

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E Kincaid Court, 350'		
centerline of Sweet Air Road	*	DEPUTY ZONING COMMISSIONER
10th Election District		
6th Councilmanic District	*	OF BALTIMORE COUNTY
(3 Kincaid Court)		
	*	CASE NO. 01-442-A
Toni and William B. Quackenbush		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Toni and William B. Quackenbush, legal owners of that property known as 3 Kincaid Court in the Baldwin area of Baltimore County. The Petitioners herein seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 35 ft. in lieu of the required 50 ft. for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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.

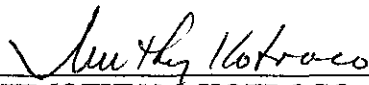
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 BY CLERK
 DATE 5/16/01
 BY J. Quackenbush

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 16th day of May, 2001, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 35 ft. in lieu of the required 50 ft. for an addition, 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

COPIES RECEIVED FOR FILING
5/16/01
By R. Johnson



Baltimore County
Zoning Commissioner

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

May 16, 2001

Mr. & Mrs. William B. Quackenbush
3 Kincaid Court
Baldwin, Maryland 21013

Re: Petition for Administrative Variance
Case No. 01-442-A
Property: 3 Kincaid Court

Dear Mr. & Mrs. Quackenbush:

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 3 KINLAID COURT, BALDWIN
which is presently zoned BC-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)

1A04.3.B.2; BC2R, TO PERMIT A SIDEYARD SETBACK OF 35 FEET
FOR AN ADDITION IN LIEU OF THE REQUIRED 50 FEET.

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):

WILLIAM BARNET QUACKENBUSH

Name - Type or Print

Signature

DONALD RIVER QUACKENBUSH

Name - Type or Print

Don Quackenbush

Signature

3 KINLAID COURT

Address

410-592-3559

Telephone No.

BALDWIN MD

City

State

Zip Code

Representative to be Contacted:

NAMED ABOVE

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 10 day of April 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. 01-442-A

Reviewed By SDA Date 04-20-01

Estimated Posting Date 04-29-01

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

3 KINCAID COURT

Address

BALDWIN

MD

21013

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):

We would like to create a first floor bedroom to prepare for our retirement or to accommodate an elderly mother, whichever need comes first.

Building further into the backyard would exacerbate existing problem in the back.

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.



WILLIAM B. QUAKENBUSH, JR.

Name - Type or Print



Signature

TONI JO PIVZ QUAKENBUSH

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of April, 2001, before me, a Notary Public of the State 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

4-20-01

Date



Notary Public

My Commission Expires

Theresa E. Keller
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 28, 2001

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

3 KINCAID COURT

Address

BALDWIN

MD

21013

City

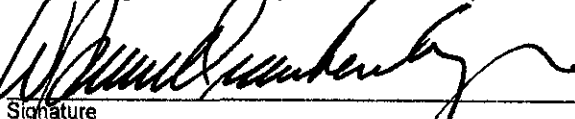
State

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):

We would like to create a first floor bedroom to prepare either for our own retirement or for accommodate an elderly mother, whichever comes first. Adding further into the backyard would present a drainage problem in the back.

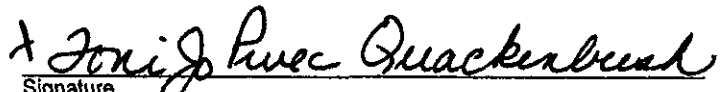
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.



Signature

WILLIAM B. QUACKENBUSH, JR.

Name - Type or Print



Signature

TONI JO PIVEC QUACKENBUSH

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of April, 2001, before me, a Notary Public of the State 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

4-20-01

Date



Notary Public

My Commission Expires

THERESA E. KELLER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 28, 2001



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3 KINCAID COURT, BALDWIN
which is presently zoned EC 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)

IA 04.3.B.2; BC2R, TO PERMIT A SIDEYARD SETBACK OF 35 FEET
FOR AN ADDITION IN LIEU OF THE REQUIRED 50 FEET.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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 01 day of April 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. 01-442-A

Reviewed By STP Date 04-20-01

Estimated Posting Date 04-29-01

R20 9/15/98

ZONING DESCRIPTION FOR
3 KINCIAD COURT, BALDWIN, MARYLAND, 21013

Beginning at a point on the East side of Kincaid Court which is 50 feet wide at the distance of 350 feet South of the centerline of the nearest improved intersecting street, Sweet Air Road, which is 40 feet wide.

