IN RE: PETITION FOR ADMIN. VARIANCE

N/S East Joppa Road, 101' W of the c/l

Edgewood Road (828 E. Joppa Road)

9th Election District

4th Council District

J. M. Rowland Clarke, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 03-037-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, J. M. Rowland Clarke, and his wife, Martha H. Clarke. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sum of the side yards of 13 feet in lieu of the minimum required 20 feet for proposed porch enclosure. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, 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.

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Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of September, 2002 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sum of the side yards of 13 feet in lieu of the minimum required 20 feet for proposed porch enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

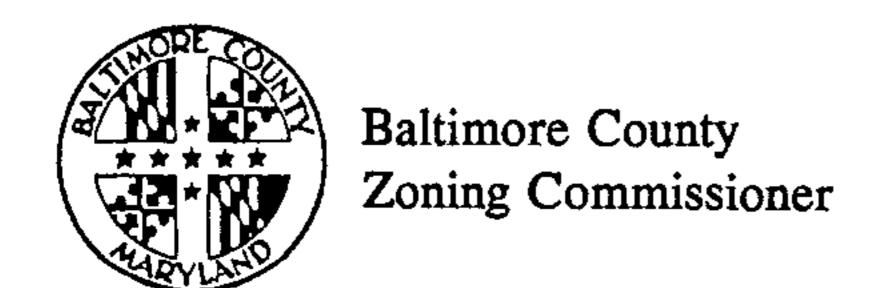
LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

CRDER REGWED FOR FILING Date

By



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

Fax: 410-887-3468

September 11, 2002

Mr. & Mrs. J. M. Rowland Clarke 828 E. Joppa Road Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S East Joppa Road, 101' W of the c/l Edgewood Road
(828 E. Joppa Road)
9th Election District – 4th Council District
J. M. Rowland Clarke, et ux - Petitioners
Case No. 03-037-A

Dear Mr. & Mrs. Clarke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc.

People's Counsel; Case File



Petition for Administrative Variance

for the property located at __828 E. JOPPA RD.

to the Zoning Commissioner of Baltimore County

which is presently zoned DR5.5

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A Riblic Hearing having been for this lay of equations of Baltimore County and	ormally demande that id that the property	d and/or found the subject matte be reposted.	to be required er of this petition	i, it is ordered on be set for a p	by the Zoning bublic hearing, a	Commissioner o dvertised, as re	of Baltimore quired by the	County, zoning
(D)				Zoning C	ommissioner of	Baltimore Cour	oty	
CASENO. 03	037·A		Reviewed	By <u>//</u>	Da	ate	55/02	
REV 10/25/01			Estimated	Posting Dat	e <i>?</i>	15/02		

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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

REV 10/25/01

828 E. JOPPA RD.

Address
TOWSON MD 21286

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):

We the undersigned are asking for a variance of a side yard set back in order to enclose a screened-in porch. Our reasons are as follows. My wife has been diagnosed with osteoarthritis. In 1998 she had a total right hip replacement. We placed her bed in our living room on the first floor for 3 1/2 weeks until she could safely use the steps to the bedroom. In 1999 she had surgery on her right knee to remove arthritis and loose cartilage. At that time her bed was in the living room for two weeks. Walking up and down stairs is now done one step at a time due to pain in her right knee. Her orthopedic surgeon has indicated that it is likely she will need a left hip replacement. At that time she will need to have her bedroom on the first floor permanently. Therefore, we feel that the time is appropriate (before any more operations or she is unable to climb stairs to the bedroom) for us to enclose this side porch so that it can be used as a bedroom / sitting room.

We have lived in our home in Towson Estates for thirty years. We like the area and our home and ask that the petition for the variance be granted so that the screened-in porch can be enclosed. Without this enclosed room a hardship will exist, for my wife's need of a first floor bedroom will not be met.

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.

