

IN RE: PETITION FOR VARIANCE
N/S Marilyn Road, 20' W of the c/l
Miller Road
(9916 Marilyn Road)
11th Election District
5th Council District

Kenneth L. Peters, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-267-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Kenneth L. Peters and his wife, Judy L. Peters. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Kenneth and Judy Peters, property owners. Kathy Dunkle and Pat Dreyer appeared as interested citizens and Dominic Martino appeared as a Protestant in the matter.

Testimony and evidence offered revealed that the subject property is a corner lot, located on the northwest side of the intersection of Marilyn Road and Miller Road in Perry Hall. The property contains a gross area of .60 acres, more or less, zoned D.R.2 and is improved with a single-family dwelling in which the Petitioners have resided for the past 10 years.

As noted above, the property is a corner lot; however, the house is oriented towards Marilyn Road. In addition to the house, the site is improved with two accessory sheds one of which is located in the northeast corner of the rear yard and was the subject of prior zoning Case No. 02-337-A. In this regard, variance relief was requested pursuant to the administrative

ORDER ACCEPTED FOR FILING

Date

3/3/03

By

[Signature]

variance process set forth in Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. The property is posted for a period of 15 days and advertised in a local newspaper giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested can demand a public hearing for a determination as to the merits of the request, provided they do so within 15 days of the sign posting. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed necessary. If no hearing is requested, the matter is decided based upon the documentary evidence contained in the case file. In that case, Deputy Zoning Commissioner Timothy M. Kotroco granted the request by his Order dated March 14, 2002.

The instant request relates to a proposed carport. In this regard, vehicular access to the site is by way of a driveway off of Miller Road that extends into the side yard of the property. The Petitioners propose constructing a 22' x 22' carport over the existing driveway. As shown in photographs submitted at the hearing, that side of the house features a porch; thus, the proposed carport will not be connected to the dwelling, but will be a freestanding structure. A schematic drawing of the proposed carport was submitted at the hearing which shows that the structure has been designed with a pitched roof consistent with the porch roof.

An accessory building is defined in Section 101 of the B.C.Z.R. as "One which is subordinate and customarily incidental to and on the same lot with a main building." An accessory structure is defined in the regulations as "A use which is subordinate to and serves a principal use or structure, is subordinate in area to the principal structure, is located on the same lot as the principal structure, and contributes to the comfort, convenience and necessity of the occupants of the property." Structures such as a shed, garage, carport, swimming pool, etc., have or are considered accessory buildings/structures under the B.C.Z.R.

Accessory structures are regulated by Section 400 of the B.C.Z.R. Section 400.3 thereof limits the height of an accessory structure to 15 feet. Additionally, accessory structures

can be located no less than 2½ feet from any side or rear property line. Moreover, they must be located in the rear yard of the property. In this case, variance relief is sought to locate the proposed carport in the side yard in lieu of the required rear yard.

Mr. & Mrs. Peters described the proposed carport as set forth above and indicated that the proposed location was the only practical site. That is, the carport will serve an existing driveway that is located in the side yard. Only if the driveway were rerouted to the rear yard could the carport be located as required. Such a rerouting would cause loss of lawn and would inappropriately impact the dwelling.

Ms. Dreyer and Ms. Dunkle appeared at the hearing and raised a number of questions relative to the proposal. They did not appear to oppose the request, per se; however, raised certain questions and concerns about the relief requested. Mr. Martino, however, appeared in opposition. He resides on Miller Road, across the street from the subject property. Initially, his objections appeared to relate to the shed that was approved in prior Case No. 02-337-A. He was advised during the hearing that the issue in that case cannot be revisited here and that the appeal time for that decision has long since expired.

It is clear that these neighbors do not get along for whatever reason. Nonetheless, my decision must be based upon my findings and the applicable provisions of law. It is also to be noted that I visited the site after the hearing at the request of both parties. I found the neighborhood to contain attractively maintained homes and the Peters property appears to be well kept. The building to which Mr. Martino objects appears in my judgment to be well screened and buffered by a line of evergreen trees along Miller Road.

Based upon the testimony and evidence presented, I am persuaded that variance relief should be granted. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. The uniqueness of this property relates to its corner location and the existence of the driveway. To require the relocation of the driveway to the rear of the property is unreasonable and inappropriate in this instance. I also do not find any evidence that the proposed carport would adversely impact adjacent properties. Mr. Martino opined that the length of the Petitioners'

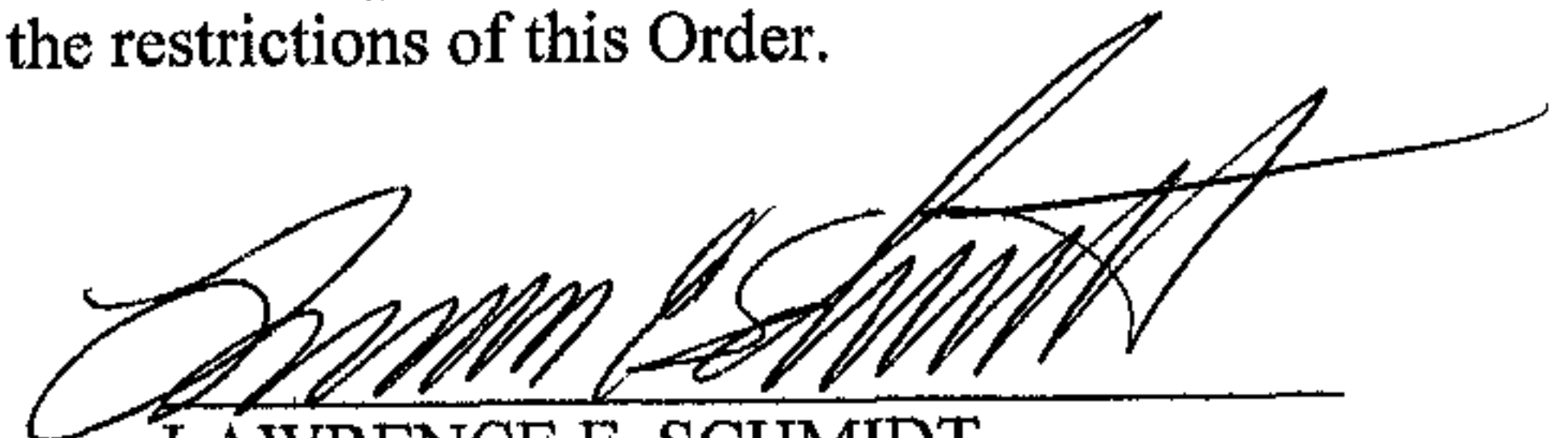
ORDER FILED
Date 3/3/03
By [Signature]

