ORDER RECEIVED FOR FILING

By Manney

IN RE: PETITION FOR VARIANCE
W/S Shellbrook Court, 190' S
centerline of Allenswood Road
2nd Election District
2nd Councilmanic District
(3704 Shellbrook Court)

Delores Wallace Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 02-567-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, Delores Wallace. The Petitioner is requesting a variance for property she owns at 3704 Shellbrook Court. The variance request is from Sections 103.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (carport) with a side yard setback of 0 ft. in lieu of the required 6 ft.

Appearing at the hearing on behalf of the variance request was Delores Wallace, owner of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.25 acres, more or less, zoned DR 5.5. The subject property is improved with an existing two-story dwelling wherein Ms. Wallace resides. Approximately two years ago, she constructed a carport on the south side of her dwelling. The carport in question is situated on her property line in lieu of the required 6-ft. setback. Ms. Wallace was unaware of this setback requirement. In order to allow the carport to remain in its present location, the variance request is necessary.

Ms. Wallace testified that her neighbor on the side of her property, who is most affected by the existence of the carport, has on objection to the granting of this variance.

 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.

TOTA PECENTED FOR FILING

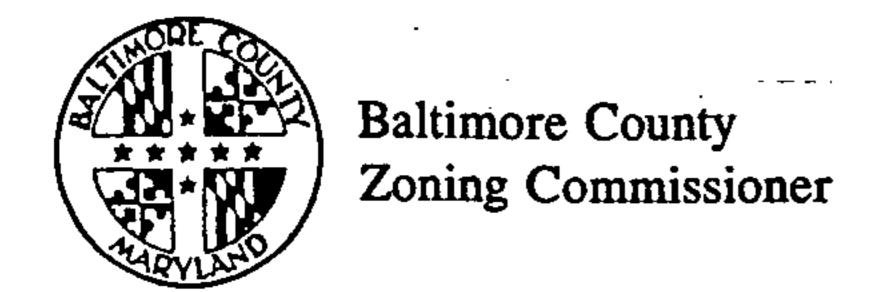
IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

August 9, 2002

Ms. Delores Wallace 3704 Shellbrook Court Randallstown, Maryland 21133

> Re: Petition for Variance Case No. 02-567-A

> > Property: 3704 Shellbrook Court

Dear Ms. Wallace:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



O REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3704 SWIIDNOCK COWA

which is presently zoned D.P. 5.5

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) 103,1,1602.38 (BCZR)

TO PERMIT AN OPEN PROJECTION (CARPORT) WITH A SIDE YARD SETBACK OF O FEET IN LIEU OF THE REQUIRED 6 FEET.

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

- A building permit was acquired for the carport construction, to reconstruct the carport would be financially burdensome to the homeowner.
- 2. The carport was constructed to protect the homeowner and her vehicle from inclement weather.
- 3. Granting relief would not cause injury to the safety or welfare of adjoining homeowners.

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 Purchas	ser/Lessee:		Legal Owner(s):
	•		Deloves Wallace
Name - Type or Print	<u> </u>		Name - Type or Print Delve muala
Signature	· · · · · · · · · · · · · · · · · · ·		Signature Signature
Address	<u> </u>	Telephone No.	Name - Type or Print
City Attorney For Peti	State	Zip Code	Signature 3704 Shellbrok Ct. 410 233-1565
·			Randalls town WO 21133 Telephone No.
Name - Type or Print		-	City State Zip Code
Signature		·	Representative to be Contacted: SHE Rife SWWMING W.
Company	······································		200 B. JOBBUROND RW 101 410 828-906
Address	······································	Telephone No.	Address Telephone No.
City 3	State	Zip Code	City State Zip Code
			OFFICE USE ONLY
15 m	-567-0		ESTIMATED LENGTH OF HEARING
Case No. OQ-			UNAVAILABLE FOR HEARING Reviewed By D. THOMPSON Date 10/17/02

ZONING DESCRIPTION FOR #3704 SHELLBROOK COURT

Beginning at point on the west side of Shellbrook Court which is 50 feet wide at the distance of 190 feet south of the centerline of Allenswood Road which is 60 feet wide. Being Lot #12, in the subdivision of "Stoneybrook" as recorded in Baltimore County Plat Book #25, Folio #92, containing 10,891 S.F. Also known as #3704 Shellbrook Court and located in the 2nd. Election District, 2nd.

Councilmanic District.

