

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of East Main Boulevard, 500 ft. E
centerline of York Road
8th Election District
4th Councilmanic District
(12 East Main Boulevard)

Ellen T. O'Brien
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-119-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Ellen T. O'Brien, the legal owner of the subject property. The variance request is for property located at 12 E. Main Boulevard in the Timonium area of Baltimore County. The Petitioner herein seeks a variance from Section III, Paragraph C, Amendment to 1953 Zoning Regulations, to permit an addition (carport) with a side yard setback of 1 ft. in lieu of the required 7 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative 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

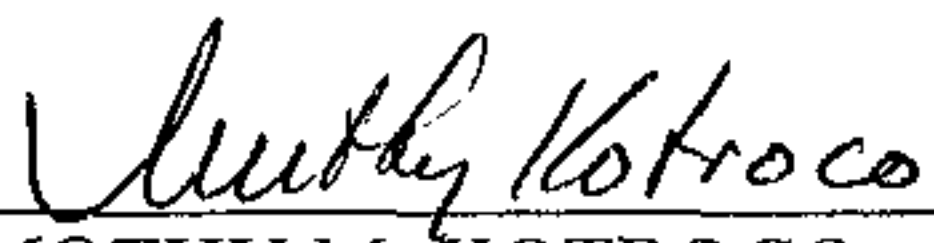
10/5/02
R. J. [Signature]

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 15th day of October, 2002, that a variance from Section III, Paragraph C, Amendment to 1953 Zoning Regulations, to permit an addition (carport) with a side yard setback of 1 ft. in lieu of the required 7 ft., 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 her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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

10/15/02
P. Jameson



Baltimore County
Zoning Commissioner

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

October 15, 2002

Ms. Ellen T. O'Brien
12 E. Main Boulevard
Timonium, Maryland 21093

Re: Petition for Administrative Variance
Case No. 03-119-A
Property: 12 E. Main Boulevard

Dear Ms. O'Brien:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Gerald Libowitz
606 Main Street
Reisterstown, MD 21136

Come visit the County's Website at www.co.ba.md.us





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12 E MAIN BLVD - TIMONIUM, MD²¹⁰⁹³
which is presently zoned DR 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) SECTION III, Paragraph C

Amendment to 1953 Zoning Regulations

To permit an addition (carport) with a side yard setback of
1 ft. in lieu of the required 7 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

12 E MAIN BLVD 410-308-1289
Address Telephone No.

TIMONIUM, MD 21093
City State Zip Code

Representative to be Contacted:

GERALD LIBOWITZ
Name

606 MAIN ST 410-833-5525
Address Telephone No.

REISTERSTOWN MD 21136
City State Zip Code

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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. 03-119-A

Reviewed By JRF Date 9-11-02

Estimated Posting Date 9-23-02

REV 10/25/01

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

12 EAST MAIN BLVD
Address
TIMONUM MD 21093
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):

SEE ATTACHED

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.

* Ellen T. O'Brien
Signature

Signature

ELLEN T. O'BRIEN
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6TH day of SEPT., before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ELLEN T. O'BRIEN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Gerald L. Buehner
Notary Public

My Commission Expires 9/1/05

September 4, 2003

Baltimore county,

Gentlemen,

Please consider my application for a permit to build a carport on my house.

When I moved from New York, about two years ago, in order to be closer to my grandchildren, I knew I would need a carport. The real estate lady who showed me my house said that since my neighbors had carports, I could build one.

There are three identical houses on my block and my neighbors next door - on each side of me - already have carports.

I need one because I am 63 yrs. old and need a place to unload groceries and shopping things. I did buy a new car this summer and need a carport to keep it under in bad weather.

The carport I would like to build will be smaller than my neighbors who already have a carport and they don't care that I have one. In fact they have both asked me why I didn't build one already, but I had to save up my money.

Thank you for your help.

