IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Joppa Road, 744 ft. E
centerline of Snyder Lane
11th Election District
6th Councilmanic District
(4520 E. Joppa Road)

Heather & Kenneth Newcomb

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-157-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, Heather and Kenneth Newcomb. The variance request is for property located at 4520 E. Joppa Road in the Perry Hall area of Baltimore County. The variance request is from Sections 1B02.3.C.1 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 6 ft. in lieu of the required 10 ft. for an addition and an open projection carport to be 1 ft. in lieu of the required 7.5 ft. (25%) side yard setback. 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

10/29/03 Januar 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 $\frac{29}{200}$ day of October, 2003, that a variance from Sections 1B02.3.C.1 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 6 ft. in lieu of the required 10 ft. for an addition and an open projection carport to be 1 ft. in lieu of the required 7.5 ft. (25%) side yard setback, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

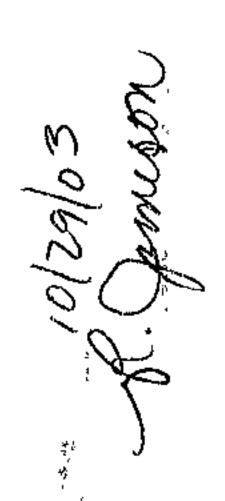
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ONN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T, Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 29, 2003

Mr. & Mrs. Kenneth Newcomb 4520 E. Joppa Road Perry Hall, Maryland 21128

Re: Petition for Administrative Variance

Case No. 04-157-A

Property: 4520 E. Joppa Road

Dear Mr. & Mrs. Newcomb:

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,

John V. Murphy

Deputy Zoning Commissioner

John V. Musphy

JVM:raj Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4520 E.Jopph Rd Rivy Hall 21128 which is presently zoned DR 5.5

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

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) 1 B 02.3 C1 and 301/14 To Permit A Stoe Yardo Settsner of GFT in Lieu of the Require (U+7. And And And OPEN).

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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 subject of this Pe	ne legal owner(s) of the etition.	property which
Contract Purchaser/Lessee:		Legal Owner(s):		
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Address	Telephone No.	Name Type or Print	Vewcomb	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
City	Zip Code	Signature		
Attorney For Petitioner:		Address David Land	SPAROLLY	Telephone No.
Name - Type or Print		City / JAT	State	Zip Code
Signature		Representative to	be Contacted:	, ;
Company		Name	·-···	
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Address:	Telephone No.	Address		Telephone No.
State	Zıp Code	City	State	Zip Code
A Public Hearing having been formally deman	ial lip clinbri manar at	required, it is ordered by the this petition be set for a public h	Zoning Commissioner of earling, advertised, as required.	f Baltimore County,
Per la land of Baltimore County and that the prope	erty be reposted.		,	i amounty this zoning
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		Zoning Commis	sioner of Baltimore Count	y / _ /
CASE NO. 04-157-A	Rev	riewed By 13h	Date	9/29/03
REV 10/25/01	Est	imated Posting Date		10/12/03

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

REV 10/25/01

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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	4520	E. 30	DPA RC	
	Address	1/A/1	State	21)28 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the fair or practical c	् acts upon which difficulty):	I/we base the req	
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Heather Newcomb	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Less	myb No	woon
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the Affiant(s) herein, personally known or satisfa	nette n	ecocono	ι Affiant/e\	······································
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REV 10/25/01

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4520 E. Joop A which is presently zoned DRS.

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	
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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 iignature Address Lelephone No Name - Type or Print City State Zip Code Attorney For Petitioner: Telephone No. Name - Type or Print City Zip Code State Representative to be Contacted: Signature Company Name Address Telephone No Address Telephone No City State Zip Code City Zip Code State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this transfer 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. 04-152-

Reviewed By

Estimated Posting Date

____ Date

ZONING DESCRIPTION 4520 EAST JOPPA ROAD

Beginning at a point on the north side of Joppa Road, a 60 foot right of way at a distance of 744 foot east of the center line of Snyder Lane beginning Lot #2 in the minor subdivision of the Todd Property thence N 12 degrees 11' 08" east 203.64 foot, S 79 degrees 52' 48" east 60.01' N 21 degrees 11' 08" east 192.94 foot thence binding along the northern right of way of Joppa Road a length of 61.37' with a radius of 570 foot back to the point of beginning. Lot size .2787 ACI election district 11, council district 6.