*Being Lot # 1, Block G, Section 5 in the subdivision of Quinn as recorded in Baltimore County Plat Book #51, Folio 70 containing 49,470 square feet. Also known as 3 Kincaid Court and located in the 10 Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

92959

DATE

04-20-01

ACCOUNT

01-442-A
R001-0006-6150

AMOUNT \$

50⁰⁰

RECEIVED
FROM:

WILLIAM B. QUACKENBUSH

FOR:

ADMIN OAR.

50

TOTAL

50

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

5007

PAID RECEIPT

PAYMENT

ACTUAL

TIME

4/23/2001

4/20/2001

14:27:52

REG

US01

CASHIER JRIC JMR DROWER

1

RECEIPT # 042237

DFLN

DEPT

5 520 ZONING VERIFICATION

OR NO.

032959

Recpt Tot

50.00

50.00 CK

.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 01-442-A

Petitioner/Developer: _____

WILLIAM B. QUACKENBUSH

Date of Hearing/Closing: 5/14/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

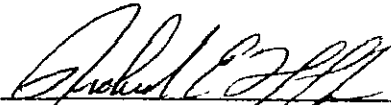
Ladies and Gentlemen:

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 _____

3 KINCADE CT.

The sign(s) were posted on 4/29/01
(Month, Day, Year)

Sincerely,

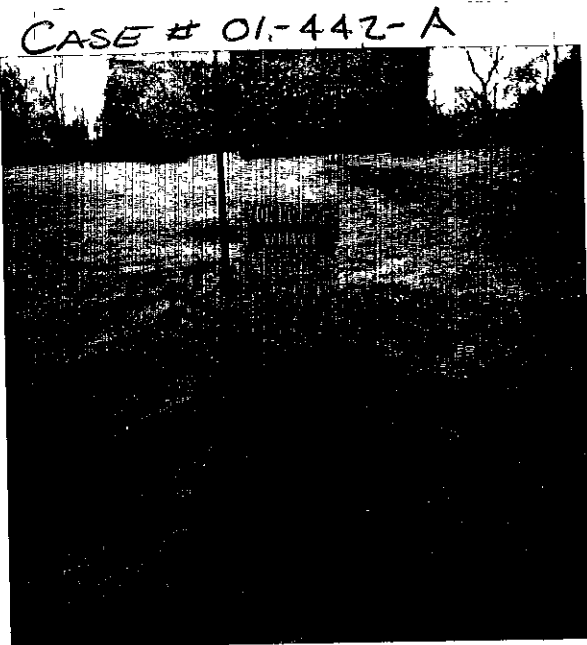
 4/29/01
(Signature of Sign Poster and Date)

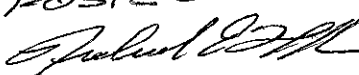
RICHARD E. HOFFMAN
(Printed Name)

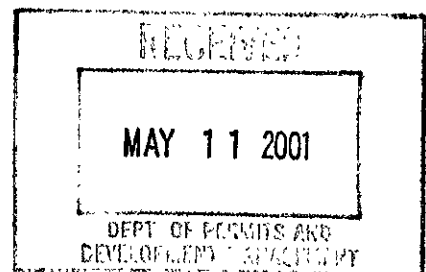
904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)



3 KINCADE COURT
POSTED 4/29/01
 4/29/01



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/neighbor 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: 01-442-A

Petitioner: WILLIAM & TONI D QUACKENBUSH, JR.

Address or Location: 3 KINCAID COURT, BALDWIN, MD 21013

PLEASE FORWARD ADVERTISING BILL TO:

Name: W. B. QUACKENBUSH, JR.

