IN RE: PETITION FOR ADMIN. VARIANCE

SE/S of Horn Avenue, 398' +

NE of Halbert Avenue

11th Election District

5th Councilmanic District

(9511 Horn Avenue)

Carolyn and William King, Jr.

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 02-141-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Carolyn and William King, Jr., the legal owners of the subject property. The variance request is for property located at 9511 Horn Avenue in the Perry Hall area of Baltimore County. The Petitioners herein seek a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.)(Bill No. 100, 1970) and Section V.B.5.b of the Comprehensive Manual of Development Policies (CMDP, 1970)), to permit a proposed garage addition (no side windows) with a building to tract boundary setback of 4 ft. in lieu of the required 30 ft., and to amend the latest Final Development Plan for Sharondale East (Lot 34). 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

02057 FLOTING PLING 0313 11/19/01 24 MO 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 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 19th day of November, 2001, that a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.)(Bill No. 100, 1970) and Section V.B.5.b of the Comprehensive Manual of Development Policies (CMDP, 1970)), to permit a proposed garage addition (no side windows) with a building to tract boundary setback of 4 ft. in lieu of the required 30 ft., and to amend the latest Final Development Plan for Sharondale East (Lot 34), 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.

ГІМОТНҮ М. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

November 19, 2001

Mr. & Mrs. William King, Jr. 9511 Horn Avenue Perry Hall, Maryland 21236

> Re: Petition for Administrative Variance Case No. 02-141-A Property: 9511 Horn Avenue

Dear Mr. & Mrs. King:

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

buthy lotroco

TMK:raj Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Try III	9			County
	for the propert	y located at 95//		
		which is pres	ently zoned $\underline{\hspace{0.2cm} \hspace{0.2cm} 0.2$	5,5
This Petition shall be filed with the owner(s) of the property situate in Be made a part hereof, hereby petition to V.B.S.b. CMDP (1970) to petition to tract boundary setback latest Final Developme	ermit a proposed of t of 4 feet in li	jarage addition (no side windows) i d 30 feet, and	dersigned, lega ched hereto and and Section with a buildi to amend to
of the zoning regulations of Baltimore of this petition form.	e County, to the zoning l	aw of Baltimore County,	for the reasons indica	ated on the back
Property is to be posted and advertis I, or we, agree to pay expenses of above regulations and restrictions of Baltimore	e Variance, advertising, no	isting etc and further agre	ee to and are to be boun nore County.	ded by the zoning
		I/We do solemnly dec perjury, that I/we are is the subject of this F	clare and affirm, under the the legal owner(s) of the Petition.	e penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		
Name - Type or Print	 	Name - Type or Print	y tr	
Signature		Signature ALDOLVI I	g Sp., M.D. KING	
Address	Telephone No.	Name Type or Print	V. Huc.	
State Attorney For Petitioner:	Zip Code	Signature 9511 HORN Address		Telephone No.
Name - Type or Print		NOTT / NEHMM	MD 2	/23 6 Zip Code
Signature		Representative t	o be Contacted:	
Company		Name	· · · · · · · · · · · · · · · · · · ·	
Address	Telephone No.	Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
State	Zip Code	City	State	Zip Code
A Rubilc Hearing having been formally del	that the subject matter of the	required, it is ordered by the	ne Zoning Commissioner of hearing, advertised, as req	Baltimore County, uired by the zoning
egulations of Baltimore County and that the p	roperty be reposted.	·		
		Zoning Commi	issioner of Baltimore Count	v

REU 9/15/98

CASE NO.

02-141-A

Reviewed By _____ Date ____ Estimated Posting Date _____ | 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	 		
	Address		
	City	State	Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardship	wing are the ip or practica	facts upon which I/we base the request ldifficulty):	st for an Administrative
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal deman	d is filed, Affiant(s) will be required to	o pay a reposting and
Signature	<u> </u>	Signature	
Name - Type or Print		Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit	:	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	rsonally app	eared,, before me, a No	tary Public of the State
the Affiant(s) herein, personally known or satisflaw that the matters and facts hereinabove set for	factorily iden orth are true	tified to me as such Affiant(s), and ma and correct to the best of his/her/their k	de oath in due form of nowledge and belief.
AS WITNESS my hand and Notarial Seal			
Date	No	tary Public	
	Му	Commission Expires	