J. Tilghman Downey, Jr.

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson, MD 21286

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE (A 1710) ACCOUNT AMOUNT \$ 50 00	A CON	STOWER

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: #02-567-A
3704 Shellbrook Court
W/S Shellbrook Court, 190°S of
centerline Allenswood Road
2nd Election District
2nd Election District
Legal Owner(s): Delores Wallace
Variance: to permit an open
projection with a side yard
setback of 0 feet in lieu of
the required 6 feet.
Hearing: Thursday, August
8, 2002 at 10:80 a.m. in
Room 407, Baltimore
County Office Building, 111
W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Piease 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.
JT/7/809 Juty 23 C551893

OF PUBLICATION 田

74

that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, once in each of ouo

文 The Jeffersonian Arbutus Times

Times Catonsville

Towson Times

Owings Mills Times

NE Booster/Reporter

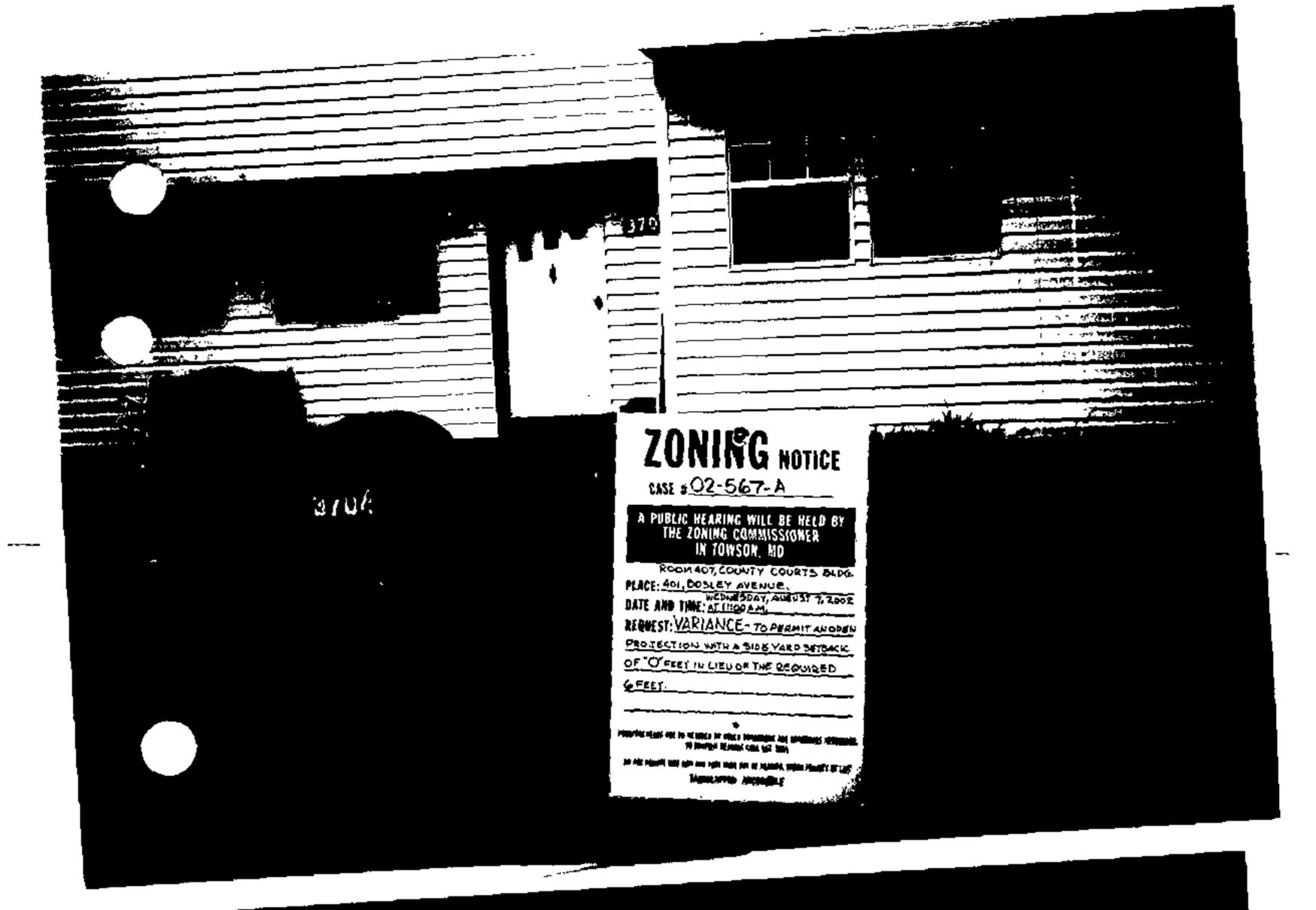
North County News

1 Julins

LEGAL ADVERTISING

CERTIFICAT OF POSTING

•	RE: Case No.: <u>02-567-A</u>
	Petitioner/Developer:
	Delores Wallace
	Date of Hearing/Closing: 8-1-02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	nt
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the prop	perty located at 3704 Shell brook Of
Pandallstown, MD 21133	perty located at 3704 Shellbrook Ct
Randallstown, MD 21133	
Randalistown, MD 21133 The sign(s) were posted on July ZONING NOTICE CASE # 02 NOTA A PT HEARING WILL BE HELD BY ONLY COMMISSIONER IN TOWSON, MD	Sincerely, Sincerely, (Signature of Sign Poster and Date) Stacy Gardner
ZONING NOTICE CASE # 02.561 A A PT MEARING WILL BE HELD BY IN TOWSON, MD	Sincerely, Sincerely, Sincerely, (Signature of Sign Poster and Date) SHANNON-BAUM SIGNS INC. 105 COMPETITIVE GOALS DR.
PLACE: CONTESTED BY THE AND TIME: INTEGRAL OF AND	(Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) Stacy Gardner (Printed Name) SHANNON-BAUM SIGNS INC.