driveway as shown on the site plan was inappropriate. However, during my inspection, it appears that the driveway is, at a minimum, 40 feet from the edge of paving from the road and may very well be a greater distance. Nevertheless, the carport will be located at the end of the driveway and will not in my judgment adversely impact the Martino lot. Moreover, there appears to be no evidence that it would cause inappropriate discharge of storm water runoff or render other adverse impacts upon any adjacent property.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of March, 2003 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) The proposed carport shall have a pitched roof substantially similar to the pitch and design of the porch roof. Moreover, the proposed structure shall be limited to 22' x 22' in dimension, and a height no greater than 15 feet.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

IN THE MATTER OF
THE APPLICATION OF
KENNETH AND JUDY PETERS
-LEGAL OWNERS FOR A VARIANCE
ON PROPERTY LOCATED ON THE
N/S MARILYNN ROAD 20' W OF C/L
MILL ROAD (9916 MARILYNN ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 03-267-A

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board on appeal from a decision of the Zoning Commissioner dated March 3, 2003 in which the requested variance relief was granted with restrictions.

A hearing was scheduled to be held before this Board on Thursday, October 2, 2003 at 10:00 a.m., for which proper notice was given. Ralph L. Arnsdorf, Esquire, Counsel for Petitioners, Kenneth and Judy Peters, appeared at the scheduled time of hearing; Dominic Martino, Appellant /Protestant, did not appear, nor did anyone on his behalf.

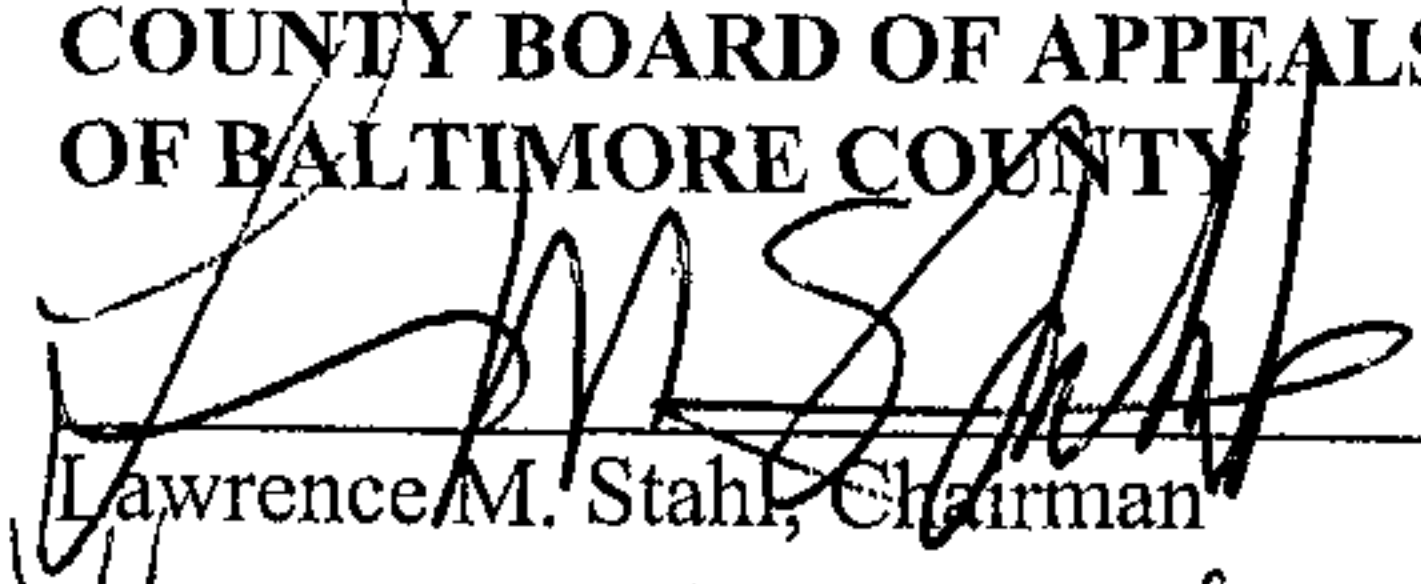
At 10:20 a.m., the Board's Administrator unsuccessfully attempted to contact Appellant by telephone. The Board convened at 10:35 a.m., and, on the record and in open hearing, Mr. Arnsdorf, Counsel for Petitioners, moved for dismissal for failure to appear. Upon consideration of same, the Board granted said Motion for Dismissal and will so order.

