

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S Leola Avenue, 210' E  
of Jeanne Avenue  
13th Election District  
1st Councilmanic District  
(4319 Leola Avenue)

Carol A. & James T. Dancy  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 02-500-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Carol A. and James T. Dancy. The variance request is for property located at 4319 Leola Avenue in the western area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a side yard setback of 8 ft. in lieu of the required 15 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.

ORDER RECEIVED FOR FILING  
Date 6/6/02  
By R. J. [Signature]

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 6<sup>th</sup> day of June, 2002, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a side yard setback of 8 ft. in lieu of the required 15 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

ORDER RECEIVED FOR FILING  
Date 6/10/02  
By T.R. Givens



Baltimore County  
Zoning Commissioner

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

June 6, 2002

Mr. & Mrs. James T. Dancy  
4319 Leola Avenue  
Baltimore, Maryland 21227

Re: Petition for Administrative Variance  
Case No. 02-500-A  
Property: 4319 Leola Avenue

Dear Mr. & Mrs. Dancy:

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,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

c: Charles W Walter  
2933 Baltimore Ave  
Baltimore MD 21227

Census 2000

For You, For Baltimore County

Census 2000



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4319 LEOLA AVE BALTO. MD 21227  
which is presently zoned DR-2

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) 1302.3.C.1 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A SIDEYARD SETBACK OF 8' IN LIEU OF THE REQUIRED 15'.

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 \_\_\_\_\_

### Legal Owner(s):

JAMES T. DANIEL  
Name - Type or Print \_\_\_\_\_  
James T. Daniel  
Signature \_\_\_\_\_  
CAROL A. DANIEL  
Name - Type or Print \_\_\_\_\_  
Carol A. Daniel  
Signature \_\_\_\_\_

### Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Representative to be Contacted:

CHARLES W. WALTER  
Name \_\_\_\_\_  
2933 BALTIMORE AVE 410.247.9652  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
BALTO. MD 21227  
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 \_\_\_\_\_ day of \_\_\_\_\_ 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. 02-500-A

Reviewed By LTM Date 5/8/02

REV 10/25/01

Estimated Posting Date 5/20/02

UNFILED RECEIVED FOR FILING  
Date 6/6/02

# 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 4319 LEDGA AVE  
Address  
BALTIMORE MD 21227  
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):

PROPOSED 16' X 32' ADDITION CROSSES BUILDING LOTS 37 & 38  
LIKE TO INCREASE TOTAL LIVING SPACE OF EXISTING DWELLINGS  
HARDSHIP - THE LOCATION OF OUR HOUSE CAN'T BE MOVED

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.

James T. Dancy  
Signature  
JAMES T. DANCY  
Name - Type or Print

Carol A. Dancy  
Signature  
CAROL A. DANCY  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24<sup>th</sup> day of April, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James J. Dancy and Carol A. Dancy  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Alana M. Rider  
Notary Public  
My Commission Expires 5/1/03

**Zoning Description For 4319 Leola Avenue**

Beginning at the point on the South side of Leola Avenue, which is 30' wide at the distance of 210' East of the centerline of the nearest improved intersecting street Jeanne Avenue, which is 30' wide. Being Lot # 11, 35-38, Block F, Section # , in the subdivision of Halethorpe Terrace as recorded in the Baltimore County Plat Book #7, Folio #72, containing 11,000 SF. Also known as 4319 Leola Ave. And located in the 13 Election District, 1 Councilmanic District.

#500

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 12772

DATE 5/8/02 ACCOUNT R001 006 0150

AMOUNT \$ 50.00

RECEIVED  
FROM:

C.W. WALTER

FOR:

VARIANCE

#2676

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME  
5/08/2002 5/08/2002 09:24:36

REG WS05 WALKIN RPOS LRB DRAWER

>>RECEIPT # 265347 5/08/2002 OFLN

Dep: 5 528 ZONING VERIFICATION

CR NO. 012772

Recpt Tot \$50.00

50.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

RE: Case No.: 02-500-A

Petitioner/Developer: \_\_\_\_\_

JAMES T. DANCY

Date of Hearing/Closing: 6-04-02

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 #4319 LEOLA AVENUE

The sign(s) were posted on MAY 15, 2002  
(Month, Day, Year)

Sincerely,

Garland E. Moore  
(Signature of Sign Poster and Date)

GARLAND E. MOORE  
(Printed Name)

3225 RYERSON CIRCLE  
(Address)

BALTIMORE, MD. 21227  
(City, State, Zip Code)

(410) 242-4263  
(Telephone Number)





# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE # 02-500-A

To PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A SIDEYARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 15 FEET

### PUBLIC HEARING ?

PURSUANT TO SECTION 26-327(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 JUNE 4TH 2002

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 333 W. CHESAPEAKE AVE. TOWSON, MD. 21284 TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

*CWW*

Case Number 02- 500 -A Address 4319 LEOLA AVE.

