

IN RE: PETITION FOR ADMIN. VARIANCE  
E/S Crestview Garth, 700' E  
centerline of Lennings Lane  
14th Election District  
6th Councilmanic District  
(9 Crestview Garth)

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 02-540-A

Daniel K. Mearkle  
*Petitioner*

\* \* \* \* \*

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, Daniel K. Mearkle. The variance request is for property located at 9 Crestview Garth in the eastern area of Baltimore County. The variance request is from Section 1B01.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 1 ft. and a side yard combination of 17 ft. in lieu of the required 10 ft. and 25 ft. respectively for an addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner 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.

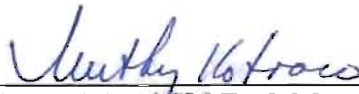
The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 Petitioner.

ORDER RECEIVED FOR FILING  
Date 7/2/02  
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 2<sup>nd</sup> day of July, 2002, that a variance from Section 1B01.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 1 ft. and a side yard combination of 17 ft. in lieu of the required 10 ft. and 25 ft. respectively for an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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. Johnson



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. Daniel K. Mearkle  
9 Crestview Garth  
Baltimore, Maryland 21237-4340

Re: Petition for Administrative Variance  
Case No. 02-540-A  
Property: 9 Crestview Garth

Dear Mr. Mearkle:

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

TMK:raj  
Enclosure

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





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

for the property located at 9 Crestview Garth 21237-4340  
which is presently zoned D.R.-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B O I . 2 . C . 4 (1975 BCZR) to  
permit a side yard setback of 1 ft. and a side yard  
combination of 17 ft. in lieu of the required 10 ft. and  
25 ft. respectively.

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):

Daniel Keith Mearkle  
Name - Type or Print

Daniel Keith Mearkle  
Signature

Name - Type or Print

Signature

9 Crestview Garth 410-574-5029  
Address Telephone No.

Baltimore MD 21237-4340  
City State Zip Code

### Representative to be Contacted:

Daniel K. Mearkle  
Name

9 Crestview Garth 410-574-5029  
Address Telephone No.

Baltimore MD 21237-4340  
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. 02-540-A

Reviewed By BR Date 5/30/02

Estimated Posting Date 6/11/02

REV 10/25/01

ORDER RECEIVED FOR FILING

Date 7/2/02  
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 9 Crestview Garth  
Address  
Baltimore MD. 21237-4340  
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 this variance so I can build a two car garage with a inlaw suite above to be attached to the house. I currently have two teenage step daughters with vehicles, my wife and I also have our own vehicles and soon my wifes uncle will be moving in with us from Ohio. I would like to keep my vehicles in the garage due to living in a cul-de-sac with limited parking.

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.

Daniel K. Mearkle  
Signature

Daniel K. Mearkle  
Name - Type or Print

\_\_\_\_\_  
Signature

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of May, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Daniel K Mearkle  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Melissa Skierski  
Notary Public

My Commission Expires \_\_\_\_\_



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That the Affiant(s) does/do presently reside at

9 Crestview Garth  
Address  
Baltimore MD. 21237-4340  
City State Zip Code

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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.

Daniel K. Mearkle  
Signature

Signature

Daniel K. Mearkle  
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

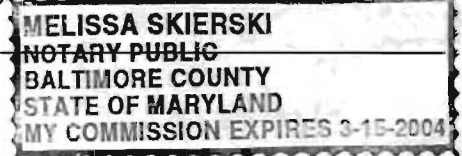
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Daniel K Mearkle  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Melissa Skierski  
Notary Public

My Commission Expires





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

for the property located at 9 Crestview Garth 21237-4340  
which is presently zoned P.R.-3.5

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1 B 01.2.C.4 (1975 BCZR) to  
permit a side yard setback of 1 ft. and a side yard  
combination of 17 ft. in lieu of the required 10 ft. and  
25 ft. respectively,

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.

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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):

Daniel Keith Mearkle  
Name - Type or Print

Daniel Keith Mearkle  
Signature

Name - Type or Print

Signature W-410-631-5863

9 Crestview Garth 410-574-5029  
Address Telephone No.

Baltimore MD 21237-4340  
City State Zip Code

### Representative to be Contacted:

Daniel K. Mearkle  
Name W-410-631-5863

9 Crestview Garth 410-574-5029  
Address Telephone No.

Baltimore MD 21237-4340  
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. 02-540-A

Reviewed By BR Date 5/30/02

REV 10/25/01

Estimated Posting Date 6/11/02

## Zoning Description

### ZONING DESCRIPTION FOR 9 Crestview Garth Baltimore, Maryland 21237-4340

Beginning at a point on the East side of Crestview Garth which is @ thirty-five feet wide at a distance of @ seven hundred feet East of the centerline of the nearest improved intersecting street Lennings Lane which is @ thirty-five feet wide. Being LOT# eleven in the subdivision Rustic Ridge as recorded in the Baltimore County Plat Book# forty-seven, Folio# one hundred fifty, containing .2689 ac. Also known as 9 Crestview Garth and located in the 14<sup>th</sup> Election District 6+6 Councilmanic District.