ZONING NOTICE

111

CASE # 02-567- A

A PUBLIC HEARING WILL BE HELD THE ZONING COMMISSIONER IN TOWSON, MD

ROOM 407, COUNTY COURTS BLDG.

REQUEST: VARIANCE - TO PERMIT ANOPEN PLACE: 401, BOSLEY AVENUE.

WEDNESDAY, AUGUST 7, 2002

DATE AND TIME: AT 11:00 A.M. PROJECTION WITH A SIDE YARD SETBACK

OF "O" PEET IN LIEU OF THE REQUIRED 6 FEET.

postponements due 10 meathér ar Other Conditions are sométimes necessary. To confirm hearing call 883-3381

SIGH AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

CERTIFICATE OF OSTING

RE: Case No.: <u>UZ-567-74</u>
Petitioner/Developer:
DELORGS WALLACE
 Date of Hearing/Closing: 8-7-07
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 # 3704 SHELL BRADIC COURT
<u> </u>
The sign(s) were posted on Juy 27, 2002.
(Month, Day, Year)
Sincercly, Sincercly, (Signature of Sign Poster and Date)
GARLANDE, MOORE (Printed Name)
3225 RYERSONI CIRCUE (Address)
BALTIMODE, 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 <u>Baltimore County Zoning Regulations</u> (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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 18, 2002 Issue – Jeffersonian

Please forward billing to:

Delores Wallace 3704 Shellbrook Court Randallstown MD 21133

410 233-1565

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: 02-567-A
3704 Shellbrook Court
W/S Shellbrook Court, 190' S of centerline Allenswood Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Delores Wallace

Variance to permit an open projection with a side yard setback of 0 feet in lieu of the required 6 feet.

HEARING: Thursday, August 1, 2002 at 9:00 a.m. in Room 407, County Courts

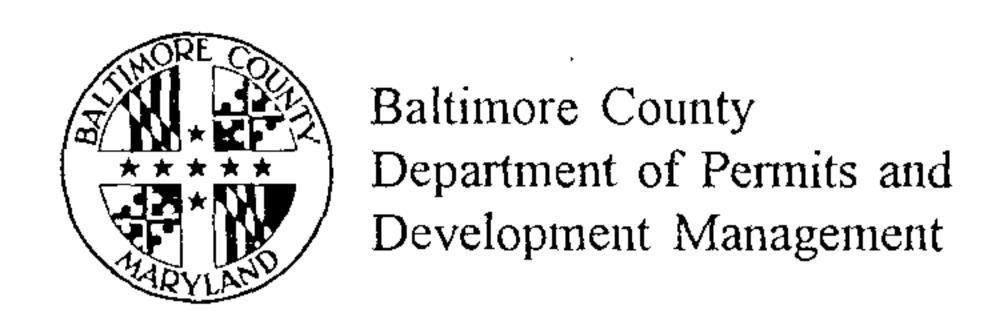
Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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.



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

Fax: 410-887-5708

July 1, 2002

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: 02-567-A
3704 Shellbrook Court
W/S Shellbrook Court, 190' S of centerline Allenswood Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Delores Wallace

Variance to permit an open projection with a side yard setback of 0 feet in lieu of the required 6 feet.

HEARING: Thursday, August 1, 2002 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Gりる Director

C: Delores Wallace, 3704 Shellbrook Court, Randallstown 21133 Site Rite Surveying Inc, 200 E Joppa Road, Room 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 17, 2002.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 23, 2002 Issue - Jeffersonian

Please forward billing to:

Delores Wallace 3704 Shellbrook Court

Randallstown MD 21133

410 233-1565

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: 02-567-A
3704 Shellbrook Court
W/S Shellbrook Court, 190' S of centerline Allenswood Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Delores Wallace

Variance to permit an open projection with a side yard setback of 0 feet in lieu of the required 6 feet.

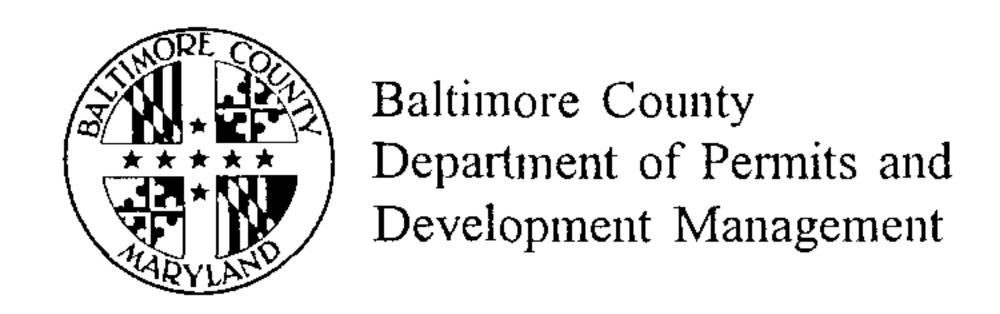
HEARING: Thursday, August 8, 2002 at 10:00 a.m. in Room 407, Baltimore County

Office Building, 111 W Chesapeake Avenue

LAWRENCE E. SCHMIDT らうて 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.