Address: 3 KINCAID COURT
BALDWIN, MD 21013

Telephone Number: 410-592-3559

Revised 2/20/98 - SCJ

01-442-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 442 -A Address 3 KILNCARDE COURT

Contact Person: JOHN R ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 04 20 01 Posting Date: 4 29 01 Closing Date: 5 14 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- 442 -A Address 3 KILNCARDE COURT

Petitioner's Name WILLIAM B QUAKERBUSH Telephone 410 592-3559

Posting Date: 04-29-01 Closing Date: 05-14-01

Wording for Sign: To Permit A SIDE YARD SETBACK OF 35 FT IN
VIEW OF 50 FT

01-442-A



Baltimore County
Department of Permits and
Development Management

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

May 14, 2001

Toni & William B Quackenbush
3 Kincaid Court
Baldwin MD 21013

Dear Mr. & Mrs. Quackenbush:

RE: Case Number: 01-442-A, 3 Kincaid Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 20, 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: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 4, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2001
Item Nos. 427, 430, 431, 432, 440, 441,
and 442

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

RWB:HJO:jrb

cc: File

AN
5/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

MAY 10

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

DATE: May 9, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-442

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: 5.9.01

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

RE: Baltimore County
Item No. 442 JRA

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,

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
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

May 10, 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 MAY 7, 2001

Item No.: See Below

Dear Ms. Stephens:

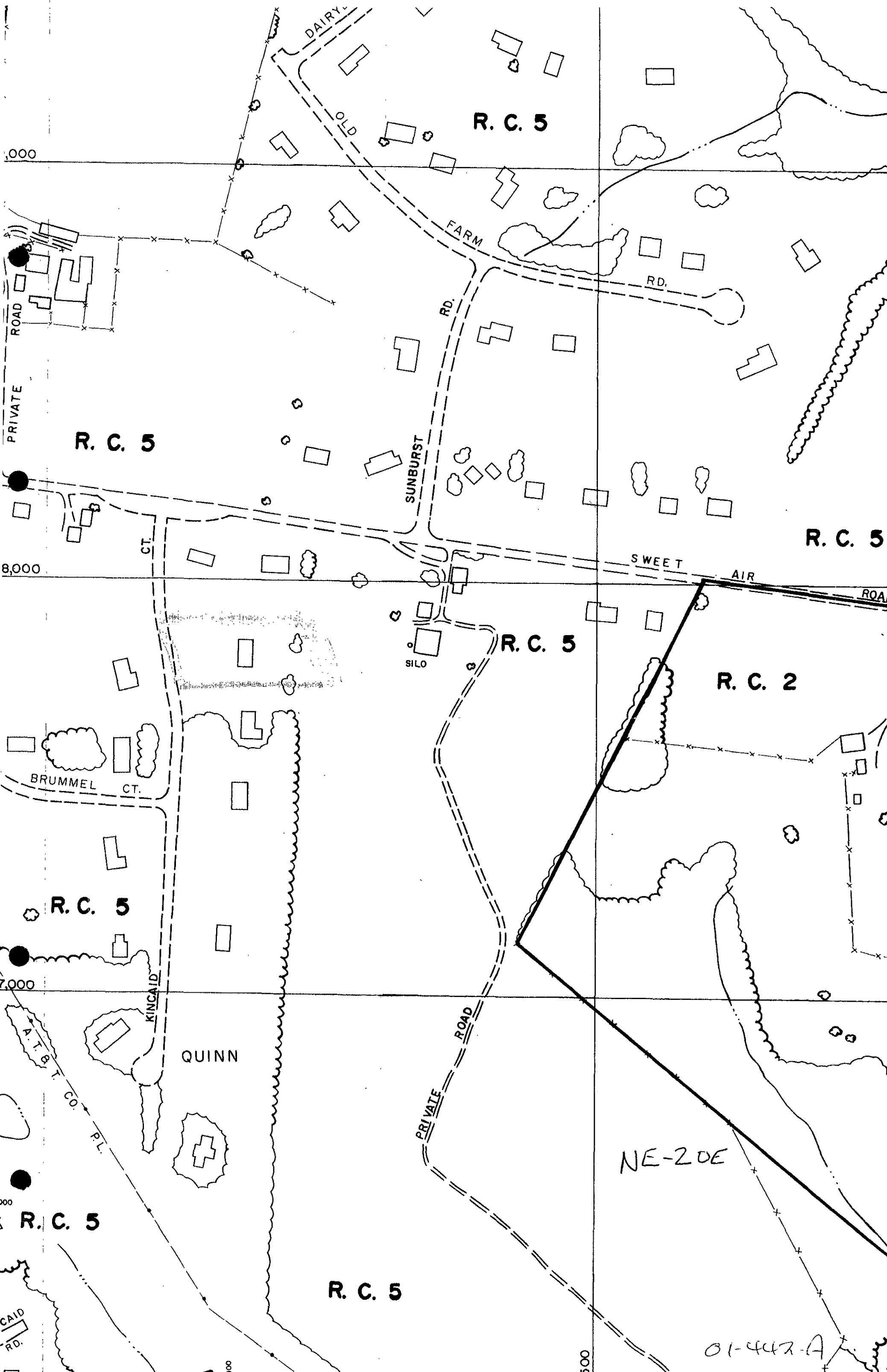
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