Contact Person: LOYD T. MOXLEY Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 5/8/02 Posting Date: 5/20/02 Closing Date: 6/04/02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

*I HAVE RECEIVED POSTING INFO*

- 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.
- 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.
- 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- 500 -A Address 4319 LEOLA AVE.

Petitioner's Name JAMES T. DANCY ET UX Telephone 410 247 3652

Posting Date: 5/20/02 Closing Date: 6/04/02

Wording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A SIDEYARD SETBACK OF 8' IN LIEU OF THE REQUIRED 15'

**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 02-500-A

Petitioner: MR & MRS JAMES & ANN DANCY

Address or Location: 4319 KCOLA AVE BALTIMORE MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. W. WALTER GEN. CONT

Address: 2933 BALTIMORE AVE  
BALTO. MD 21227

Telephone Number: 410 247 3652 Cell 443-250-9921



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

June 3, 2002

Mr. & Mrs. James T Dancy  
4319 Leola Avenue  
Baltimore MD 21227

Dear Mr. & Mrs. Dancy:

RE: Case Number: 02-500-A, 4319 Leola Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 8, 2002.

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. *WCR*  
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Charles W Walter, 2933 Baltimore Avenue, Baltimore 21227  
People's Counsel

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





Baltimore County  
Fire Department

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

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 15, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 20, 2002

Item No.: See Below

Dear Mr. Zahner:

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,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

488, 490-500

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](http://www.co.ba.md.us)



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** May 15, 2002

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

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 02-487, 02-497, 02-499, and 02-500

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: \_\_\_\_\_

*Ryan Jordan*

AFK/LL:MAC



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 5.14.02

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

RE: Baltimore County  
Item No. 500 LTM

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,

A handwritten signature in black ink, appearing to read 'K. A. McDonald Jr.', written in a cursive style.