Sincerely,
Ellen O'Brien

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 12 EAST MAIN BLVD.
(address)

Beginning at a point on the NORTH side of
(north, south, east or west)

EAST MAIN BLVD which is 50 FT
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 500 FT EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street YORK RD.
(name of street)

which is 75 FT wide. *Being Lot # 12
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of WAYSIDE
(name of subdivision)

as recorded in Baltimore County Plat Book # 19, Folio # 41,

containing 10,120 SQ FT. Also known as 12 EAST MAIN ST.
(square feet or acres) (property address)

and located in the 8 Election District, 4 Councilmanic District

#119

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

03-719

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17142

DATE 7-11-82 ACCOUNT 051-056-0150

AMOUNT \$ 50.00

RECEIVED FROM:

12 E. MAIN ST. BALTIMORE, MD 21202

ITEM # 119

FOR:

TELEPHONE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS ACTUAL TIME

DATE 7/11/82 1:00 PM

NAME WALKER JOHN E. JR.

RECEIPT # 01780 0112000

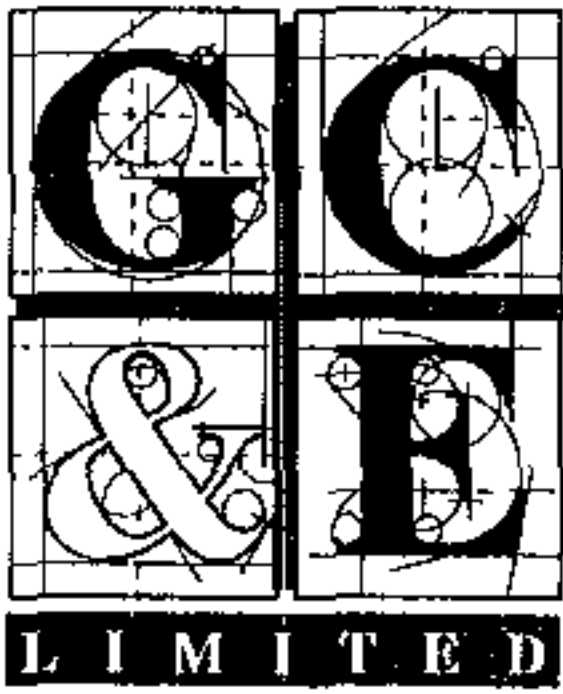
FOR 5.00 DASH, VERIFICATION

OK NO. 01780

RECEIPT FOR \$50.00

50.00 OK

Baltimore County - Maryland



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 # 03-119-A
PETITIONER/DEVELOPER:
Ellen T. O' Brien
DATE OF HEARING:
N/A

