

IN RE: PETITION FOR ADMIN. VARIANCE
S/S India Avenue, 565' W
of Belair Road
11th Election District
5th Councilmanic District
(4133 India Avenue)

JoAnn and William D. Rhine
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-515-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 owners of the subject property, JoAnn and William D. Rhine. The variance request is for property located at 4133 India Avenue in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit an addition with a side yard setback of 5 ft. in lieu of the required 10 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners 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 Petitioners have 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

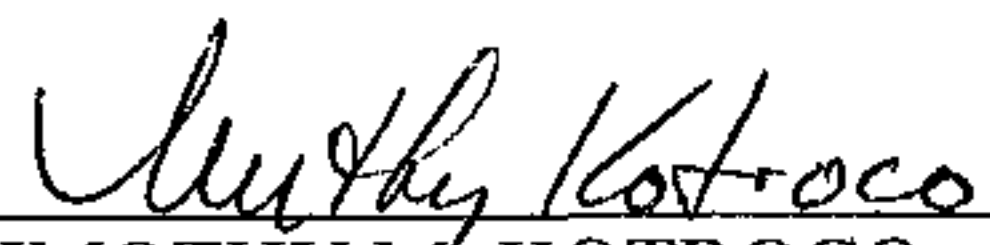
6/2/03
S. J. G. J. G.

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

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 2nd day of June, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit an addition with a side yard setback of 5 ft. in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners 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

6/2/03
H. Jameson



Baltimore County
Zoning Commissioner

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

June 2, 2003

Mr. & Mrs. William D. Rhine
4133 India Avenue
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 03-515-A
Property: 4133 India Avenue

Dear Mr. & Mrs. Rhine:

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 M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4133 India Ave
which is presently zoned Residential
D.R.55

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) 1002.3C.1. (BCZR)

TO PERMIT AN ADDITION WITH A SIDE SETBACK OF 5-FEET
IN LIEU OF THE REQUIRED 10-FEET,

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:

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 (work)

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ 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. 03-515-A

Reviewed By D. THOMPSON Date 4/30/03

Estimated Posting Date 5/11/03

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 4133 India Ave
Address
Balto. md. 21236
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 need a little more living space.
& this is the best way for us to go.
This is the side of our living area now.*

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.

William D. Rhine
Signature
William D Rhine
Name - Type or Print

Jo Ann Rhine
Signature
Jo Ann Rhine
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of April, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William D. Rhine and Jo Ann Rhine
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Lusty E. Weyant
Notary Public
My Commission Expires 6-1-2003

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

4133 India Ave
Address
BALTO MD 21236
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 need a little more living space.
+ this is the best way to go for us. This
is the side of our living area on.*

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.

William D Rhine
Signature
William D Rhine
Name - Type or Print

JoAnn Rhine
Signature
JoAnn Rhine
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of April, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William D. Rhine and JoAnn Rhine
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Shirley E. Murphy
Notary Public
My Commission Expires 6-1-2003



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4133 Indian Ave
which is presently zoned Residential
D.R.55

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) 1B02.3C.1. (BCZR)

TO PERMIT AN ADDITION WITH A SIDE SETBACK OF 5-FEET
IN LIEU OF THE REQUIRED 10-FEET.

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.

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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

Zoning Commissioner of Baltimore County

CASE NO. 03-515-A

Reviewed By D. THOMPSON Date 4/30/03

Estimated Posting Date 5/11/03

EXHIBIT A

Commitment No. GTS 907

BEGINNING for the same at a point on the North 77 1/2 degrees West 810 feet 9 inches line of the land which by Deed dated September 3, 1925, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 620 folio 376, was conveyed by Annie Schafer to John L. Schafer, at a point distance 449.48 feet measured Westerly along said line from the beginning thereof, said point of beginning being also at the southwest side of a roadway heretofore laid out known as India Avenue, running thence and binding on a part on said line and binding on the Southwest side of India Avenue north 75 degrees 15 minutes 00 seconds West 63 feet, more or less, to the center of a stream located at a point 297 feet measured easterly along said line from the end thereof, said point being also at the end of India Avenue, and running thence southwesterly binding on the center line of said stream 138 feet, more or less, to a point, and running thence South 75 degrees 15 minutes 00 seconds East 93 feet, more or less, to a point there situate and running thence North 14 degrees 45 minutes 00 seconds East 135 feet to the place of beginning.