Signature

J. M. ROWLAND CLARKE

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of formal day after a second personally appeared

J. M. Rowland Clarks

The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

My Commission Expires 9-01-2004

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

828 E. JOPPA RD. Address 21286 MDTOWSON City State Zìp 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. acte H Clarke Signature MARTHA H. CLARKE J.M. ROWLAND CLARKE Name - Type or Print Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this <u>27</u> day of <u>June</u> of Maryland, in and for the County aforesaid, personally appeared عرور , before me, a Notary Public of the State the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal

Notary Public

Notary Public

My Commission Expires 9-01-2004



Petition for Administrative Variance

for the property located at 828 E. JOPPA RD.

to the Zoning Commissioner of Baltimore County

which is presently zoned DR5.5

This Petition shall be owner(s) of the property nade a part hereof, her	y situate in Baitim	iore County ar	nd_which i	is describe	ed in the c	description	and plat atta	ached he	ereto and
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of the zoning regulation of this petition form.	s of Baltimore Co	ounty, to the zo	oning law	of Baltimo	ore Count	y, for the re	easons indic	ated on t	the back
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Attorney For Petition	<u>ner:</u>					PA RD.	410-	-828-6	487
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Public Hearing having bearing bearing day of gulations of Baltimore Count	1112	ar inje silnject mis:	to be req	uired, It is operation be se	ordered by et for a publ	the Zoning C ic hearing, ac	Commissioner (Ivertised, as re	of Baltimore	e County, he zoning
				Z	oning Com	missioner of I	Baltimore Cour	ity	
CASE NOO	3-037-A		Review	ved By	BN	Da	te <u>7/</u>	25/02	-
EV 10/25/01			Estima	ted Posti	_ ng Date _	8/	5/02		
						*	-		

Zoning Description

ZONING DESCRIPTION FOR 828 EAST JOPPA ROAD, TOWSON, MD 21286.

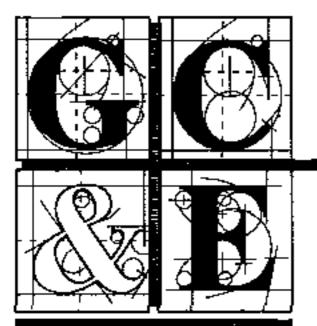
Beginning at a point on the north side of East Joppa Road which is approximately 46 ' of right-of-way width at the distance of 101.06 ' west of the centerline of the nearest improved intersecting street Edgewood Road which is 46' wide. Being Lot # 2, Block G, Section # 1 in the subdivision of Towson Estates as recorded in Baltimore County Plat Book # 25, Folio # $54/\sqrt{778}$ sq. ft. or 0.2 acres. Also known as 828 East Joppa Road and located in the 9 Election District, 4th Councilmanic District.

	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE NO. 10504	
	MISCELLANEOUS RECEIPT DATE 7/22/02 ACCOUNT 100/-006 6/50	1月11日 11日1日 1日曜 1日曜
· · · · · · · · ·	* 50,60	— RECEIPT # 988130 7/22/2002 OF LA Dept 5 528 ZONING VERIFICATION — CR 10. 016304
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	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE #03-037-A
PETITIONER/DEVELOPER:
Rowland & Martha Clarke
DATE OF CLOSING:
August 20, 2002

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

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

August

AVABLENCE TO PERMIT A SIDE VARD COMBINATION OF 13 FT. IN EU OF THE REQUIRED 20 FT.

PUBLIC HEARING?

THE MOTOR FOR GROUP MAY BE COMPTON THE RECOURTED OF THE PROPERTY OF THE COMPTON OF THE CONTROL OF THE ZONIM OFFICE BEFORE

THE ZONIM OFFICE BEFOR

LOCATION:

828 East Joppa Road

DATE:

August 5, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

	1							
Case	Number 03-	037	-A	Address _	828	E. Jap	po R	·D
Conta	act Person: _	Bruno				Phone Nu	m ber: 410	-887-3391
Filing	Date:	7/22/02	Please Print You Pos	sting Date: _	8/5/02	Closii	ng Date:	8/20/02
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2.	a formal red	The closing quest for a paring public hearing	ublic hearir	ng. Please ι	understand	that even	if there is	feet to file no formal
3.	order that the commission of t	Ifter the closi er. He may: he matter be hin 7 to 10 da ill go to public	(a) grant t set in for ays of the c	he requested a public hea losing date) a	relief; (b) or aring. You is to whethe	deny the re will receiv or the petitic	quested re e written i on has bee	elief; or (c) notification en granted
4.	(whether du commissione changed giv	PUBLIC HEA e to a neigh er), notification ing notice of the fication of this	bor's forma n will be f the hearing	al request or forwarded to date, time an	by order or you. The did location.	of the zoning sign on the As when the	ng or depo le property le sign was	uty zoning y must be s originally
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Case	Number 03-	O 37 -A	A Add	dress8	SE.	Joppa	Rd.	
Petitic	ner's Name _	Rowland &	Martha	Clarke		elephone _	410 - 8	28-6487
		8/5/02						
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