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

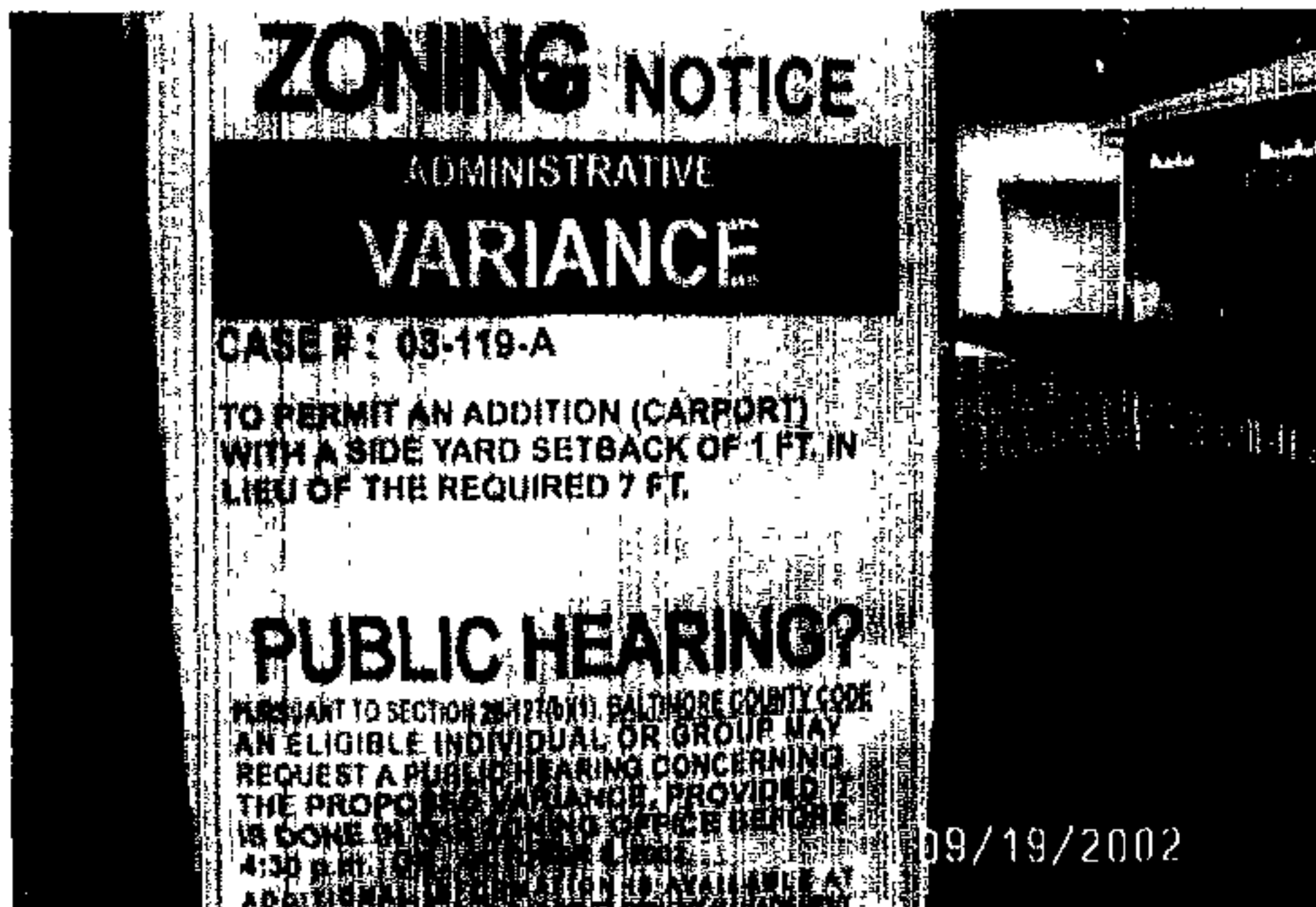
LOCATION
12 East Main Boulevard

DATE
September 23, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

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



POSTED ON September 20, 2002

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # : 03-119 A

TO PERMIT AN AIRPORT (AIRPORT)
WITH A 300' V.I.B. BACK OF 1 FT. IN
REU OF THE 10' 2' 31 (117)

PUBLIC HEARING?

1. The applicant, Mr. [Name], has applied for a zoning variance to allow the construction of a [Type of Structure] on the [Address] property. The variance is requested because the property is currently zoned [Zoning Code] and the proposed structure does not conform to the [Zoning Code] requirements. The applicant has provided a detailed site plan and a letter of explanation for the variance. The applicant has also provided a letter of support from the [Neighborhood Association] and a letter of support from the [City Council]. The applicant has also provided a letter of support from the [City Council]. The applicant has also provided a letter of support from the [City Council].

2. The applicant has provided a detailed site plan and a letter of explanation for the variance. The applicant has also provided a letter of support from the [Neighborhood Association] and a letter of support from the [City Council]. The applicant has also provided a letter of support from the [City Council]. The applicant has also provided a letter of support from the [City Council].

09/19/2002

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: 03-119-A-

Petitioner: ELLEN TOBIEN

Address or Location: 12 EAST MAIN ST Timonium, md 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: COLUMBIA HOME CORP

Address: 606 MAIN ST REIST, MD 21136

Telephone Number: 410 833-5525

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 119 -A Address 12 EAST MAIN BLVD.
Contact Person: JUN R. FERNANDO Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 9-11-02 Posting Date: 9-23-02 Closing Date: 10-8-02

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

- 1 **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- 2 **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- 3 **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- 4 **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 119 -A Address 12 E. Main Blvd.
Petitioner's Name ELLEN T O'BRIEN Telephone 410-308-1289
Posting Date: 9-23-02 Closing Date: 10-8-02
Wording for Sign: To Permit an addition (carport) with a side yard
setback of 1 ft. in lieu of the required 7 ft.



