

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Princess Anne Way, 1200' W
centerline Summer Hill Drive
10th Election District
3rd Councilmanic District
(13800 Princess Anne Way)

Evelyn Bradley and Frederick Gilkey
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 01-346-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, Evelyn Bradley and Frederick Gilkey. The variance request is for property located at 13800 Princess Anne Way in the Phoenix area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (carport) to be located in the side yard in lieu of the required rear yard. 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.

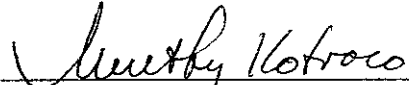
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

RECEIVED
DATE 4/3/01
BY J. P. 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 Deputy Zoning Commissioner for Baltimore County this 3rd day of April 2001, that a variance from Section 400.1 of the B.C.Z.R., to permit an accessory structure (carport) to be located in the side yard in lieu of the required rear yard, 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:raj

OFFICE OF THE DEPUTY ZONING COMMISSIONER
DATE 4/3/01
BY J. P. Johnson



Baltimore County
Zoning Commissioner

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

April 3, 2001

Ms. Evelyn Bradley
Mr. Frederick Gilkey
13800 Princess Anne Way
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 01-346-A
Property: 13800 Princess Anne Way

Dear Ms. Bradley & Mr. Gilkey:

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



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13800 PRINCESS Anne Way
which is presently zoned RC-4

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 to permit an accessory

structure (car port) be located in the side yard in lieu of the required rear yard.

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):

EVELYN BRADLEY
Name - Type or Print

Evelyn Bradley
Signature

FREDRICK W. GILKEY
Name - Type or Print

Signature

13800 PRINCESS Anne Way
Address

Phoenix MD 21131
City State Zip Code

Representative to be Contacted:

Same
Name

Address Telephone No.

City State Zip Code

Public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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. 01-346-A

Reviewed By BR Date 3/5/01

Estimated Posting Date 3/18/01

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 13800 PRINCESS ANNE WAY
City PHOENIX State MD Zip Code 21131

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):

1. Request that detached car port, designed to be architecturally compatible with home, be built at side of house. Construction of car port at rear of home is not possible due to steep terrain. Attachment of car port to home (by roof-like or tunnel-like structure) would be incompatible architecturally, and would be functionally useless as it would not cover walk and stairs.
2. Request that car port back (as well as front) be left open, to maintain open views of woods from kitchen, as planned by former owner/architect. This should not affect neighbors as this is not visible from street.

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 Evelyn Bradley
Name - Type or Print EVELYN BRADLEY

Signature Fredrick W. Gilkey
Name - Type or Print Fredrick W. Gilkey

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of February, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Evelyn Bradley & Fredrick W. Gilkey
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 February 16, 2001

Signature Diane L. Maister
Notary Public
My Commission Expires 3/26/01

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 13800 PRINCESS Anne Way
City Phoenix State MD Zip Code 21131

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):

1. Request that detached car port, designed to be architecturally compatible with home, be built at side of house. Construction of car port at rear of home is not possible due to steep terrain. Attachment of car port to home (by roof-like or tunnel-like structure) would be incompatible architecturally, and would be functionally useless as it would not cover walk and stairs.
2. Request that car port back (as well as front) be left open, to maintain open views of woods from kitchen, as planned by former owner/architect. This should not affect neighbors as this is not visible from street.

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 Evelyn Bradley
Name - Type or Print EVELYN BRADLEY

Signature Fredrick W. Gilkey
Name - Type or Print Fredrick W. Gilkey

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of February, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Evelyn Bradley & Fredrick W. Gilkey
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 February 16, 2001

Diana R. Lister
Notary Public
My Commission Expires 3/26/02



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13800 PRINCESS ANNE WAY ^{PHOENIX}
which is presently zoned RC-4

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 to permit an accessory

structure (car port) be located in the side yard in lieu of the required rear yard.

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.