REV 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) does/do presently reside at	9511 HORN AVE	•	
	NOTTINGHAM City	MD State	2/236 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hards)	owing are the facts upon which hip or practical difficulty):	ch I/we base the reque	st for an Administrative
Strict compliance would unreasonably prevent the of town and commutes home on the weekend. Mrs. vehicles in an open driveway makes their patterns King's safety is in jeopardy when she is at home an parking.	King's workaay ana commute ex s apparent to potential prey, subje lone since it is obvious when her	ctenus from 11 to 13 nour ecting their home to pote husband is away because	ontial break ins. Mrs. of the open driveway
An alternate solution such as building a one car go driveway. This solution does not protect the prive	arage would not resolve this prol acy of the family.	blem as it would force on	e car to remain in the
We believe the spirit of the ordinance is to ensure planting a row of Leland Cypress trees on our lot. occupied by the trees. Our neighbor already have trees taking advantage of the privacy buffer provided 39 ft distance between our homes. This distance	Placement of our garage within a building in their side lot adjac ded by our trees Placing our ga	ent to our property time to ent to our property imme rage within 4 feet of the p	diately behind our property line still leaves
That the Affiant(s) acknowledge(s) that if a tandadvertising fee and may be required to provide	formal demand is filed, Affiar additional information.	nt(s) will be required t	o pay a reposting and
Signature Jr., M.S.	Signature	age v: /Jorg	
Name - Type or Print	Name - Type	OLYN V. KINC or Print	
STATE OF MARYLAND, COUNTY OF BALTI I HEREBY CERTIFY, this	Off by 2 ersonally appeared		otary Public of the State
law that the matters and facts hereinabove set	forth are true and correct to the	ne best of his/her/their h	knowledge and belief.
AS WITNESS my hand and Notarial Seal	Dendy	R Files	
Date	Notary Public //	12/11/1	101
CIADVS D EILES	WW C.AmmissiAn ⊢V	DIDEN IVIIII	~ ·

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires October 14, 2001

REU 09/15/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the pro	which is presently zoned
This Petition shall be filed with the Department of I owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance from	Permits and Development Management. The undersigned, legal
and commutes home on the weekend. Mrs. King's we an open driveway makes their patterns apparent it is in jeopardy when she is at home alone since continue zoning regulations of Baltimore County, to the zon this interville both the such as building a one car garage wou driveway. This solution does not protect the privacy of the property is to be posted and advertised as prescribed by we required to pay expenses in above Weight and restrictions of Baltimore County adopted the manufacture of the county and place of the county and option of the county at the county and the county and option of	property for secure parking of owners vehicles. Dr. King works out orkday and commute extends from 11 to 13 hours. Parking their to potential prey, subjecting their home to potential break ins. Mrs. it is obvious when her husband is away because of the open driveway ning law of Baltimore County, for the reasons indicated on the back ld not resolve this problem as it would force one car to remain in the family. If the zoning regulations, the zoning regulations, and the property in the still behind the area as in their side for adjacent to our property immediately behind our trees. Playing that the applications in the legal which the penalties of the greater the resolver the legal which the property which the greater the legal which so it the property which the greater the legal which of the property which
a 44.62 ft distance between our homes. This distance is muc Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No	Name - Type or Print
City State Zip Code	Signature
Attornev For Petitioner:	
	Address Telephone No.
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	
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 his day of that the subject matter egulations of Baltimore County and that the property be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, or of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO.	Reviewed By Date
	Estimated Posting Date
THE CONTRACT	

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 9511 Horn Avenue

Beginning at a point on the South East side of
Horn Avenue which is 50 feet
wide at the distance of398.45 feet North Eastof the
centerline of the nearest improved intersecting street Halbert Avenue
which is 50 feet wide. Being Lot #34 in the subdivision of
Sharondale East as recorded in Baltimore County Plat Book # 55,
Folio # 128 containing 8686 square feet . Also known as 9511
Horn Avenue and located in the 11 th election District, 5 th Councilmanic
District.