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

July 1, 2002

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: 02-567-A
3704 Shellbrook Court
W/S Shellbrook Court, 190' S of centerline Allenswood Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Delores Wallace

Variance to permit an open projection with a side yard setback of 0 feet in lieu of the required 6 feet.

HEARING: Wednesday, August 7, 2002 at 11:00 a.m. in Room 407, County Courts

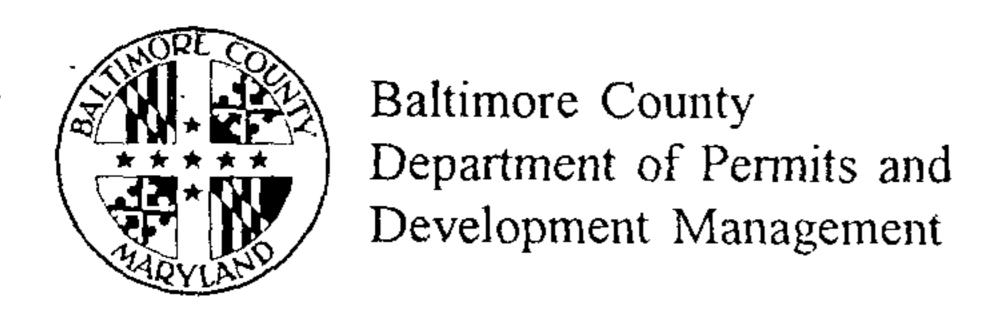
Building, 401 Bosley Avenue

Arnold Jablon Goz

C: Delores Wallace, 3704 Shellbrook Court, Randallstown 21133 Site Rite Surveying Inc, 200 E Joppa Road, Room 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 23, 2002.

- (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.



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

August 2, 2002

Delores Wallace 3704 Shellbrook Court Randallstown MD 21133

Dear Ms. Wallace:

RE: Case Number: 02-567-A, 3704 Shellbrook Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 17, 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 Ir

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Site Rite Surveying Inc, 200 E Joppa Road, Room 101, Towson 21286 People's Counsel



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

June 24,2002

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 24, 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:

563,564,566-569,572-574

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: August 2, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT(:

Zoning Advisory Committee Meeting

For July 1, 2002 Item Nos. 563, 565,566 (567) 568, 569,

571, and 574

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

RWB:CEN:jrb

ce: File

Sent

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 26, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUN 2 6 2002

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-567

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: 6.25.02

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

RE:

Baltimore County, Item No. 567

DT

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,

for

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

July 20, 2002

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 567

Legal Owner/Petitioner: Delores Wallace Property Address: 3704 Shelibrook Court

Location Description: W/side Shellbrook Court 190 feet south of centerline Allenswood

Rd

VIOLATION INFORMATION:

Case No.: 98-3224

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Correction Notice

Citations

Code Enfocrement Citations

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/lrs

c: Code Enforcement Len Wasilewski



more County

partment of Permits and

Development Management

County C Building
111 West Chesapeake Avenue

Towson, MD 21204

Code Enforcement:

Building Inspection:

410-887-3351

410-887-3953

Plumbing Inspection:

Electrical Inspection:

410-887-3620 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Cas 01-12	e No.	Property BZ1	9°270	ざ 00	Zon	ing:	
98-3224	1)el	ces P	1 Wp	loce ok Ct			
Address:	Be	Ito 1	7d 2	.1133			
Violation Location:	331	3704	8/-/	brook	4	2//33	2
Violation Dates: BALTIN	ORE COUN	3/ZO	/o/ LY CHARGES	THAT THE ABO	O/O/ OVE-NAME) PERSON(S) D	·
				TIMORE COU			
1. ER	action U.t	of A	W A HA	side y	RPOR	+ Addit	<u>ر ه ۲</u>
	LAUX	RIPNE	20 perz	<u> </u>	DICA S	<u></u>	
BC	ZR	13011	12-6	211.3	.195 .1 · 1	5 Kegs	1.1.301
ىنە † ك	eybacol	- Subd	いっぱっし	olot 25/9	2 App	100 ed 10	
Pursuant to So has been assess the amount in	sed, as a res			•	\$ /2	2,000.	00
A quasi-judici: 111 West Ches	_	-	heduled in Ro , Maryland, fo		Date:	9/5/0 9/4/4	2/
Citation must	be served b	y:			Date:	6/14/0	/
and correct to				of perjury, that a, and belief.	the content	stated above	are true
Print Name:		4/	95, 100	25 Ky	-	·	
Date. SE		Inspector's Si E SIDE FOR	•	AL DETAILS A	ND INFO	RMATION	<u></u>
	N	OTICE C	F INTEN	TION TO D	EFEND		
Print Name:					13	ion/Case No.: - /288	لسا
Address:					9	32 <u>2</u>	/