The improvements thereon being known as No. 4133 India Avenue.

BEING the same parcel of ground which by Deed dated August 27, 1992 and recorded among the Land Records of Baltimore County, Maryland in Liber 9360, Folio 138, was granted and conveyed by Elizabeth Morrison unto Vernon G. Hartsock.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **23650**

DATE

4/30/03

ACCOUNT

0010066150

AMOUNT

\$ 65.00

RECEIVED

FROM:

MR + MRS ZIEGLER

FOR: ITEM #

515

SS-515-H

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

4103

NDA 3/E

BY DONNA - HOMESON

410-287-3391

DATE RECEIVED
TIME RECEIVED

04/30/2003 15:04:31

04/30/2003 15:04:31

04/30/2003 15:04:31

04/30/2003 15:04:31

04/30/2003 15:04:31

04/30/2003 15:04:31

04/30/2003 15:04:31

04/30/2003 15:04:31

04/30/2003 15:04:31

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-515-A

Petitioner/Developer: RHINE

Date of Hearing/Closing: 5/26/03

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

ATTN: Becky Hart {(410) 887-3394}

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: _____

4133 INDIA AVE

The sign(s) were posted on _____

5/10/03
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster)

5/10/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

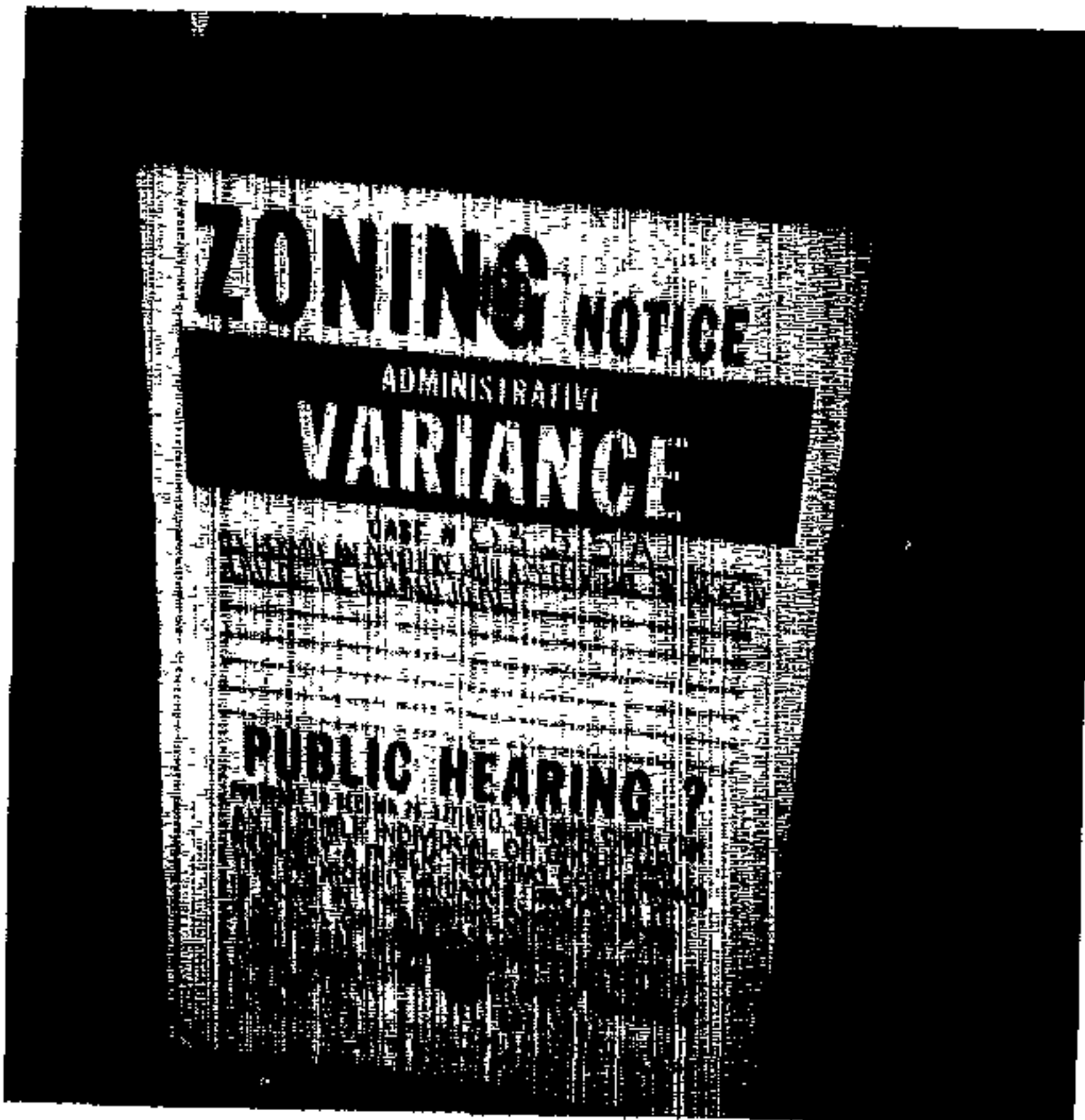
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 03-515-A