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Certificate Of Posting

RE: Case NO.: 04-157-A Petitioner/Developer: KEN Date of Hearing/Closing: 10/27/03 This letter is to certfiy under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property EAST JOPPA ROAD (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) (Printed Name) 5016 CASTLESTONE DR. (Address) (City, State, ZipCode) (Telephone Number)

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Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, MD 21204

Ladies and Gentlemen:

This sign(s) were posted on

Attention:

Permits and Development Management

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	0#-	157	-A	Address _	4520	E,	Joppa	Rd.	······································
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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: 04-157-A Petitioner: Length + Negther Alla (A) (A) (A)
Address or Location: 45 ZO E. JUPPA Rd Pury HAN Md 2/128
PLEASE FORWARD ADVERTISING BILL TO: Name: Kenneth Newcomb Address: 4520 F Janear Od
Address: 4520 E. JORDA Rd Perry Hall Md 2/128
Telephone Number: (410) 348 0308

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 27, 2003

Kenneth Newcomb Heather Newcomb 4520 E. Joppa Road Perry Hall, MD 21128

Dear Mr. and Mrs. Newcomb:

RE: Case Number: 04-157-A, 4520 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 29, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callibal)

WCR:klm

Enclosures

c: People's Counsel



Visit the County's Website at www.baltimorecountyonline.info



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

October 16, 2003

ATTENTION: Rebecca Hart

Distribution Meeting pf: October 14, 2003

Item No.:

151-169

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, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.14.03

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

RE:

Baltimore County

Item No. 157

BPR.

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,

1

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 04-141, 04-148, and 04-157

DATE: October 16, 2003

Administrative Variances

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.

Section Chief:

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 26, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 20, 2003

Item Nos. 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164,

167, and 168

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

RWB:CEN:jrb

cc: File



CLINIC NOTE

Name: Newcomb, Hanna O History: 5-298-54-24

Address: 4520 East Joppa Rd Visit Date: 01/07/2003

Perry Hall MD 21128

Phone: (410)248-0308

Dob: 02/08/1996 Location: 159

Race: White
Sex: Female

Document No: 2352610030

Primary Provider: Freeman, John M

Other Providers -

Reason for Wister

The patient is a 6-1/2 year old with an occipital encephalocele, mental retardation, and cerebral part who is brought by

History of Present Thess:

According to her mother Hains, was born with an occipital encephalocele full term. They a hally thought she was going to die, but at about a week of age the populate encephalocele was repaired, and at about 2 weeks of age her hydrocephalus was shunted.

The shunt lasted until she was 5-1/2, and she had three shunt revisions down a hore at Johns Hopkins by Dr. Carson in May, July, and November of 01. She has had no revision at see then. She has a titanium plate put in the occiput in 07/98. She has also had malrotation surgery.

She weighed 7 lbs. 11 oz at birth.

I do not have a note form the school, but mom says the one school complains of eparties where she just stops and stares into space. She can, according to her mother, always of aroused from this by touching, or ling, and sometimes by waving. She has no postictal period. Mom this is these are more likely to occur when there is lack of stimulation, or when she is bored. Mom never sees these things at home, although, even in here, there were epistics where she would sort of stare off into space, but she was a ways readily arousable. The school says they last up to 50 sectors and occur as often as once q, week.

The patient's mother is a strop advocate for her, and has done a wonderful job.

The patient apparently is have some vision and can see waving. Sometimes as much as 15 feet away, or blowing kisses 15 feet away are stands with support and will take some steps, she does not walk independently. She will sit

FINAL DOCUMENT

January 15, 2003

#157

Boot outside of drivening

compart covering to extend