City

State

Zip Code

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

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. 01-346-A

Reviewed By BK Date 3/5/01

Estimated Posting Date 3/18/01

Zoning Description

Zoning description for 13800 Princess Anne Way

Beginning at a point on the North side of Princess Anne Way, which is 50 ft. wide at the distance of 1200 ft. West of the centerline of the nearest improved intersecting street, Summer Hill Drive, which is 50 feet wide. Being Lot #8 Section 4 in the subdivision of Summerhill, as recorded in Baltimore County Plat Book #31, Folio #92, containing 2.65 acres. Also known as 13800 Princess Anne Way, and located in the 10th Election District, 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 91740

DATE 3/5/01 ACCOUNT R001-006-6150
AMOUNT \$ 50.00

RECEIVED FROM: Foreign Trading

FOR: Zoning Verification

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

to m 346

PAID RECEIPT

PAYMENT ACTUAL TIME
3/05/2001 3/05/2001 10:30:17

REG 0001 CASHIER JRIC JAK DRIVER 1
RECEIPT # 073002 OFLN
Dep 5 528 ZONING VERIFICATION
CR NO. 091740

Receipt Tot 50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 01-346-A

Petitioner/Developer: _____

BRADLEY / GILKEY

Date of Hearing/Closing: 4/2/01

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 _____

13800 PRINCESS ANNE WAY

The sign(s) were posted on 3/18/01
(Month, Day, Year)

CASE # 01-346-A

Sincerely,

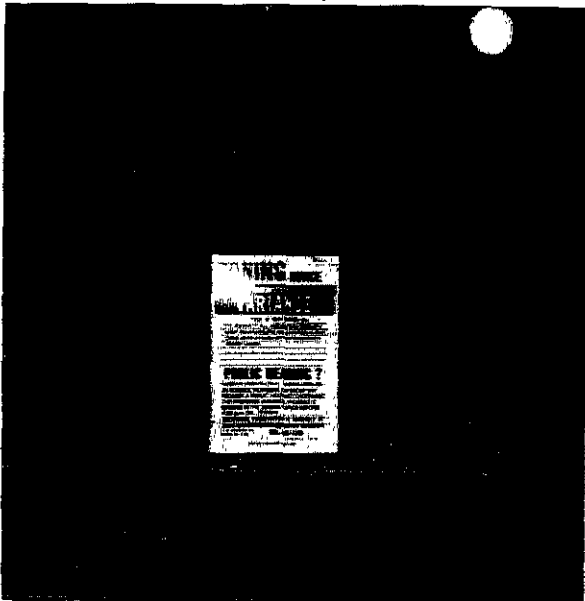
Richard E. Hoffman 3/18/01
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



13800 PRINCESS ANNE WAY
POSTED 3/18/01
Richard E. Hoffman 3/18/01

**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: 61-346-A
Petitioner: EVELYN BRADLEY & FREDRICK W. GILKEY
Address or Location: 13800 PRINCESS ANNE WAY PHOENIX
21131

PLEASE FORWARD ADVERTISING BILL TO:

Name: EVELYN BRADLEY
Address: 13800 PRINCESS ANNE WAY
PHOENIX MD 21131
Telephone Number: 410 666 8440

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 346 -A Address 13800 Princess Anne Way

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/5/01 Posting Date: 3/18/01 Closing Date: 4/2/01

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- 346 -A Address 13800 Princess Anne Way

Petitioner's Name Bradley / Gilkey Telephone 410-666-8440

Posting Date: 3/18/01 Closing Date: 4/2/01

Wording for Sign: To Permit an accessory structure (car port) be located in the side yard in lieu of the required rear yard.



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

April 2, 2001

Evelyn Bradley &
Fredrick W Gilkey
13800 Princess Anne Way
Phoenix MD 21131

Dear Ms. Bradley & Mr. Gilkey:

RE: Case Number: 01-346-A, 13800 Princess Anne Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 5, 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.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

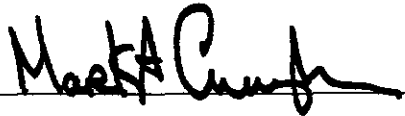
DATE: March 19, 2001

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

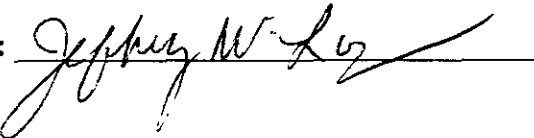
SUBJECT: Zoning Advisory Petition(s): Case(s) 01-354 and 346

