

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NW/S Prince George Road, 108' NE		
centerline of Leafydale Terrace	*	DEPUTY ZONING COMMISSIONER
2nd Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
(7439 Prince George Road)		
	*	CASE NO. 01-276-A
Phillip and Laura Tucker		
Petitioners	*	

* * * * *

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, Phillip and Laura Tucker. The variance request is for property located at 7439 Prince George Road in the Howardsville/Milford area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.B & C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a rear yard setback of 11 ft. in lieu of the required 30 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

2/1/01
J. J. Jenson

TMK:raj



Baltimore County
Zoning Commissioner

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

February 2, 2001

Mr. & Mrs. Phillip Tucker
7439 Prince George Road
Baltimore, Maryland 21208

Re: Petition for Administrative Variance
Case No. 01-276-A
Property: 7439 Prince George Road

Dear Mr. & Mrs. Tucker:

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

TMK:raj
Enclosure





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7439 Prince George 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) 1B02.3.B & C (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A REAR YARD OF 11' IN
LIEU OF THE REQUIRED 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 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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Signature

Company

Name

Address Telephone No.

Address Telephone No.

City State Zip Code

City State Zip Code

Representative to be Contacted:

Excel Remodeling Corp

Name

Address Telephone No.

Address Telephone No.

City State Zip Code

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. 01-276-A

Reviewed By CTM Date 1/11/01

Estimated Posting Date 1/14/01

ORDER RECEIVED FOR FILING

2001/01/15/98

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

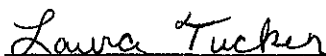
7439 Prince George Rd.
Address
Baltimore Md 21208
City State Zip Code

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):

Our family needs more room. The addition of this porch and deck would give us some much needed space. Because of the angular shape of our property line, it is not possible to build as planned without this variance

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.


Signature
Phillip Tucker
Name - Type or Print


Signature
Laura Tucker
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of Jan, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Phillip Tucker & Laura Tucker
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

Date

Notary Public

My Commission Expires

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

3439 Prince George Rd
Address
Balto MD 21208
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):

Our family needs more room. The addition of this porch and deck would give us some much needed space. Because of the angular shape of our property line, it is not possible to build as planned without this variance

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.

[Signature]
Signature

Phillip Tucker
Name - Type or Print

[Signature]
Signature

Laura Tucker
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of Jan, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Phillip Tucker + Laura Tucker
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

[Signature]
Date

[Signature]
Notary Public

My Commission Expires 5/02



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7439 Prince George 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) 1 B02.3. B1C (B0212)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A REAR YARD OF 11' IN LIEU
OF THE REQUIRED 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 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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

7439 Prince George Rd 410-415
6890

Address

Telephone No.

BALT

MD

21208

City

State

Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Name

Signature

Address

Company

City

Address

Telephone No.

City

City

State

Zip Code

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. 61-276-A

Reviewed By CTM Date 1/11/01

REV 9/15/98

Estimated Posting Date 1/14/01

Zoning Description for 7439 Prince George Rd

Beginning at a point on the NW side of Prince George Rd which is 45' wide at the distance of 108' NE of the Center line of nearest improved intersecting street Leafdale Terr. which is 40' wide. Being Lot # 9 Block J in the

Subdivision of Willow Glenn Addition Section 1 as recorded in Baltimore County Plat Book # 28, Folio 9, containing

0.13 Ac ±. Also known as 7439 Prince George Rd and located in the 2nd Election District, 2nd Councilmanic District

276

01-276-A

BALTIMORE COUNTY, MARYL. ID
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 90616

DATE 01/11/01 ACCOUNT 90016150

AMOUNT \$ 50.00

RECEIVED FROM: FREDERICK SHMAR

FOR: 010 VARIANCE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
1/11/2001 1/11/2001 11:53:45

REC 16506 CASHIER KNEW TXN DISMISSED
DEPT 5 SEC IDING VERIFICATION
RECEIPT # 004586
CH NO. 090616

Receipt Tot 50.00
50.00 OK 00.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN? 2/10/01

RE Case No

01-276-A

Petitioner/Developer

TUCKER, ETAL

Date of Hearing/Closing

1/29/01

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

7439 PRINCE GEORGE
RD.

The sign(s) were posted on

1/12/01

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/13/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

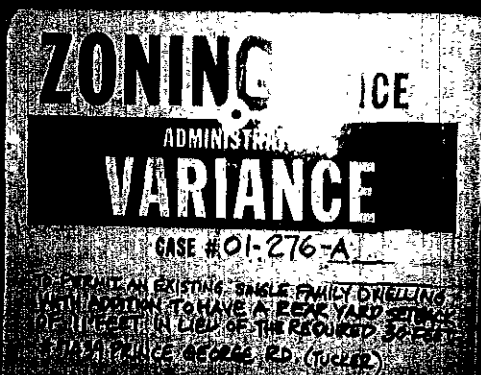
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



