IN RE: PETITION FOR ADMIN. VARIANCE

SE/S Oak Lodge Road, 1,002' NE of the c/l

Rockwell Avenue

(1915 Oak Lodge Road)

1<sup>st</sup> Election District

1st Council District

Adrian Cox, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 02-125-A

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Adrian and Penny Cox. The Petitioners seek relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 8 feet, 8 inches in lieu of the required 30 feet, and a side yard setback of 7 feet in lieu of the required 10 feet, for a proposed deck extension. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, 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.

Pursuant to the posting of the property and the provisions of both the Baltimore

ORDER RECEIVED FOR FILING
Date 1/20

ORDEH FILT OR FILM Date

Date

By

County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Adv of November, 2001, that the Petition for Administrative Variance seeking relief from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 8 feet, 8 inches in lieu of the required 30 feet, and a side yard setback of 7 feet in lieu of the required 10 feet, for a proposed deck extension, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs



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

November 2, 2001

Mr. & Mrs. Adrian Cox 1915 Oak Lodge Road Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE

SE/S Oak Lodge Road, 1,002' NE of the c/l Rockwell Avenue

(1915 Oak Lodge Road)

1<sup>st</sup> Election District – 1<sup>st</sup> Council District

Adrian Cox, et ux - Petitioners

Case No. 02-125-A

Dear Mr. & Mrs. Cox:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

People's Counsel; Case File



# **Petition for Administrative Variance**

## to the Zoning Commissioner of Baltimore County

for the property located at 1915 OAK LODGE ED. which is presently zoned DR-3.5 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) -10N was thereby petition for a variance from section(s) 301. 1 A TO PEATLY A PROJECT-THE REQUIRED 25% (22.5 FT.) AND AS TO PARO OF 30%. T.) IN LIEW OF THE REQUIRED 25% (7.5 FT.) 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 Signature Address Telephone No. City State Zip Code Attorney For Petitioner: 410-744-7328 Address Telephone No. 21228 CATONSVILLE Name - Type or Print Zip Code Representative to be Contacted: Signature ompany Name Telephone No. Address Telephone No. State City Zip Code 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 of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

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.

That the Affiant(s) does/do presently reside at	1915 OAK LOOK	e Po.	
	CATONSVILLE	MD.	21228
	City	State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts uip or practical difficu	ipon which I/we base the requently):	est for an Administrative
IS BEING REQUESTED DUE TO FAMIL	Y'S HEALTM STAT	US. OUR FAMILY MEMBER	MAS BEEN
RECOMMENDED HYDROTHERAPY AND EX	eccise by HER	PHYSICIAN, HAVING THE	DECK EXTEND
TO THE SWIMMING POOL WILL	INCREASE HER	MOBILITY , AS THE USE	CF HER
LEGS IS SEVERLY DECREASED. REGAR	ZDING PRACTICAL	DIFFICULTY, THE DECK	EXTENSION
WILL ALLOW A MORE CONSISTENT	carde from	HOUSE, POOL AND STA,	INCREASING
SAFETY A-D CONVENENCE.			
That the Affiant(s) acknowledge(s) that if a fo	ormal demand is file	ed. Affiant(s) will be required	to pay a reposting and
advertising fee and may be required to provide a	additional informatio	n.	
		tong les	
Signature	Sig	gnature	
ADRIAN COX	P	ENNY COX	
Name - Type or Print		me - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	 MORE, tø wit: /		
I HEREBY CERTIFY, this 🗳 / day of	Sent	<i>Joo </i> , before me, a N	otary Public of the State
of Maryland, in and for the County aforesaid, pe	rsonally appeared		orally rabino or and orallo
the Affiant(s) herein, personally known or satisfiaw that the matters and facts hereinabove set for	factorily identified to orth are true and co	o me as such Affiant(s), and marrect to the best of his/her/their	ade oath in due form of knowledge and belief.
AS WITNESS my hand and Notarial Seal			
9/2/01		When the	tauch
Date	Notary Pu	blic	

