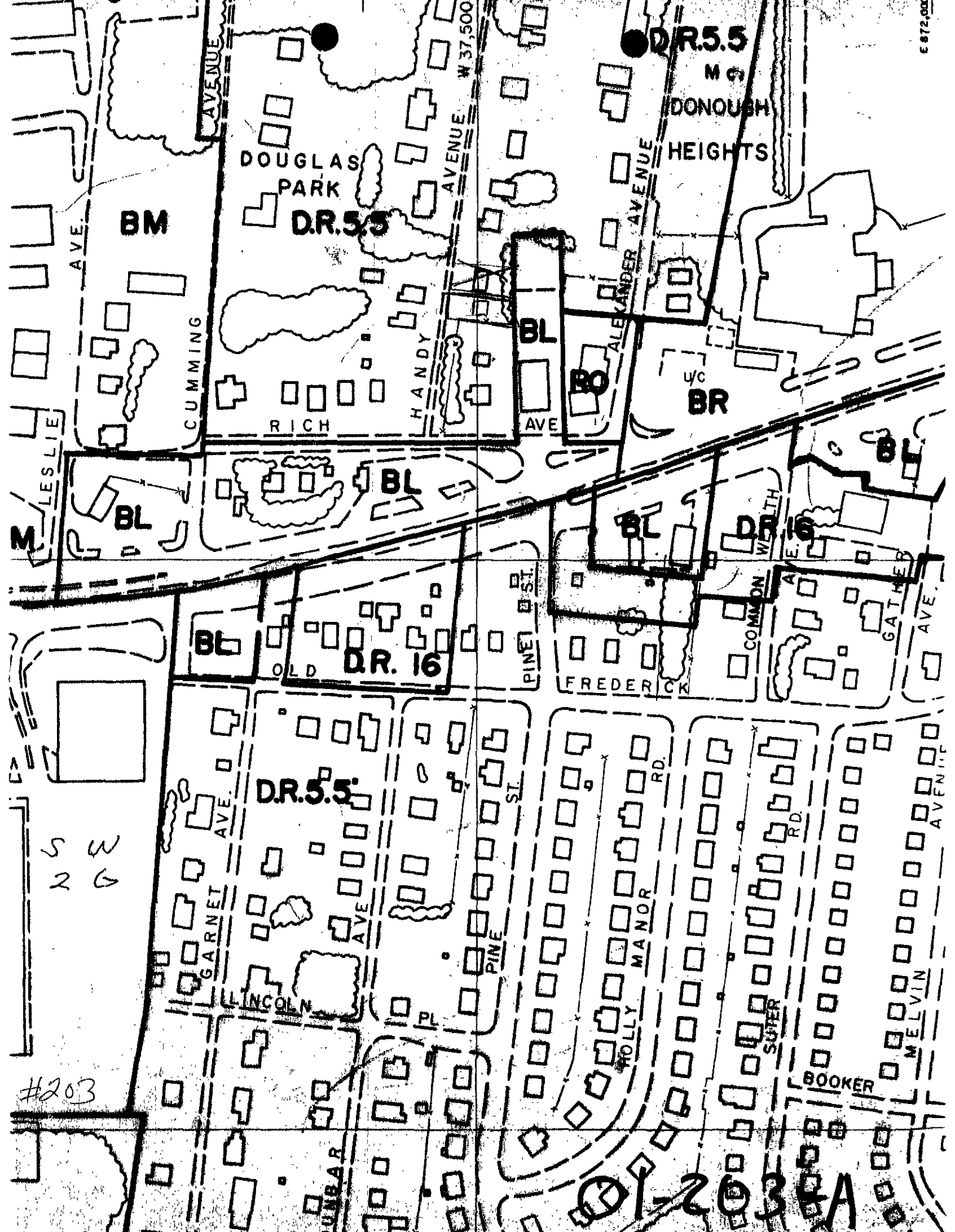
01-203-A

North

date: 11/2/00

prepared by: MR.

Scale of Drawing: 1"= 40'



BM

DOUGLAS PARK

DR.5.5

DR.5.5

MC DONOUGH HEIGHTS

BL

BO

BR

BL

BL

BL

DR.16

BL

BL

DR.16

PINE ST.

FREDERICK

COMMON

GATHER

DR.5.5

GARNET AVE.

AVE

LINCOLN

PINE

HOLLY MANOR RD.

SUTER RD.