Petitioner: RHINE

Address or Location: 4133 INDIA AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. WILLIAM D. RHINE

Address: 4133 INDIA AVE.

BAHD. MD 21236

Telephone Number: 410-529-9043

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 515 -A Address 4133 INDIA AVE.

Contact Person: DONNA THOMPSON Phone Number 410-887-3391
Planner Please Print Your Name

Filing Date: 4/30/03 Posting Date: 5/11/03 Closing Date: 5/26/03

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.

D. J. ALLEN

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 515 -A Address 4133 INDIA AVE.

Petitioner's Name RHINE Telephone 410-529-9043

Posting Date: 5/11/03 Closing Date: 5/26/03

Wording for Sign To Permit AN ADDITION WITH A 5-FOOT SIDE SETBACK
IN LIEU OF THE REQUIRED 10-FEET.



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

May 23, 2003

William David Rhine
JoAnn Rhine
4133 India Avenue
Baltimore, MD 21236

Dear Mr. and Mrs. Rhine:

RE: Case Number: 03-515-A, 4133 India Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 2003.

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, reading "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





Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003

Item No.: 512, 514-516, 518-526, 528-531

Dear Ms. Hart:

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.

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

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

Date: 5.9.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 515 DT

Dear Ms. Hart:

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,


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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 16, 2003

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

RECEIVED

MAY 19 2003

SUBJECT: 4133 India Avenue

INFORMATION:

Item Number: 03-515

ZONING COMMISSIONER

Petitioner: William David Rhine

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit an addition with a side yard setback of 5 feet in lieu of the minimum required 10 feet.

Prepared by:

Mark A. Cunniff

Section Chief:
AFK/LL:MAC:

Lynn Sanborn

AV
6/16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 23, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2003
Item Nos. 512, 514, 515, 516, 517, 518,
520, 521, 522, 524, 525, 526, 527,
528, 529, 530, and 531