IT IS THEREFORE ORDERED this 8th day of October, 2003 by the County Board of Appeals of Baltimore County that the appeal filed in Case No. 03-267-A be and the same is hereby **DISMISSED** for Failure to Appear. The decision of the

Zoning Commissioner dated March 3, 2003 in which the subject Petition for Variance was granted with restrictions therefore remains the final Order in this matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*. If no such petition is filed within 30 days from the date of this Order, the subject file will be closed.

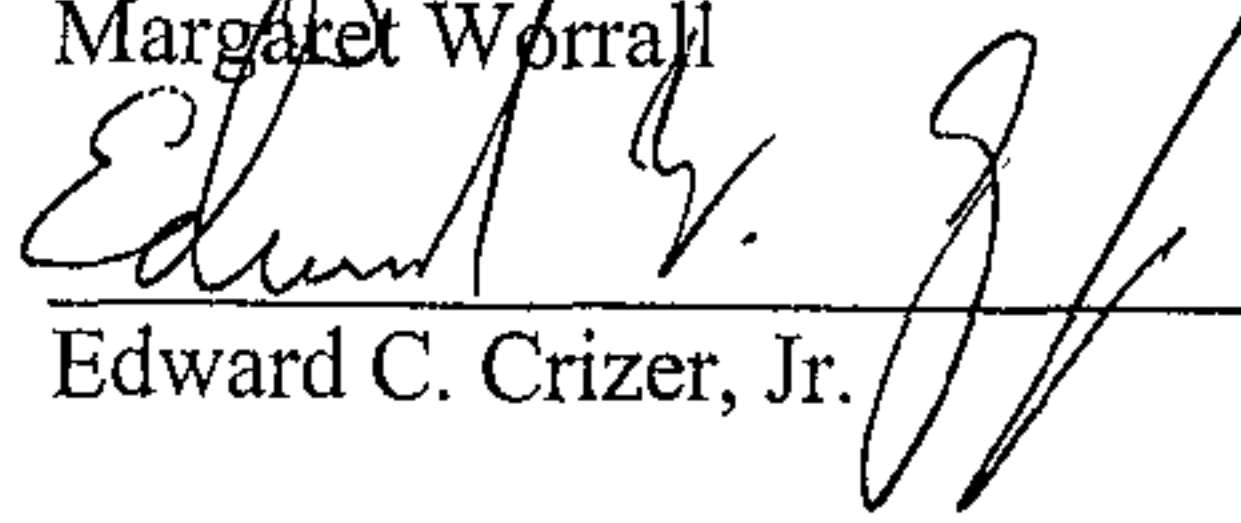
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Chairman



Margaret Worrall



Edward C. Crizer, Jr.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9916 MARILYNN RD.

which is presently zoned D.R. 2

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) 400.1 (DCZR)

TO PERMIT AN ACCESSORY STRUCTURE (CARPORT) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Representative to be Contacted:

Name

Address

City

410-256-3603

Telephone No.

21128

Zip Code

410-256-3603

Telephone No.

21128

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON Date 12/4/00

Case No. 03-267-A



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 9916 MARILYN RD.
which is presently zoned D.R. 2

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) 400.1 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (CARPORT) TO BE LOCATED IN
THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON Date 12/4/02

Case No. 03-267-A

ZONING DESCRIPTION

Zoning description for 9916 Marilynn Road being at a point on the North side of Marilynn Road which is 50' wide at the distance of 20' West of the centerline of the nearest improved intersecting street, Miller Road, which is 20' wide being Lot No. 42, Section B in the subdivision of Perry Hall Manor as recorded in Baltimore County Plat Book No. 20, Folio No. 129 containing 25,613 square feet, also known as 9916 Marilynn Road and located in the 11th Election District, 5 Councilmanic District.

**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: #03-267-A
9916 Marilyn Road
N/side Marilyn Road 20 feet
west of centerline Miller Road
11th Election District
5th Councilmanic District
Legal Owner(s): Kenneth and
Judy Peters

Variance: to permit an accessory structure to be located in the side yard in lieu of the required rear yard.

Hearing: Tuesday, February 11, 2003 at 10:00 a.m.
In Room 106, 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 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.

JT/1/784 Jan. 28 C585058

CERTIFICATE OF PUBLICATION

1/30/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/28/, 2003.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23061

DATE 3/31/63 ACCOUNT 001-006-6150

AMOUNT \$ 300.00

RECEIVED FROM: Department of Distribution

FOR: 235- Capital

316 032674

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY
4/1/2003 3/31/2003 12:00:16
RECEIPT # 10047 3/31/2003
5 FEB 2003 VERIFICATION
100.00 027001
100.00
300.00 02
300.00 027001

CASHIER'S VALIDATION

ORE COUNTY, MARYLAND
OF BUDGET & FINANCE
LANEOUS RECEIPT

No. 20143

12/4/02

ACCOUNT

0010066150

AMOUNT \$

50.00

KENNETH PETERS

m#267 03-267-A 9916 MARILYNN RD.