My Commission Expires

REU 09|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) doe	es/do presently reside a	t <u>1915 (</u> Address	lak Longe	<u></u>	
		CATONS	NLLE	<b>GW</b>	21228
		City		State	Zip Code
That based upon pers Variance at the above	sonal knowledge, the for address (indicate hard	ollowing are the ship or practica	facts upon will difficulty):	hich I/we base t	he request for an Administrative
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	BEEN RECOMMEND	C) HYDNOT			BY HEL
PHYSICIAN. HAVING	DIE V EXTEND TO	THE SUMMING	POOL WILL	INCREASE HER	2 MOBILITY
AS THE USE OF			eckrated. In		PRACTICAL DIFFICULTY,
HAVING THE DECK	EXTENSION WILL			ISTENT GRADE	FROM HOUSE
POOL AND STA,	INCREASING SAFET		ivenience.		, , , , , , , , , , , , , , , , , , , ,
	eknowledge(s) that if a say be required to provid			ant(s) will be re	equired to pay a reposting and
			100	my Cec	7
Signature			Signature	<del>- ( - ( - ( - ( - ( - ( - ( - ( - ( - (</del>	
ADLIAN COX Name - Type or Print			PENNY Name - Typ	e or Print	
STATE OF MARYLAI	ND, COUNTY OF BALT	ΓΙΜΟΒΕ, to wit	_		
I HEREBY CERTIFY, of Maryland, in and for	this <u>A/</u> day of r the County aforesaid,	personally appe	eared Joseph	/, before	me, a Notary Public of the State
the Affiant(s) herein, play that the matters are	personally known or sa nd facts hereinabove se	tisfactorily iden et forth are true	tified to me as and correct to	s such Affiant(s) the best of his/h	, and made oath in due form of ner/their knowledge and belief.
AS WITNESS my han	d and Notarial Seal				
4/2/10	<i>5.</i>			Jelef J	Helel
Date ' '		No:	ary Public	/// 5	<i>1</i>

My Commission Expires



REU 9/15/98

# **Petition for Administrative Variance**

# to the Zoning Commissioner of Baltimore County

for the property located at 1915 OAK LODGE RD.

	which is presently zoned DR-3.5
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section LNTO THE REAL YARD OF 73.5 (7 FT.) IN LIEUCET THE REQUIS	n is described in the description and plat attached hereto and n(s) 301. I A. To Permit A Projection
of the zoning regulations of Baltimore County, to the zoning law of this petition form.	v of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zo I, or we, agree to pay expenses of above Variance, advertising, posti regulations and restrictions of Baltimore County adopted pursuant to	ing, etc. and further agree to and are to be bounded by the zoning
	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	ADRIAN Cox Name - Type or Print
Signature	Signature PENNY Cox
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature (
Attorney For Petitioner:	1915 OAK LODGE RD. 416-744-7328 Address Telephone No.
	CATONSVILLE MD. 21228
Name - Type or Print	City State Zip Code  Representative to be Contacted:
Signature	Representative to be Contacted:
Company	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 re his day of that the subject matter of this egulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. O2-(25-(4) Review	wed By <u>5011</u> Date <u>09 - 2 (.0(.</u>

Estimated Posting Date

### **Zoning Description**

Zoning description for 1915 Oak Lodge Road, Catonsville, MD 21228.

Beginning at a point on the Southeast side of Oak Lodge Road which is fifty feet wide at the distance of 1002 feet Northeast of the centerline of the nearest improved intersecting street Rockwell Avenue which is fifty feet wide. Being Lot #19 in the subdivision of Corwin Property, Plat 1 of 2 as recorded in Baltimore County Plat Book #54, Folio#79, containing 6,200 square feet. Also known as 1915 Oak Lodge Road and located in the 1st Election District, 1st Councilmanic District.