Date

Defendant's Signature

AGENCY

County Office Building, Room 111 B8 98 -3224 III West Chesapeake Avenue Towson, Maryland 21204 BALTIMORE COUNTY, Plaintiff. vs. _ . Defendant Hearing Date 9/5/01 Issued Date 5/30/01 Expiration Date 6/14/0/ REQUEST FOR SERVICE Please serve the attached process on the person shown. ORDER FOR SERVICE You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process. PROOF OF SERVICE hereby CERTIFY that: _ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached. __ A Cliation and all other papers filed with it were served by personal delivery to_ May Owner on 5/30/0/ Description of defendanti Race 13 Sex & F Height 5'4' Weight 130 Age 45 Other The premises at _ 1 was unable to serve because _ I solemnly affirm under the penalties of perjury that the contents of the foregoing pager are true to the best of my knowledge. information, and belief, and do further affirm that I am a competent person over 13 years of age and not a party to the case. Time

DEPARTMENT OF TERMITS AND DEVELOPMENT ANAGEMENT

Baltimore County, Maryland
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.01-1288 &

98-3224

Delores M. Wallace

3704 Shellbrook Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 5 September 2001, for a hearing on a citation for violations under the Baltimore County Zoning Regulations for erecting a carport without a permit and without the proper side yard set back or variance of the set back requirement, on residential property zoned DR5.5, located at 3704 Shellbrook Court

Leonard Wasilewski and Richard Rholfs, code enforcement inspectors stated that the County received a complaint concerning the construction of a carport on the property without the proper side yard set back. The property was inspected and the carport roof projection was found to be within one or two feet of the property line on the side of the house.

On 20 March 2001, written correction notices were issued pursuant to §1-7(c), Baltimore County Code, which described with particularity the nature of the violation and the manner of correction. The correction notice was marked in evidence as PEx1 and was served on the Respondent.

On 30 May 2001, code enforcement citations were issued pursuant to §1-7(d), Baltimore County Code. The citations were marked in evidence as Plaintiff's Exhibit 4 and 5 and were legally served on the Respondent. The citation dated 30 May 2001 described the violations as follows: BOCA, §107.1, building permit required for carport, addition, etc. Further, the citation proposed a civil penalty of \$13,400 to be assessed. A code enforcement hearing date was scheduled for 17 July 2001. The citation dated 5 September 2001 described the violations as follows: Baltimore County Zoning Regulations, §1B01.1A; 102.1; 103.1; 1B02.3A.1; 301.1, erection of an attached carport addition without the proper side yard set back or a variance.



Further, the citation proposed a civil penalty of \$12,000 to be assessed. A code enforcement hearing date was scheduled for 5 September 2001.

Delores M. Wallace, Respondent appeared and testified.

Leonard Wasilewski and Richard Rohlfs, code enforcement inspectors also testified.

Testimony and evidence presented shows that Mrs. Wallace has added an outside room and a carport to her house. She obtained a permit #B387143 to enclose an existing patio to be used as a sunroom. She also obtained a permit #B422125 for a covered deck on the side of the house, 30' x 14' x 9 = 420 sq. ft. See Plaintiff's Exhibit 10 and 10A. In addition building inspection did not inspect the construction of the carport. The roofline of the carport has a significant bow indicating that the construction may be faulty. Photographs were taken of the carport on 20 March 2001, 24, May 2001 and 10 August 2001 and were marked into evidence as Plaintiff's Exhibit 2, 3 and 8. The survey of the neighbor's property and Mrs. Wallace's property was marked in evidence as Plaintiff's Exhibit 6 and 7.

The zoning regulations and building regulations were explained to Mrs. Wallace. She was instructed to obtain a proper permit for the carport and to apply for a variance of the side yard set back. She has been given over a month to do so and no application for a permit for the carport or a variance has been received by the County.

Pursuant to the correction notice and subsequent code enforcement citation issued, and hearing held, and for the reasons set forth above, it is found as a matter of law that a code violations existed from 20 March 2001 and the violations are continuing.

THEREFORE IT IS ORDERED by the Code Enforcement Hearing Officer, this 3/ day of October 2001 that a civil penalty is imposed in the amount of \$2000.

IT IS FURTHER ORDERED that if the Respondent makes an application for a permit on or before 30 November 2001, and proceeds to correct the side yard set back of the carport on or before 1 February 2002, then the penalty in the amount of \$2000 shall be suspended.

In the event that the Respondent cannot obtain a permit; the County is ordered to remove the carport and charge the cost of same as a lien on the property.

IT IS FURTHER ORDERED that the inspector, monitor the property to determine whether the violations have been corrected.

Signed:

Stamley J. Schap

Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.