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:



Section Chief:



AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 28, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For March 26, 2001
Item Nos. 346, 348, 350, 351, 352, 354,
355, and 356

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

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 March 19, 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:

346, 347, 348, 349, 351, 352, 353, 354, 355, 356, and 01-322-SPHA

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.15.01

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

RE: Baltimore County
Item No. 346 BR

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

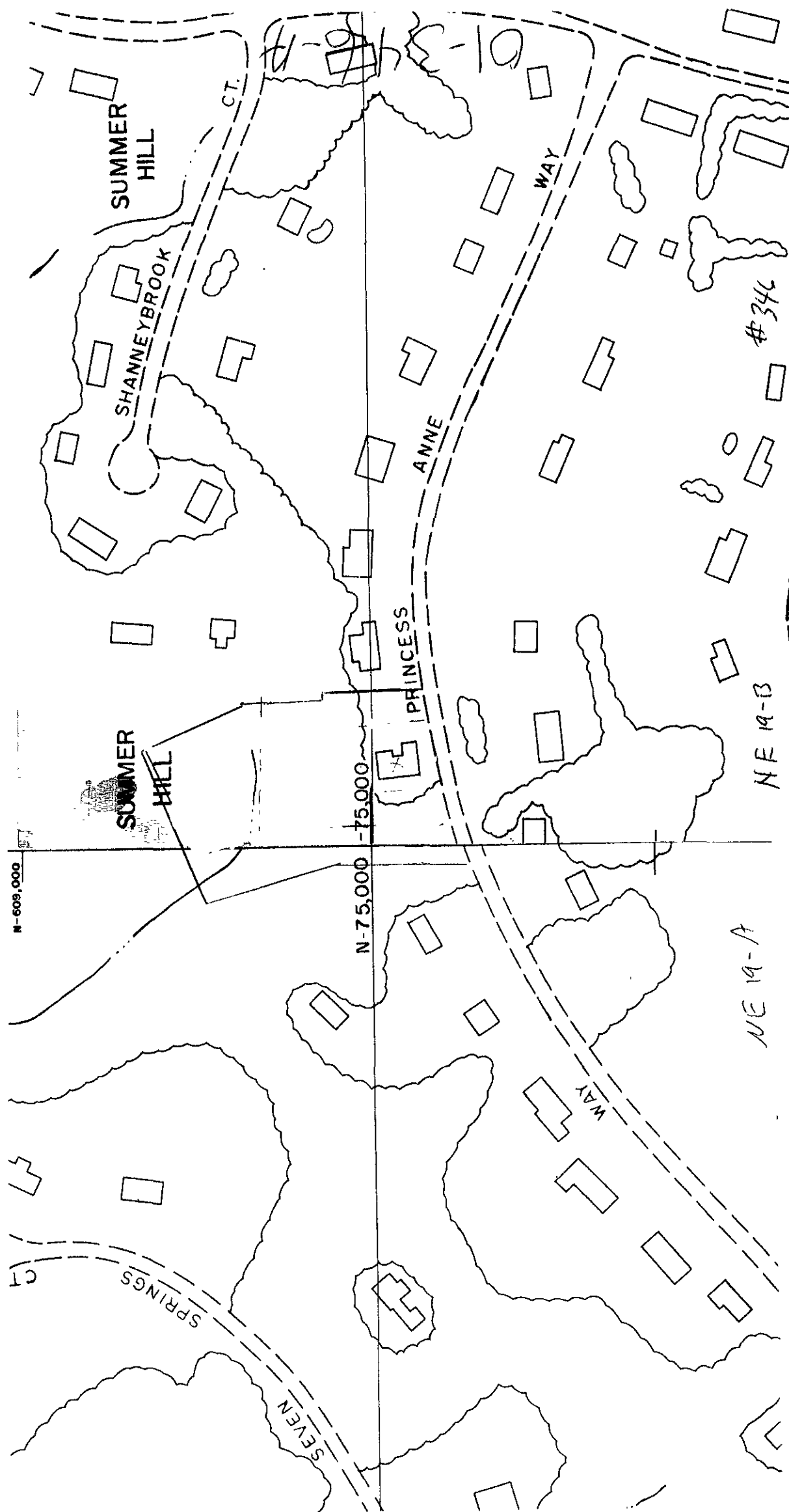
FROM: R. Bruce Seeley *RS*

DATE: March 28, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of March 19, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
346	13800 Princess Anne Way
348	1 Glencliffe Circle
351	3704 Valley Hill Drive
352	5 Wildon Court
354	324 Fox Lair Drive
355	7817 Ellenham Avenue
356	1919 Calais Court
322 Revised	8105 McDaniel Avenue