DISTRIBUTION
WHITE - CASHIER wise the first of the control of the second states of the control of the second of the second states of the second FOR: RECEIVED DATE OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT BALTIMORE COUNTY, MARYLAND ACCOUNT\_ PINK - AGENCY (CTAL AMOUNT \$ YELLOW - CUSTOMER 02.12.14 Ņ O HULLER HASH WHEN 65.5 V. Hou LL LE I WOOD WHEN THE TABLE TO LESS I WASHED TO THE TABLE TABLE TO THE TABLE TABLE TO THE TABLE TO THE TABLE TO THE TABLE TABLE TABLE TO THE TABLE TABLE TABLE TABLE TO THE TABLE T Milliman Ormer, Martinet 10,00 PM CASHIER'S VALIDATION . RG RG

### **CERTIFICATION OF POSTING**

linda

RE: Case No.: <u>O2-125-SPH</u>

Petitioner/Developer: <u>ADRIAN COX</u>

Date of Hearing/Closing: # 11/4/61

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

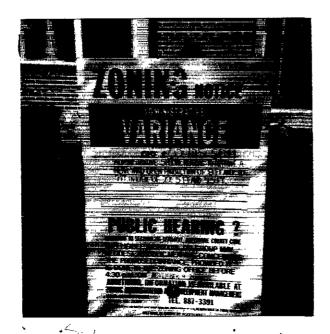
Attention: Ms. Gwendolyn Stephens

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 19/5 OAK LODGE RD

The sign(s) were posted on 19/20/01 (Month, Day, Year)

Sincerely,



(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

9/96 cert.doc

#### **ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES**

Case Number 02- DE -SPH Address 1915 On (Longe Ro				
Contact Person: Phone Number: 410-887-3391 Planner, Please Print Your Name				
Filing Date: 99.2001 Posting Date: 9.30-0 Closing Date: 10.15-0				
Any contact made with this office regarding the status of the administrative special hearing should be through the contact person (planner) using the case number.				
1. <b>POSTING/COST:</b> 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. <b>DEADLINE:</b> 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.				
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 SPECIAL HEARING SIGN FORMAT				
Case Number 02- 125SPH Address 1915 CAK LOGGE RD.				
Petitioner's Name Horuau Cox Telephone 410 - 747-0730				
Posting Date: 9.30.0(. Closing Date: 10-15.0(.				
Wording for Sign: Administrative Special Hearing to approve A REAR YARD OPEN TRE-				
- SECTION OF 8 FT. 5 SIDE OF 7 FT. IN LIEW OF 22.5FT.				
57.5 FT				

# DEPARTMENT F PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

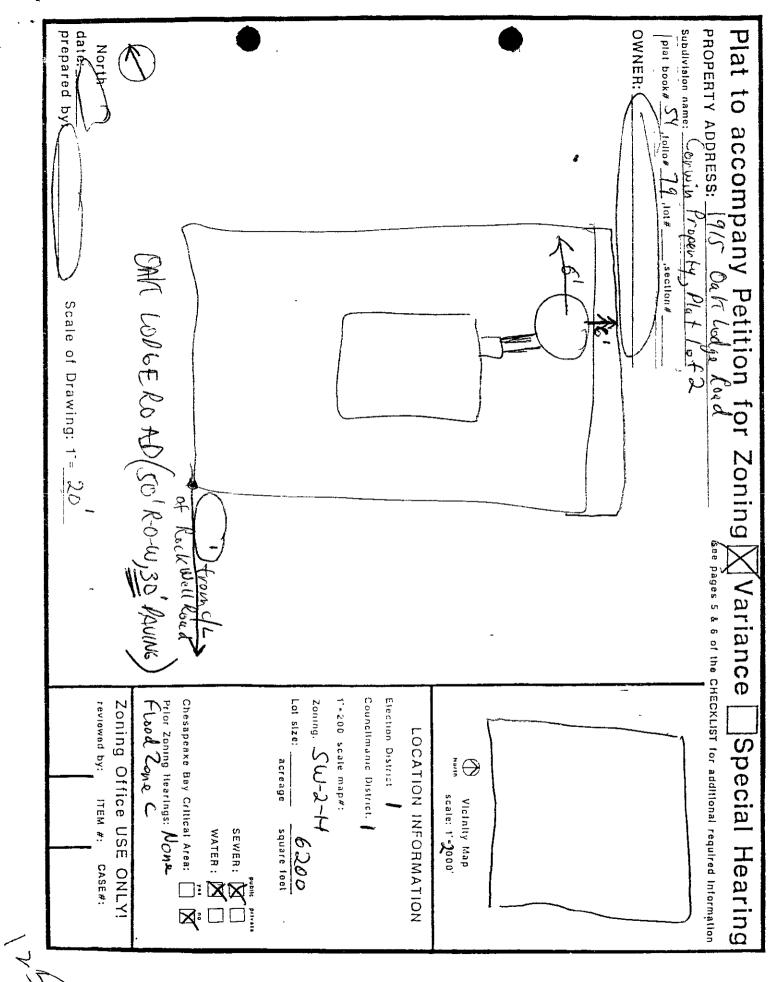
#### **ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

