

IN RE: PETITION FOR ADMIN. VARIANCE
SW/corner Alquin and
Cainewood Courts
1st Election District
1st Councilmanic District
(2 Alquin Court)

Kevin M. & Jennifer L. Stevens
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-529-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Kevin and Jennifer Stevens, legal owners, of that property known as 2 Alquin Court in the Catonsville area of Baltimore County. The Petitioners herein seek relief from Sections 1B01.2.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a rear yard setback of 19 ft. in lieu of the minimum required 22 1/2 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 7/2/02
By P. 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 2nd day of July, 2002, that a variance from Sections 1B01.2.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a rear yard setback of 19 ft. in lieu of the minimum required 22 1/2 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 7/2/02
By R. Gannon



Baltimore County
Zoning Commissioner

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

July 2, 2002

Mr. & Mrs. Kevin M. Stevens
2 Alquin Court
Catonsville, Maryland 21228

Re: Petition for Administrative Variance
Case No. 02-529-A
Property: 2 Alquin Court

Dear Mr. & Mrs. Stevens:

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, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2 Alquin CT
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) 1801.2.C.16, 301.1.4

To allow an open project (deck) with a rear yard setback of 19 ft. in lieu of the minimum required 22 1/2 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:

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 _____

Legal Owner(s):

Kevin M. Stevens
Name - Type or Print _____

Kevin M. Stevens
Signature _____

Jennifer L. Stevens
Name - Type or Print _____

Jennifer L. Stevens
Signature _____

2 Alquin Ct (410) 788-1115
Address _____ Telephone No. _____

Catonsville MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

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 7/26/02 day of July 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. 02-529-A

Reviewed By [Signature] Date 5-28-02

REV 10/25/01

Estimated Posting Date 6-11-02

ORDER RECEIVED FOR FILING
7/26/02
By [Signature]

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

2 Alquin CT
Address
Catonsville MD 21228
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):

I am requesting an Administrative Variance so I can build a deck on my property extending 16 feet from my house. The current zoning regulations only allow for a deck of 13.5 feet. I would like to get the variance to allow my deck to extend an extra 2.5 feet. The deck will still be 19 feet from the end of my property.

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.

Jennifer L. Stevens
Signature
Jennifer L. Stevens
Name - Type or Print

Kevin M. Stevens
Signature
Kevin M. Stevens
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of May, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JENNIFER L. STEVENS / KEVIN M. STEVENS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Jyotsna R. Kapadia
Notary Public

My Commission Expires 3-14-2006

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 2 Alquin CT
Address
Catonsville MD 21228
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):

I am requesting an Administrative Variance so I can build a deck on my property extending 16 feet from my house. The current zoning regulations only allow for a deck of 13.5 feet. I would like to get the variance to allow my deck to extend an extra 2.5 feet. The deck will still be 19 feet from the end of my property.

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.

Jennifer L. Stevens
Signature
Jennifer L. Stevens
Name - Type or Print

Kevin M. Stevens
Signature
Kevin M. Stevens
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of May, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JENNIFER L STEVENS / KEVIN M STEVENS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Judith R Kopalia
Notary Public
My Commission Expires 3-14-2006



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2 Alquin Ct
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) 1801.2C10, 301.1A.

To allow an open projection (deck) with a rear yard set-back of 19ft. in lieu of the minimum required 22 1/2 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:

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

Legal Owner(s):

Kevin M. Stevens
Name - Type or Print

Kevin M. Stevens
Signature

Jennifer L. Stevens
Name - Type or Print

Jennifer L. Stevens
Signature

2 Alquin Ct (410) 988-1115
Address Telephone No.

Catonsville MD 21228
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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. 02-529-A

REV 10/25/01

Reviewed By [Signature] Date 5-28-02

Estimated Posting Date 6-11-02

Zoning Description

ZONING DESCRIPTION FOR 2 Alquin Court

Beginning at a point on the southwest side of Alquin Court which is 50 feet wide at the distance of 0 feet of the centerline of the nearest improved intersecting street Cainewood Court which is 50 feet wide. Being lot# 9, Block ___, Section# ___ in the subdivision of Partial Amended Plat of Cainewood Phase I & II as recorded in Baltimore County Plat Book #71, Folio #97, containing 8144 square feet or .187 acres. Also known as 2 Alquin Court and located in the 1st Election District, 1st Councilman District.