**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: 01-276-A
Petitioner: Phillip & Laura Tucker
Address or Location: 7439 Prince George Rd Balto MD 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: Excel Remodeling Corp
Address: 110 Painters Mill Rd ste 27
Owings Mills MD 21117
Telephone Number: 410 902 4144

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 276 -A

Address 7439 PRINCE GEORGE RD

Contact Person: LYND T. MOXLEY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 01/11/01

Posting Date: 1/14/01

Closing Date: 1/29/01

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- 276 -A

Address 7439 PRINCE GEORGE RD

Petitioner's Name PHILLIP & LAURA TUCKER

Telephone 410 415 6890

Posting Date: 1/14/01

Closing Date: 1/29/01

Wording for Sign: To Permit AN EXISTING SINGLE FAMILY
DWELLING WITH ADDITION TO HAVE A REAR YARD
OF 11' IN LIEU OF THE REQUIRED 30'



Baltimore County
Department of Permits and
Development Management

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

January 29, 2001

Laura & Phillip Tucker
7439 Prince George Road
Baltimore MD 21208

Dear Mr. & Mrs. Tucker:

RE: Case Number: 01-276-A, 7439 Prince George Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 14, 2001.

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: Excel Remodeling Corp, 110 Painters Mill Road, Owings Mills 21117
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 12, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For January 29, 2001
Item Nos. 270, 273, 274, 275, 276,
277, and 278

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

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

January 31, 2001

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 January 22, 2001

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:

270, 273, 274, 275, 276, 277, and 278

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB/RS*

DATE: January 30, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of January 22, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
271	600 Middle River Road
272	1102 Hart Road
273	602 Fuselage Avenue
274	120 Sanford Avenue
276	7439 Prince Georges Road
277	6624 Baltimore National Pike
278	1141 & 1143 Lake Avenue

AV
1/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JAN 24

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

DATE: January 24, 2000

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-276.

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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 W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.24.01

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

RE: Baltimore County
Item No. 276 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.md.us).

Very truly yours,

/s/ 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

Not

$$I'' = 20'$$

PROPOSED
12' X 18'
ADDITION

£ 10'
Drainage and Utility
Easement

N1738'10"E 70.77'

£ 10' ———
Drainage and Utility
Easement

Lot 10

umer only
ender or a
n connection
re-financing.
establishment
uildings or
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identification
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approximate
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$$d$$

$$md$$

5/7/97

tion

204

$$1'' = 20'$$

Prepared By
Fredrick Chmar

POB

S4056'30" N 65.00'

PRINCE GEORGE ROAD
(45' R/W , 40' Paving)

Sewer - public
Water - public
Chesapeake Bay Critical - NO
Prior Zoning Planning - NONE

