ORDER RECEIVED/FOR FILLING
3y
3y

IN RE: PETITION FOR ADMIN. VARIANCE

NW/S North Point Road, 12.3' SW of

Shadyside Lane

(9231 North Point Road)

15<sup>th</sup> Election District 7<sup>th</sup> Council District

Frank L. Jones, Jr., et ux Petitioners

- BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-166-A

\*

\* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Frank L. Jones, Jr., and his wife, Mary T. Jones. The Petitioners seek relief from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 10 feet for a proposed 16' x 31' garage addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this regard, although there was apparently no neighborhood opposition, adverse Zoning Advisory Committee (ZAC) comments were received from the Office of Planning, the Zoning Review Division of the Department of Permits and Development Management (DPDM), and the Department of

ORDER RECEIVED FOR FILING

Sylve

Syl

Environmental Protection and Resource Management (DEPRM). Thus, the matter was scheduled for a public hearing before the undersigned Zoning Commissioner on December 9, 2003.

Appearing at the hearing in support of the request was Frank L. Jones, Jr., property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the northwest side of North Point Road, between Bayside Avenue and Old Bay Road in Fort Howard in eastern Baltimore County. The property contains a gross area of 12,956 sq.ft., more or less, zoned D.R.5.5 and is improved with a single-family dwelling, which features an attached deck in the rear. The Petitioners are desirous of constructing a garage addition, 16' x 31' in dimension, on the southwest side of their home. As shown on the site plan, the proposed addition will be located 1foot from the side property line adjoining the neighboring property owned by Ken and Olga Borst. It is to be noted that a letter contained within the case file signed by Mr. & Mrs. Borst indicates that they have no objections to the Petitioners' proposal. In any event, testimony indicated that the Petitioners have owned and resided on the property for the past 6 years with their two children and that the proposed garage addition would provide needed storage space for the family's personal items and vehicles.

An examination of the photographs submitted at the hearing show that there is an existing driveway that leads into the property from North Point Road and extends along the south side of the house. The proposed garage will be located over this existing driveway, which appears to be of loose stone construction. It is also to be noted that the Petitioners' driveway abuts an asphalt driveway that serves the Borst property.

There were two written comments from County reviewing agencies that drove the need for a public hearing. The first comment was received from DEPRM, which noted the property's close proximity to Shallow Creek, a tributary of the Chesapeake Bay. As such, the proposed construction is subject to compliance with Chesapeake Bay Critical Areas regulations, which are designed to reduce runoff and pollution from entering the Bay. In this instance, it appears that the proposed construction will not add impervious surface to the lot, given that the garage is being

CADER RECEWED FOR FILING

constructed over an existing driveway. However, it is not clear from the photographs presented whether the existing driveway is impervious due to its loose stone construction. In any event, I will incorporate as a condition of approval the requirement that the Petitioners comply with any recommendations made by DEPRM.

A second comment was received from the Office of Planning whose concerns related to the projection of the front wall of the proposed addition beyond the front wall of the existing house, and the need for a greater side yard setback to allow maintenance of the lawn and proposed addition. The Petitioner indicated that he had spoken with a representative of that agency prior to the hearing and resolved that issue. In this regard, the Petitioner indicated that the minimum required depth of the proposed garage is 31 feet. Thus, he cannot reduce the depth of the garage without losing needed interior storage space. In addition, an examination of the photographs submitted shows that the garage cannot be located further towards the rear yard due to the existing deck and a fence which is attached to the rear of the house and encloses the rear yard. Moreover, as noted above, the existing driveway extends alongside the dwelling and thus, there is no lawn on that side. There appears to be sufficient room on the other side of the dwelling to access the rear yard. For these reasons, I decline to incorporate the Office of Planning's comments.

Lastly, a comment was received from the Development Plans Review Division of the Department of Permits and Development Management regarding construction in the flood plain. Their comment indicates that the subject property is located adjacent to tidal water and therefore must comply with Federal Flood Insurance requirements and BOCA Code regulations.

Based upon all of the testimony and evidence presented, I am persuaded to grant the variance. I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. and that there will be no detrimental impacts to the health, safety and general welfare of the surrounding locale. However, the proposed construction shall comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements as set forth above.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and B.C.Z.R. having been met, and for the reasons set forth above, the relief

requested should be granted.

JUHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County day of January 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 10 feet for a proposed 16' x 31' garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his 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) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 3) When applying for any permits, 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

### 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

January 14, 2004

Mr. & Mrs. Frank L. Jones, Jr. 9231 North Point Road Fort Howard, Maryland 21052

RE: PETITION FOR ADMINISTRATIVE VARIANCE NW/S North Point Road, 12.3' SW of the c/l Shadyside Lane (9231 North Point Road) 15<sup>th</sup> Election District – 7<sup>th</sup> Council District Frank L. Jones, Jr., et ux - Petitioners Case No. 04-166-A

Dear Mr. & Mrs. Jones:

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

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc:

Chesapeake Bay Critical Areas Commission 1804 West Street, Suite 100, Annapolis, Md. 21401 Development Plans Review, DPDM; DEPRM; Office of Planning People's Counsel; Case File



## • CBCA Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permi	ts and Development Management. The undersigned, le
owner(s) of the property situate in Baltimore County and which nade a part hereof, hereby petition for a Variance from Section Formation of School Sc	th is described in the description and plat attached hereto a
PERIMIT A SING YAR COLOR	INSCRICTION
TO THE CONTRACTOR SCHOOL	ELOF LIT, IN LIGUOF CHARE
With	
of the zoning regulations of Baltimore County, to the zoning k	au of Paltimara Caunty for the resease indicated on the b
of the zoning regulations of Baltimore County, to the zoning la of this petition form.	aw or baltimore County, for the reasons indicated on the ba
Property is to be posted and advertised as prescribed by the s	tanìna van dationa
Property is to be posted and advertised as prescribed by the a for we, agree to pay expenses of above Variance, advertising, pos	sting, etc. and further agree to and are to be bounded by the zor
egulations and restrictions of Baltimore County adopted pursuant to	o the zoning law for Baltimore County.
-	//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):
lame - Type or Print	Name - Type or Print
Signature	and success.
, '	Signature
ddress Telephone No.	Name - Type or Print
State Zip Code	Signature Comes
Matorney For Petitioner:	PO 150× 9 6
	4231 North Foint Red 40475- Address Telephone
lame - Type or Print	Tort Howard MD 2105 City State Zip Co
ignature	Representative to be Contacted:
ompany 3	Mary Jones
Company :	9231 North Point Res # 96 410473
ddress Telephone No.	Address Telephone N
Ity State Zip Code	Fort Howard MS 2105
Hearing having been formally demanded and/or found to be that the subject matter of the	<b>required, it is ordered</b> by the Zoning Commissioner of Baltimore Counis petition be set for a public hearing, advertised, as required by the zor
Baltimore County and that the property be reposted.	····
	• · · · · · · · · · · · · · · · · · · ·
	Zoning Commissioner of Baltimore County
ASE NO. 04-166-17 Revi	iewed By Date
EV 10/25/01 Estin	mated Posting Date 10-12-05

# 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

9231 North Point Road Address Fort Howard MIS

21050

That be	ased up ce at the	on persor	nal knov ddress (	vledge,∤the indicate har	following a rdship or pr	re the fa actical d	acts up lifficult	on which I/\ y):	we base the	reque	st for an Ad	ministrative
1.	100	Close	10	propert	y line	to -	f; +	garage	atach	000	to how	رص
Q.	Nee	D GANA	ice At	TACHEDT	d house	FOR	CHI	LD RENS	SAFETY.	70	PREVENT	CHILDRE
	_								OADINS.			
That the advertion of the state	sing fee	nt(s) ackr and may	nowledg be requ	e(s) that if ired to prov	a formal of ide addition	lemand nal inform	nation	d, Affiant(s)	Will be requ	ired t	o pay a rep	oosting and
Name -	Type or Pi	L. Jur	res .	5~	<del></del>	<del></del>	Nan	Mary ne - Type or Pri	T Jon	<u>es</u>	<del></del>	<u> — </u>
I HERE of Mary	BY CE		is <u>2</u> ne Coun	ty aforesaid	·		red		, before me	 , a No	tary Public	of the State
				known or sa	atisfactorily	identifie	d to m	e as such A	ffiant(s).		· · · · · · · · · · · · · · · · · · ·	<del></del>
AS Wi	TNESS	my hand a	and Not	arial Seal			ry Pub	ic sion Expires	2 Keele 5/1/			
						IVIY O		PROFIT PAPER	·	·	<del></del>	<del></del>