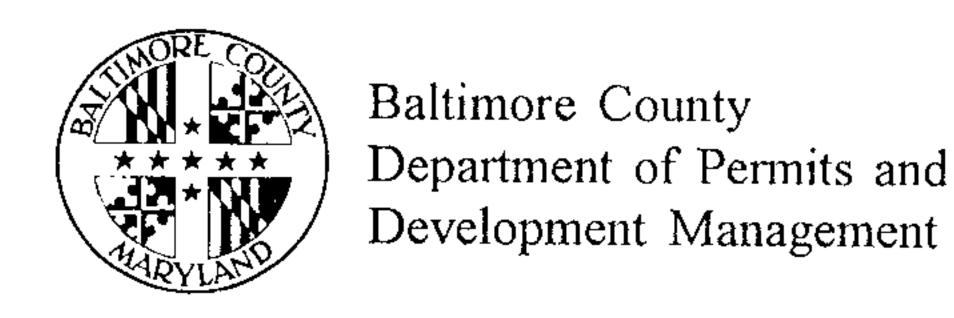
<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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.

For Newspaper Advertising:
Item Number or Case Number: 03-037-A
Petitioner: J.M. Rawland and Martha H. Clarke
Address or Location: 828 Cast Joppa Road Towson, MB 21286
Towson, MB 21286
PLEASE FORWARD ADVERTISING BILL TO:
Name: J. M. Rowland and Martha H. Clarke
Address: 828 Cast Joppa Road
Towson MD 21286
Telephone Number: 410 - 828 - 6487



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

August 23, 2002

J. M. Rowland Clarke Martha H Clarke 828 E Joppa Road Towson MD 21286

Dear Ms.'s Clarke:

RE: Case Number: 03-037-A, 828 E Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 22, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. 602

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

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

July 30, 2002

ATTENTION: George Zahner

RE:

Property Owner:

Location: 828 E. Joppa Rd.

Item No.: 037

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.

7. The Fire Marshal's Office has no comments at this time

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: August 23, 2002

TO: Arnold Jablon, Director

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For August 5, 2002 Item Nos. 031, 032, 033, 034, 036, 037,

039, 040, and 041

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 R85 TET

DATE:

August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 29, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

31(37)40,41

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 29, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

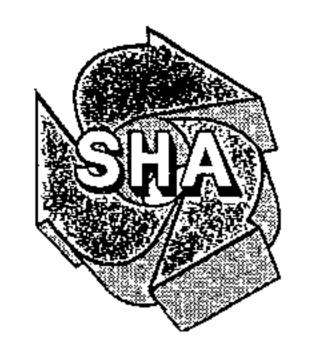
Zoning Advisory Petition(s): Case(s) 02-576, 03-023, & 03-037

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: 7.29-02

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

RE: Baltimore County

Item No. 637

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).

Very truly yours,

1.

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

J. J. Hell



Parris N. Glendening Governor Kathleen Kernedy Townsend Lt. Governor Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

July 30, 2002

Baltimore County Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Room 111, Mail Stop #1105 Towson MD 21204

Re: Zoning Advisory Committee Agenda - case numbers 03-031-A, 03-032-A, 03-033-SPH, 03-034-SPHA, 03-035-SPH, 03-036-A 03-037-A 03-038-A, 03-039-A, 03-040-SPH & 03-041-A

To whom it may concern:

The Maryland Department of Planning has received the above-referenced information on 7/29/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

830 East Joppa Road Towson, MD 21286 July 8, 2002

The Honorable Lawrence Schmidt Zoning Commissioner Suite 405 **County Courts Building** 401 Bosely Avenue Towson, MD 21204

Dear Mr. Schmidt,

I am writing in support of the application of Rowland and Martha Clarke for a variance of a side yard set-back requirement for an enclosed porch at 828 East Joppa Road, Ninth Election District.

As the owner of the property directly adjacent to the side for which the setback variance is requested, I strongly support the proposed improvement. Mr. and Mrs. Clarke are to be commended for making a major investment in this project.

I urge your prompt approval of this application.