Baltimore County
Department of Permits and
Development Management

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

October 9, 2002

Ellen T. O'Brien
12 E. Main Street
Timonium, MD 21093

Dear Ms. O'Brien:

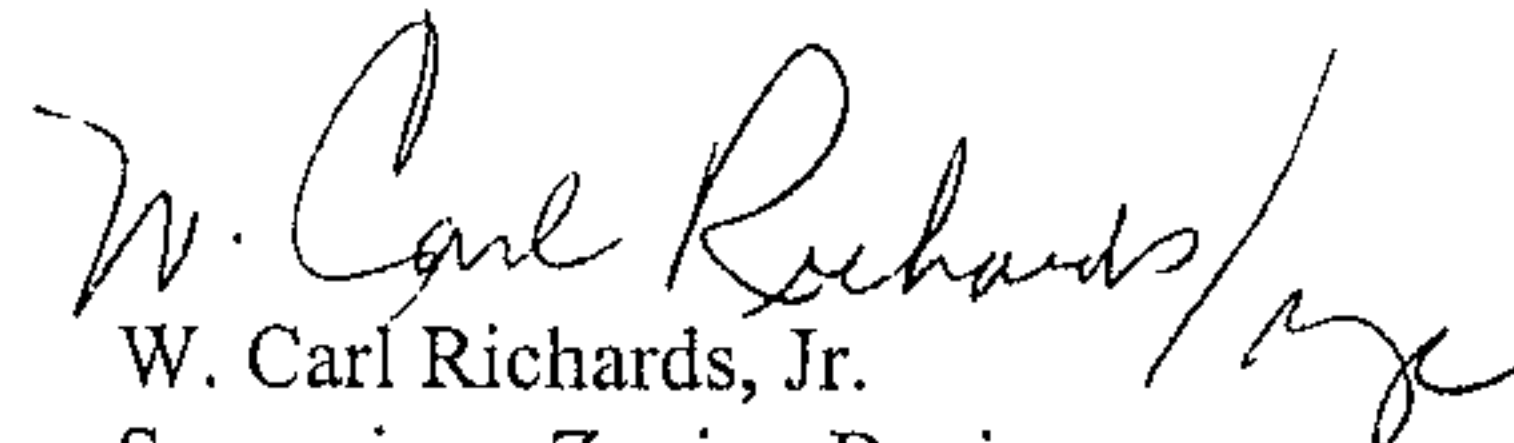
RE: Case Number: 03-119-A, 12 E. Main Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 02.

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.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c Gerald Libowitz 606 Main Street Reisterstown, MD 21136
People's Counsel

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For September 30, 2002
Item Nos. 106, 116, 117, 118, 119,
120, 121, 122, 123, 124, 126, 128,
129, and 130

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 ITGT*

DATE: October 7, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of September 23, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

119

116-122, 124

AY
10/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 8, 2002

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

01 - 9 add

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-119, 03-122, & 03-151**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Alper Jablon

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.24.02

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

RE: Baltimore County
Item No. 119 JZF

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

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



Maryland Department of Planning

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kientz
Secretary

Mary Abrams
Deputy Secretary

September 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda re: case numbers 03-106-SPH, 03-116-A, 03-117-A, 03-118-A, 03-119-A, 03-120-XA, 03-121-A, 03-122-A, 03-123-XA, 03-124-A, 03-125-A, 03-126-A, 03-127-SAHSPH, 03-128-A, 03-129-A, 03-130-A**

Dear Mr. Zahner:

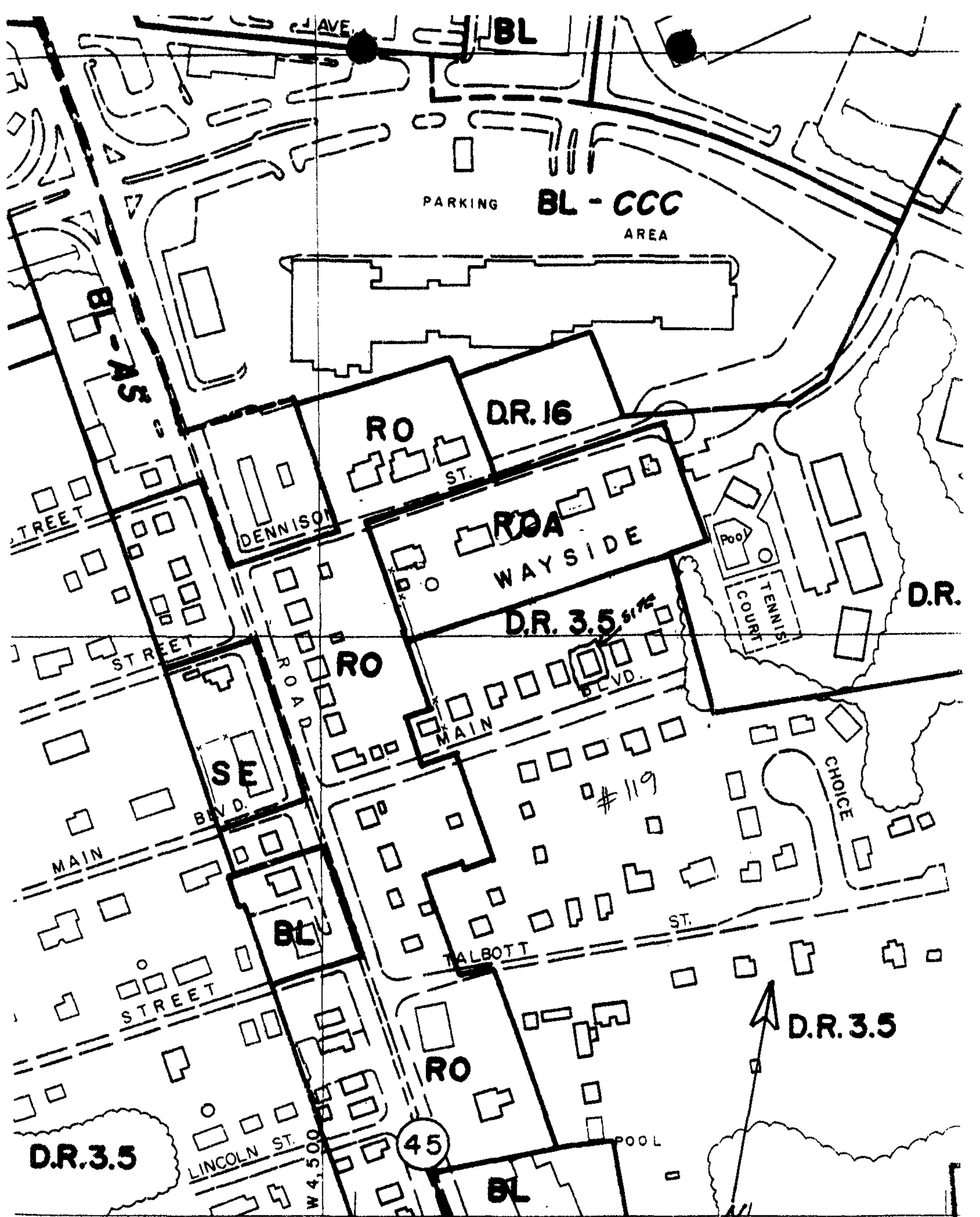
The Maryland Department of Planning has received the above-referenced information on 09/23/02. The information has been submitted to Mr. Mike Nortrup.

