IN RE: PETITION FOR ADMIN. VARIANCE
N/S Mt. Carmel Road, 850' SE
centerline of Falls Road
5th Election District
3rd Councilmanic District

Clarence Edwin Wheeler

(3618 Mt. Carmel Road)

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-209-A

#### 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 owner of the subject property, Clarence Edwin Wheeler. The variance request is for property located at 3618 Mt. Carmel Road in the Upperco area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 3 ft. in lieu of the required 35 ft. 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.

Herman Sold

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 3rd day of December, 2002, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 3 ft. in lieu of the required 35 ft. 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.

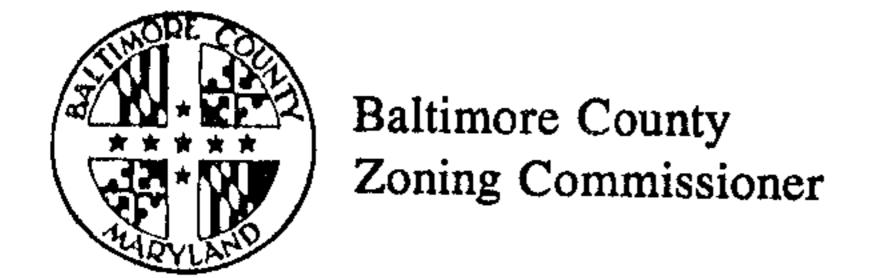
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

nasmal :



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

Fax: 410-887-3468

December 3, 2002

Mr. Clarence Edwin Wheeler 3618 Mt. Carmel Road Upperco, Maryland 21155

Re: Petition for Administrative Variance

Case No. 03-209-A

Property: 3618 Mt. Carmel Road

Dear Mr. Wheeler:

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.

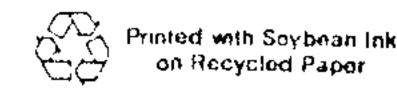
Very truly yours,

Timothy M. Kotroco

Suthy Hotroco

Deputy Zoning Commissioner

TMK:raj Enclosure





REU 9/15/98

# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	36/8	MOUNT	CARMEL	ROAD	
		ntly zoned	-		
partment of Permits and Develor	ment Ma	anagement	. The unde	rsianed.	legal

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Dep 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)

1401.383 PERMIT

TO ALLOW A SIDE YARD SETBACK OF 3' IN LIEU OF THE

REQUIRED 35'

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
<u>Legal Owner(s):</u>
Clarence Edwin Wheeler
Name - Type or Print
Signature Column () Multi-
Name - Type or Print
Signature
3618 MT. Cornel Rd 40/239/47
Address Telephone No.
City State Zip Code
Representative to be Contacted:
BRUCE E. DOAK
CTERHOLO CROSS F ETZEZ, LTO. Name
320 E. TOUSONTOWN BUD 410-823-4470
Address Telephone No.
TOWSON MO 21286
Towson Mo 21286 City State Zip Code required, it is ordered by the Zoning Commissioner of Baltimore County.
TOWSON MO 21286
Towson Mo 21286 City State Zip Code required, it is ordered by the Zoning Commissioner of Baltimore County.
Towson Mo 21286 City State Zip Code required, it is ordered by the Zoning Commissioner of Baltimore County.
Towson Mo 21286 City State Zip Code required, it is ordered by the Zoning Commissioner of Baltimore County.

Estimated Posting Date \_\_\_\_

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, a 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/o	to presently reside at	36/8 Mount Address	T CARME.	L ROAD	······································
		Uppenco City	·	Mo	2/155
That based upon person Variance at the above ac	al knowledge, the folk Idress (indicate hardsh	owing are the facts	upon which	State 1 I/we base the	Zip Code request for an Administrative
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THE 50	TBACK NEGOS	70 BE 35	. 145	GARAGE 1	5 IN G000
SHAPE	ANO 15 TO 6	BE KEPT.			•
	1	•			
					•
That the Affiant(s) acknowledges and may be	owledge(s) that if a for	ormal demand is to	filed, Affiant	(s) will be requi	red to pay a reposting and
	•	- A - A - A - A - A - A - A - A - A - A	OH.		•
Signature	Laure Wi	Acch	Signature		*
Name - Type or Print		<u> </u>	Name - Type or	Print	
STATE OF MARYLAND,	COUNTY OF BALTIN	/ORE, to wit:			
I HEREBY CERTIFY, this of Maryland, in and for the				<u>∠</u> , before me,	a Notary Public of the State
<del></del>	EDWIN WHEEL		to mo oo ou	ala Afficant/ala au	al management in all a Common of
law that the matters and f	acts hereinabove set f	orth are true and c	orrect to the	best of his/her/t	d made oath in due form of heir knowledge and belief.
AS WITNESS my hand a	nd Notarial Seal	A	no Ch	1/2/m	
Malle Date	Leve	Notary P	ublic /	July	
		My Comi	mission Exp	ires	7/04