428, 429, 430, 431, 432, 440, 441, 442

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

cc: File



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3 KINCAID COURT

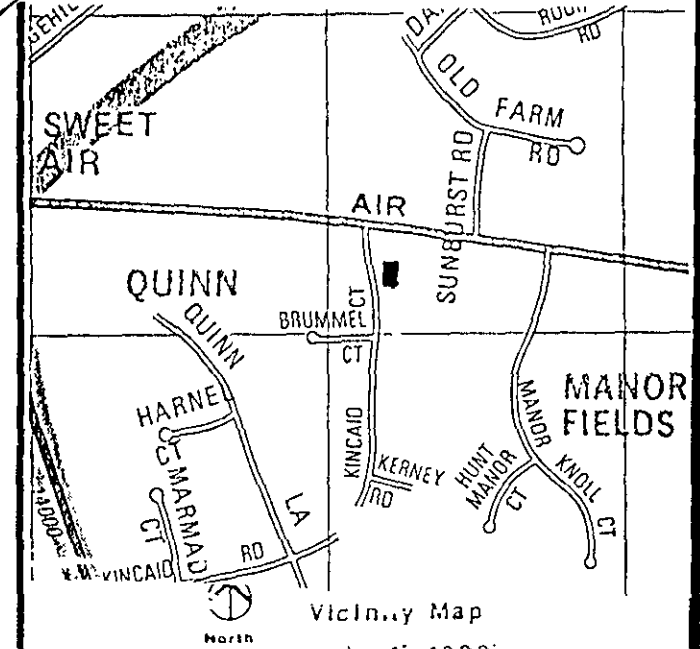
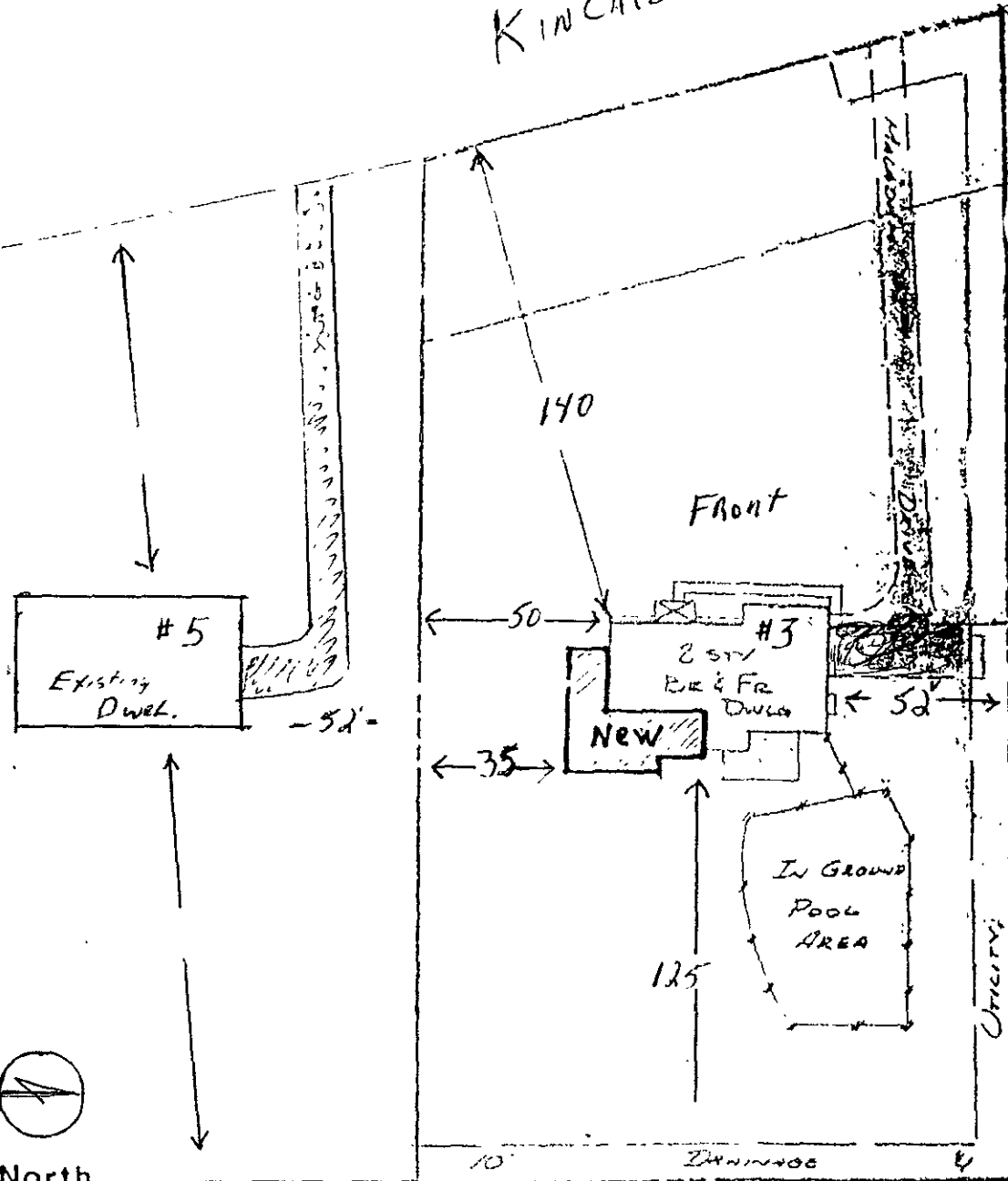
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: QUINN