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: 02-125- 9.
Petitioner: ADLIAN COX
Address or Location: 1915 CAK LODGE RD. CATONSVILLE, MD. 21228
PLEASE FORWARD ADVERTISING BILL TO:
Name: ADRIAN Cox
Address: 1915 OAK LODGE FD.
CATONSVILLE, ND. 21228
Telephone Number:4่าง - า 44 - 7 3 2 9



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Arnold Jablon, Director DATE: November 26, 2001

Department of Permits & Development Mgmt.

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

P Bareau of Bevelopment I lans Review

SUBJECT: Zoning Advisory Committee Meeting For November 5, 2001

Item Nos. 121, 123, 124, 126, 127, 128, 129, 130, 131, 133, 134, 135, 162,

and 163

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 30, 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 29, 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:

121, 122, 123, 124, 125, 126, 127, 128, 130, 133, 134, 135, and 163

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

cc: File

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-125 and 02-126

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

= 1 .

DATE: November 1, 2001



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams

Date: 10 - 25-01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 125

RA

Dear. Mr. Zahner:

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.

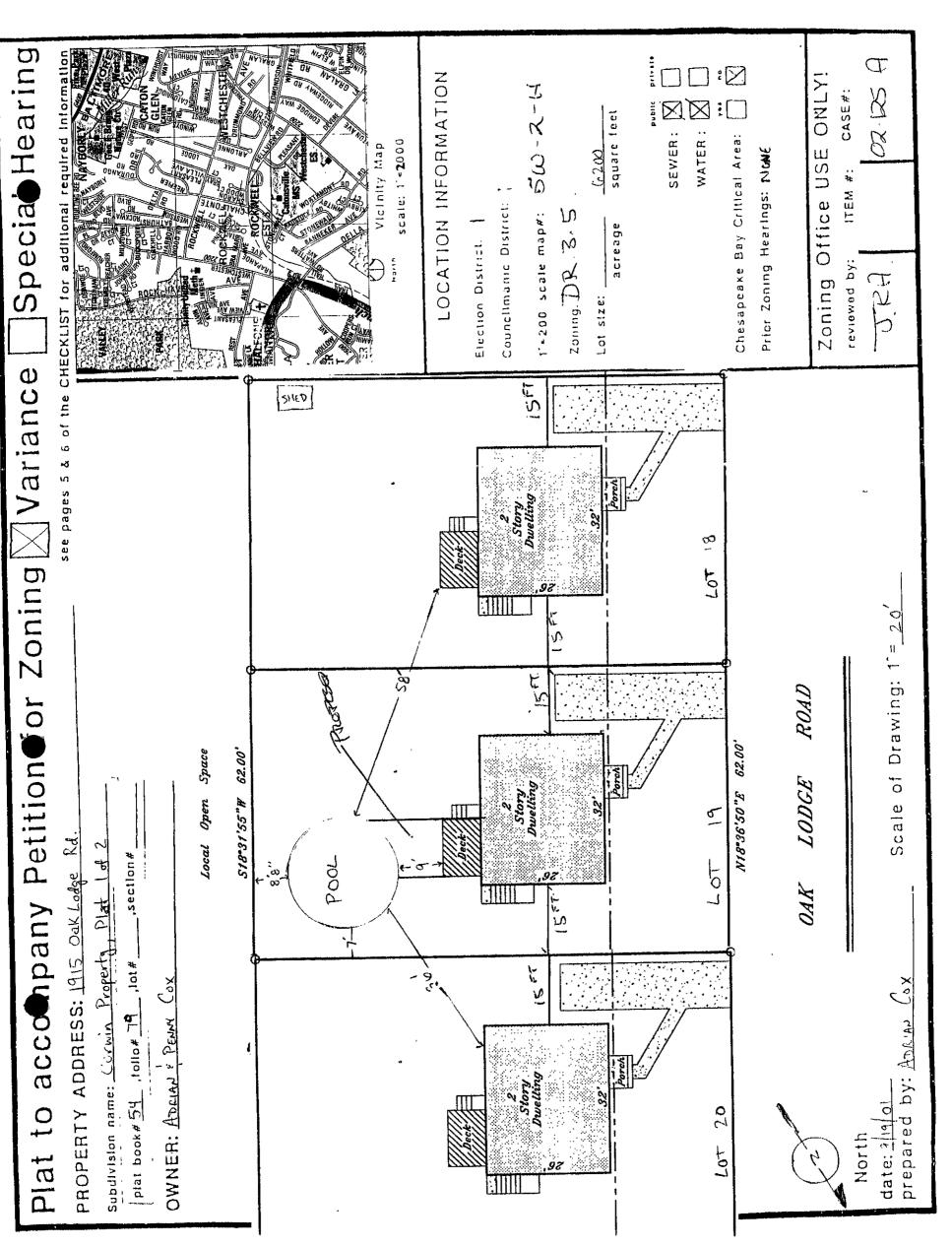
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