REU 09/15/98



### 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

October 30, 2002

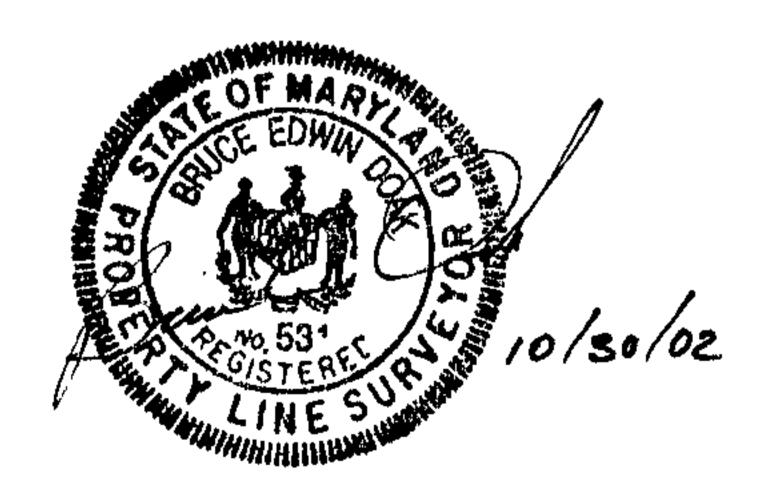
# ZONING DESCRIPTION WHEELER PROPERTY 3618 MOUNT CARMEL ROAD

All that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Mount Carmel Road being 850 feet, more or less, from the intersection of Mount Carmel Road and Falls Road, thence 9 feet, more or less, perpendicular to the northeast, thence running and binding, the six following courses and distances, viz: (1) South 50 degrees 20 minutes East 105 feet, (2) South 59 degrees 20 seconds East 105 feet, (3) North 40 degrees East 352 feet, (4) North 69 degrees 50 minutes West 184.5, (5) North 63 degrees 50 minutes West 115 feet, and (6) South 24 degrees 55 minutes West 261.8 feet to the zoning point of beginning.

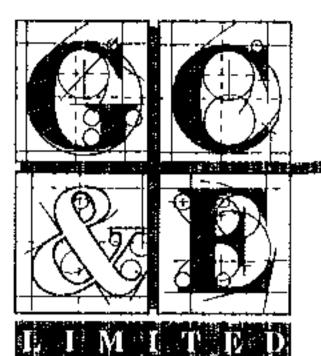
Containing 1.773 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



H209

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No. To Co.	10066150			2 inte	
COUNTY, MARYLAND DGET & FINANCE EOUS RECEIPT	102 ACCOUNT (200	AMOUNT \$	E WILLEL	1. N. J.	PINK - AGENCY YELLOW - CUSTOMER
BALTIMORE COU OFFICE OF BUDGET MISCELLANEOUS	DATE 10 (22)		RECEIVED FROM:	FOR:	DISTRIBUTION WHITE - CASHIER PINK



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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 # 03-209-A
PETITIONER/DEVELOPER:
CLARENCE E. WHEELER
CLOSING DATE:
NOVEMBER 26, 2002

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

**ATTENTION: REBECCA HART** 

**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

2002

5

ON: November

11/11/2002

**LOCATION:** 

3618 Mt. Carmel Road

DATE:

November 11, 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

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT	
ZONING REVIEW	
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES	

-A Address 3618 MOULIT CARMEL RD

Phone Number: 410-887-3391

Case Number 03- 209

Contact Person: LIOYD T. MOXLEY

Planner, Please Print Your Name
Filing Date: 10/3002 Posting Date: 11/11/07 Closing Date: 11/26/
Any contact made with this office regarding the status of the administrative variance should 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 treverse side of this form) and the petitioner is responsible for all printing/posting costs. A reposting must be done only by one of the sign posters on the approved list and the petition 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 closidate.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to to a formal request for a public hearing. Please understand that even if there is no form 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 zoni commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or 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 original posted, certification of this change and a photograph of the altered sign must be forwarded 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- 209 -A Address 3618 MOUNT CARMEL RO
Petitioner's Name CLARELICE E. WHEELER Telephone
Posting Date: 11/11/02 Closing Date: 11/26/02
Wording for Sign: To Permit A SIDEYALD SETBACH OF BILL CIEU
OF THE REQUIREN 35'.
WCR - Revised 6/28/9

# 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.

For Newspaper Advertising:
Item Number or Case Number: 03-209 A  Petitioner:
Address or Location: 36/8 Mount CARMEL ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: CLARENCE EDWIN WHEELER
Address: 3618 MOUNT CARMOL ROAD
Uppereco Mo 21155
Telephone Number: 410-239-4743

Revised 2/20/98 - SCJ

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, a 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.

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That the Affiant(s) does/do presently reside at		IT CARMEL A	2040	
	Address		4.4	
	UPPERCO City	**************************************	<i>Mo</i> State	<i>2/155</i> Zip Code
That based upon personal knowledge, the follo	using are the fact.			•
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh	ip or practical diffic	s upon which i/w culty):	e base the request to	r an Administrativ
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hat the Affiant(s) acknowledge(s) that if a for	rmal demand is f	iled, Affiant(s) w	ill be required to par	y a reposting and
idvertising fee and may be required to provide a	idditional informati	on.	•	
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HEREBY CERTIFY, this <u>30 <sup>m4</sup></u> day of <u>Ocr</u> f Maryland, in and for the County aforesaid, per	08 en	2002	before me, a Notary I	Public of the State
<u></u>	,			
e Affiant(s) herein, personally known or satisfa		o me ce cuch A	ffication and made a	oth in due forms o
w that the matters and facts hereinabove set fo	rth are true and co	orrect to the best	of his/her/their knowle	edge and belief.
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	My Comn	nission Expires _	4/27/01	4
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REU 9115198

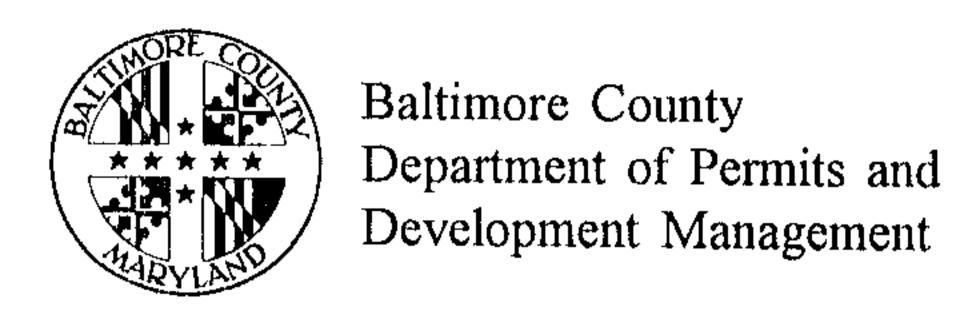
# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 36/8 Mount Carmel Road which is presently zoned RCZ