#540



**BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT**

No. **13239**

DATE 5/30/02 ACCOUNT R001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Daniel Markle

FOR: Administrative Variance

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

*Item # 540*

**PAID RECEIPT**

BUSINESS ACTUAL TIME  
5/31/2002 5/30/2002 15:26:49  
REG W05 MAIL RW05 LRB DRAWER 5  
RECEIPT # 268484 5/30/2002 OFLN  
DEPT 5 528 ZONING VERIFICATION  
CR NO. 013239

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

**CASHIER'S VALIDATION**

# CERTIFICATE OF POSTING

RE: Case No.: 02-540-A

Petitioner/Developer: DANIEL

MEARKLE

Date of Hearing/Closing: 4/26/02

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 9 CRESTVIEW GARTH

The sign(s) were posted on 4/11/02  
(Month, Day, Year)

Sincerely,

[Signature] 4/11/02  
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 02- 540 -A Address 9 Crestview Garth

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 5/30/02 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.

- 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- 540 -A Address 9 Crestview Garth

Petitioner's Name Daniel Meankle Telephone 410-631-5863 wk.

Posting Date: 6/11/02 Closing Date: 6/26/02

Wording for Sign: To Permit a side yard setback of one foot and a side yard combination of 17 ft. for an addition in lieu of the required 10 ft. and 25 ft. respectively.

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: 02-540-A  
Petitioner: Daniel Keith Mearkle  
Address or Location: 9 Crestview Garth Balto. MD. 21237

PLEASE FORWARD ADVERTISING BILL TO:

Name: Daniel Keith Mearkle  
Address: 9 Crestview Garth  
Baltimore, MD. 21237  
\_\_\_\_\_  
Telephone Number: 410-574-5029



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 26, 2002

Mr. Daniel K. Mearkle  
9 Crestview Garth  
Baltimore, MD 21237

Dear Mr. Mearkle:

RE: Case Number: 02-540-A, 9 Crestview Garth

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 30, 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](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

June 11, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 10, 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:

540

535-549


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

cc: File

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development Mgmt.

DATE: July 22, 2002

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

SUBJECT: Zoning Advisory Committee Meeting  
For June 17, 2002  
Item Nos. 535, 536, 537, 538, 539, 540,  
543, 544, 545, 547, and 549

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 *RBS/RS*

DATE: July 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of June 10, 2002

**SUBJECT:** NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

535-537, 539, 540, 546, 547, 549



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** June 19, 2002

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

**SUBJECT:** 9 Crestview Garth

**INFORMATION:**

**Item Number:** 02-540

**Petitioner:** Daniel Mearkle

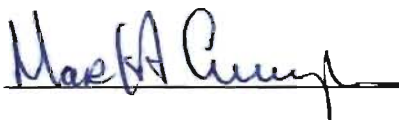
**Zoning:** DR 3.5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has concerns regarding the 1-foot side yard setback as maintenance of the proposed addition will most likely involve encroachment on the adjoining property. The proposed addition should be reduced so as to increase the side yard to no less than 2 ½ feet.

**Prepared by:**

  
\_\_\_\_\_

**Section Chief:**

  
\_\_\_\_\_

AFK/LL:MAC:

JUN 24 2002



Maryland Department of Transportation  
State Highway Administration

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 6.17.02

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

RE: Baltimore County  
Item No. 540 BR

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](mailto:lgredlein@sha.state.md.us)).

Very truly yours,

A handwritten signature in black ink, appearing to read 'K. A. McDonald Jr.'.