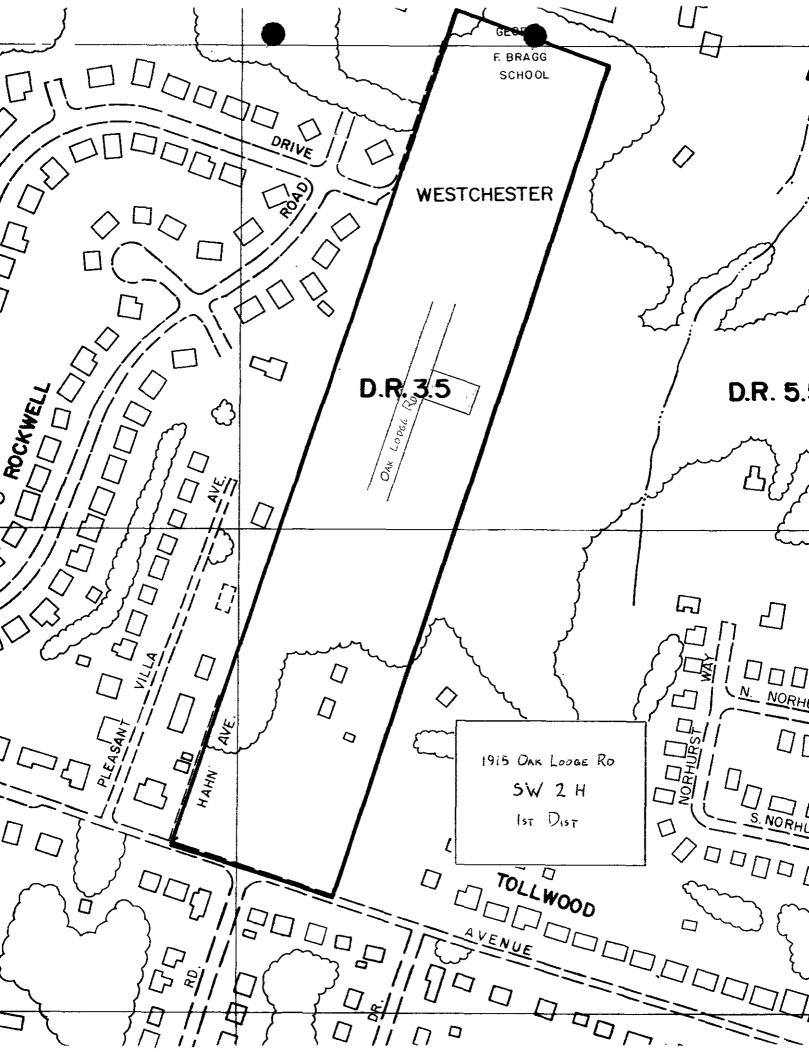
1. J Doelle

1/2

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

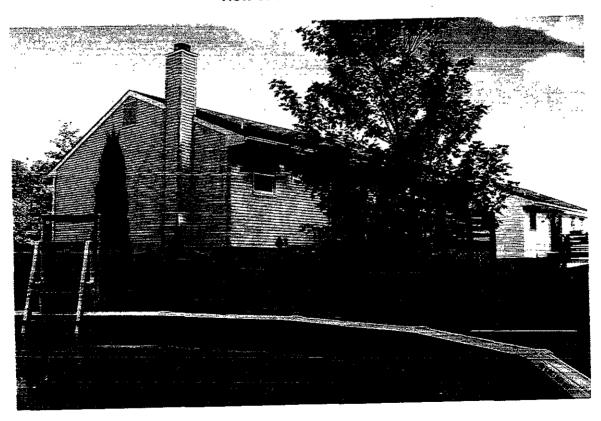


126. Q. #

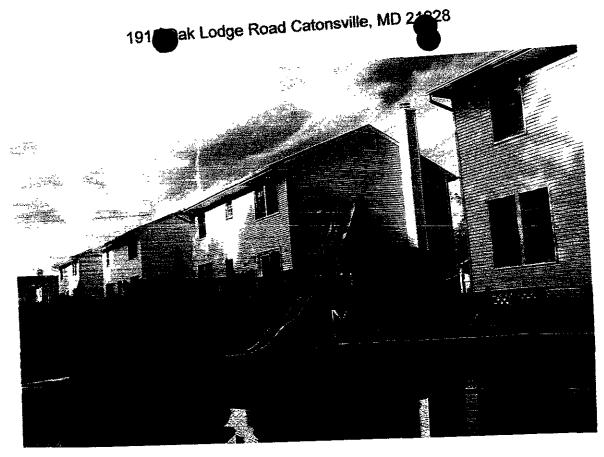




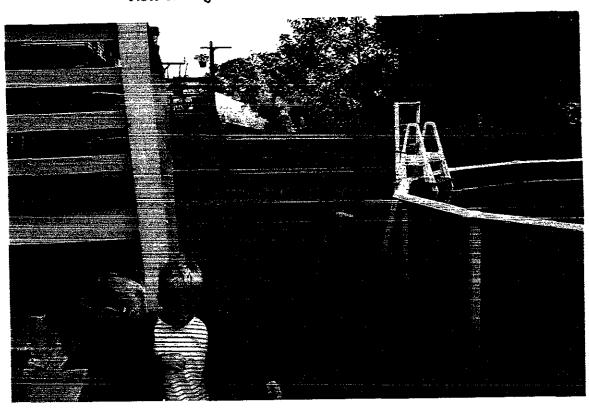
View of site from rear.



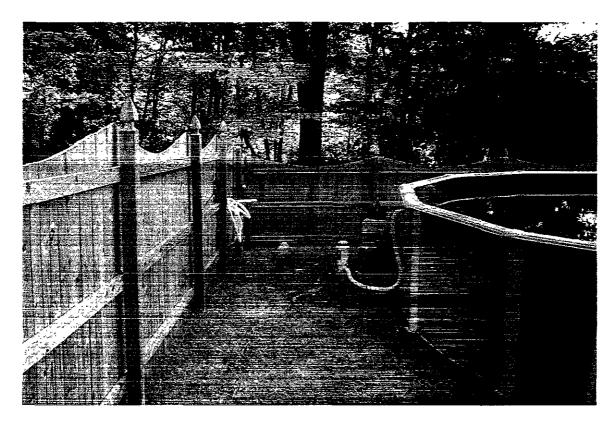
View of neighbor to right. 1913 Oak Lodge Road



View of neighbor to left. 1917 Oak Lodge Road



Shows distance from rear of existing deck to pool. Distance nine feet.



Shows clearance from fence to LHS of pool. Distance seven feet.



Shows clearance from fence to rear of pool. Distance eight feet, eight inches.

02-125 A

7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