529

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 13302
02-529-A

DATE 5-28-02 ACCOUNT R-001-006-6150
AMOUNT \$ 50.00

RECEIVED FROM: Mr. Stevens

FOR: Commercial Variance Filing fee
#7 Alquin Ct.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
5/28/2002 5/28/2002 09:33:04

REC W604 WALKIN DDL DND DRAWER 2
>>RECEIPT # 183346 5/28/2002 OFLN
DEPT 5 528 ZONING VERIFICATION
CR NO. 013302

Recpt Tot \$50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION



ZONING NOTICE
ADMINISTRATIVE VARIANCE

CASE # 02-529-A
TO PERMIT AN OPEN PROJECTION
(DECK) WITH A REAR YARD SETBACK
OF 19 FEET IN LIEU OF THE MINIMUM
REQUIRED 22 1/2 FEET.

PUBLIC HEARING ?
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 JUNE 26, 2002
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
211 N. CHESAPEAKE AVE.
TOWSON, MD 21204
TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER BOARD MEETING. SIGNER RESPONSIBLE FOR REMOVAL. RETURN BOTH TO ZADM OR 104
MEETING IS HANDICAP ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 02-529-A

Petitioner/Developer: _____

MR. KEVIN M. STEVENS

Date of Hearing/Closing: 6-26-02

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 #2 ACQUIN COURT

The sign(s) were posted on _____

JUNE 10, 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)

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: 02-529-A

Petitioner: Kevin M. Stevens

Address or Location: # 2 Alquin Ct

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: _____

Balto, Md 21228

Telephone Number: 410-788-1115

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 529 -A

Address #2 ALQUIN CT

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5-28-02

Posting Date: 6-11-02

Closing Date: 6-26-02

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

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.
3. **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- 529 -A

Address 2 ALQUIN CT

Petitioner's Name Kevin M. Stevens

Telephone 410-788-1115

Posting Date: 6-11-02

Closing Date: 6-26-02

Wording for Sign: To Permit an open projection (deck) with a rear yard setback of 19ft in lieu of the minimum required 22 1/2 ft.



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 24, 2002

Mr. and Mrs. Kevin M. Stevens
2 Alquin Court
Catonsville, MD 21228

Dear Mr. and Mrs. Stevens:

RE: Case Number: 02-529-A, 2 Alquin Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 28, 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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr. /rlh".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

Come visit the County's Website at 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

June 5, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 3, 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.

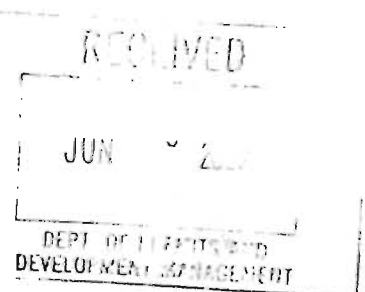
The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

529
524-534

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** July 19, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For June 10, 2002
Item Nos. 524, 525, 528, 529, 530, 531,
532, and 534

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

RB Seeley

DATE: July 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of June 3, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

511-514, 516, 517, 519-525, 527, 529-531, 533

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

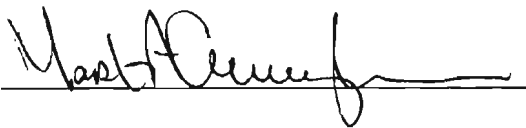
DATE: June 7, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-475, & 02-529

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/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.4.02

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

RE: Baltimore County
Item No. 529 JJS

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

April 26, 2002

Dear Neighbor:

This letter is to inform you of my intent to build a deck on my property extending 16 feet from my house. The current zoning regulations only allow for a deck of 13.5 feet. I am applying for a variance from the county to allow my deck to extend an extra 2.5 feet. The deck will still be 19 feet from the end of my property. Please sign below indicating you have been made aware and understand the specifics of the variance.

Sincerely,

Kevin M. Stevens

Kevin M. Stevens
2 Alquin Court

MONICA L. AND EARL W. ELLIOTT
131 SOUTH HILLTOP ROAD
BALTIMORE, MD. 21228-5544

Monica L. Elliott

Earl W. Elliott

JIM MILLER

133 S. HILLTOP ROAD
CATONSVILLE, MD 21228

Jim Miller

#529

JOHN AND STACIA ALBERT

4 ALQUIN CT.

CATONSVILLE, MD. 21228

John Albert
Stacia Albert