*K.A.* 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

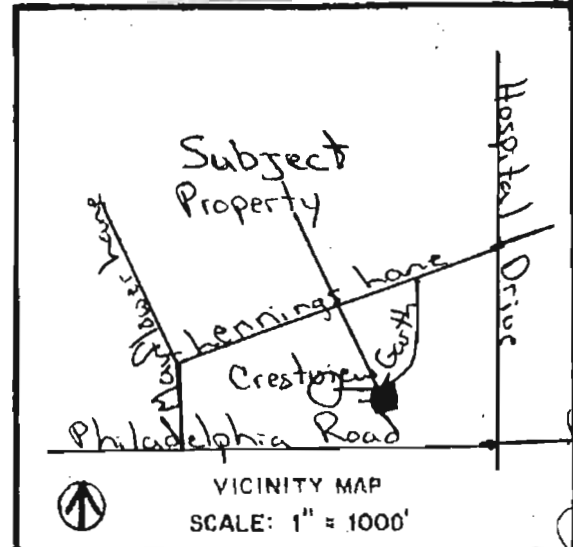
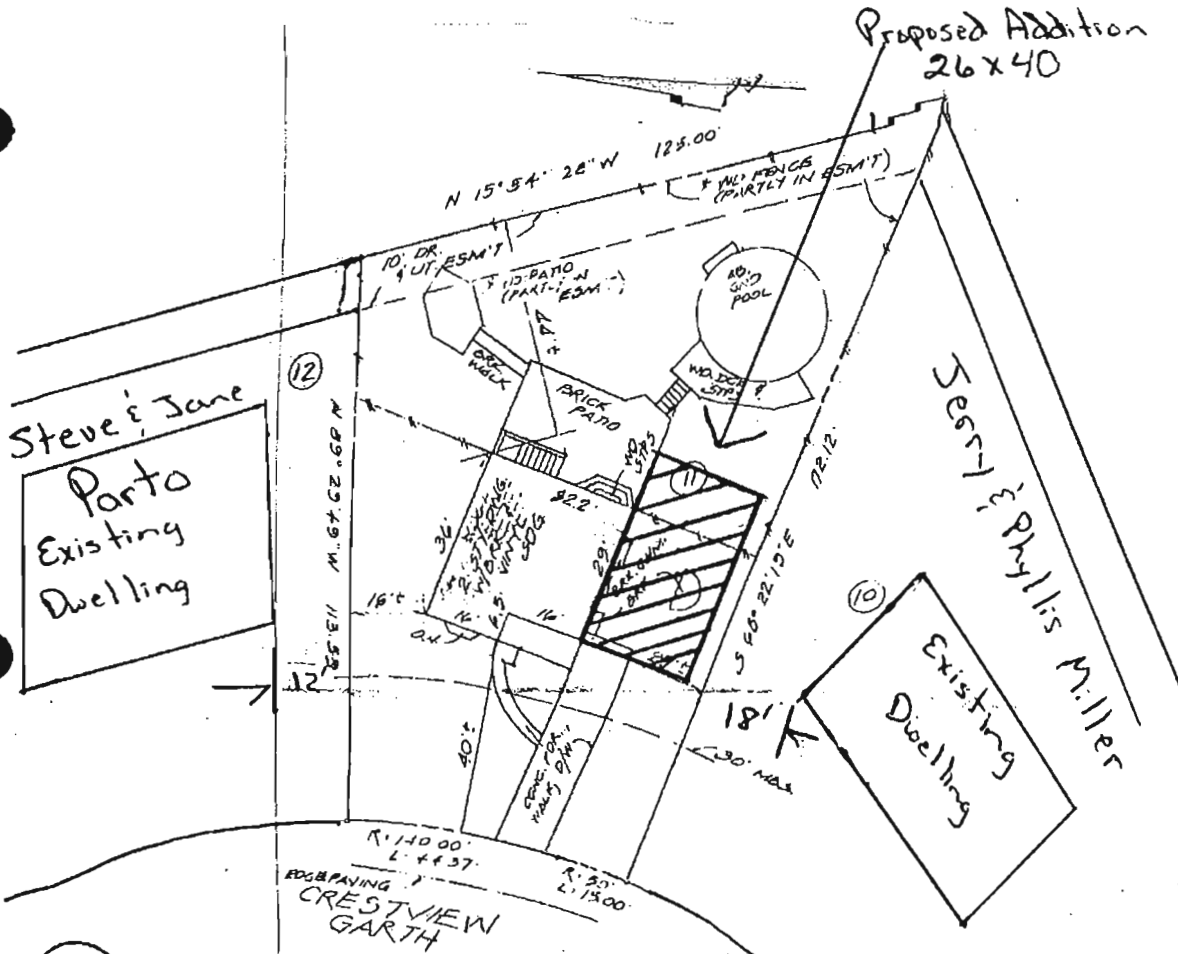
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING

PROPERTY ADDRESS 9 Crestview Garth  
 SUBDIVISION NAME Rustic Ridge  
 PLAT BOOK # 47 FOLIO # 150 LOT # 11 SECTION #       
 OWNER Daniel Keith Mearkle