BY D. THOMPSON

IER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VAI

DATE RECEIPT
PAID RECEIPT

BUSINESS ACTUAL

12/04/2002 12/04/2002

REG 0001 WALKIN DDOL

>RECEIPT # 205134 12/0

DEPT 5 520 ZONING US

03/10, 020143

Receipt Tot

50.00 CK

16111more County,

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-267-A

Kenneth and Judy Peters - LEGAL OWNERS

9916 Marilyn Road, Perry Hall, MD

11th ELECTION DISTRICT

APPEALED: 3/31/2003

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

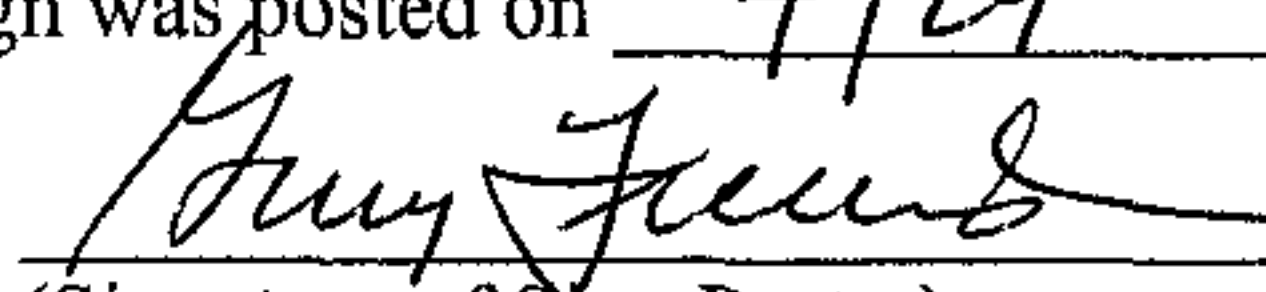
RE: Case No.: 03-267-A

Petitioner/Developer:

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

9916 Marilyn Rd.

The sign was posted on 4/29, 2003

By: 
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

CERTIFICATE OF POSTING

RE: Case No.: 03-267-A

Petitioner/Developer: _____

KENNETH & JUDY PETERS

Date of Hearing/Closing: 2/11/03

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

Attention: Ms. BECKY HART

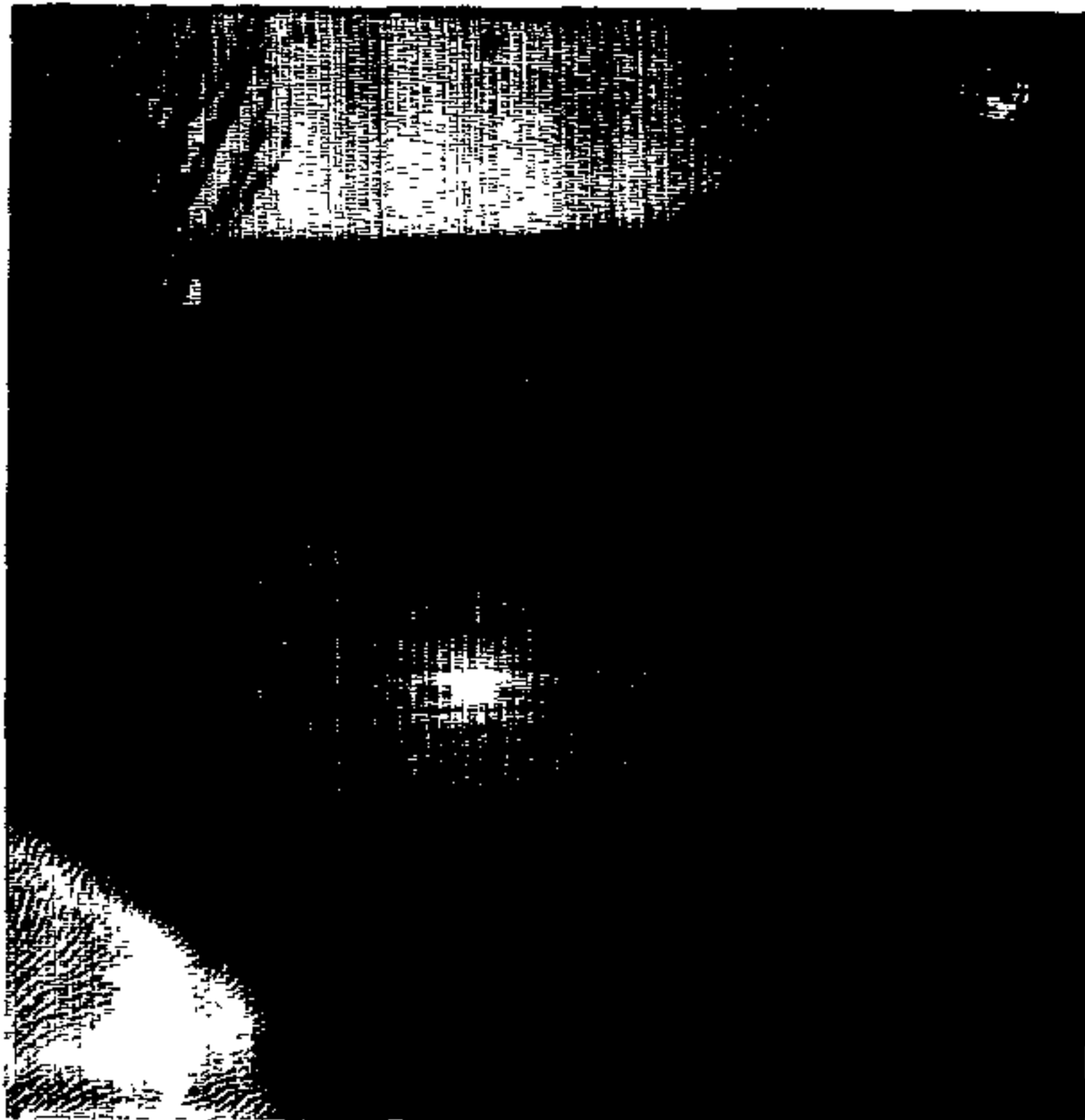
Ladies and Gentlemen:

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 _____

9916 MARILYNN ROAD

The sign(s) were posted on 1/26/03
(Month, Day, Year)

CASE # 03-267-A



Sincerely,

Richard E. Hoffman 1/26/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

9916 MARILYNN RD.
POSTED 1/26/03
Richard E. Hoffman 1/26/03



Baltimore County
Department of Permits and
Development Management

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

December 31, 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: 03-267-A

9916 Marilyn Road
N/side Marilyn Road 20 feet west of centerline Miller Road
11th Election District – 5th Councilmanic District
Legal Owner: Kenneth and Judy Peters

Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard.