02-141-A

BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	NO. 06666
DATE 10/4/01 ACCO	UNT R-031-006-6150
AMOU	INT \$ 100,00
RECEIVED (CIOTAR TINE)
FOR: 4511 11 NA AUG	(:) 141-A)
Adm. Variance	

YELLOW - CUSTOMER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

DOTH PENETRY

PAYMENT ACTUM. TIME
10/04/2001 10/04/2001 08:34:01
RET M306 CASHIER ABRO ABC DRAMER 6
SHEDEIPT # 051562 OFLN
Devit 1, 528 ZINNING VERTEICATION
CR NO. 00:606
Recept Tot 100.00

Recet Tet 100.00
100.00 Ck .00 CA
Reltieure County, Maryland

CASHIER'S VALIDATION

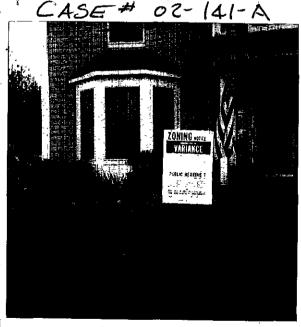
RE: Case No.: 02-141-A	
Petitioner/Developer:	•••
MadMas King	
Date of Hearing/Closing: 10/29/c	- }

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 ____ 9511 HORN AVE 10/14/01 (Month, Day, Year) The sign(s) were posted on



9511 HORN AVE POSTED 10/14/01

Sincerely,

(Signature of Sign Poster and Date)

RICHARO E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

(City, State, Zip Code)

(410) 879-3127 (Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 141 -A Address 9511 Horn Avenue
Contact Person: Jettrey Perlow Phone Number: 410-887-3391
Case Number 02- 191 -A Address Ontact Person: Jeffrey Perlow Planner, Please Print Your Name Filing Date: 10/401 Posting Date: 10/1401 Closing Date: 10/29/0
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.
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 02- 141 -A Address 9511 Horn Avenue
Petitioner's Name KING Telephone 4/0-256-0163
Posting Date: $\frac{ 0 14 0 }{ 0 }$ Closing Date: $\frac{ 0 29 0 }{ 0 }$
Wording for Sign: To Permit a proposed garage addition (no side windows) with d
building to tract boundary setback of 4 feet in lieu of the required 30 feet and to amend the latest Final Development Plan for Sharondale East.
WCR - Revised 6/28/00

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 30, 2001

TO: Arnold Jablon, Director

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 13, 2001

Item Nos. 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 147, 148, 149,

and 160

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

November 8, 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

Property Owner: SEE BELOW RE:

Location: DISTRIBUTION MEETING OF November 5, 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.

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

> 136, 137, 138, 139, 140, 12, 143, 144, 145, 146, 147, 148, 149, 150, 160

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:

9511 Horn Avenue

INFORMATION:

Item Number:

02-141

Petitioner:

William King, Jr.

Zoning:

DR 5.5

Requested Action:

Varinace

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a side yard of 4 feet in lieu of the minimum required 30 feet.

Prepared by:

Section Chief:

AFK:MAC:

DATE: November 19, 2001



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 11.9.01

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

RE:

Baltimore County

Item No

INP

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. Grell

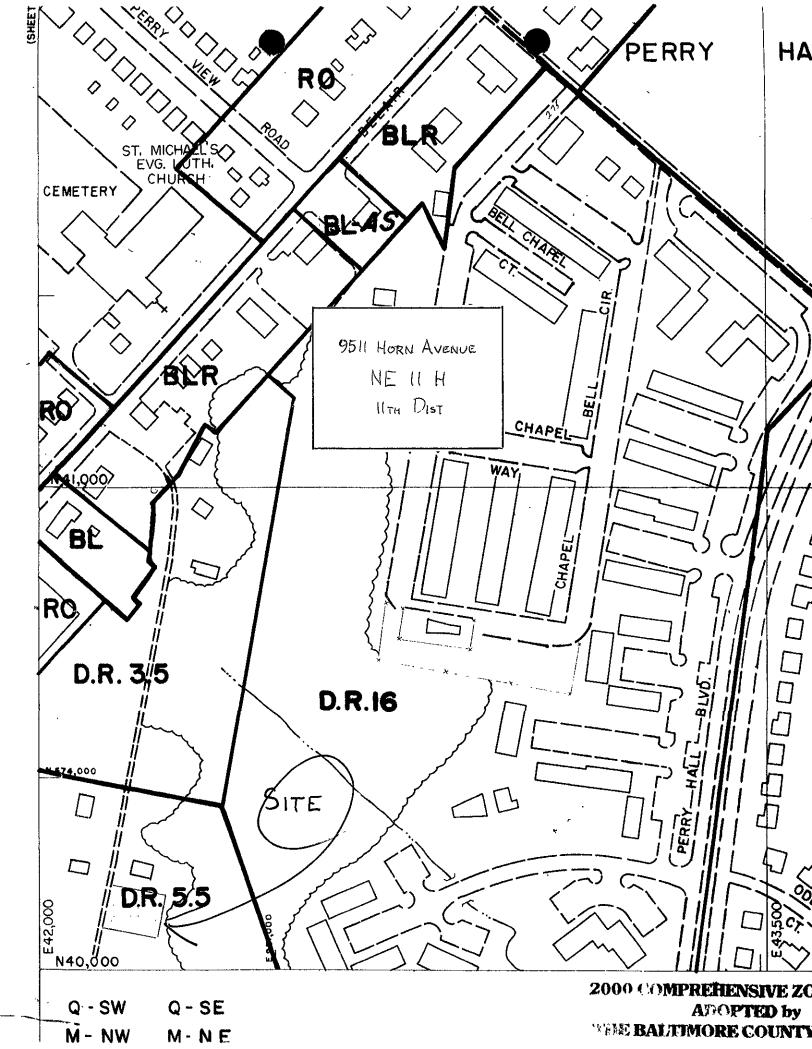
1-

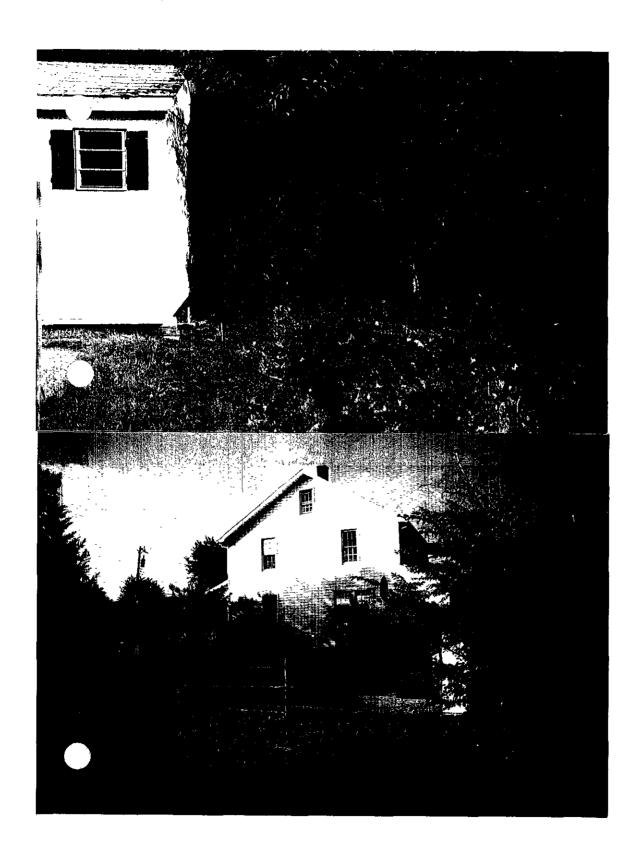
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