Estimated Posting Date 11/02

anner (4) er vre broberty situate in paitilling Connty and wo	nits and Development Management. The undersigned, legal nich is described in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from Sec	1401.383
PERMIT	SETBACK OF 3' IN LIEU OF THE
10 ALCOW A SIDE YARD	SETBACK OF 3' IN LIEU OF THE
REQUIRED 35'	
of the zoning regulations of Baltimore County, to the zoning of this petition form	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, por regulations and restrictions of Baltimore County adopted pursuant	esting etc. and further agree to and are to be bounded by the godine
	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):
	Clarence Edwin Wheeler
Name - Type or Print	Name - Type or Print
Signature	Cloene Edu Whele
	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	36/8 MT. Cannel Rd 40/239/474 Address Telephone No.
Name - Type or Print	City perco Md. 2155 State Zin Code
	- ,
Signature	Representative to be Contacted:
·	GERHOLD CROSS F ETZEL, LTD.
Company	Name
Address Telephone No.	320 E. TOWSONTOWN BLVD 410-823-4470 Address Telephone No.
	Towson Mo 21286
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be this day of that the subject matter of the regulations of Baltimore County and that the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 03-709-A Review	,
CASE NO. 03-709-A Review	ewed By Date 10/30/07



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

November 25, 2002

Clarence Edwin Wheeler 3618 Mt. Carmel Road Upperco, MD 21155

Dear Mr. Wheeler:

RE: Case Number: 03-209-A, 3618 Mt. Carmel Road

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel Bruce E. Doak, Gerhold

Bruce E. Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd.

Towson 21286



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams

Administrator

Date: 11. 20.03

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

RE: Baltimore County

Item No. 209 LTM

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/DS/37. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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



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

November 20, 2002

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

Property Owner:

ATTENTION: George Zahner

Location:

Item No.: ZAC Dist. Meeting of 11/18/2002

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, in reference to the following items://

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

2

TO:

Arnold Jablon, Director

**DATE:** November 20, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-209 – Administrative Variance

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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** December 9, 2002

TO: Arnold Jablon, Director

Department of Permits & Development Management

FROM:\

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For November 25, 2002

Item Nos. 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, and 227

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

RWB:CEN'jrb

cc File



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

November 21, 2002

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

Re: Zoning Advisory Committee Agenda, November 25, 2002 re: case numbers 03-2103-A, 03-204-SPHXA, 03-205-A, 03-206-A, 03-207-SPH, 03-208-A, 03-209-A, 03-210-SPHA, 03-211-A, 03-212-A, 03-213-A, 03-227-XA

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 11/20/02. The information has been submitted to Mike Nortrup.

Thank you for your cooperation in this 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

To whom it may amoun, al have no objection what so ever to the construction or design of the duelling at 3618 Mt. Caunal Road. Mr. Wheeler has been a neighbor for 50 yrs.