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

-15-



Pet. # 4. #1

**LOCATION INFORMATION**

ELECTION DISTRICT 14 Ib  
 COUNCILMANIC DISTRICT 6<sup>th</sup>  
 1" = 200' SCALE MAP # N, E, S - G  
 ZONING D.R. - 3.5

LOT SIZE .2689 11,713  
ACREAGE SQUARE FEET

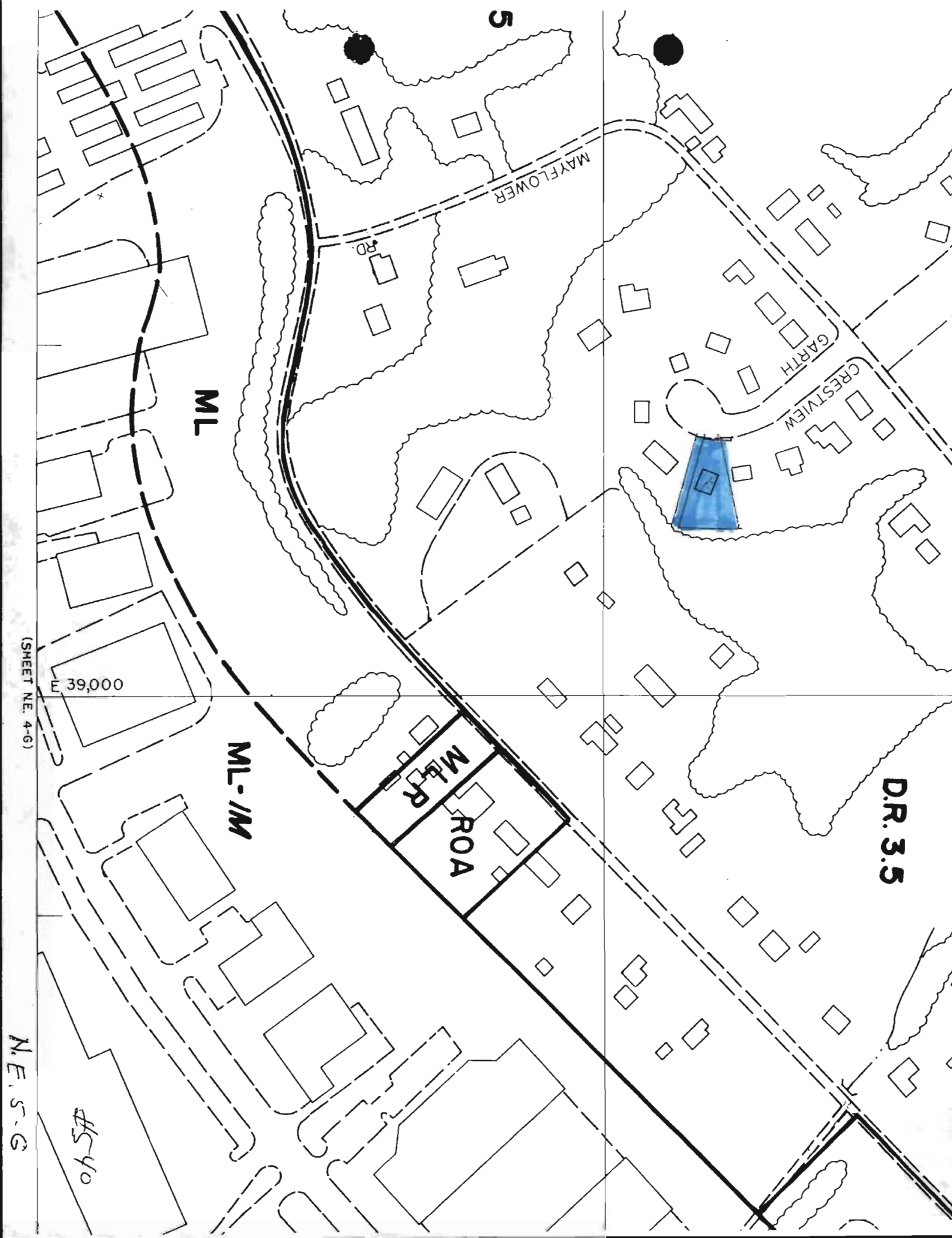
	PUBLIC	PRIVATE	YES	NO
SEWER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WATER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHESAPEAKE BAY CRITICAL 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	ITEM #	CASE #
<u>Bk</u>	<u>540</u>	<u>02-540-A</u>

PREPARED BY DKM

SCALE OF DRAWING: 1" = 30'



5

MAYFLOWER  
RD

GARTH

CRESTVIEW

ML

ML-1M

MFR

ROA

DR. 3.5

39,000

(SHEET NO. 4-6)

N.E. 5-G

#540