Hearings: Tuesday, February 11, 2003 at 10:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: Kenneth and Judy Peters, 9916 Marilyn Road, Perry Hall 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 27, 2003.**
- (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.



**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: OB-267-A

Petitioner: PETERS

Address or Location: 9916 MARILYNN RD., 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. KENNETH L. PETERS

Address: 9916 MARILYNN RD.

PERRY HALL, MD 21128

Telephone Number: 410-256-3603

Revised 2/20/98 - SCJ



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

February 7, 2003

Mr. & Mrs. Kenneth Peters
9916 Marilyn Road
Perry Hall, MD 21128

Dear Mr. & Mrs. Peters:

RE: Case Number: 03-267-A , 9916 Marilyn Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 4, 2002.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Fire Department

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

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

December 19, 2002

ATTENTION: George Zahner

Distribution Meeting of 12/23/02

Property Owner:

Location:

Item No.:

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:

261
242-249, 251-269

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

cc: File

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

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 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

December 31, 2002

ATTENTION: George Zahner

Distribution Meeting of December 23, 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:

257-290

267

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

cc: File





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: **12-30-02**

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

RE: Baltimore County
Item No. **267 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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 30, 2002
Item Nos. 257, 258, 259, 260, 261, 262,
263, 264, 265, 266, 267, 268, 270, 271,
272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282, 283, 284, 285, 286, 287,
288, 289, and 290

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

RWB:CEN:jrb

cc: File

Jim
2/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 10, 2003

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

SUBJECT: 9916 Marilyn Road

INFORMATION:

Item Number: 03-267

Petitioner: Kenneth L. Peters

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit an accessory structure (carport) in the side yard in lieu of the required rear yard.

Prepared by:

Mae A. Cump

Section Chief:

Arnold F. Keller, III

AFK/LL:MAC:

APPEAL

Petition Variance
9916 Marilyn Road
N/side Marilyn Road 20 feet west of centerline Miller Road
11th Election District – 5th Councilmanic District
Legal Owner – Kenneth and Judy Peters
Case No.: 03-267-A

- ✓ Petition for Variance (12/4/02)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (12/31/ 2002)
- ✓ Certification of Publication (The Jeffersonian issue – 1/28/03)
- ✓ Certificate of Posting (January 26, 2003 by Richard E. Hoffman))
- ✓ Entry of Appearance by People's Counsel (12/23/02)
- ✓ Petitioner(s) Sign-In Sheet (None)
- ✓ Protestant(s) Sign-In Sheet (None)
- ✓ Citizen(s) Sign-In Sheet (One)
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibits:
 - ✓ 1. Exhibit 1 - Plat to accompany Petition for Zoning Variance
- ✓ Protestants' exhibit:
None
- ✓ Miscellaneous (Not marked as exhibits)
None
- *✓ Notice of the Appeal dated 3/31/03 from Dominic Martino

RECEIVED
APR 01 2003

**BALTIMORE COUNTY
BOARD OF APPEALS**

Zoning Commissioner' Order (GRANTED-subject to the following restrictions)

c: Dominic Martino 3901 Miller Road, Kingsville, MD 21087
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

date sent 3/31/03

KENNETH L PETERS
JUDY L PETERS
9916 MARILYN ROAD
PERRY HALL MD 21128

* DOMINIC MARTINO
3901 MILLER ROAD
KINGSVILLE MD 21087

KATHY DUNKLE
9813 FOX HILL ROAD
PERRY HALL MD 21128

PAT DREYER
9915 MARILYN ROAD
PERRY HALL MD 21128

Ralph L. Arnsdorf, Esquire
FRANLIN & PROKOPIK
One North Charles Street
Suite 100
Baltimore, MD 21201

JE



Maryland Department of Planning

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary

Mary Abrams
Deputy Secretary

December 27, 2002

Mr. George Zahner
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, 12/30/02 re: case numbers 03-257-A, 03-258-SPHA, 03-259-SPHA, 03-260-A, 03-261-A, 03-262-A, 03-263-A, 03-264-SPH, 03-265-A, 03-266-XA, 03-267-A, 03-268-A, 03-270-A, 03-271-A, 03-272-A, 03-273-A, 03-274-A, 03-275-A, 03-276-A, 03-277-XA, 03-278-SPH, 03-279-A, 03-280-A, 03-281-SPHA, 03-282-A, 03-283-SPHA, 03-284-A, 03-285-A, 03-286-A, 03-287-A, 03-288-A, 03-289-A, 03-290-A

Dear Mr. Zahner:

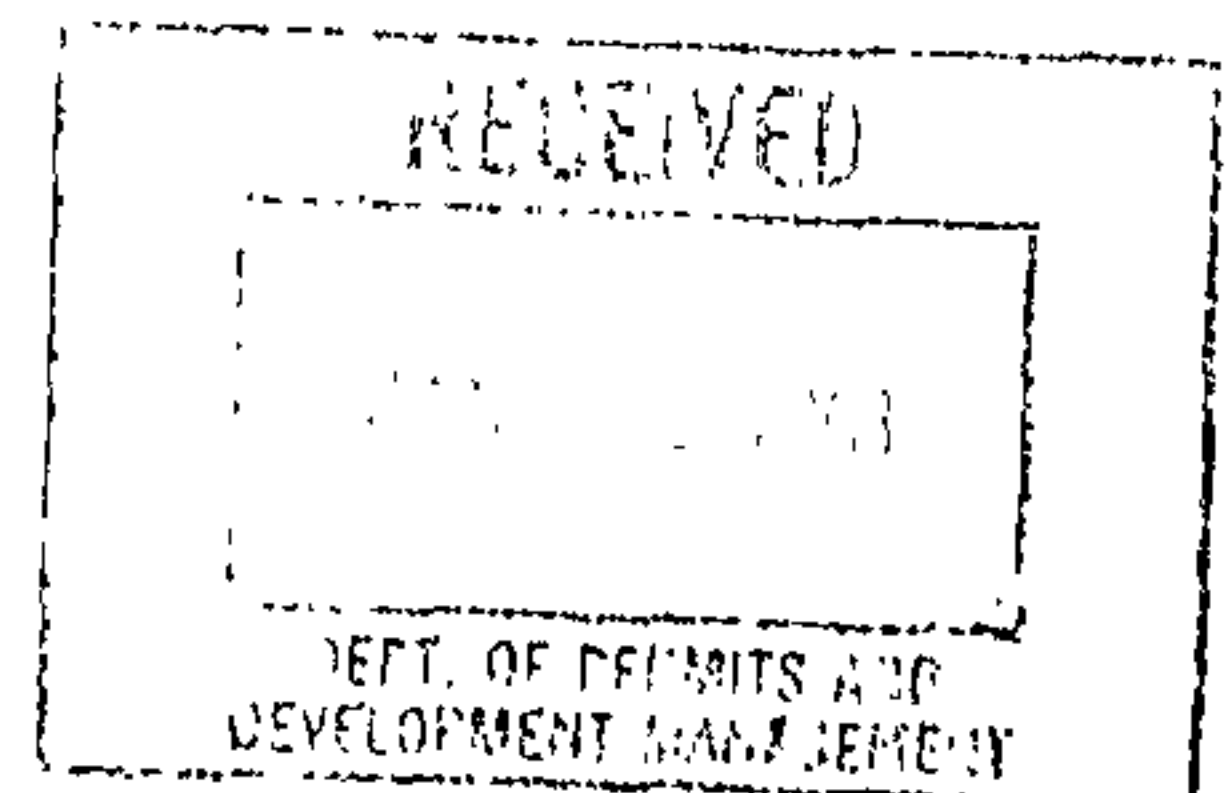
The Maryland Department of Planning has received the above-referenced information on 12/26/02. The information has been submitted to Mr. Mike Nortrup.

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





Baltimore County
Zoning Commissioner

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

February 28, 2003

Mr. & Mrs. Kenneth L. Peters
9916 Marilyn Road
Perry Hall, Maryland 21128

RE: PETITION FOR VARIANCE
N/S Marilyn Road, 20' W of the c/l Miller Road
(9916 Marilyn Road)
11th Election District – 5th Council District
Kenneth L. Peters, et ux - Petitioners
Case No. 03-267-A

Dear Mr. & Mrs. Peters:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Dominic Martino
3901 Miller Road, Kingsville, Md. 21087
Ms. Kathy Dunkle, 9813 Fox Hill Road, Perry Hall, Md. 21128
Ms. Pat Dreyer, 9915 Marilyn Road, Perry Hall, Md. 21128
People's Counsel; Case File

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: November 24, 2003

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton *trsh*
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

<u>BOARD OF APPEALS CASE NUMBER</u>	<u>PDM FILE NUMBER</u>	<u>NAME</u>	<u>LOCATION</u>
03-310-A	<i>03-310-A</i>	GRACE A.M.E.	671/2 WINTERS LANE 21228
02-479-X AND 02-480-X	<i>02-479-X AND 02-480-X</i>	JAMES AND KAREN YIRKA	14911 HANOVER PIKE 21136
03-267-A	<i>03-267-A</i>	KENNETH AND JUDY PETERS	9916 MARILYN ROAD 21128
03-548-SPH	<i>03-548-SPH</i>	JAMES KNITTLE	4305 BECKLEYSVILLE ROAD 21074

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

RE: PETITION FOR VARIANCE
9916 Marilynn Road; Nside Marilynn Rd,
20ft W C-line Miller Rd
11th Election District
5th Councilmanic District
Legal Owner(s): Kenneth L. & Judy Peters

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-267-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



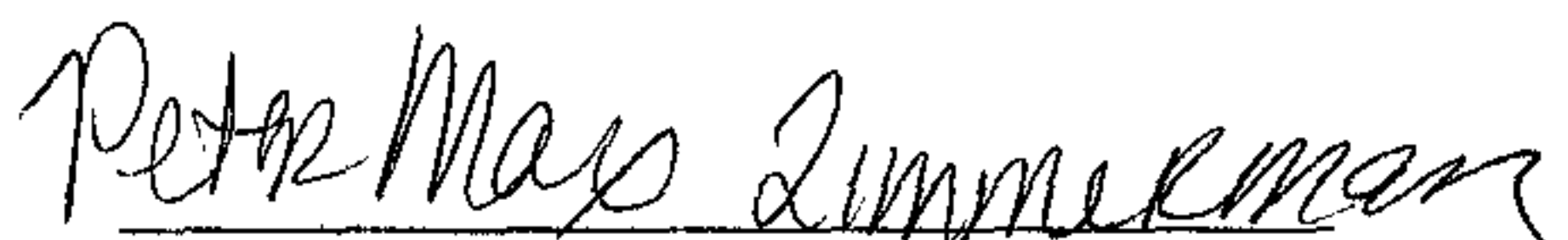
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



