

IN RE: PETITION FOR VARIANCE
N/S of Left Aileron Street, 378' E
centerline of Wing Drive
15th Election District
5th Councilmanic District
(15 Left Aileron Street)

Karen R. Souza
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-179-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Karen R. Souza. The variance request involves property located at 15 Left Aileron Street, located in the Aero Acres area of Baltimore County. Specifically, the Petitioner is requesting a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a carport located in the side yard with a 0 ft. setback in lieu of the required 2.5 ft. setback.

Appearing at the hearing on behalf of the variance request was Karen Souza, owner of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 4,608 sq. ft., zoned DR 5.5. The subject property is improved with an existing single-family residential dwelling. The Petitioner has a one-car garage located in the rear yard, along with the carport which is the subject of this request. The property owner has two classic automobiles which are stored in the garage and under the carport. Mrs. Souza testified that the carport was constructed approximately 2 years ago. Recently, she applied for a permit to construct a fence along her property line. At that time, she was advised by a representative from Permits & Development Management that a variance was necessary for the existing carport.

ORDER SET FOR FILING
1/9/02
K. R. Souza

Therefore, she has filed this variance request to bring the location of the carport into compliance with the Baltimore County Zoning Regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

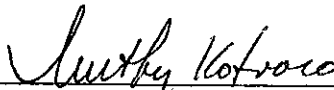
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

THEREFORE, IT IS ORDERED this 9th day of January, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400.1 of the Baltimore

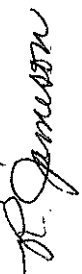
County Zoning Regulations, to allow a carport located in the side yard with a 0 ft. setback in lieu of the required 2.5 ft. setback, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

1/9/02




Baltimore County
Zoning Commissioner

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

January 9, 2002

Mrs. Karen Ruth Souza
15 Left Aileron Street
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 02-179-A
Property: 15 Left Aileron Street

Dear Mrs. Souza:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 15 LEFT AILERON ST.
which is presently zoned DR5.5

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) 400.1 BCZR to Permit A

DETACHED ACCESSORY STRUCTURE (TEMPORARY CARPORT) IN SIDE YARD
WITH A 0 FT. SETBACK IN LIEU OF REAR YARD YARD WITH A 2 1/2 FT. SETBACK.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED
AT HEARING.

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

Case No. 02-179-A

REV 9/15/98

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 11/01/01



179

Zoning Description

For Property Located at:

15 Left Aileron Street

Beginning at a point on the north side of left Aileron st. which is 50 feet wide at the distance of 378 east of the centerline of the nearest improved intersecting street which is left wing drive which is 50 feet wide. Being lot#128 section#1 in the subdivision of Aero Acres as recorded in Baltimore county Plat Book #13 .Folio# is 135 containing 4,608 sq.ft. Also known as 15 Left Aileron Street. This property is located in the 15 th election district. 5th councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 11/01/01

JL #179

No. 07715

ACCOUNT 001 006 6150

AMOUNT \$ 50.00

RECEIVED FROM:

SOUZA

FOR:

RES. VAR.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
11/01/2001 11/01/2001 14:43:31
RECEIPT # 230674
5 528 ZIMING VERIFICATION
REF NO. 007715

Rec'd Tot 50.00
50.00 CH
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-179-A
15 Left Aileron Street
NS of left Aileron Street, 378' E
of centerline of Wing Drive
15th Election District
5th Councilmanic District
Legal Owner(s): Karen Ruth
Souza

Variance: to permit a detached accessory structure (temporary carport) inside yard with a zero foot setback in lieu of rear yard with a 2.5 foot setback.

Hearing: Tuesday, January 8, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/155 Dec. 20 C511985

CERTIFICATE OF PUBLICATION

12/20/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/20/, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 02-179-A

Petitioner: KAREN SOUZA

Address or Location: 15 LEFT AILERON BARTO MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: KAREN SOUZA

Address: 15 LEFT AILERON
BARTO MD 21220

Telephone Number: 410 7800590

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 20, 2001 Issue – Jeffersonian

Please forward billing to:

Karen Souza
15 Left Aileron
Baltimore MD 21220

410 780-0590

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-179-A

15 Left Aileron Street

N/S of left Aileron Street, 378' E of centerline of Wing Drive

15th Election District – 5th Councilmanic District

Legal Owner: Karen Ruth Souza

Variance to permit a detached accessory structure (temporary carport) inside yard with a zero foot setback in lieu of rear yard with a 2.5 foot setback.