Code Inspections and Enforcement
County Building
111 We Care Sapeake Avenue

Code Enforcement: 410-887-3351, Extension 777
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620 Electrical Inspection: 410-887-3960

Towson, Maryland 21204

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

			•	
SERVE ON RESID	ENT AGENT/CORP	ORATE OFFICER (I	F APPLICABLE)	
†	1,,,,,	1. Walla	Citation/Ca	se No. 3コンイ
Name (s)	101 (5)	$\frac{1}{1}$	<u>ر کہ</u> د ۲۰	21133
Address 3 70	4 Shel	1000K (t. Kanda	[M, muotel]
	. — _		•	
/	•	lated Citations	11 1 0 1	
Location and Date	(s) of Violation: <u>≤</u>	704 Shel	1brook (t	-
Randallstr	M. MD.	21133		-2398 and
			16	2-23-98
Vehicle License No	.:	Ve	hicle ID:	
				NAMED PERSON(S)
(CIRCLE RELEVAI	NT ZONE BELOW,		RE COUNTY LAWS	OR REGULATIONS
DR 5.5				
§ 1B01(DR)	§ 1A01(RC2)	§ 1A02(RC3)	§ 1A03(RC4)	§ 1A04(RC5)
§ 200(RAE)	§ 202(ROA)	§ 204(RO)	§ 205(OR1)	§ 206(OR2)
§ 207(O3)	§ 210(SE)	§ 216(BMM)	§ 221(BMB)	§ 229(CB)(BLR)
§ 230(BL)	§ 233(BM)	§ 236(BR)	§ 240(MR)	§ 247(MLR)
§ 253(ML)	§ 256(MH)			
3czR-101	"Operation	on of our (Spen Dum	ρ".
1) 102.1	1801.14	5)		<u>. </u>
2)	. <u>-</u>	6)		
3)	<u></u>	7)		
4)	<u> </u>	8)	<u></u>	, <u>.</u>

(Unless otherwise noted, all references are to zoning regulations.)

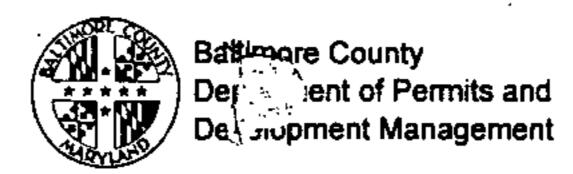
IMPORTANT TO READ REVERSE FOR IMPORTANT INFORMATION AND DIRECTIONS

AGENCY



Pursuant to Section 1-8, Baltimore County Code, a penalty has been assessed as a result of

146.4	amount indicated:
	\$ 600.00
-	n, you'must pay this penalty by check or money order, payable to the bunty, Maryland, and return a copy of this citation with payment to:
Direct	for of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue
	Towson, Maryland 21204 or proposed assessment of penalty, you must file a written request for the code official or designee within fifteen (15) days from the date of
	judicial hearing has been pre-scheduled for:
Wed. 9:00 om	2-10-99 Rm. 106
and cross-examine any witness	to be represented by an attorney, present witnesses and evidence, ses against you. An attorney can be helpful to you by: (a) explaining helping you at trial, and (c) helping you to get a fair penalty if found in .
fail to request the hearing in proposed assessment of penal quasi-judicial hearing, shall resorder of the code official. Failur	writing within the time required. Failure to contest the citation or ty, if any, by either not paying the penalty or by not requesting the sult in the citation and its penalty becoming a non-appealable, final the to appear at the requested hearing will also result in the citation and pealable, final order of the code official.
on the property and shall be contained to a	e property, failure to pay the assessed penalty shall constitute a lien ollectible in the same manner and to the same extent as real estate correct the violation(s) shall result in appropriate judicial action for tempt, which could result in imprisonment.
I do solemnly affirm that the information, and belief.	contents stated above are correct to the best of my knowledge,
	contents stated above are correct to the best of my knowledge, **Himlery Wood**
information, and belief.	
information, and belief.	Kimberly Wood
information, and belief. 12-23-91 Date	Himberly Wood Inspector's Signature
Information, and belief. 2-23-91 Date Citation must be served by: Detach and send the completed	Inspector's Signature 1-19-99 form below to:
Information, and belief. 2-23-91 Date Citation must be served by: Detach and send the completed	Inspector's Signature 1-19-99 form below to: tor of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue
Information, and belief. 2-23-91 Date Citation must be served by: Detach and send the completed	Inspector's Signature 1-19-99 form below to: tor of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Detach and send the completed Direct Citation Number: 933	Inspector's Signature 1-19-99 form below to: tor of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Detach and send the completed Direct Citation Number:	Inspector's Signature 1-19-99 form below to: tor of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Detach and send the completed Direct Citation Number: 923 I hereby elect to stand trial between the completed by the completed of the completed by the comple	Inspector's Signature 1-19-99 form below to: tor of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Detach and send the completed Direct Citation Number: 97.3 I hereby elect to stand trial bericitation.	Inspector's Signature 1-19-99 form below to: tor of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 NOTICE OF INTENTION TO DEFEND fore the code official or designee for the violation(s) charged in this



Code Inspections and Enforcement County Prop Building 111 We esapeake Avenue Towson, Maryland 21204

Code Enforcement: 410-887-3351, Extension / = Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620 Electrical inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT/CORPORATE OFFICER (IF APPLICABLE)