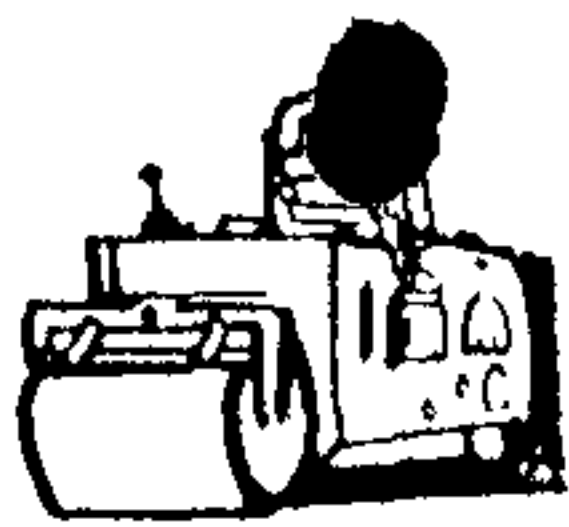
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to, Kenneth & Judy Peters, 9916 Marilynn Road, Perry Hall, Maryland 21128, Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



D. F. HELLMANN

PAVING COMPANY

9650 Magledt Road • Baltimore, Maryland 21234 • 661-1000

November 19, 2002

Re: Mr. Ken Peters
9916 Marilyn Road
Perry Hall, MD 21236
(410) 530-5408

To Whom It May Concern:

I constructed a driveway at the above address for Mr. Ken Peters. The agreed upon dimensions of the driveway were 20' wide x 50' long. After completion of the driveway, Mr. Peters informed me that it did not extend far enough back from the main road to meet zoning approval for a car port over the driveway. He also said that Baltimore County advised him that the driveway would have to extend another 10' further back for approval of the car port. This 10' driveway extension cost Mr. Peters an additional \$500, bringing the total cost of the driveway to \$2,800.

Should you have any questions, please contact me at (410) 661-1000. Thank you.

Sincerely,

Daniel F. Hellmann
Owner

sjh/dfh



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 24, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-267-A

IN THE MATTER OF: Kenneth and Judy Peters –Legal Owners
9916 Marilyn Road
11th Election District; 5th Councilmanic District

3/03/03 – Decision of Z.C. in which requested variance relief was GRANTED
subject to restrictions.

ASSIGNED FOR:

THURSDAY, OCTOBER 2, 2003 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be
in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Blanco
Administrator

c: Appellant /Protestant

: Dominic Martino

Petitioners /Legal Owners

: Kenneth and Judy Peters

Pat Dreyer
Kathy Dunkle

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM





VIEW OF where CARPORT will
be - BETWEEN 2 Trees AT The
back side of Driveway where
Truck is - protecting CARS FROM
Trees AND The ELEMENTS -