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

RWB:CEN:jrb

cc: File

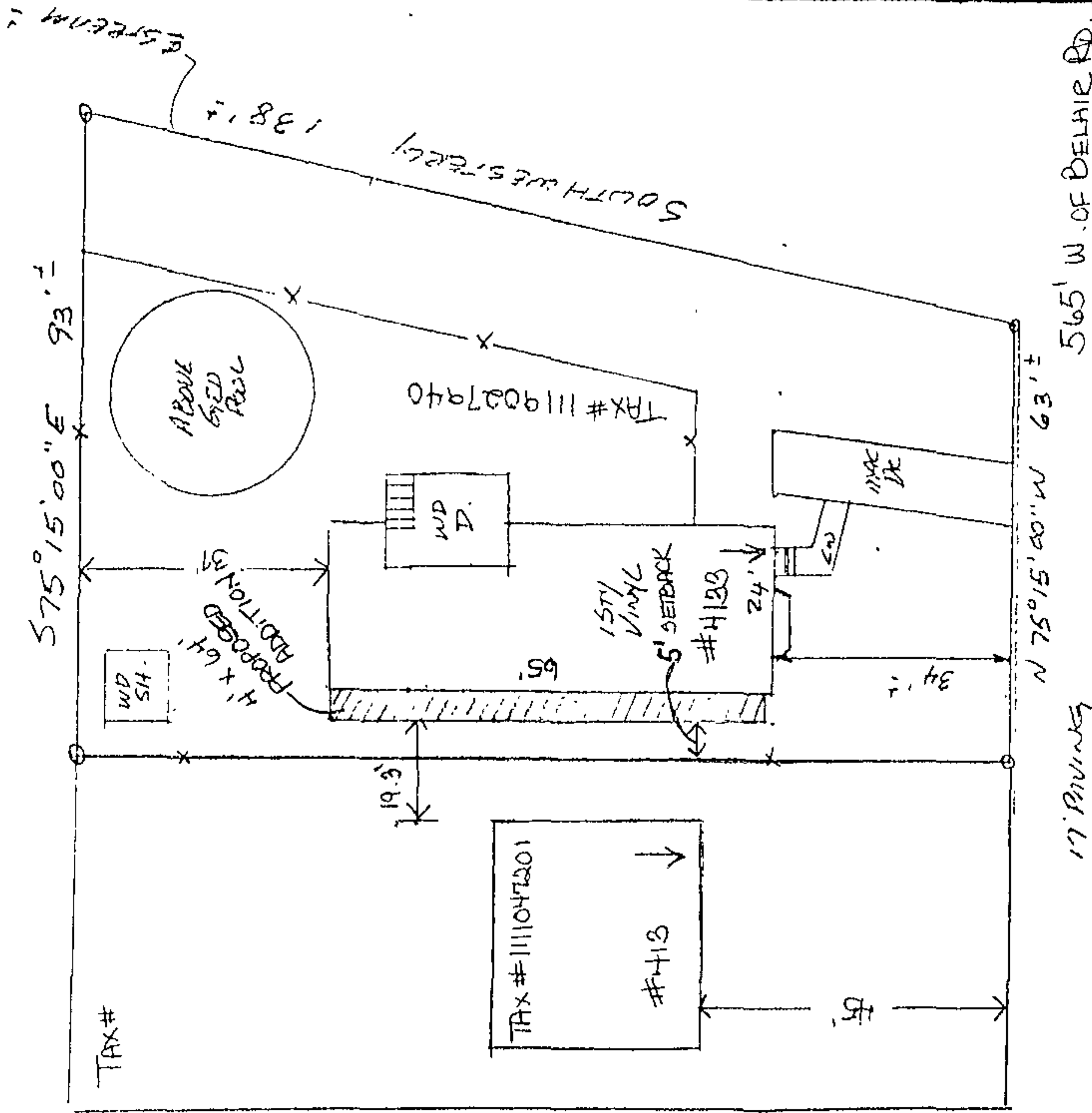
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4123 INDIA AVE. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