		•	·	
			Citation/Ca	se No.
Name (s) Del	ores M.	Wallace	<u> </u>	-5004
			_	tour MD
		· · · · · · · · · · · · · · · · · · ·		2/133
~~		lated Citations	<u></u>	
Location and Date (s	s) of Violation: 37	84 Shellba	ook (f.	
0				
Kandalls	town, MI	<u>2(133, </u>	2-8-99 co	ntinuing
	3-15-9			
Vehicle License No.:	· 	Ve	hicle ID:	R
				JEXZ
OID UNLAWFULLY (CIRCLE RELEVAN	VIOLATE THE FO	LLOWING BALTIMO		NAMED PERSON(S) S OR REGULATIONS
DR 5.5	_			
§ (1B01(DR)	§ 1A01(RC2)	§ 1A02(RC3)	§ 1A03(RC4)	§ 1A04(RC5)
§ 200(RAE)	§ 202(ROA)	§ 204(RO)	§ 205(OR1)	§ 206(OR2)
§ 207(O3)	§ 210(SE)	§ 216(BMM)	§ 221(BMB)	§ 229(CB)(BLR)
§ 230(BL)	§ 233(BM)	§ 236(BR)	§ 240(MR)	§ 247(MLR)
§ 253(ML)	§ 256(MH)			•
BCZR-101" 1) 102.1, 11 Flegal 00	301.1A , 1 1+side s	0		
BCZR-101, I	•	A	ehicle",	· _ •
3) 102.1.1BC	11.14 Us		noesahk	Motor Vehicle.
RaL.C Di	1.3 Sec.	18-86 (a.)	1.) (h)(1.)(2. /3.) (4. /6.) (7.)
Bailure to 1	Maintoir	()uner O	ccupiedH	ousing, in
(Unless otherwise				
		ERSE FOR IMP	ORTANT INFO	

AGENCY





	TICE TO DEFEN	DANI	•
	<u>altimore County Code,</u> a pen	alty has been assessed	
	s21,600.00		•
If you do not contest this citation, director of finance, Baltimore Cou			
Directo	r of Permits and Development	Management	_
·	County Office Building, Roor	n 111	, -
	111 West Chesapeake Ave	enue	

2) If you contest this citation or proposed assessment of penalty, you must file a written request for a quasi-judicial hearing before the code official or designee within fifteen (15) days from the date of service of this citation. A quasi-judicial hearing has been pre-scheduled for:

Towson, Maryland 21204

9:00 mm

5-5-99

m. 116

At this hearing, you are entitled to be represented by an attorney, present witnesses and evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by: (a) explaining the charges in this citation, (b) helping you at trial, and (c) helping you to get a fair penalty if found in violation.

- 3) This pre-scheduled hearing will be canceled if you choose to pay the assessed penalty or if you fail to request the hearing in writing within the time required. Failure to contest the citation or proposed assessment of penalty, if any, by either not paying the penalty or by not requesting the quasi-judicial hearing, shall result in the citation and its penalty becoming a non-appealable, final order of the code official. Failure to appear at the requested hearing will also result in the citation and civil penalty becoming a non-appealable, final order of the code official.
- 4) If you are the owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.

I do solemnly affirm that the contents stated above are correct to the best of my knowledge, information, and belief.

3-15-99

Kimberly Wood

Date

Inspector's Signature

Citation must be served by:

4-3-99

Detach and send the completed form below to:

Director of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Citation Number: 98-3224

NOTICE OF INTENTION TO DEFEND

I hereby elect to stand trial before the code official or designee for the violation(s) charged in this citation.

Date

Defendant (Please Print Your Name and Sign)

Address

In the Matter of

Civil Citation No. 01-1288 &

98-3224

Delores M. Wallace

3704 Shellbrook Court

Respondent

MOTION TO SHOW CAUSE WHY PENALTY SHOULD NOT BE IMPOSED AND SHOW CAUSE ORDER

Leonard Wasilewski, code enforcement inspector for the Department of Permits and Development Management, moves for a hearing before the Code Enforcement Hearing Officer, to punish the Respondents for failing to comply with the Final Order issued on October 31, 2001. The grounds for this Motion are as follows:

- 1. That pursuant to said Final Order, a copy of which is attached hereto, the Respondent, Delores M. Wallace, was Ordered, among other things, to:
- A. Apply for a permit on or before 30 November 2001 and proceed to correct the side yard set back of the carport on or before 1 February 2002.
- B. Failure to take said actions would make Delores Wallace liable for a fine of \$2000.
- C. Additionally Baltimore County is ordered to remove the carport and charge the cost of same as a lien on the property.
- 2. That the inspector has received information that the Respondent is in violation of the Final Order dated October 31, 2001.
- 3. That the refusal of the Respondents to obey the Final Order as aforesaid is willful and deliberate.

WHEREFORE, your Movant prays:

- A. That the Respondent be found in violation of the Final Order.
- B. That the civil penalty in the amount of \$2000 be imposed.
- C. For such other relief as the nature of this cause may require.

Leonard Wasilewski

Code Enforcement Inspector

Department of Permits and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

In the Matter of

Civil Citation No. 01-1288 &

98-3224

Delores M. Wallace

3704 Shellbrook Court

Respondent

SHOW CAUSE ORDER

Upon consideration of the foregoing Motion to Impose Penalty, it is this ZO day of May 2002, by the Code Enforcement Hearing Officer,

ORDERED, that the Respondent, Delores M. Wallace, be and she is hereby directed to appear in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, at 9:00 A.M. on the 5th day of June, 2002, to show cause why the civil penalty in the amount of \$2000 should not be imposed, for failing to obey an Order passed on October 31, 2001, provided a copy of a foregoing Motion and this Show Cause Order be served upon the Respondents on or before the 1st day of June.