HEARING: Tuesday, January 8, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDS
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 12, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-179-A

15 Left Aileron Street

N/S of left Aileron Street, 378' E of centerline of Wing Drive

15th Election District – 5th Councilmanic District

Legal Owner: Karen Ruth Souza

Variance to permit a detached accessory structure (temporary carport) inside yard with a zero foot setback in lieu of rear yard with a 2.5 foot setback.

HEARING: Tuesday, January 8, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDZ
Director

C: Karen Ruth Souza, 15 Left Aileron Street, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 24, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 4, 2002

Karen R Souza
15 Left Aileron
Baltimore MD 21220

Dear Ms. Souza:

RE: Case Number: 02-179-A, 15 Left Aileron

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 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

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



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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** December 26, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2001
Item Nos. 176, 177, 178, ~~179~~ 181, 184,
185, 186, 187, 188, 189, 193, 190, 191,
193, 194, 195, 196, 197, 198, 199, and
223

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

December 12, 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 December 3, 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:

176, 177, 178, ~~179~~ 180, 181, 182, 183, 184, 185, 186, 187,
188, 190, 191, 192, 193, 195, 198, 199, 223

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

cc: File

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

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 17, 2001

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

SUBJECT: 15 Left Aileron Street

INFORMATION:

Item Number: 02-179

Petitioner: Karen Ruth Souza

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a detached carport in a side yard with a setback of 0 feet in lieu of the required rear yard.

Prepared by: Maeb A. Cunniff

Section Chief: Jeffrey W. Long

AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.11.01

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

RE: Baltimore County
Item No. 179 JL

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,

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

RE: PETITION FOR VARIANCE
15 Left Aileron Street, N side Left Aileron,
378' E of Left Wing Dr
15th Election District, 5th Councilmanic

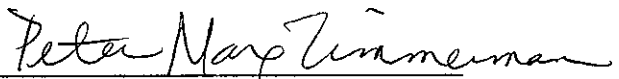
Legal Owner: Karen Ruth Souza
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-179-A

* * * * *

ENTRY OF APPEARANCE

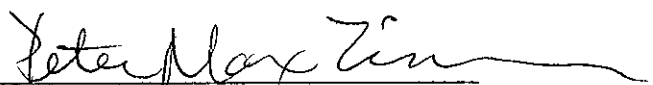
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

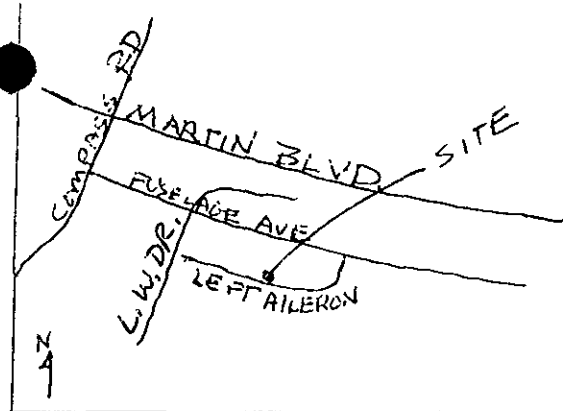
20th
I HEREBY CERTIFY that on this *19th* day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to Karen Ruth Souza, 15 Left Aileron Street, Baltimore, MD 21220, Petitioner.