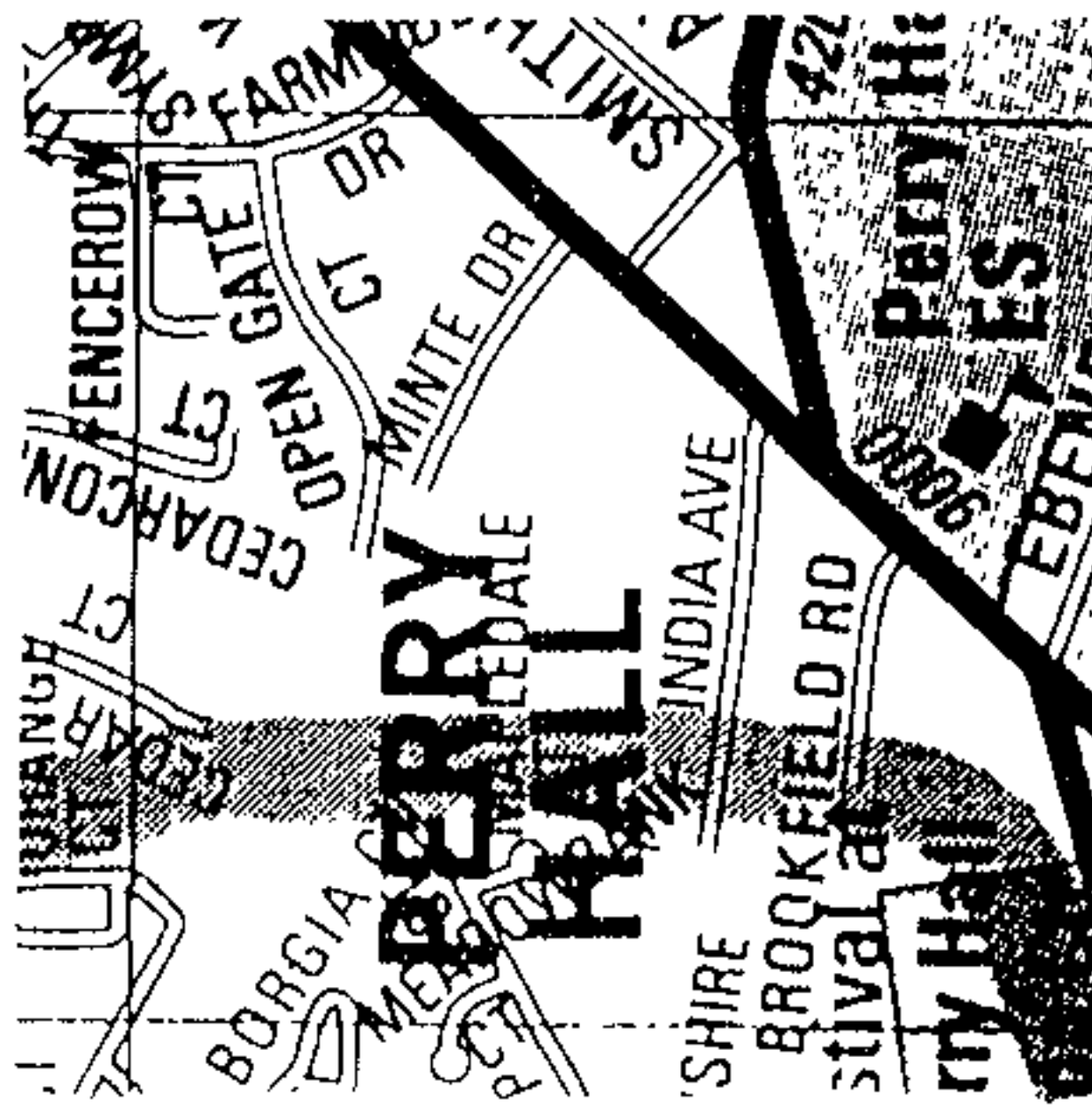
SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER W. J. Williams + Son, Inc.



NORTH



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11th

COUNCILMANIC DISTRICT 5th

1"=200' SCALE MAP # NE 10 G

ZONING D.R. 5.5

LOT SIZE 8127 ACREAGE 8127 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN ☒

HISTORIC PROPERTY / BUILDING ☐

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

SCALE OF DRAWING: 1" = 30'

INDIA AVE

D. Thompson 515 03-515-A

Set: W. #1

1"=200' Scale Zoning
Map #NE, 10-6

ROA SOUTH

DR. 5.5

BL-CCC

RO

BL

JOPPA

BL

EBENEZER

BL-AS

BM

ROA

BL

BL

RO

RO

BL

B.R.

DR. 5.5

COURTS

DR.

NEVES

CT

0-3

SEVEN