Snavely Best Milella J. J. Best Wheeler Sr 3526 Mt Corme 1 Rd Upperco Mb 21155

Murber 11, 2002

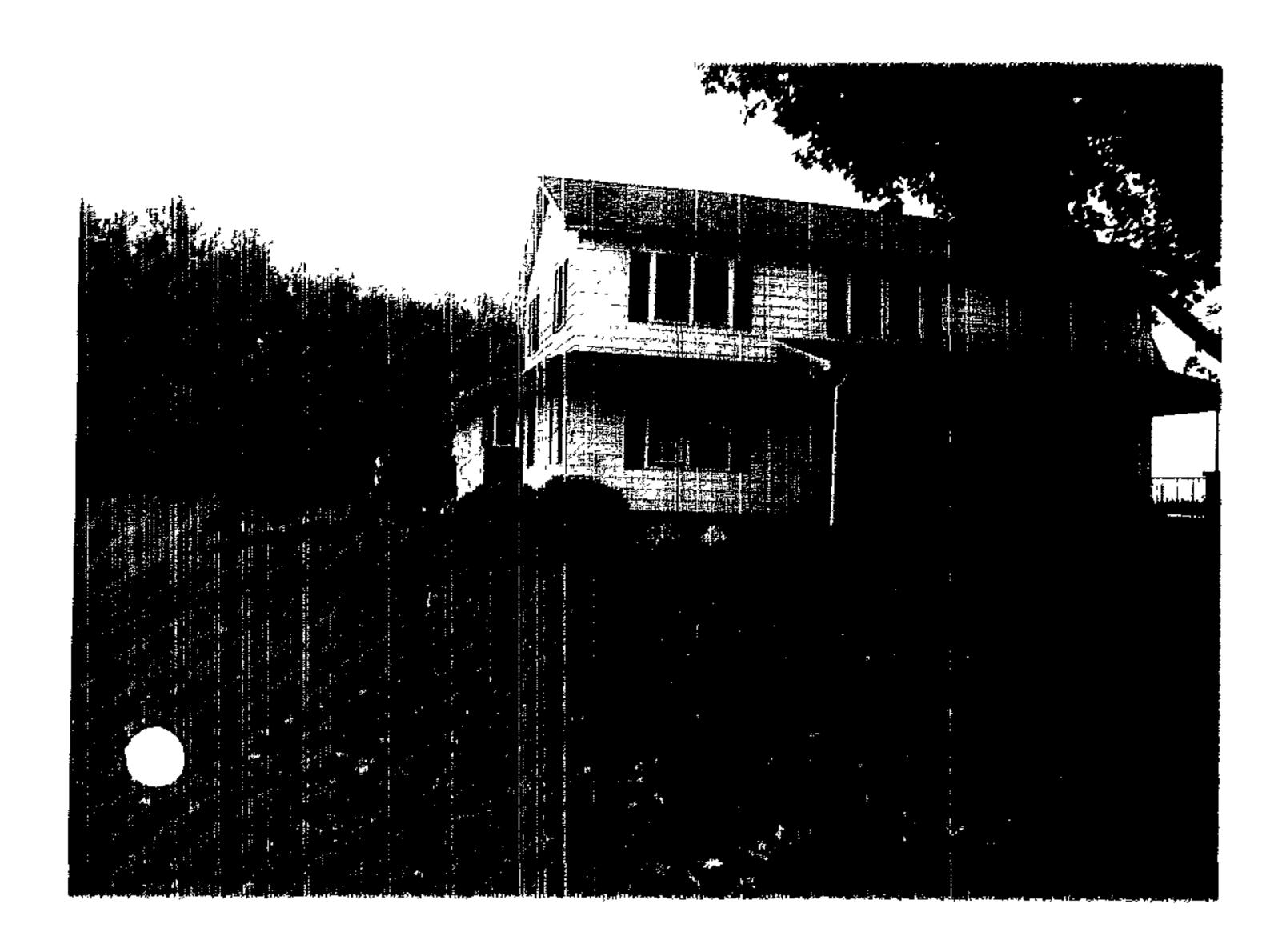
