IN RE: PETITION FOR ADMIN, VARIANCE S/S Carolstowne Road, 506' WS centerline intersecting Pidco Road 4th Election District 3rd Councilmanic District (141 Carolstowne Road)

> Jan & Joseph Rhine Petitioners

BEFORE THE

**DEPUTY ZONING COMMISSIONER** 

OF BALTIMORE COUNTY

CASE NO. 02-112-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Jan and Joseph Rhine, legal owners of that property known as 141 Carolstowne Road in the Reisterstown area of Baltimore County. The Petitioners herein seek relief from Sections 1B01.2.C.1.c and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 15 ft. rear setback for an open projection (deck) in lieu of the required 25 ft. 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. In addition, this office has checked with the most affected neighbor and they are not opposed to this addition.

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 Aday of October, 2001, that a variance from Sections 1B01.2.C.1.c and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 15 ft. rear setback for an open projection (deck) in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

OREST RESENTS FOR FLANCES



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

Fax: 410-887-3468

October 18, 2001

Mr. & Mrs. Joseph Rhine 141 Carolstowne Road Reisterstown, Maryland 21136

> Re: Petition for Administrative Variance Case No. 02-112-A Property: 141 Carolstowne Road

Dear Mr. & Mrs. Rhine:

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

luthy llotroco

TMK:raj Enclosure



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	141 Carolstowne Road
which	h is presently zoned

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)

1801.2. Clc + 301.1 BCZR. To permit A 15' Reor Satback for an open projection deck in Lieu of the required 25'

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 de perjury, that I/we are is the subject of this I	clare and affirm, under the the legal owner(s) of the p Petition.	penalties of roperty which
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City	State	Zip Code	Signature	(4/0)	727-5050
Attorney For Petition	<u>ner:</u>		141 Carolsto Address		526 - 1097 Telephone No.
Name - Type or Print			110 510/510 City	CUP Mary Com	Zip Code
			Representative t	to be Contacted:	
Signatures				BOUE	
Company			Name	<u> </u>	
Address		Telephone No.	Address		Telephone No.
CITY 3	State	Zip Code	City	State	Zip Code
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		$\cap$	Zoning Comm	issioner of Baltimore County	<del></del>

Estimated Posting Date \_

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Completoure Rend

That the Affiant(s) does/do presently reside at

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advertising fee and ma	y be required to provide ad	iditional info	rmation.	$\bigcap$	10-11	M	
Jan M. Phy	nQ			brook	Oll 1	Chis	
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	D, COUNTY OF BALTIMO						
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	Jan m Rhy	re an	d Jo	ref W	onald A	Thine	
the Affiant(s) herein, polar that the matters and	rsonally known or satisfa d facts hereinabove set for	ctorily identi th are true a	ified to me a and correct to	s such Aff the best o	ant(s), and in the state of his/her/the	made oath in ir knowledge a	due form of and belief.
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My Commission Expires July 1, 2002

# Affidavit in Support of Administrative Variance

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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 Addr	11 Carolstowne Road
	Esterstown Maryland 21134
variance at the above address (indicate hardship or p	· · · · · · · · · · · · · · · · · · ·
The reason for their p	particular variance is to Access the unuseable
Space From the Slopin	g backyord, the other reason is to increase
also sould .Access the	the small back yard, with the various
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide addition	demand is filed, Affiant(s) will be required to pay a reposting and onal information.
Jan M. Rhine	QL VIM Min
Signature M Di	Signature //
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE	
of Maryland, in and for the County aforesaid, persona	
the Affiant(s) herein, personally known or satisfactor	ily identified to me as such Affiant(s), and made oath in due form of
law that the matters and facts hereinabove set forth a	re true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	
Deptember) 14, 2001	Notar Bullo
Date .	Notary Public  My Commission Expires <u>July 1, 2002</u>
REV 09/15/98	RONALD L. HATFIELD

NOTARY PUBLIC STATE OF MARYLAND My Commission Expires July 1, 2002





CASE NO.

REV 9/15/98

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

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Attorney For Petitioner:					Addi	ess				ed Homa	<u>(470) (</u> Tele	526-/09 ephone No.
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Estimated Posting Date \_

### Zoning Description for 141 Carolstowne Road

Beginning at a point on the southside of Carolstowne Road which is 80 feet wide at the distance of 506 feet west/south of centerline of the nearest improved intersecting street Pidco Road which is 50 feet wide. Being Lot #29 block c in the subdivion of Reisterstown Village as recorded in Baltimore County Plat Book #70, Folio #115 containing 1700 square feet. Also known as 141 Carolstowne Road and located in the 4th election district and 3rd councilmanic district.

BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE 5648 No. AND REEP MISCELLANEOUS RECEIPT FRIFE AUM 1777, 1911 14/20 1 15:34:37 ACCOUNT PET 120% CASHER ATEL ARE DEPARTE ·相从即(11697)的 OFLI 4 F/3 AUNA SUPPLEATION ert. AMOUNT .\$ **非国。晚福** 1 19 101 50.00 RECEIVED <sup>1</sup>a)**,**00 .00 CA FROM: . Religions unity Haryland DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER CASHIER'S VALIDATION

# ZONING NOTICE

# **ADMINISTRATIVE**

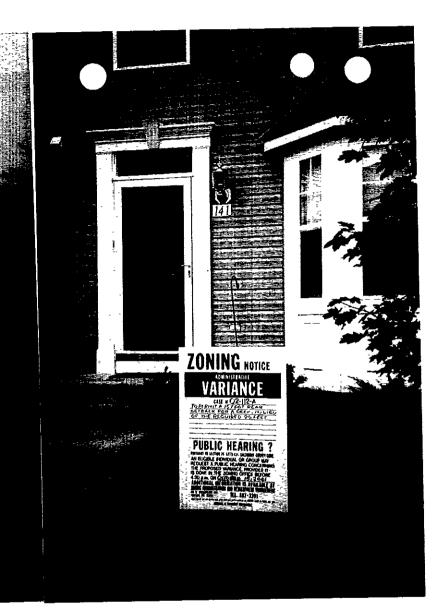
CASE # 02-112-A TO PERMIT A 15 FOOT REAR SETBACK FOR A DECK, IN LIEU OF THE REQUIRED 25 FEET

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON OCTOBER 15,2001 ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT IS M. CHESTRAME AVE.

TEL. 887-3391

TEL. 887-3391

TEL. 887-3391 AN ELIGIBLE INDIVIDUAL OR GROUP MAY



## CERTIFICATE OF OSTING

7	RE: Case No.: 02-117-A
	Petitioner/Developer:
	MR. JOE RHINE
	Date of Hearing/Closing: Oct. 15, 700
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:	
were posted conspicuously on the prop	ies of perjury that the necessary sign(s) required by law erty located at
The sign(s) were posted on SE	EPT. 21, 2001
•	( Month, Day, Year)
	Sincerely,  (Signature of Sign Poster and Date)
	GARLAND E, MOORE (Printed Name)
	3225 RYERSONI CIRCLE (Address)
	BALTIM DDE, MD, 21227 (City, State, Zip Code)
	(410) 242-4263 (Telephone Number)

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

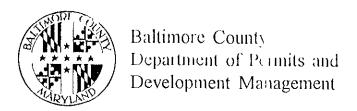
For Newspaper Advertising:
Item Number or Case Number: <u>つぇ - ロュー</u>
Petitioner: 50E & SAN RHINE
Address or Location: 141 CAROUS TOWNERD
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jan and Josef Rhine
Address: 141 Carolstowne Road
Reisterstown, Maryland 21136
Telephone Number: 410-526-1099

Revised 2/20/98 - SCJ

O2. 112.

## **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

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Case I	Number 02-	112	-A	、Address	141	CAROLS	Town To
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3.	commissione order that the (typically with	r. He may: e matter be iin 7 to 10 da	(a) grant the set in for a ys of the clo	e requested Lipublic hear sing date) as	relief; (b) d ing. You to whether	eny the request will receive wri	deputy zoning ted relief; or (c) tten notification s been granted, ss mail.
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Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

Octol or 15, 2001

Jan M & Josef D Rhine 141 Carolstowne Road Reisterstown MD 21136

Dear Mr. & Mrs. Rhine:

RE: Case Number: 02-112-A, 141 Carolstowne Road

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

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that the relation terms of the ZAC are attached. These comments are not intended to indicate the appropriationess of the zoning action requested, but to ensure that all parties (zoning commissions), 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 y urs,

W. Carl inchards, Jr.

W. Carl Ric ards, Jr. らりて Supervisor, Zoning Review

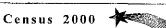
WCR: gdz

Enclosures

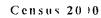
c: People's Counsel



Printed with Soybean Ink









### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 16, 2001

Department of Permits & Development Mgmt.

FROM:  $\bigvee$ 

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 8, 2001

Item Nos. 082, 101, 104, 105, 107, 108, 110, 111, 112, 113, 114, 115,

116, 117, and 118

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

RWB:HJO:jrb

cc. File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

October 15, 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 October 1, 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:

082, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118

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

cc: File

PM/10/15

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** October 15, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-101, 02-107, 02-110, 02-112, 02-113, and 02-119

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:

15

Section Chief:

AFK/JL:MAC



## Maryland Department of Transportation State Highway Administration

Parris N Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 10.5.01

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

RE: **Baltimore County** 

Item No. 112

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).