plat book # 51, folio # 70, lot # 1, section # 5

OWNER: William B / DONALD QUACKENBUSH, JR

KINCAID Court



LOCATION INFORMATION

Election District: 10

Councilmanic District: 6

1"=200' scale map # NE-26E

Zoning: LC-5

Lot size: _____
acres square feet 49,470

	public	private
SEWER:	☐	☒
WATER:	☐	☒

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

STF | 01-442-17

date: _____
prepared by: _____

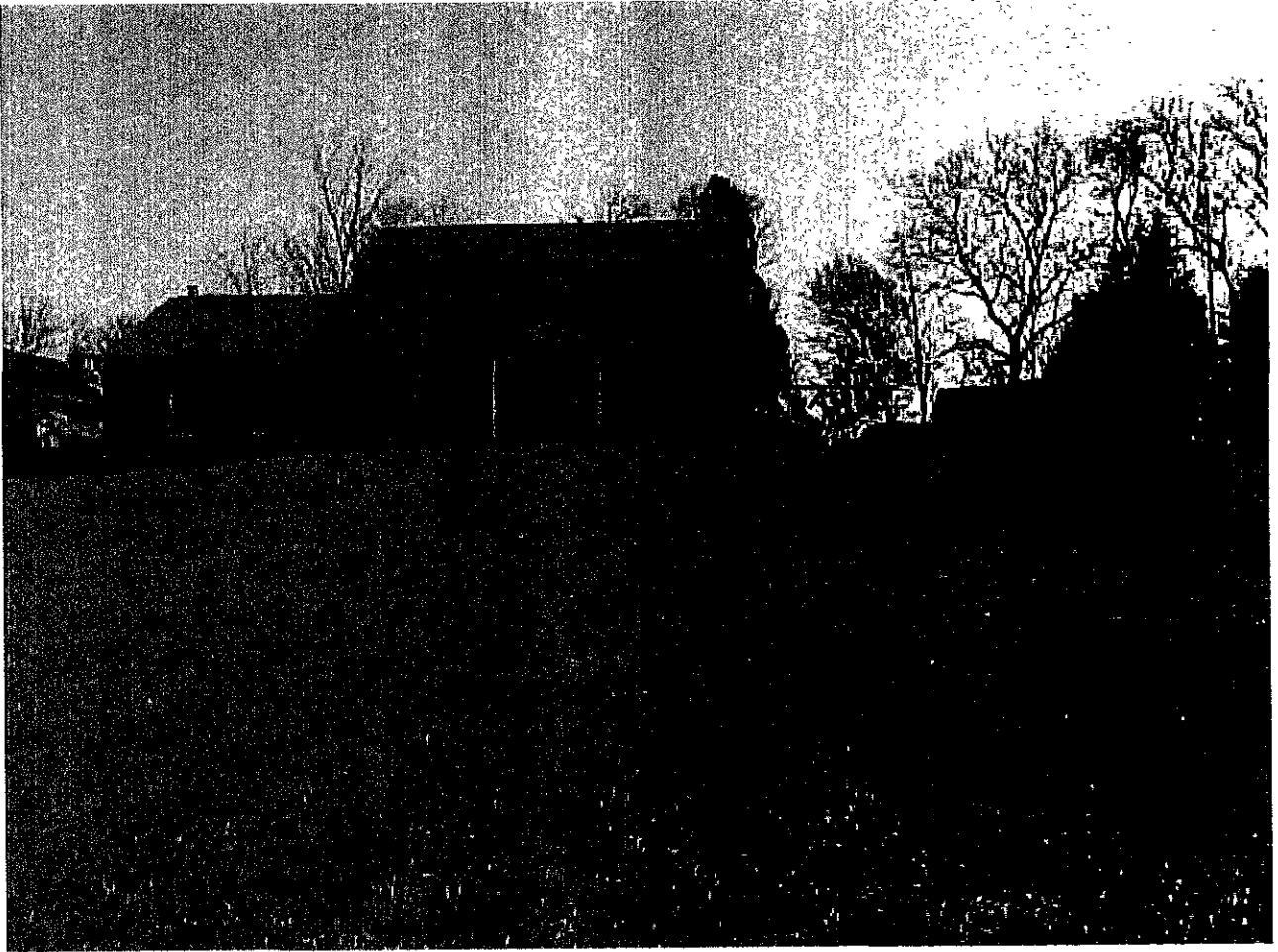
Scale of Drawing: 1" = 50'