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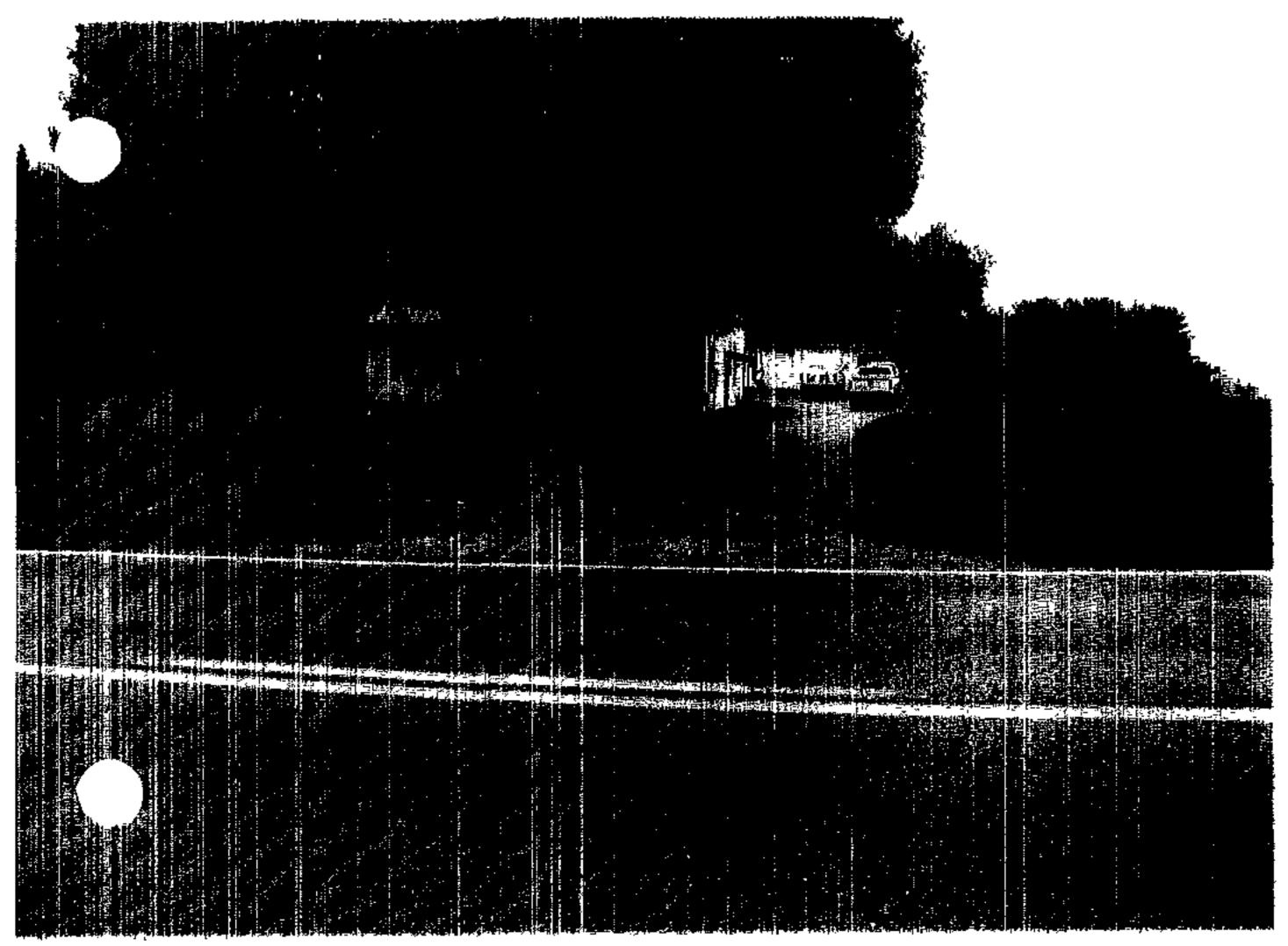
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