Lot 8

Zoning = DR 5.5

$$\text{Lot Size} = \frac{0.13}{\text{acreage}} \frac{5796}{\text{square'}}$$

COUNCILMANIC - 2
DISTRICT

ELECTION DISTRICT - 2

Minimum Building
Setback Line

Property lies in Flood Zone
C

F.E.M.A. Map Panel Number
240010 0380 B, Dated 3/02/81

01-276-A

27th

D.R. 5.5

23,000

22,000

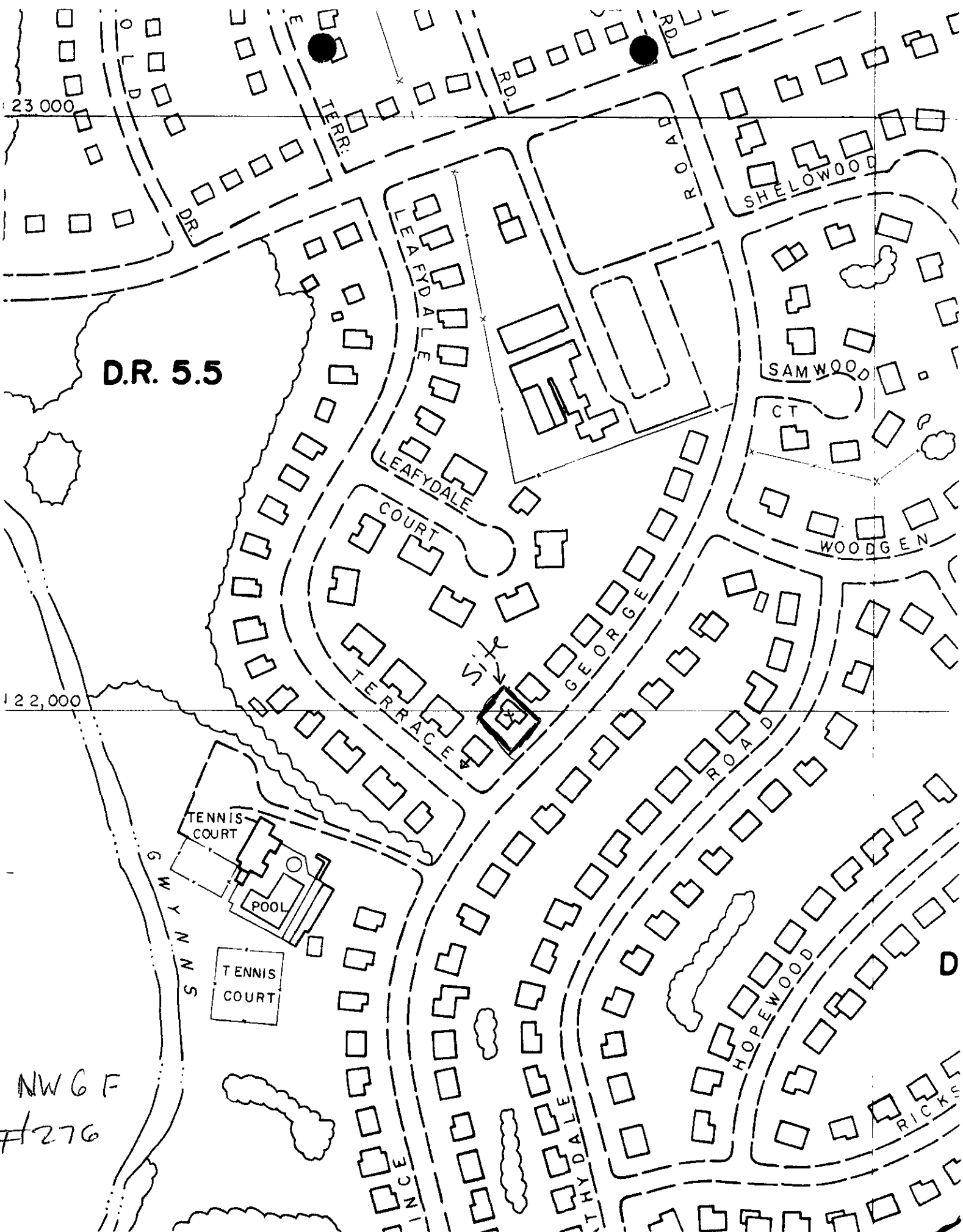
TENNIS COURT

POOL

TENNIS COURT

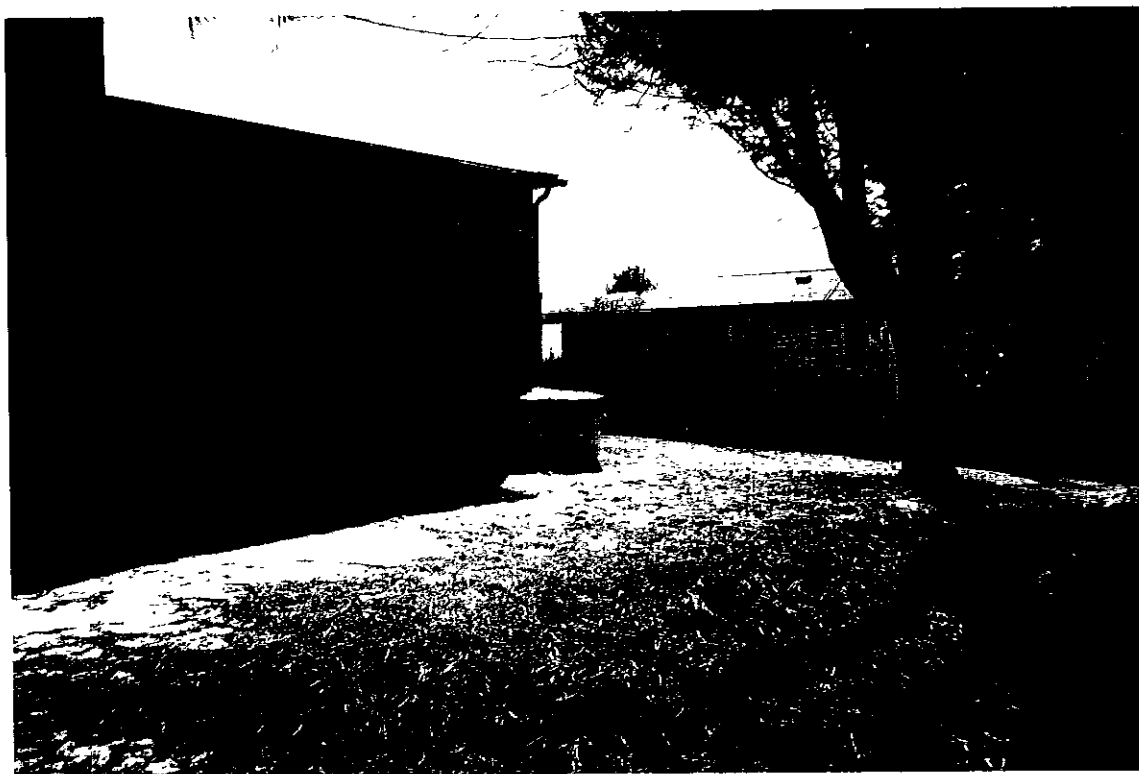
NW 6 F

#276





01-276-A



01-276-A



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

HOWARDSVILLE
MILFORD
#276

N.W.
6-F
01-276-A

MICROFILM