## 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.

competent to testify thereto in the event that a p	ublic hearing is	scheduled in t	he future with regar	rd thereto.	
That the Affiant(s) does/do presently reside at	Address	orth Poin	+ Road	· · · · · · · · · · · · · · · · · · ·	
	City Har	sacel	M D State	2/0:	Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardshi	wing are the fac	ts upon which	_	uest for an Admi	
1. Too close to proper	ty line .	to fot	garage, at	acheel to	house,
2. NEED GARAGE ATTACKED TO HOUSE	= FOR CHILDRE	NS PROTECT	ION + SAFETY. TO	PREVENT CHI	CDREN
FROM WEATHER EXPOSURE WHILE	e LOADING+ 1	INCOADING.			
				•	1
					•
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a formula of the control of th	ormal demand is additional inform	s filed, Affiant ation.	(s) will be require	d to pay a repos	sting and
Signature 2 Day Que.	· <u> </u>	<b>.</b>	y 7 Janes		
		•			
Frank L Jones Jr Name - Type or Print	<del></del>	Name - Type o	r Print	<del></del>	<u> </u>
		•			
STATE OF MARYLAND, COUNTY OF BALTIN	IORE. to wit:				
I HEREBY CERTIFY, this 2 day of OCTO of Maryland, in and for the County aforesaid, per FRANK L. JONES JR.	•	<u>,2</u>	<u>003</u> , before me, a	Notary Public of	the State
the Affiant(s) herein, personally known or satisfa	ctorily identified	to me as sucl	n Affiant(s).		<del></del>
AS WITNESS my hand and Notarial Seal	Nestan	lesu-	T. a Rue	·s/	
	Notary	Public			

My Commission Expires 5/1/07

# • CBCA



REV 10/25/01

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

ARYLAN	for the meanerty l	ocated at 9231 North Point Road
	sor one brokerty	which is presently zoned & DR. 5.5.
		Whiteh is Diesently Zonen
owner(s) of the property situate in E	Saltimore County and white for a Variance from Sect	its and Development Management. The undersigned, legal ich is described in the description and plat attached hereto and tion(s) 1BO 2,3C1 CCHTTOT.)—  (BACK OF 1F7 IN LIGUOTE
of the zoning regulations of Baltimo of this petition form.	re County, to the zoning	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and adverti- i, or we, agree to pay expenses of above regulations and restrictions of Baltimore	ve Variance, advertising, no	osting, etc. and further agree to and are to be hounded by the zoning.
	-	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:	•	<u>Legal Owner(s):</u>
Name - Type or Print Signature	· · · · · · · · · · · · · · · · · · ·	Name - Type or Print  Chine Congres School
		Mary Theresa Jones
Address	Telephone No.	Name - Type or Print
Attorney For Petitioner:	e Zip Code	Signature  9231 North Point Road Box 96 410.4753  Address  Telephone No
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	City MO 21052  State Zip Code
Signature	' 	Representative to be Contacted:
Company	······································	Name  On O O O
Address	Telephone No.	90 130メ90 410-47か-5205 Address Telephone No.
City	e Zip Code	Fort Howaras MD 01050 City State Zip Code
A Fublic Hearing having been formally de this day of regulations of Baltimore County and that the	emanded and/or found to be that the subject matter of property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
CASENO OU-16	$\sim 10$	

Estimated Posting Date \_\_

## Zoning Description For 9231 North Point Road

BEGINNING FOR THE SAME and beginning for the same at an iron pin and cap now set on the Northwesterly side of North Point Road 30 feet wide as shown on the Amended Plat of North Point Terrace recorded among the Land Records of Baltimore County in Book W.P.C. No. 6 folio 155, said point being distant 12.35 feet South westerly from the division line between Lots 7 and 8, Section 1 of said plats and also being at the beginning the second line of a parcel of land described in Schedule "A" attached to the Deed from Marguerite Elizabeth Muller, et al, to Collin Warren and Bangs Warren, his wife, dated June 14, 1995 and recorded in Liber 11102 folio 297 and also shown on the plats attached to said Deed thence leaving North Point Road and binding along said line, crossing Lots 7, 6, 5, 4, 3, 2, and 1, Section 1 of North Point Terrace, North 62 degrees 24 minutes 56 seconds West 184.23 feet to intersect the Northwesterly outline of said Lot 1 and the Southeasterly side of the 40 foot right of way of United Railway and Electric Company; thence binding thereon South 34 degrees 55 minutes 30 seconds West 65.76 feet to an iron pipe and cap set; thence running for a new line of division across said Lots 1 to 7; South 60 degrees 26 minutes 11 seconds East 193.44 feet to an iron pin and cap set on the Northwesterly side of North Point Road; thence binding thereon North 27 degrees 01 minutes 47 seconds East 71.90 feet to the point of beginning; containing 12,956 square feet or 0.2924 acres more or less. Being Lot #1 as shown on a plat attached to a Deed dated February 19, 1997 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 0012042 folio 309. Being and comprising parts of Lots 1-7, Section 1, North Point Terrace, recorded among the Land Records of Baltimore County in Plat Book 6 folio 155.