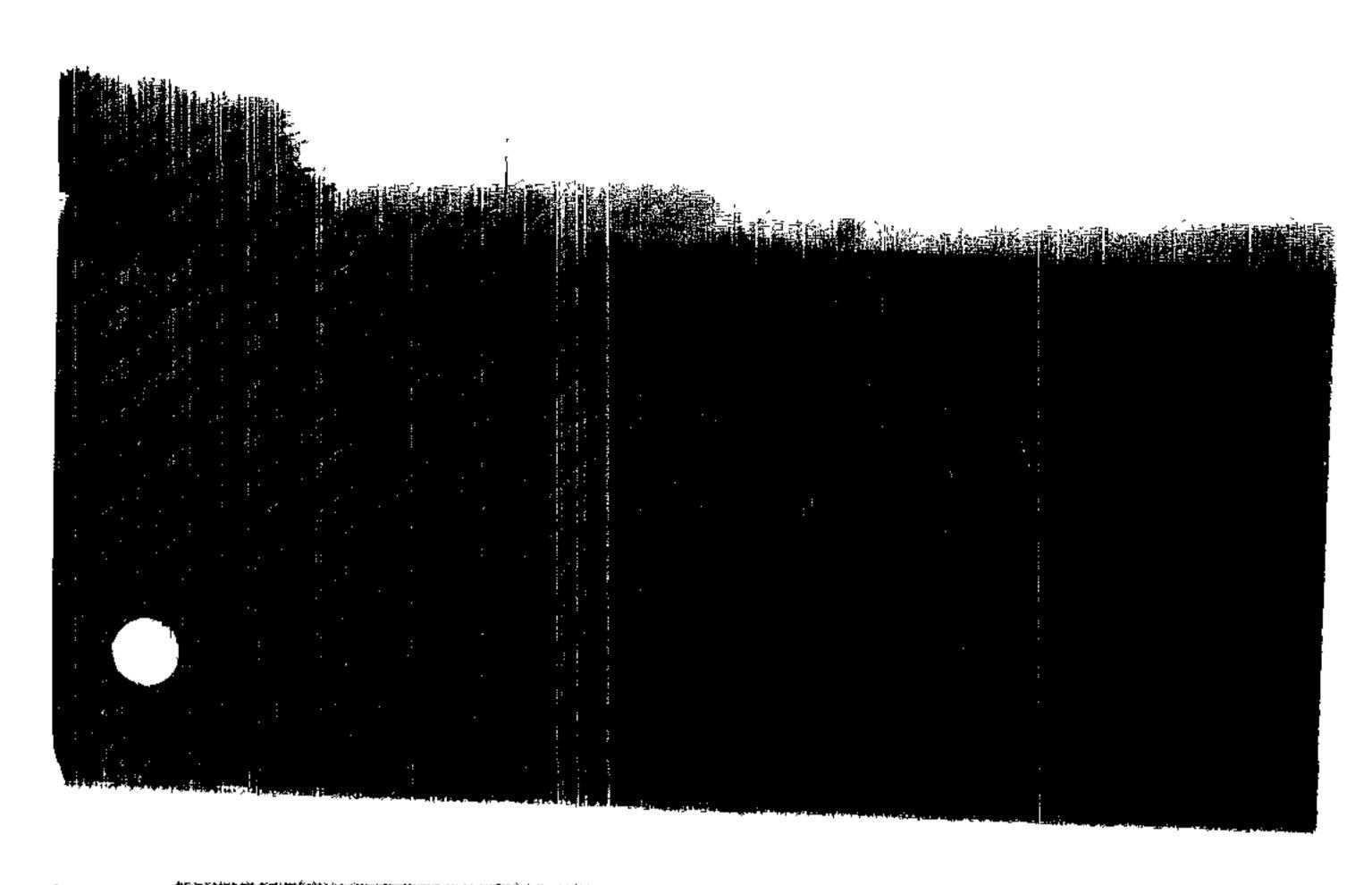
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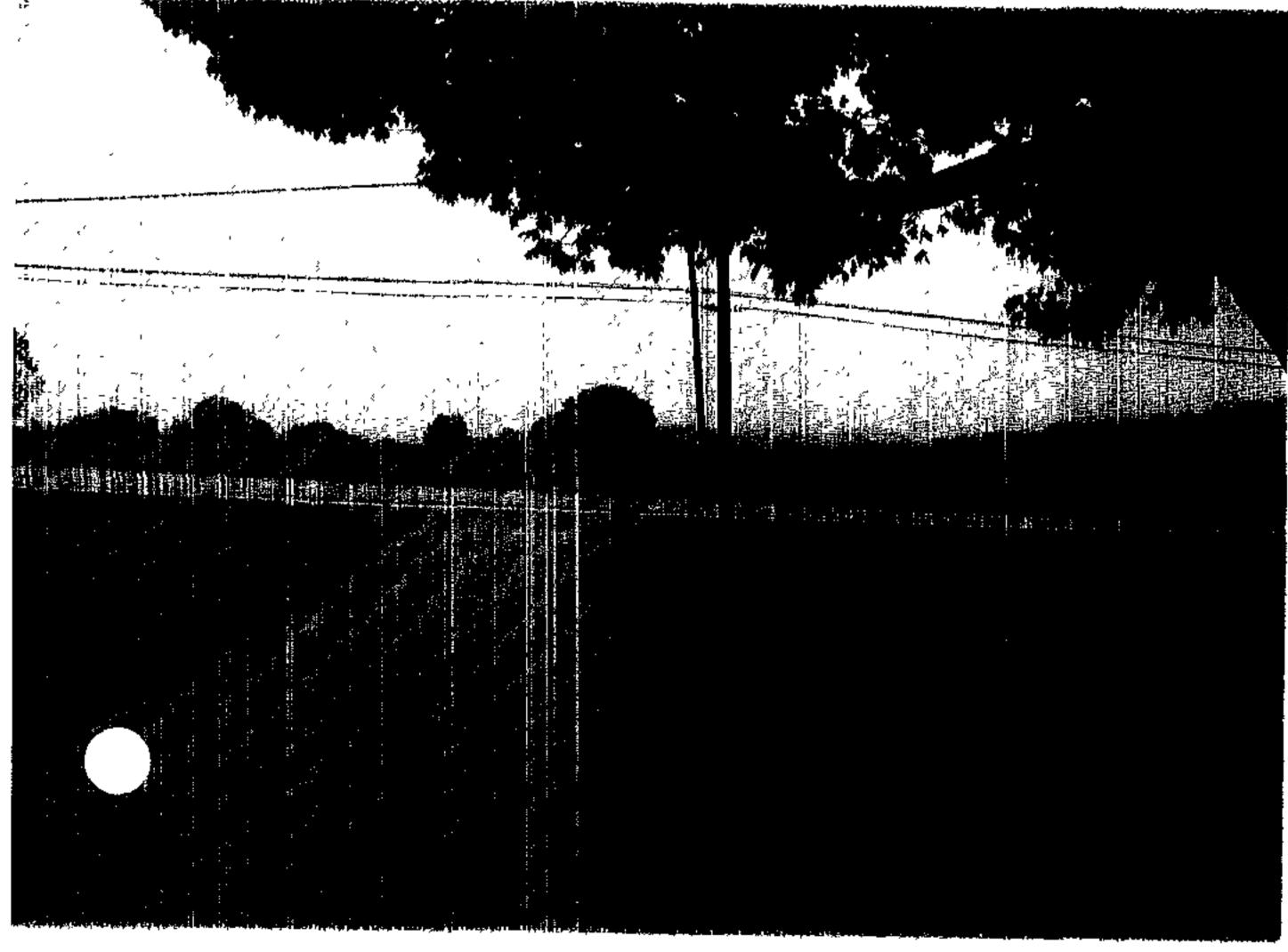