Pet. Ex. #1



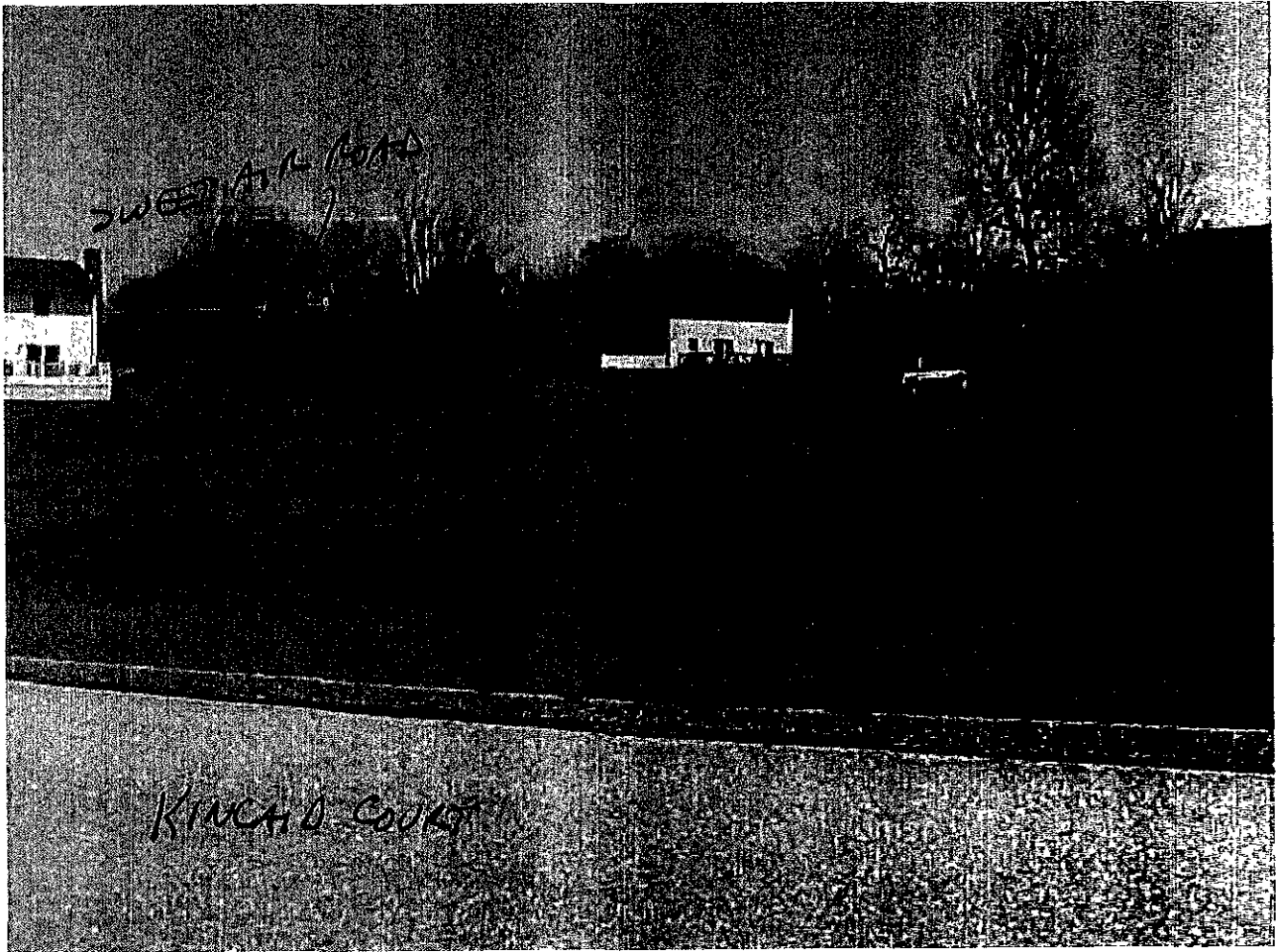
VIEW FROM FRONT

01-447-17



VIEW FROM FRONT

01-442-17



VIEW FROM FRONT -

01-447 A



V I E W F R O M R E A R

01-447-A



VIEW FROM FRONT

01-442-A

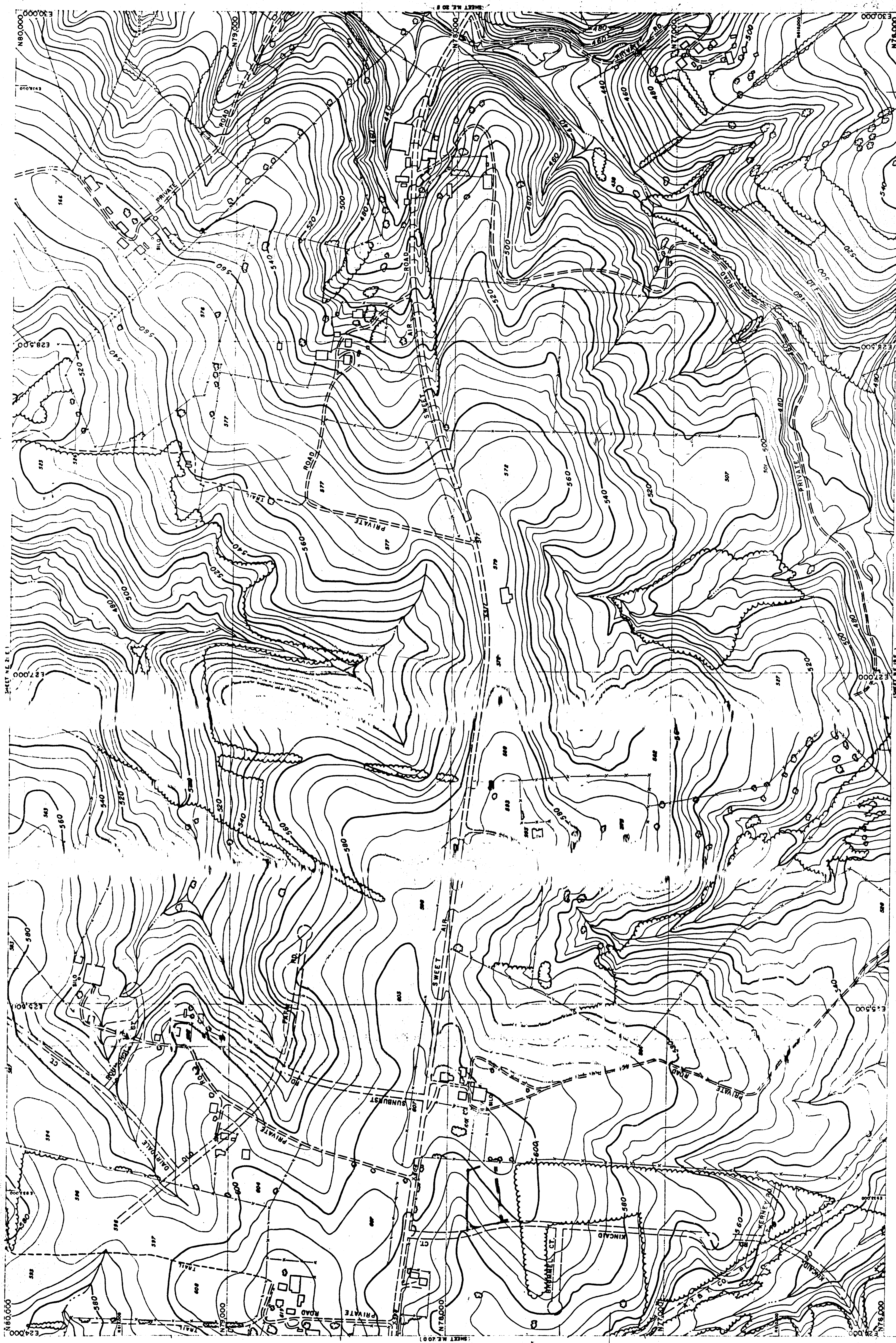


PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

01-442-17

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	EAST OF	N. E.
DATE OF PHOTOGRAPHY	SWEET AIR	20-E
JANUARY 1955		



REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	EAST OF	N.E.
DATE OF PHOTOGRAPHY		SWEET AIR	20-E
Topography Compiled By Photogrammetric Methods MAPS INCORPORATED - BALTIMORE 22, MARYLAND			

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND

V - NE UU - NW
EE - SE VV - SW

01-442-A