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,

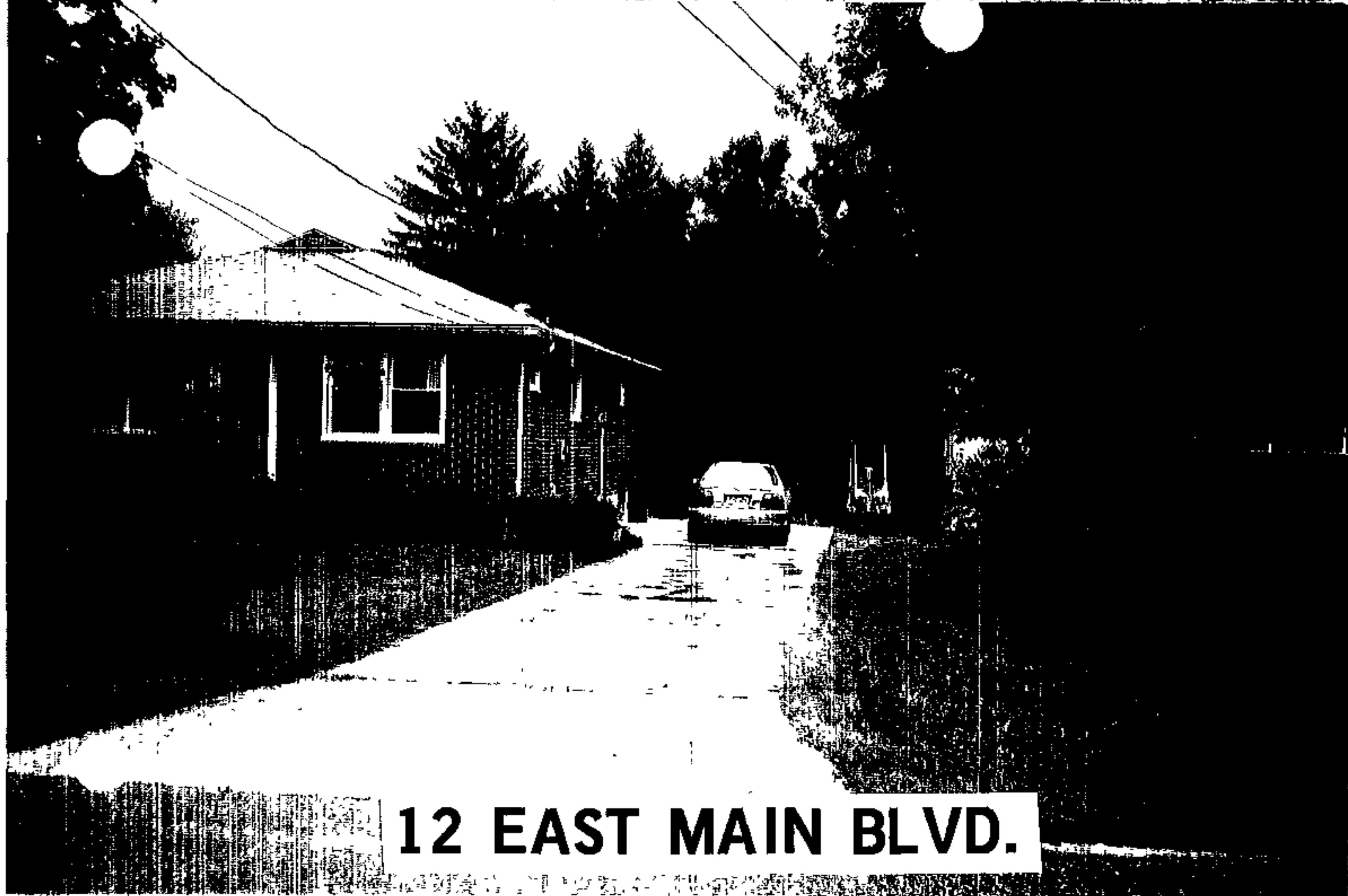
James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup





14 EAST MAIN BLVD.



12 EAST MAIN BLVD.



10 EAST MAIN BLVD

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

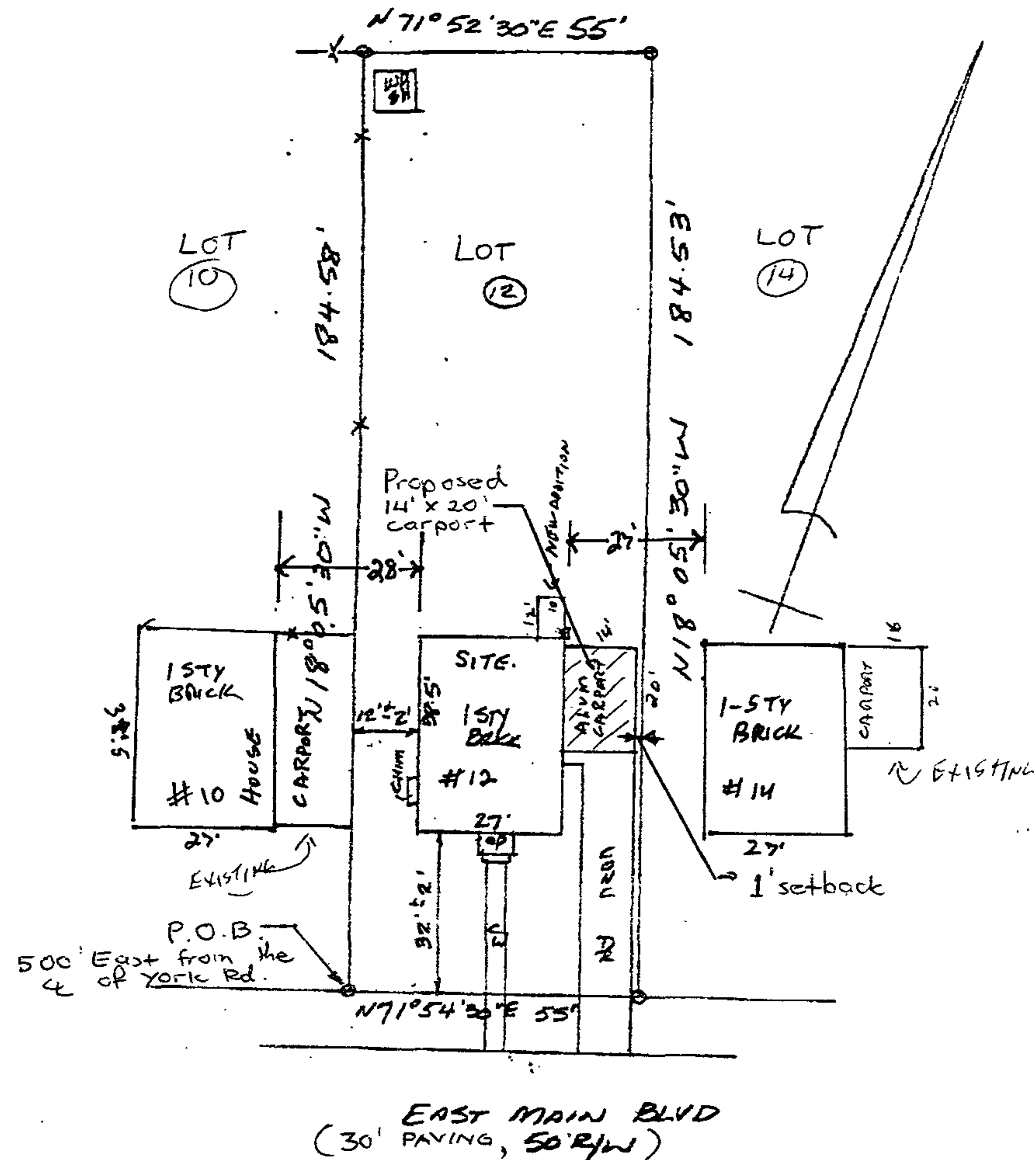
PROPERTY ADDRESS 12 EAST MAIN ST

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

SUBDIVISION NAME WAYSIDE

PLAT BOOK # 19 FOLIO # 41 LOT # 12 SECTION #

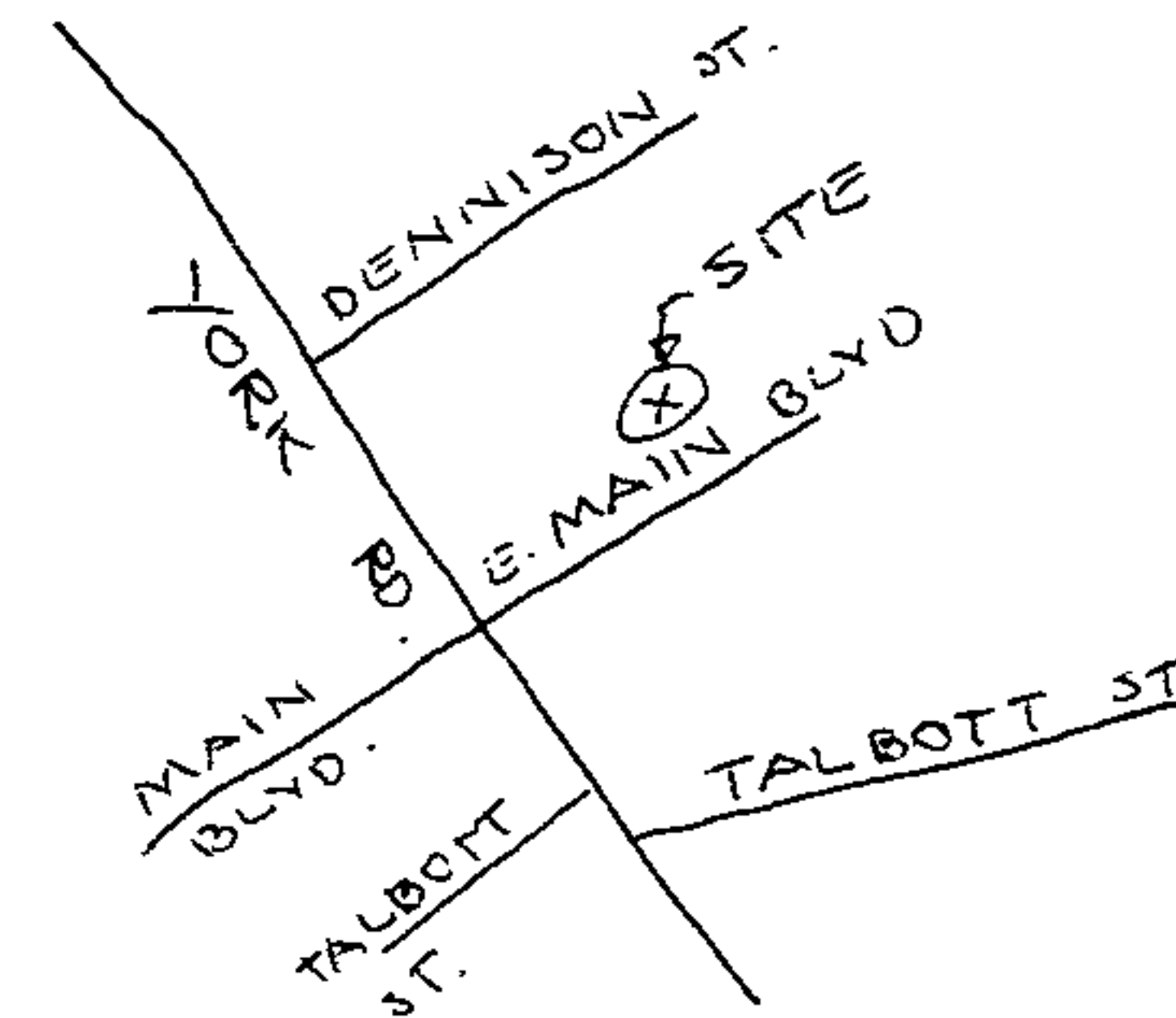
OWNER ELLEN T. O'BRIEN



NORTH

PREPARED BY [Signature]

SCALE OF DRAWING: 1" = 30



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8TH

COUNCILMANIC DISTRICT 4TH

1" = 200' SCALE MAP # NW 15-A

ZONING DR 3.5

LOT SIZE ACREAGE 10,120 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/BUILDING	☐	☒
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PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY IRF ITEM # 119 CASE # 03-119-A

[Handwritten signature] #1