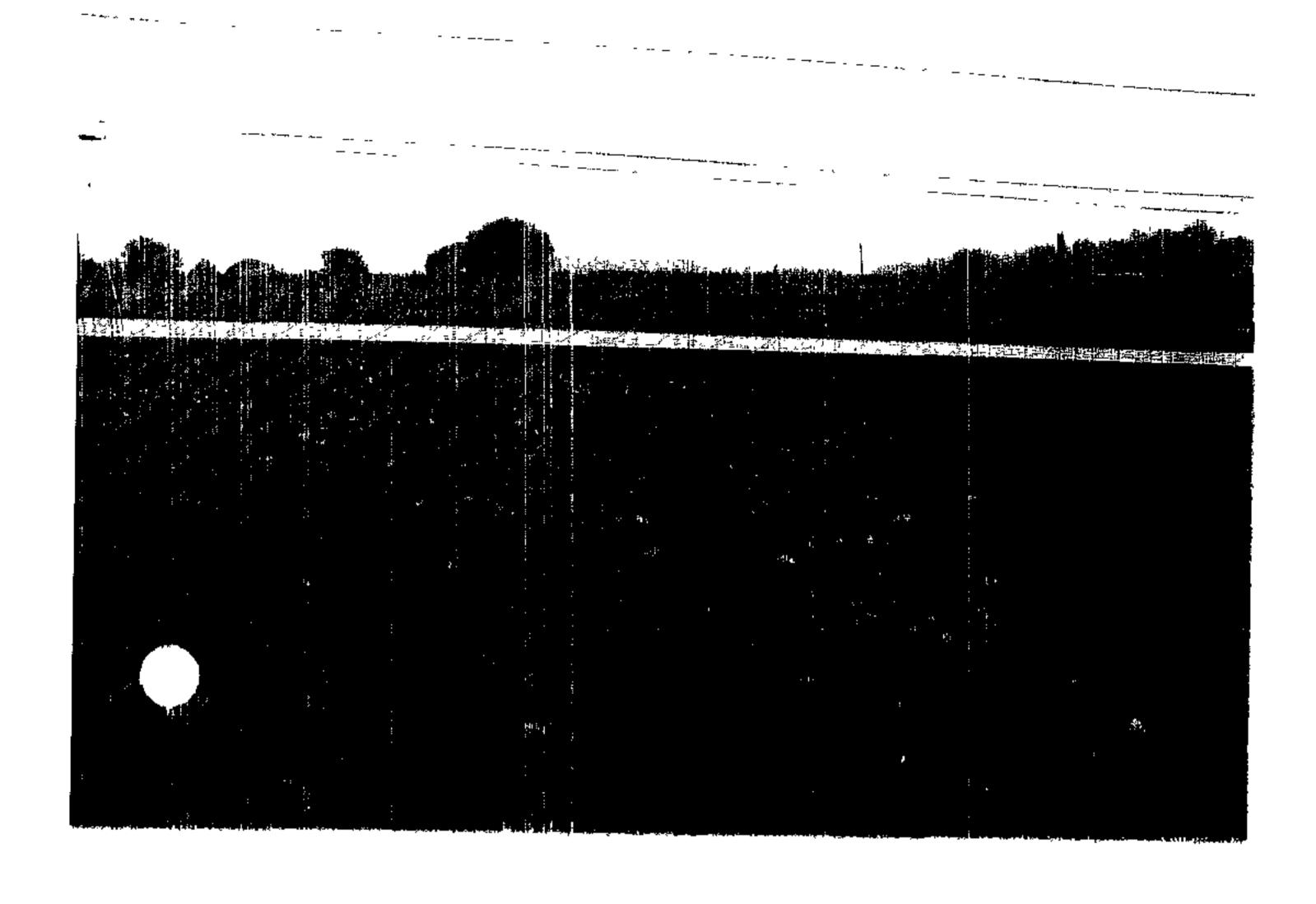


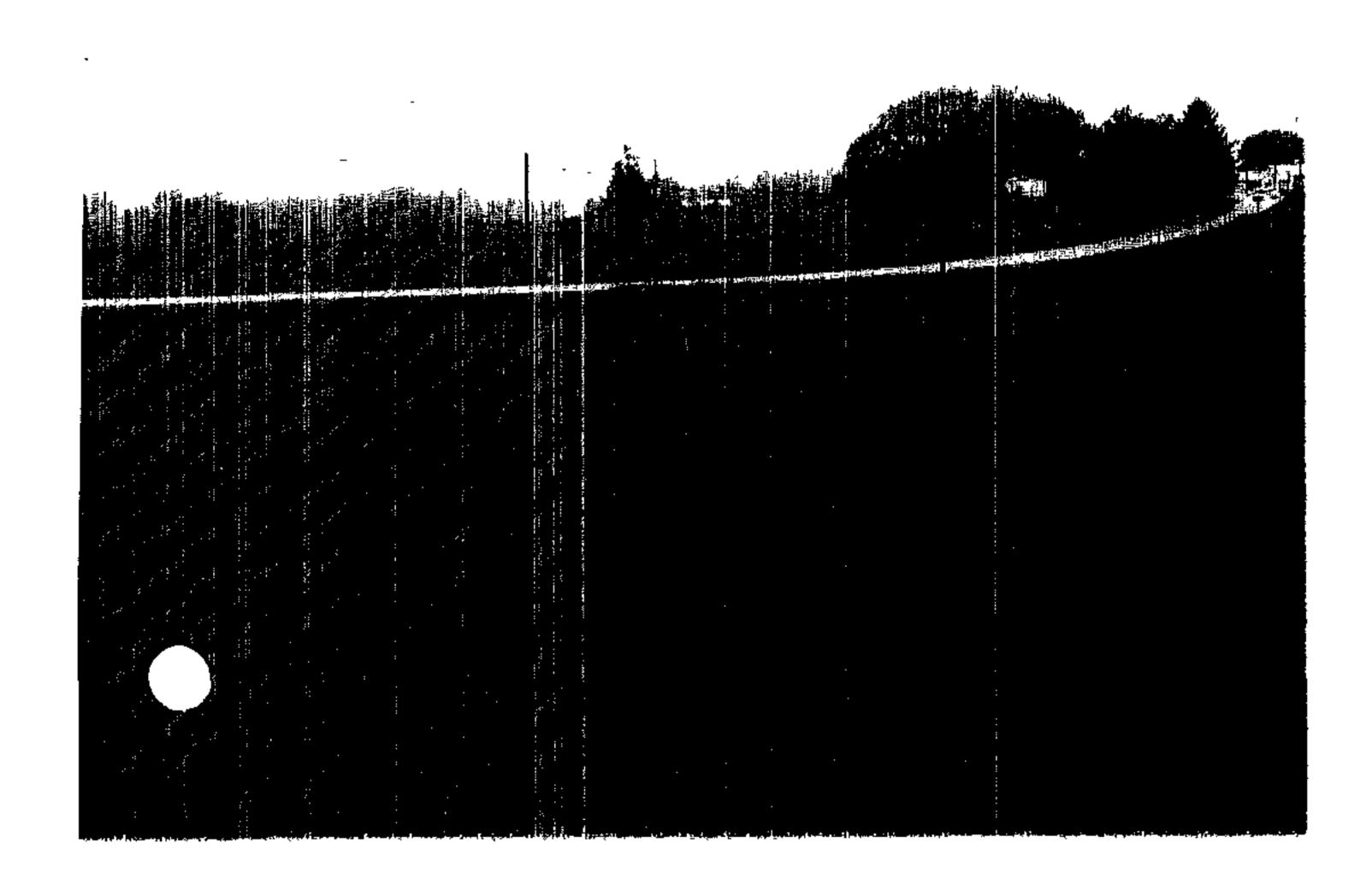


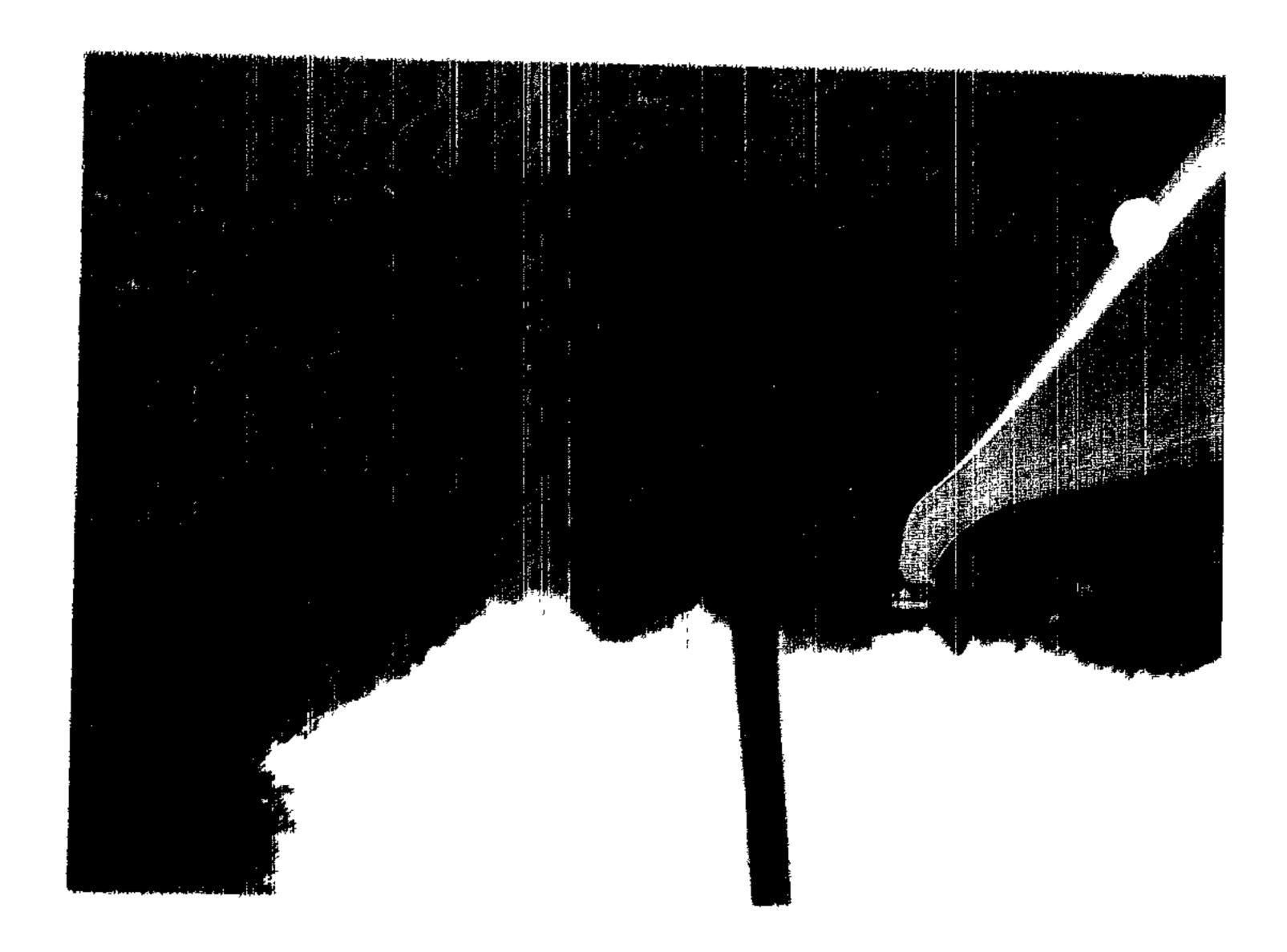