Sincerely,

Staton W. Johnson

Cyrelle & Selection

cc: Mr. and Mrs. J. M. Rowland Clarke

#037

LOT 2 BLOCK G SECTION 1
REGIDEDIVISION OF
TOWSON ESTATES
PLAT BOOK 25-54

- PLUED 14 -554° 32' 35'E 58 44' SONG BASE. -11/2-574. WOOD 3/05 SHING. DWLG. *****878 8 85 CONC. PE MALK 57 98 N53°52'38' W

EAST

JOPPA

ROAD

APPL. Nº 24498

SEAL SCALE: 1"= 36 DATE: MARCH 29, 197

Property known as

BORE EAST JOPPA ROAD, Md.

The internation on this plat shows conly that the angreevements indicated hereon are contained within the outhereon are contained when the outhelicited of the follogion which they are a elected and is not to be constitued as a second distinct of a constitued as a second distinct of a constitued as a second distinct of a constitued.

Day 1811 STAVEYOU



ASSOCIATED SURVEYS

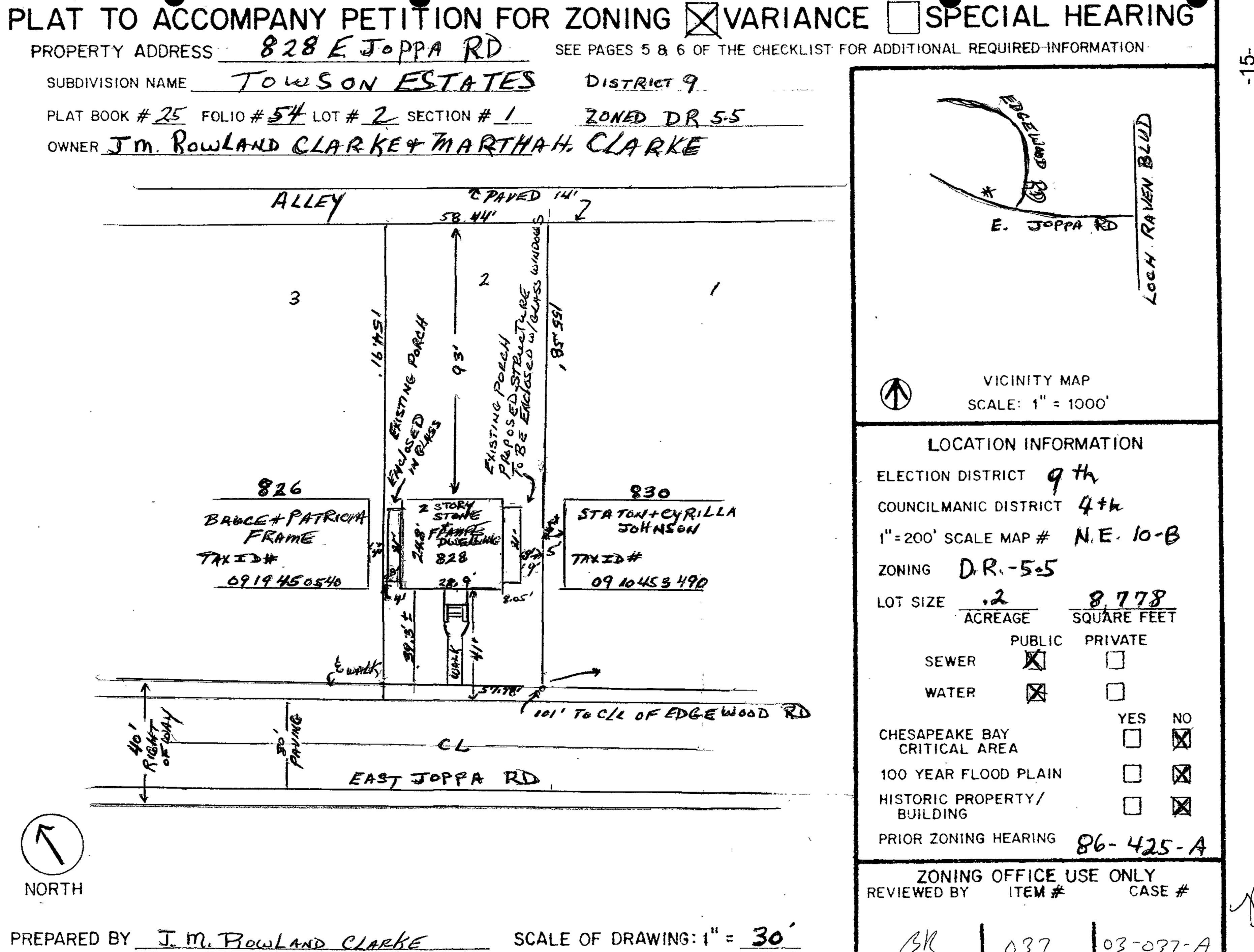