03-267-A



CARPORT TO HAVE THE SAME
LOOK AS THE PORCH ROOF

03-267-A



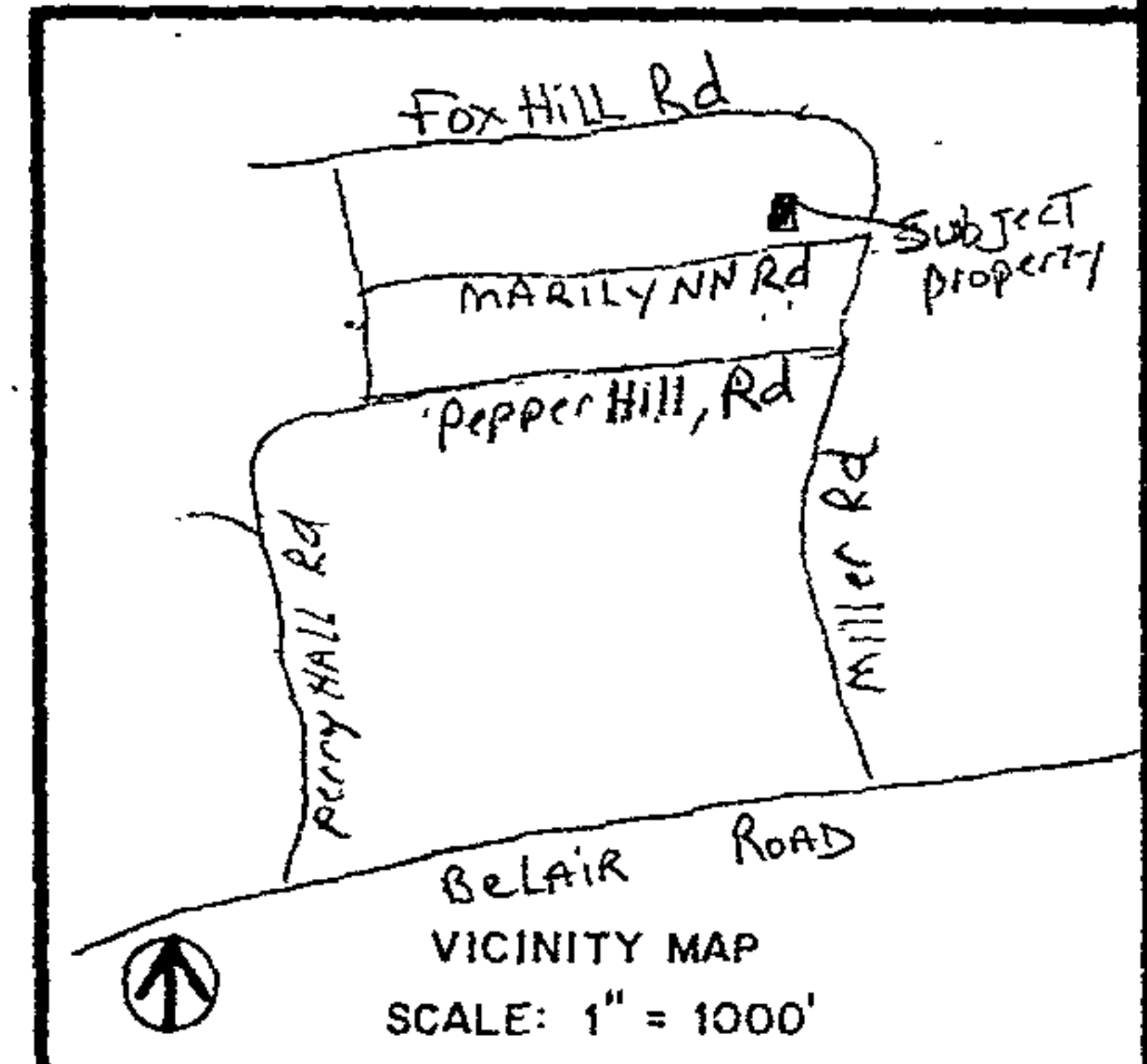
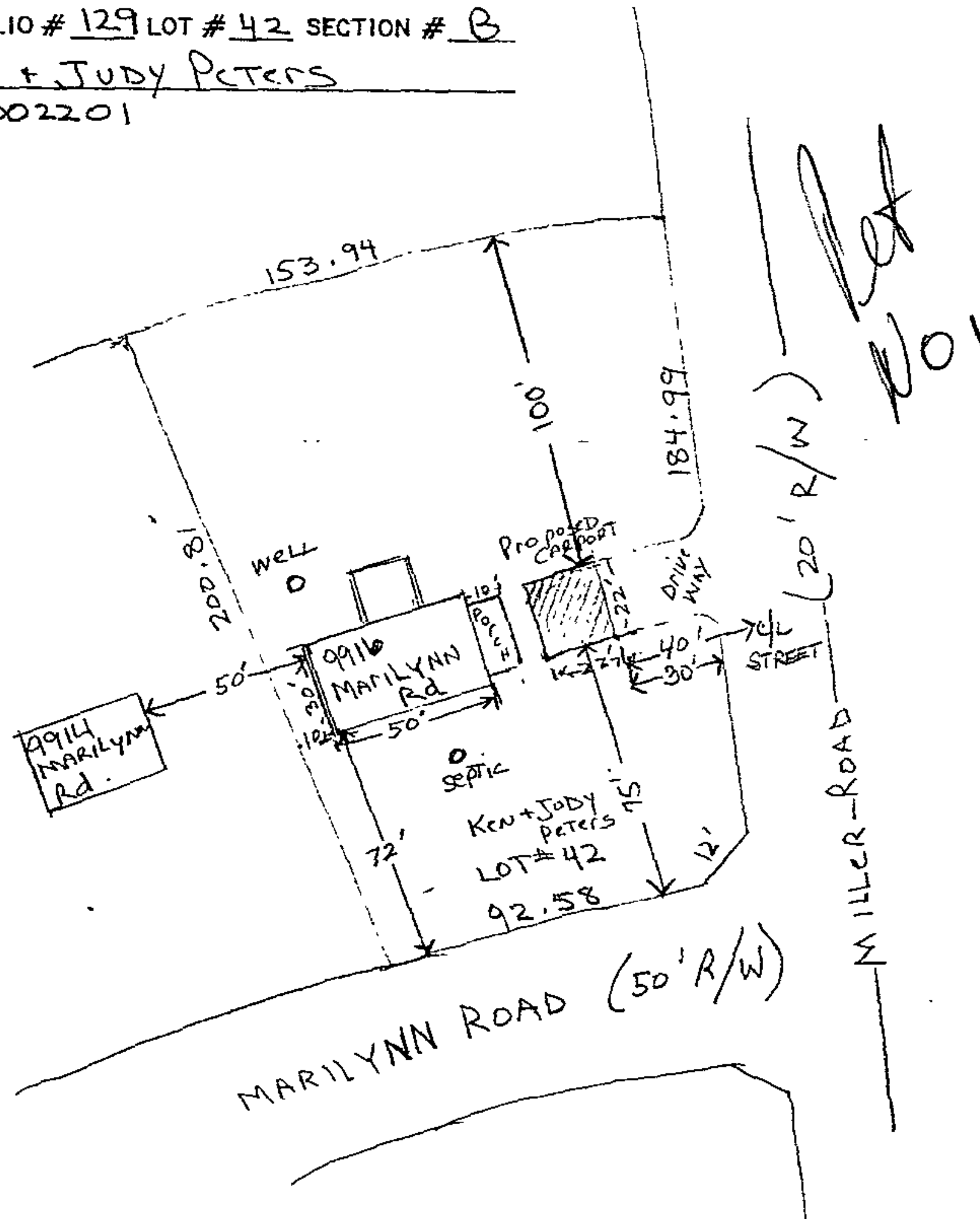
VIEW OF DRIVEWAY Showing
Where CARPORT is To be built

03-267-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 9916 MARILYNN Rd
 SUBDIVISION NAME Perry Hall Manor
 PLAT BOOK # 20 FOLIO # 129 LOT # 42 SECTION # B
 OWNER Kenneth + Judy Peters
 TAX ID # 1103002201

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



LOCATION INFORMATION

ELECTION DISTRICT 11 Th
 COUNCILMANIC DISTRICT 5
 1" = 200' SCALE MAP # NE 13 H
 ZONING DR-2
 LOT SIZE .60 25,613.
 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING 02-337-A

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

D. THOMPSON 267 03-267-A



NORTH

PREPARED BY Ken Peters

SCALE OF DRAWING: 1" = 60'

22'

5
Pitch
Page 1

2x4 Trusses
w/ 1/2" OSB plywood

2x10 Girder

6x6
posts

8" concrete
Holes
34" Deep
16" Round

Car Port 22' x 22'