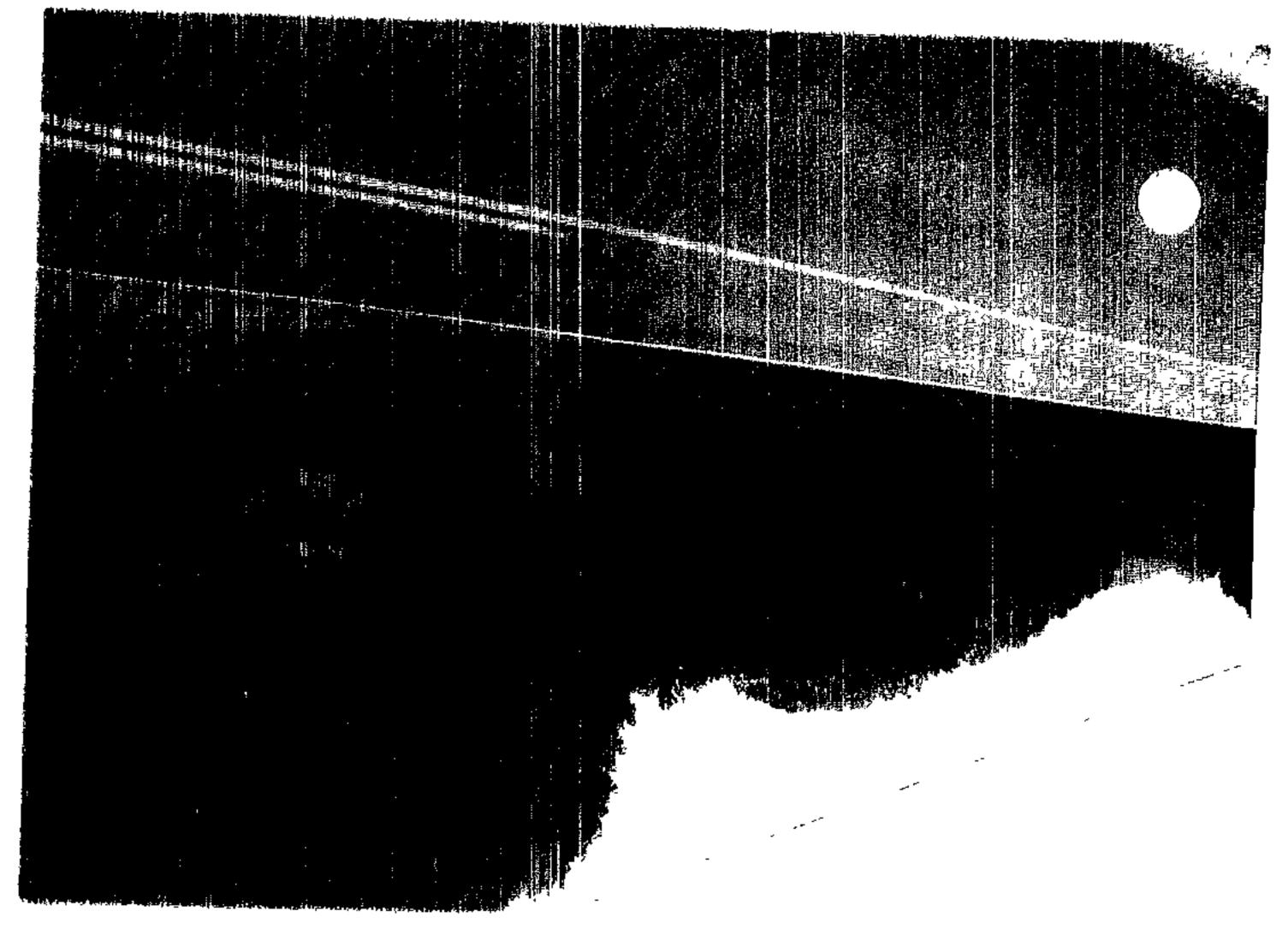












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