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

My telephone number is \_\_\_\_\_

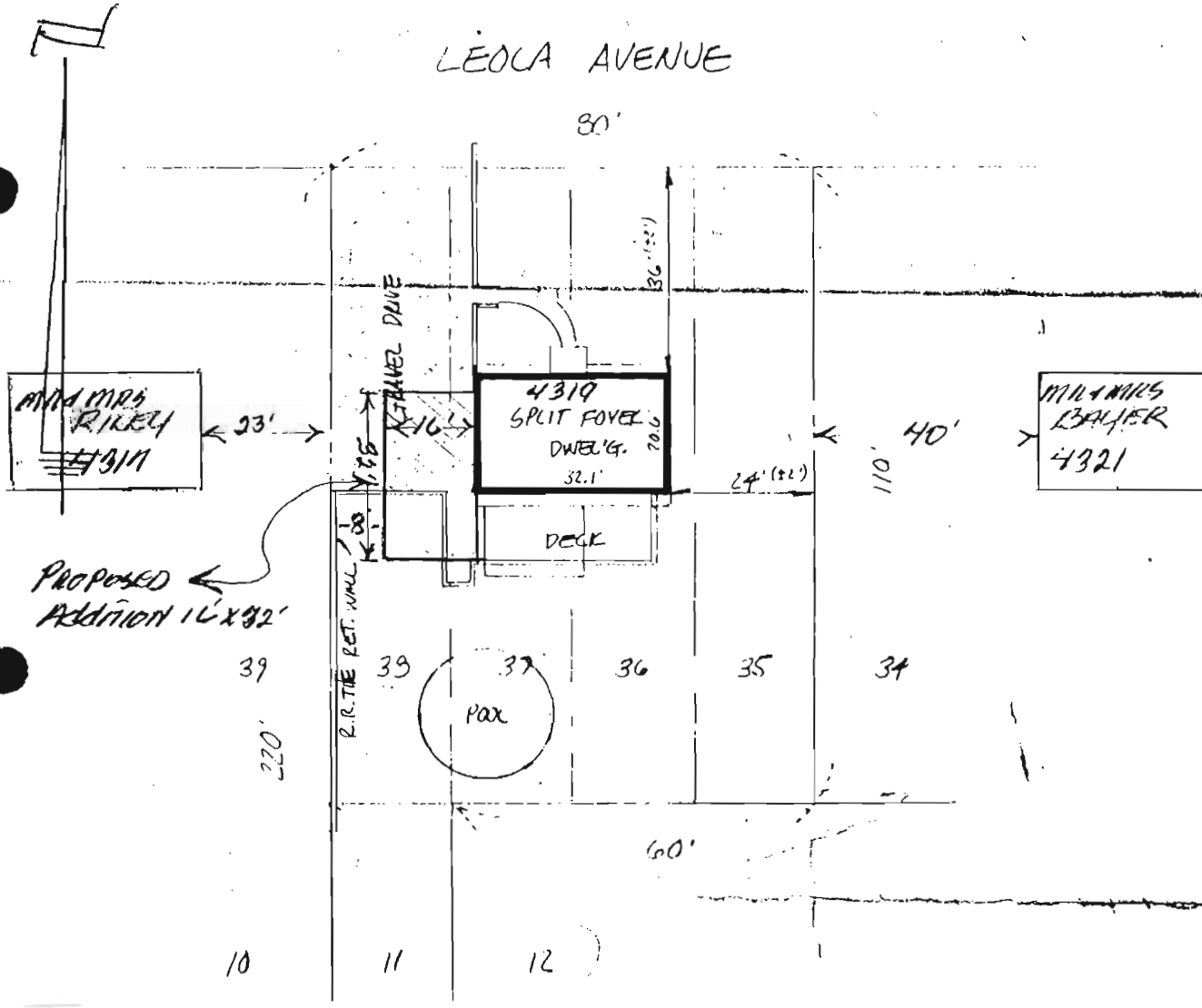
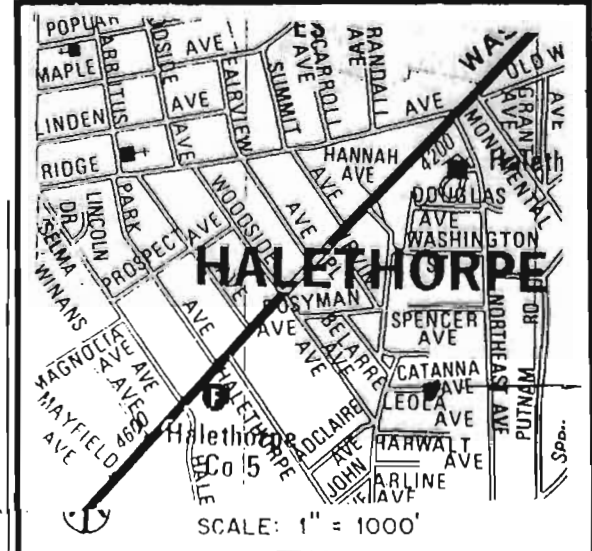
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING

PROPERTY ADDRESS 4319 LEOLA  
 SUBDIVISION NAME HALETHORPE TERRACE  
 PLAT BOOK # 7 FOLIO # 77 LOT # \_\_\_\_\_ SECTION # \_\_\_\_\_  
 OWNER Mrs. James & Carol Stanley

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION



**LOCATION INFORMATION**

ELECTION DISTRICT 13  
 COUNCILMANIC DISTRICT 1  
 1" = 200' SCALE MAP # SW 6 D  
 ZONING DR-2  
 LOT SIZE 11000 SQUARE FEET