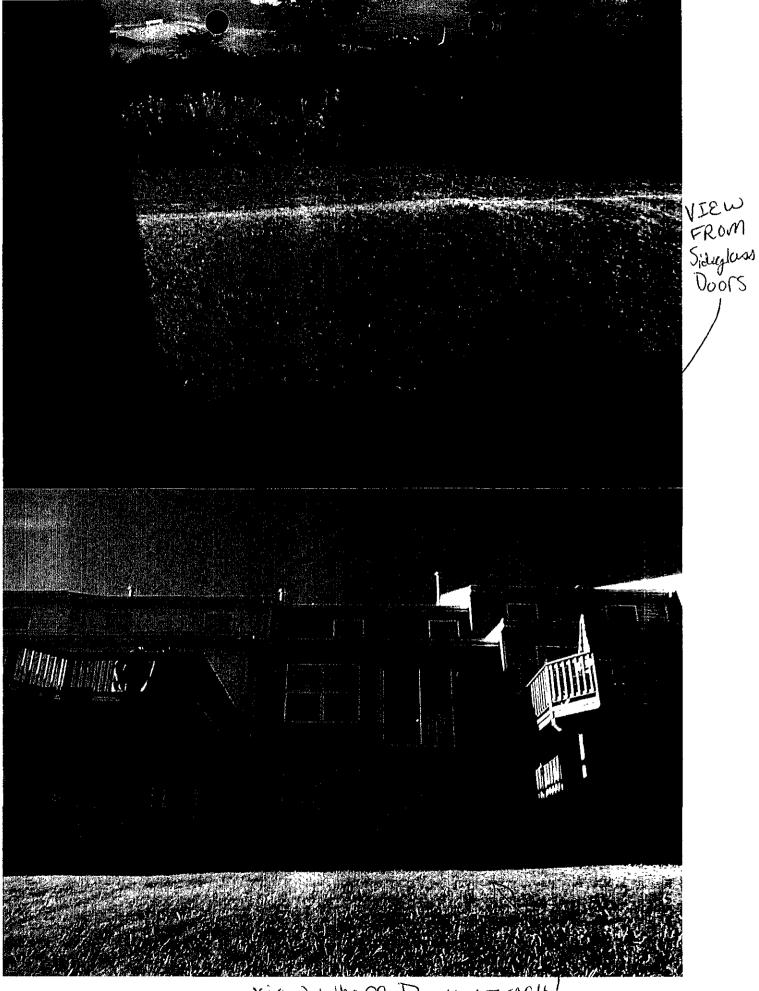
Very truly yours,

f. f. sall

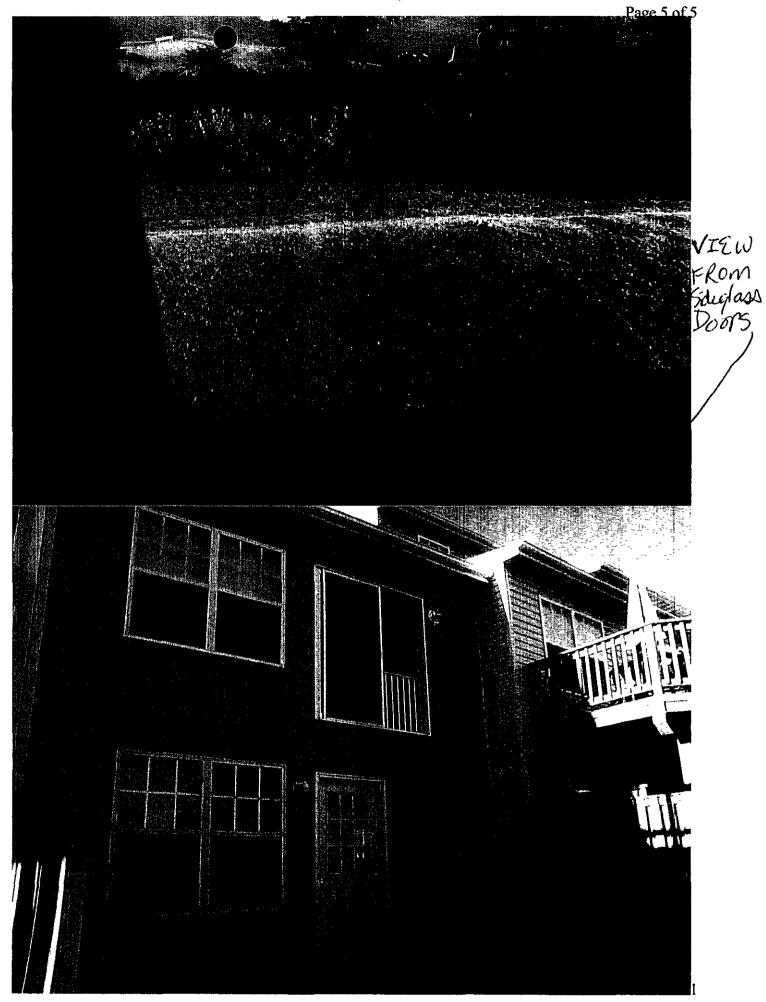
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

Plat to accompany	Petition	n for Zo	oning $X$	Variance	e USp	ecial Hearing				
PROPERTY ADDRESS: 141 Ca	rolstown	e Koad_	see p	ages 5 & 6 of the C	HECKLIST for a	dditional required information				
Subdivision name: Reisterstown Village										
OWNER: Josef + Jan R	plat book#70 ,tollo# US ,lot# 29 ,section# C									
OWNER: 3057 4 5011 K	YIT CC				//	The state of the s				
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				Road,		AVE.				
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prepared by: <u>JMR</u>			<u>~~</u>		_					





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View where Deck going to be.

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