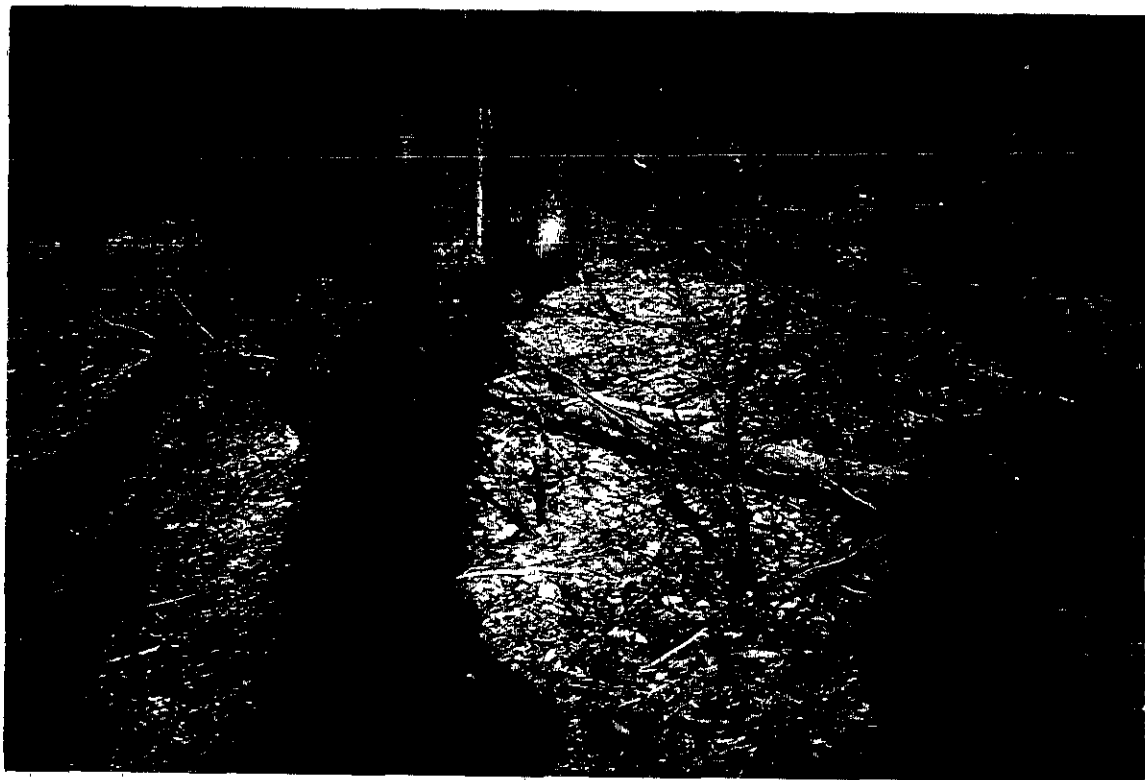




01-346-A



01-346-A



01-346-A

Owners:
Frederick Gilkey
Evelyn Buckley

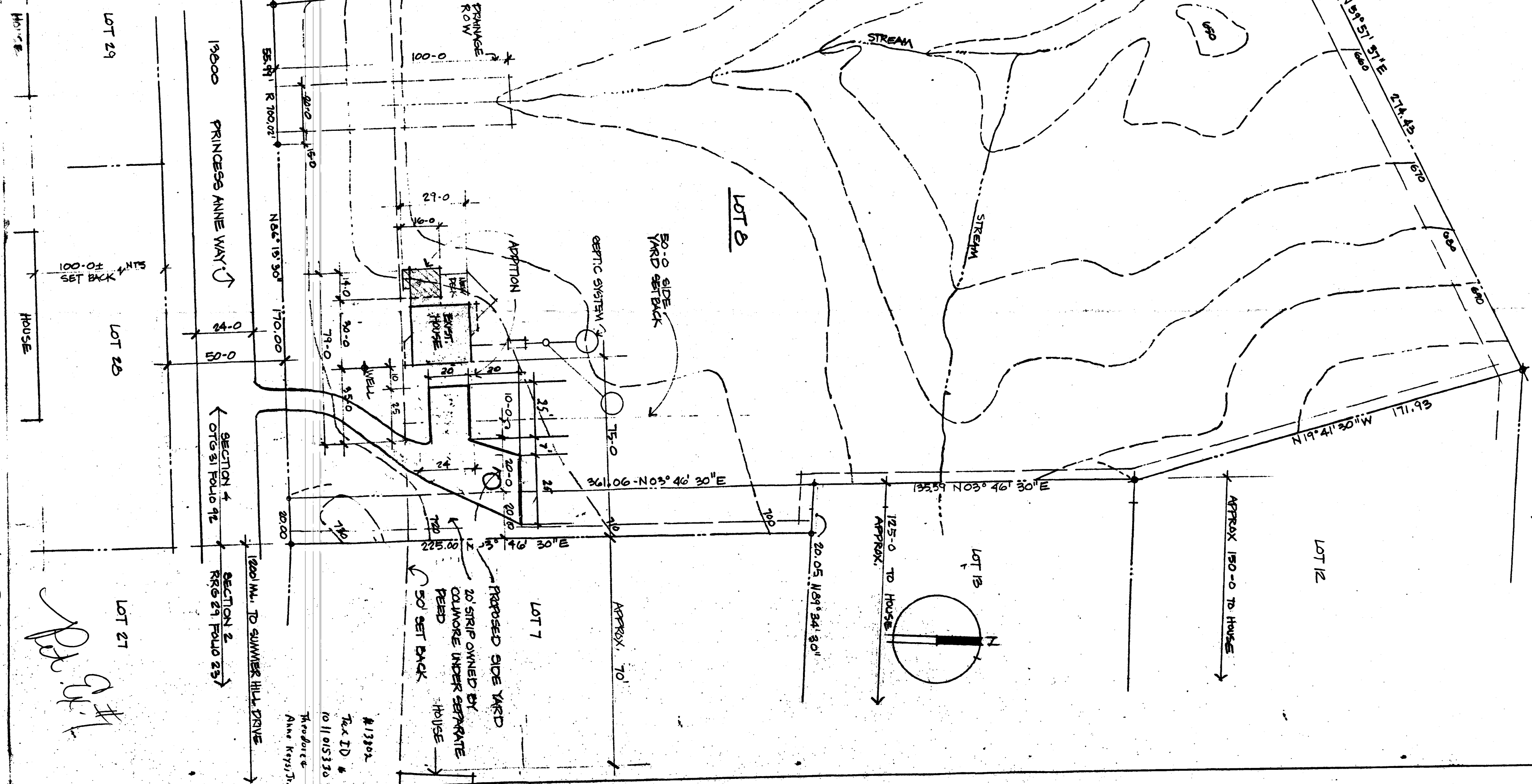
APRIL 23, 1980
 PRIOR VARIANCE
 No. 80-207-A (Item No. 2)
 Approved: to build an
 addition within 20'
 of the property line
 (addition was not built)

LOCH RAVEN

SITE PLAN 1"=30'-0"

Date: 3/5/01

Prepared by: ~~File~~



GILKEY/BRADY RESIDENCE
13800 PRINCESS ANNE WAY / SUMMER HILL
DISTRICT 10, OTG 34 RULIO 139, LOT 5, EXISTING ZONING RC4
PHOENIX, MD. 21131 **CARPOT**
PLAT TO ACCOMPANY PETITION FOR SIDE YARD **VARIANCE**

2.65 ACRES

Q1-346-A

#346

U
I

BALTIMORE COUNTY
PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION
SOUTH OF PHOENIX

DATE
OF
PHOTOGRAPHY
JANUARY
1986

01-346-H

SHEET
N E
19-A

GRAPHICS, INC.

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