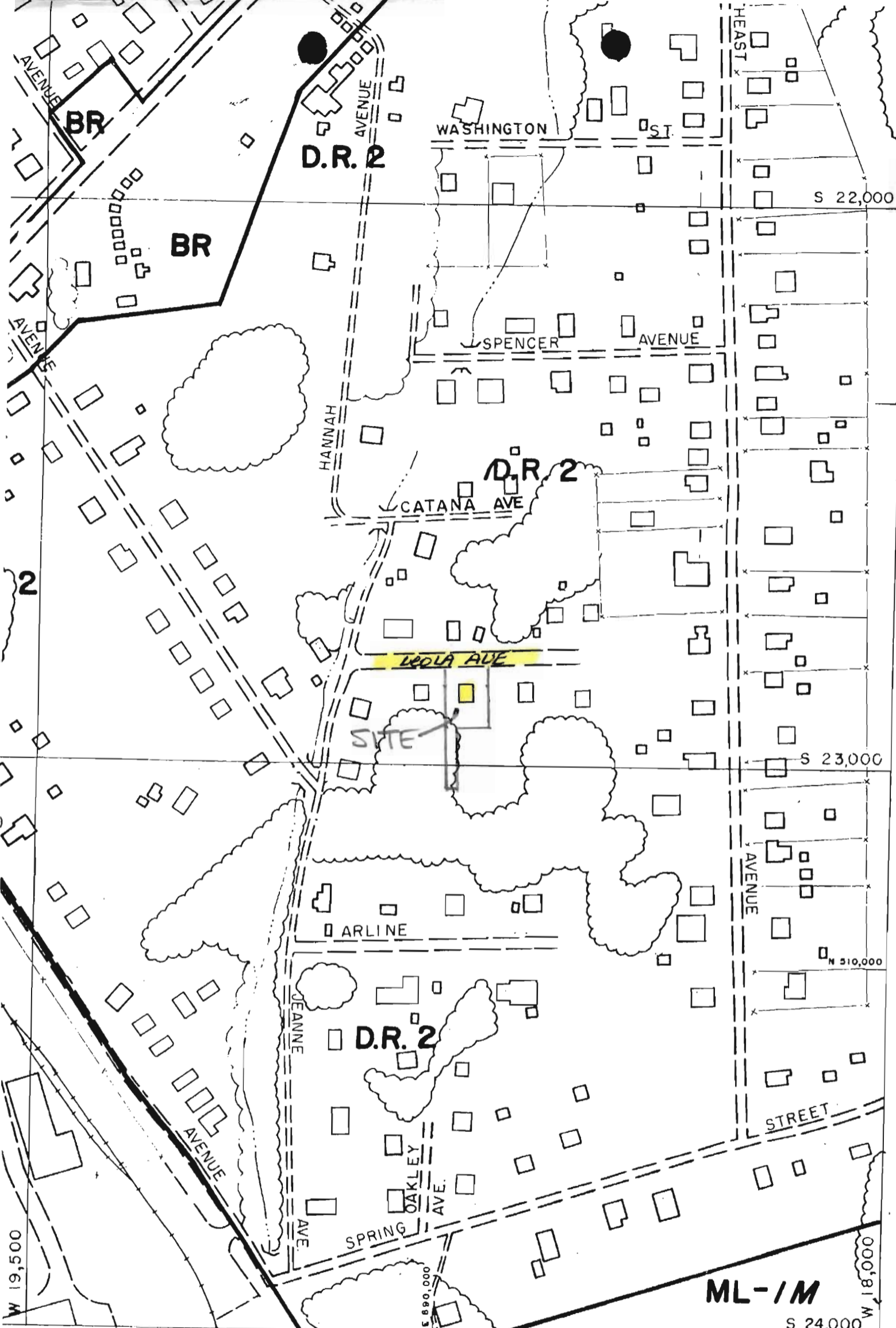
	ACREAGE	PUBLIC	PRIVATE
SEWER		<input checked="" type="checkbox"/>	<input type="checkbox"/>
WATER		<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHESAPEAKE BAY CRITICAL AREA		<input type="checkbox"/>	<input checked="" type="checkbox"/>
100 YEAR FLOOD PLAIN		<input type="checkbox"/>	<input checked="" type="checkbox"/>
HISTORIC PROPERTY / BUILDING		<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIOR ZONING HEARING		<u>NONE</u>	

**ZONING OFFICE USE ONLY**  
 REVIEWED BY CTM ITEM # 500 CASE # \_\_\_\_\_

PREPARED BY C. W. SCALE OF DRAWING: 1" = 30

*Plot. Ex. #1*





(SHEET SW-6-C)

<p><b>SCALE</b> 1" = 200' ±</p>	<p><b>LOCATION</b> A 500</p>	<p><b>SHEET</b></p>
<p><b>DATE OF PHOTOGRAPHY</b> JANUARY 1966</p>	<p><b>HALETHORPE</b></p>	<p>S.W. 6-D</p>



#500  
Proposed side of house  
where addition would be located



Rear 4319 Leola #500



4319 Leola Front  
#500



4321 Leola #500  
Mrs. & Mrs. Baker Newman's



#500



MILK WINS RILEY  
4319 LEOLA NEIGHBOR  
#500



RIGHT SIDE OF 4319 LEOLA  
#500