BOOKER

MELVIN

#203

203A



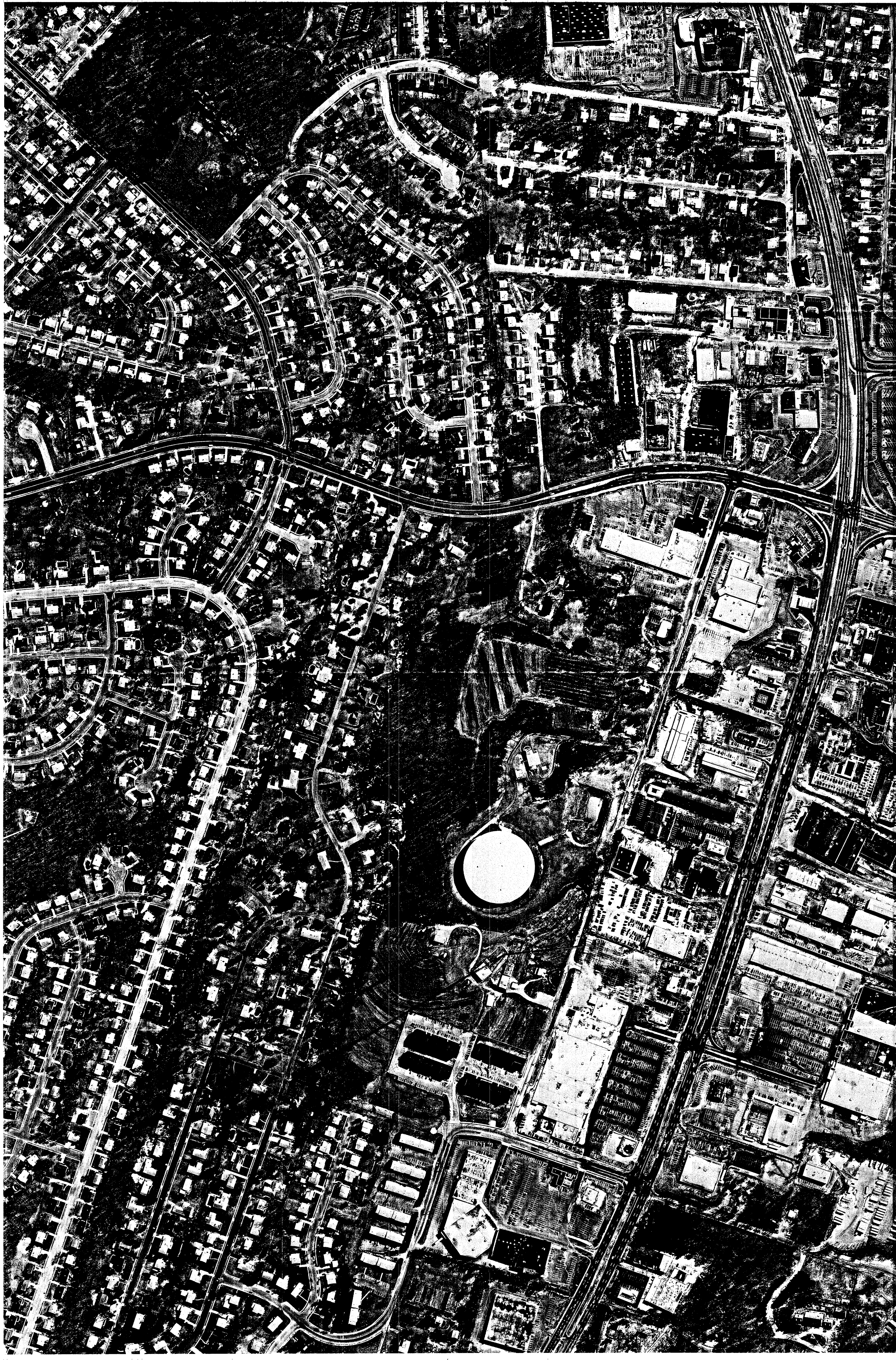
01-203-A



01-203-A



01-203-A



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: November 29, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For November 27, 2000
Item No. 203

The Bureau of Development Plans Review has reviewed the subject zoning item.

Handy Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

RE: 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

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 2 of 2):

197	1812 Cottage Lane
198	2923 Illinois Avenue
199	6422 Baltimore National Pike
200	Fields of Stevenson
202	10037, 10039, 10101, 10105 Harford Road
203	1005 Handy Avenue

AV
2/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 1, 2000

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 01-203**

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:

Mark A. Cunningham

Section Chief:

Jeffrey M. Long

AFK/JL:MAC