PETER MAX ZIMMERMAN

ZONING MAP NE4H
 ELEV. 50 FT. FLOOD ZONE C
 LOT SIZE 4,608 sq ft
 ZONE DR 5.5
 SITE IS NOT IN CBA
 SITE SERVED BY PUB. WATER + SEWER
 EL. DIST. 15' C/D 5

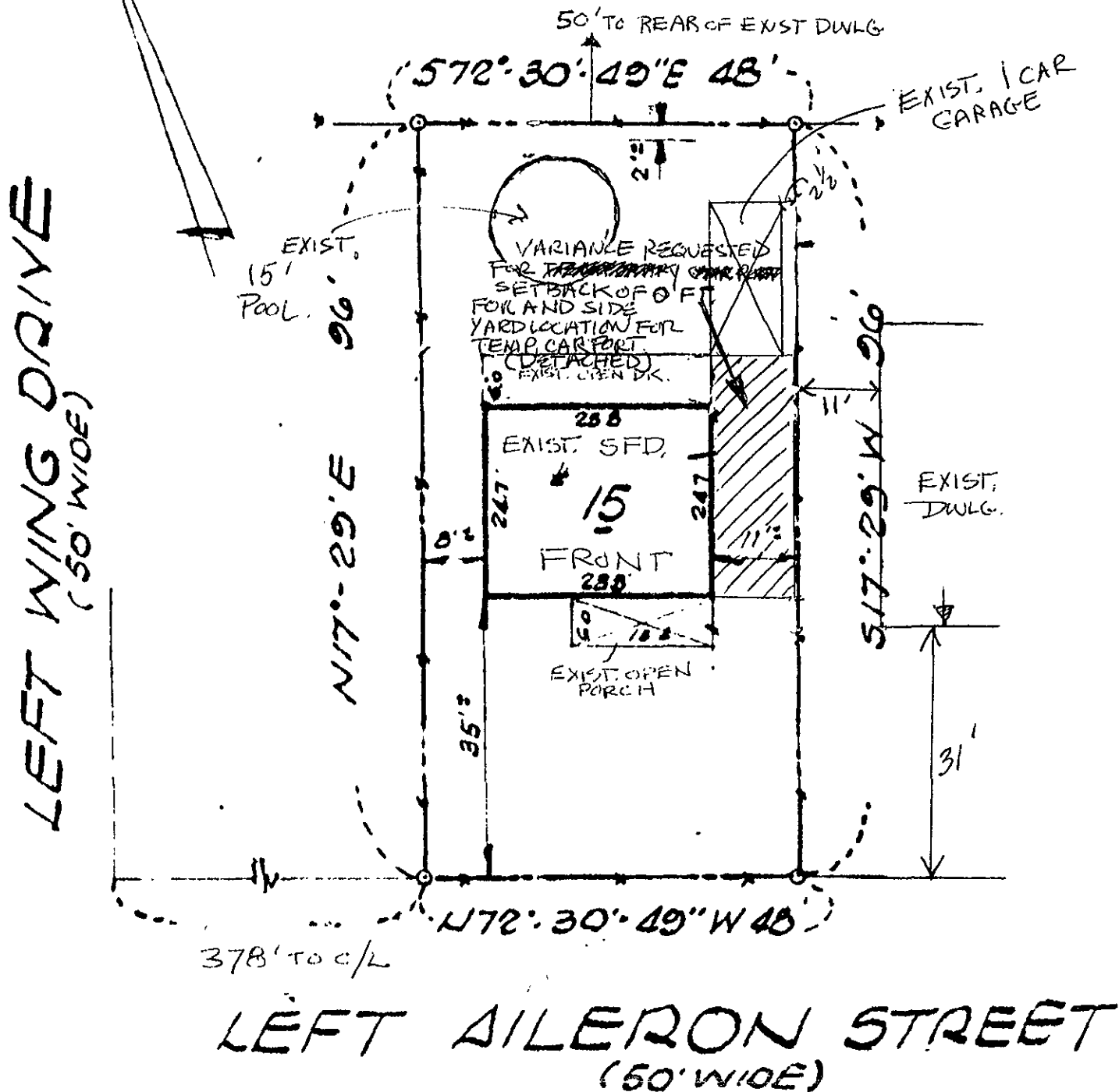
179

Pet. Ex. #1



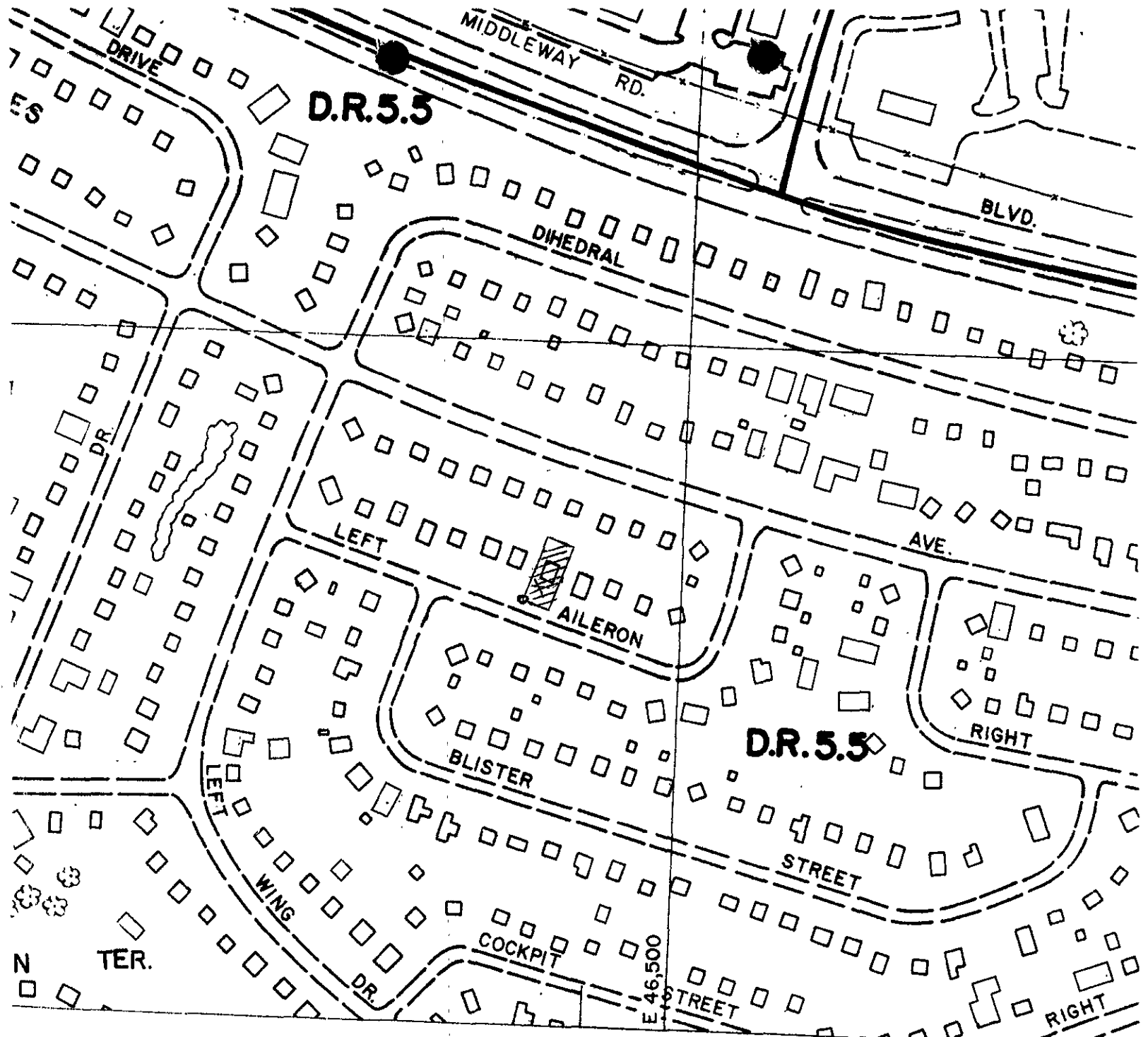
VICINITY MAP
 N.T.S.

NOTE:
 = ALSO DESIGNATED AS LOT 128 AS SHOWN ON PLAT OF
 4000 ACRES - SECTION 2" RECORDED IN BALTO CO.
 IN PLAT BOOK 13-189.



VARIANCE PLAN
 15 LEFT AILERON ST.
 BALTIMORE COUNTY, MD.
 1" = 20' SCALE.

Pet. Ex. #1



ZONING MAP

179

SCALE 1" = 200' ±
DATE OF PHOTOGRAPHY JANUARY 1986

HE 4H
1" = 200'