GENERAL LAND SURVEYING

IDLEWOOD 3-1791

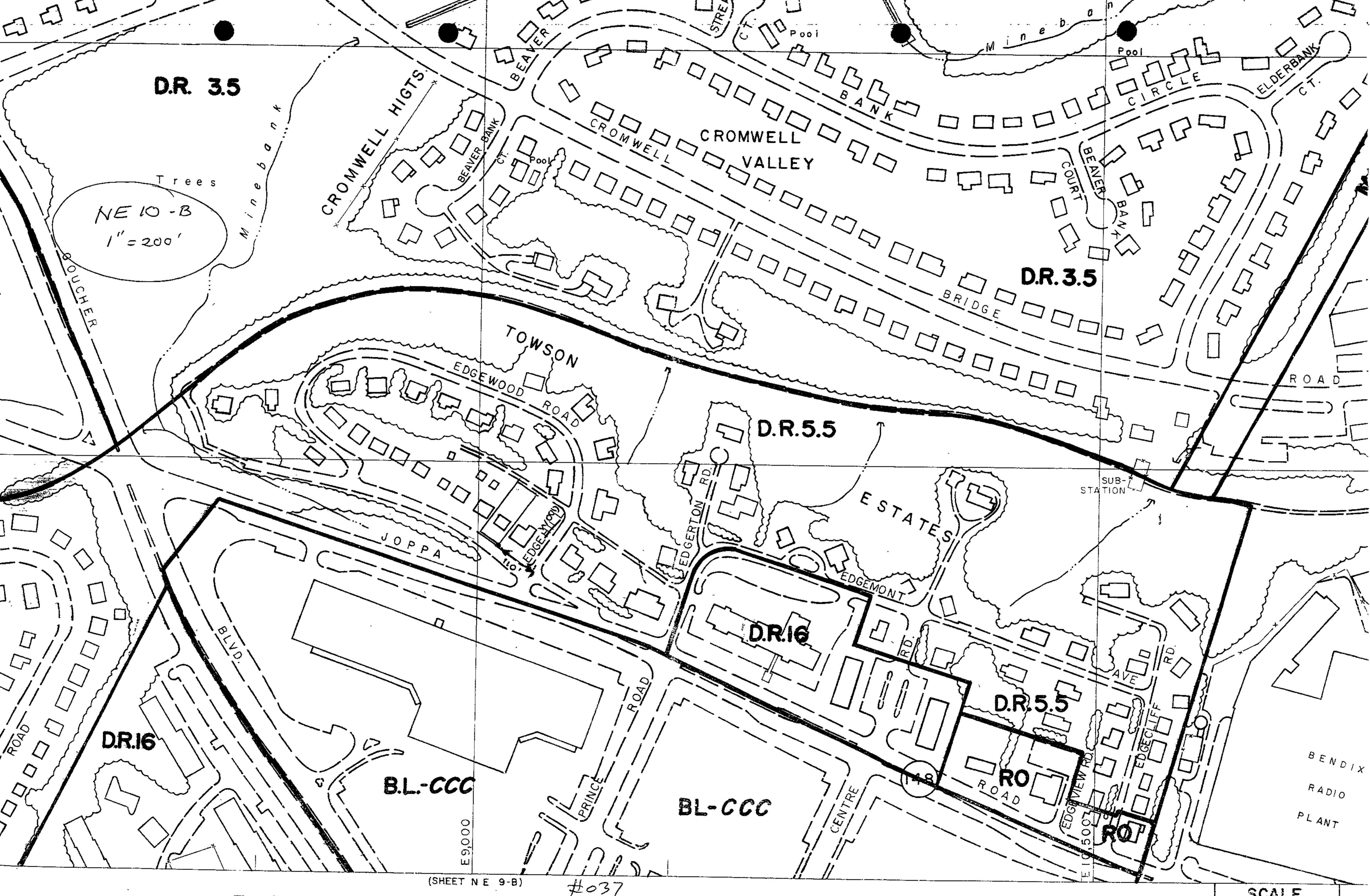
1200 WOODBOURNE AVENUE

BALTIMORE, MD. 21212

#037



A. D. F.



J.M. ROW LAND + MARTHA H. CLARKE 828 E. JOPPA RD TOWSON, MD 21286

April 12, 2002



FRONT



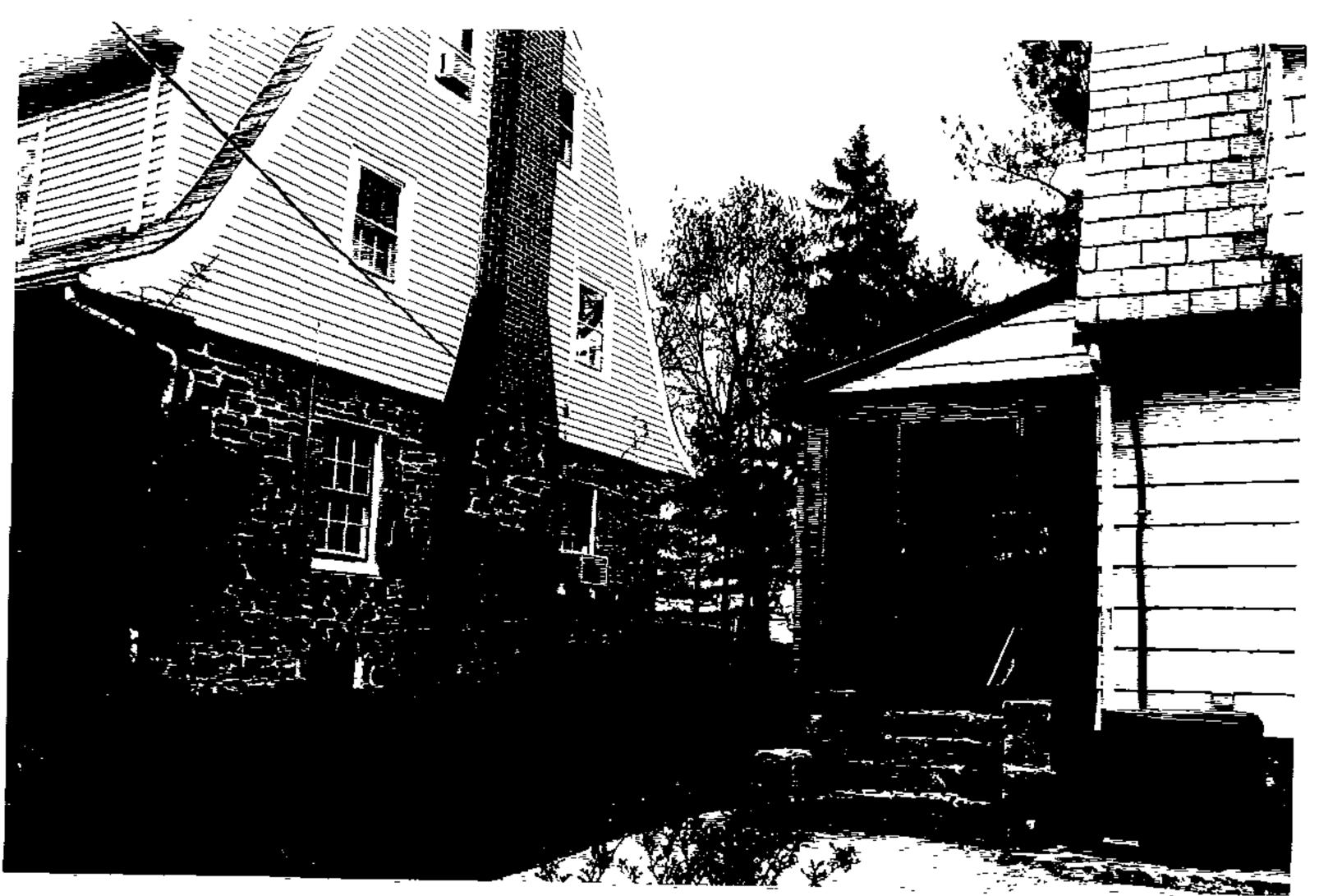


BARRE

830 E. JOPPA RD



RIGHT



BACK

Piclures 4/12/02

0826 E. JOPPARD

BRUCE + PATRIAIA FRAME PICTURES
4/12/02