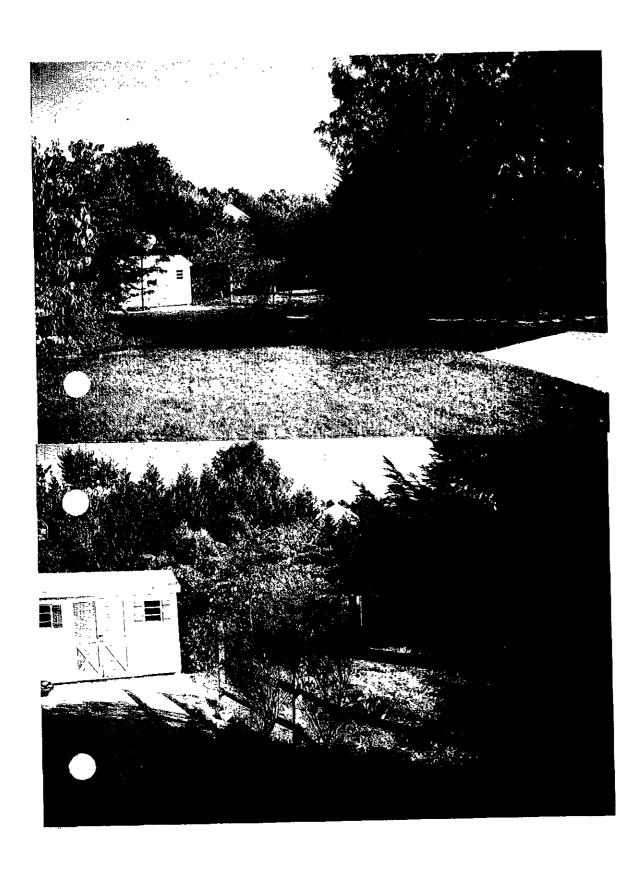
ZONING HEARING FILE INTERNAL CHECKLIST

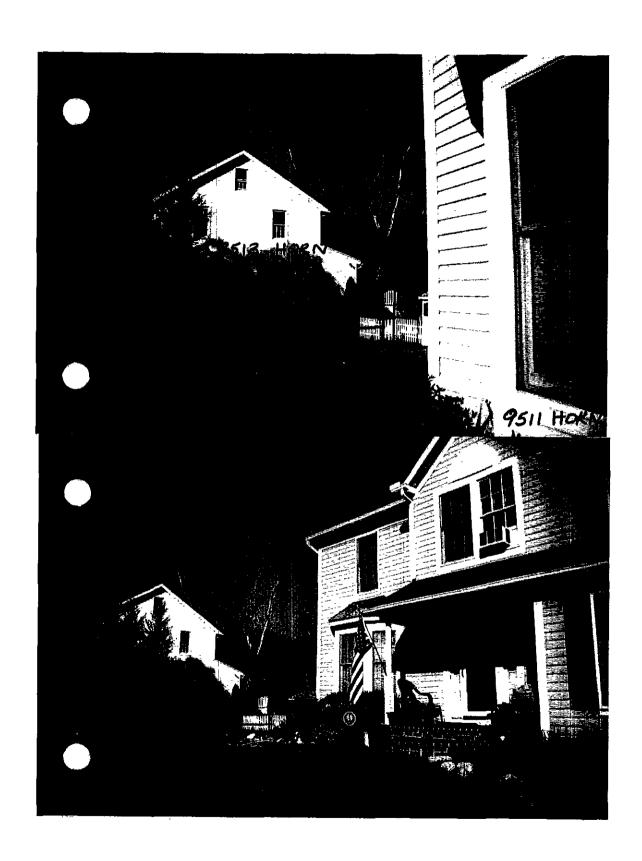
Zoning Case No. 02 - 141 - 17

Date Completed/Initials	
11/6/01	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
,	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
6DZ	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)











Plat to accompany Petition for Zoning X Variance	e Special Hearing
The second secon	<u> </u>
Subdivision name: SHARONDALE EAST	CHECKLIST for additional required information
plat book# 55, tollo# 128, lot# 34, section#	
OWNER: WILLIAM & CAROLYN V. KING	THEDALE OF PERLY HALL MAN ! ORDER
	JE VALVAL DISTE
	Parry Hall State William
A WHITE B	SOPE VIEW OF STREET
Server Tonnia Linous 28 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	WHU CA
	my half ES
35 (33) 20" (20) 19509A 1364	PERRYVALE
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Vicinity Map
104.88. WILLIAM & LARREN WILL TALOT	Scale: 1'=1000'
	LOCATION INFORMATION
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RAP SNUT SON HER DE TREE LINE POSTOS DE TREE LINE POSTOS DE TOURS DE LA TREE LINE POSTOS DE	Councilmanic District: 5
13610/247 ZETWINENING OF THE STREET OF THE S	1=200' scale map#: N.E. //-
HORN 121.68	Zoning: DR 5.5
EX PACK 26 12 68 15 12 68 12 68 12 68 12 68 12 68 12 68 12 68 12 68 12 68 1	Lot size: 0.1913 8686
NIOTIES E DIE TORAPT DE LOS DE LES DE LOS DELOS	acreage square feet
George V. (Thelma 14' 7-10)	SEWER: X
EHKURS STORE	WATER:
THE REPORT OF THE PROPERTY OF THE PARTY OF T	yes no
398.45' TO & OF HALBERT AVENUE	Chesapeake Bay Critical Area: X Prior Zoning Hearings: NO
HALBERT AVENUE	Not Located in 100 Year Flood Zone Not Located in Historic District
North , ,	Zoning Office USE ONLY!
late: 10 3 01	reviewed by: ITEM #: CASE#:
repared by: Carolyn King Scale of Drawing: 1 = 50	JNP 141 02-141-A

Pex. Ext.