Stanley J. Schapiro

Code Enforcement Hearing Officer

Dependent of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 204 day of May 2002, a copy of the foregoing Motion to Impose a Penalty and Show Cause Order was mailed by first class mail, postage prepaid to Delores M. Wallace, 3704 Shellbrook Court, Baltimore Md. 21133.

Leonard Wasilewski

Code Enforcement Inspector

RE: PETITION FOR VARIANCE
3704 Shellbrok Court, W/side Shellbrock Ct 190 ft south
of centerline Allenswood Road
2nd Election District, 2nd Councilmanic

Legal Owner: Delores Wallace Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-567-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

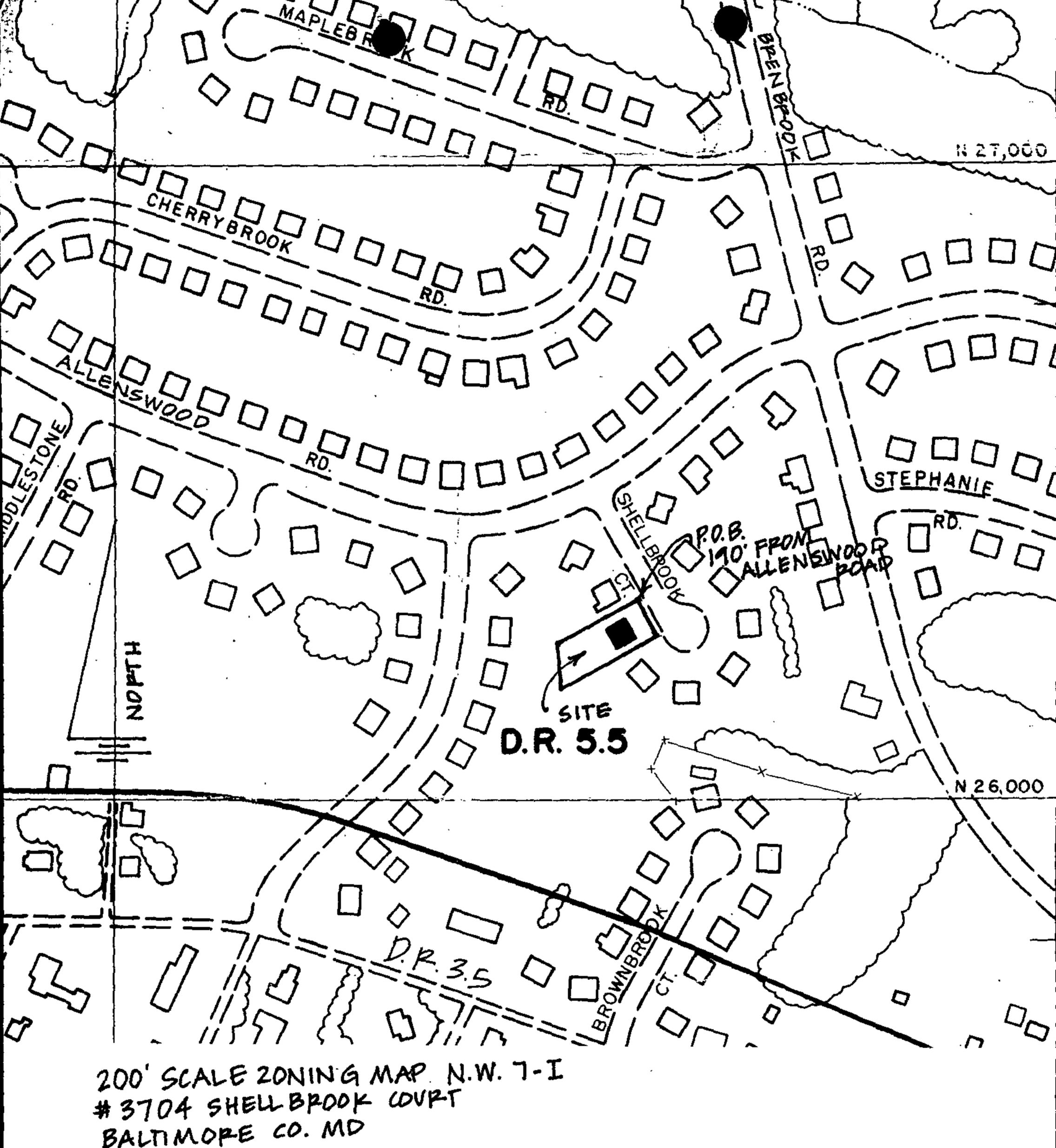
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July, 2002 a copy of the foregoing Entry of Appearance was mailed to Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.

PETER MAX ZIMMERMAN



BALTIMORE CO. MD MAP-CH 11, 2002