The improvements thereon being now known as No. 9231 North Point Road.

Being Lot # 1, Block \_\_\_, Section # 1 in

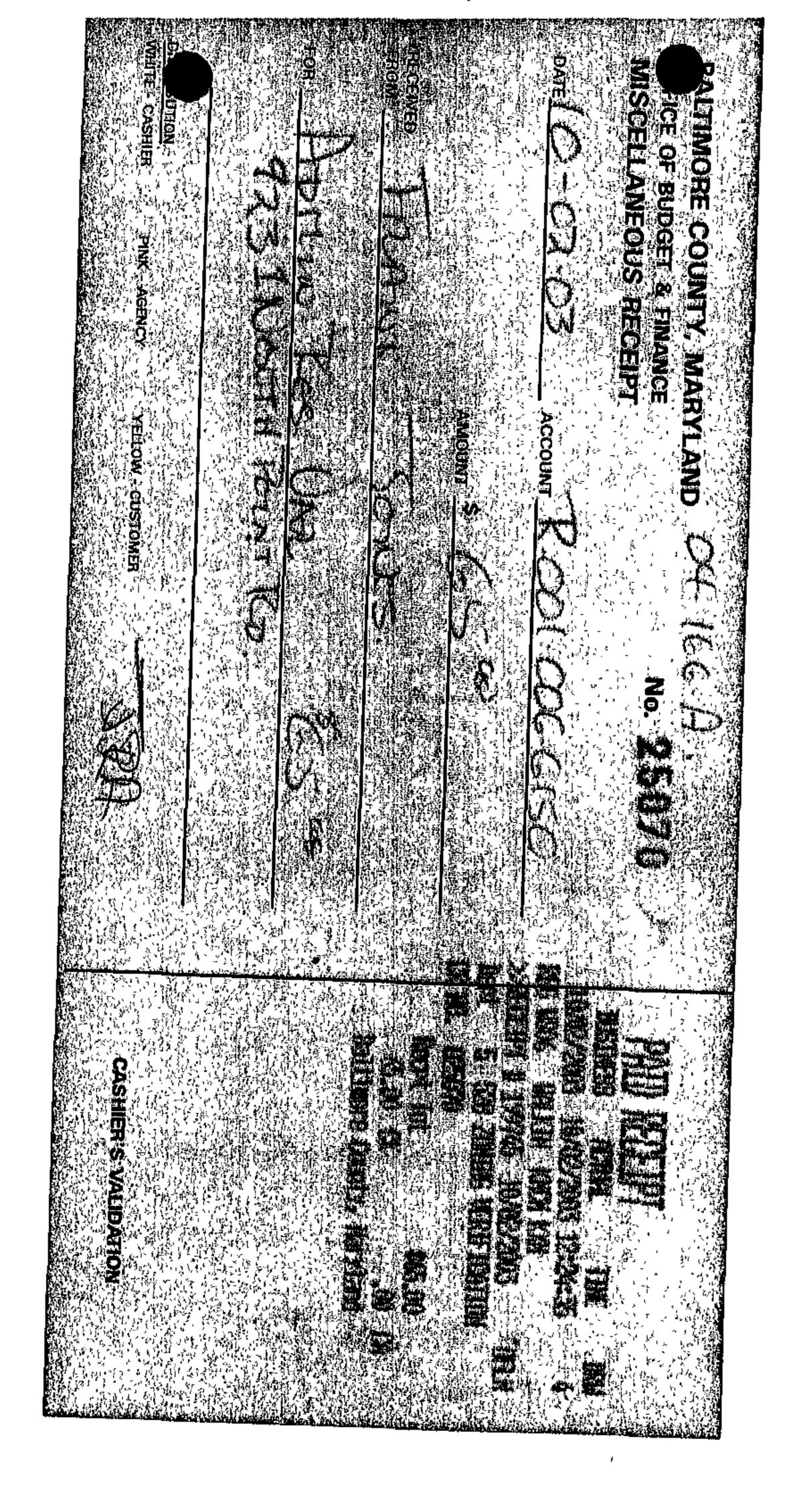
the Bubdivision of North Point Terrace as recorded in

Baltimore County Plat Book # 6, Folio # 155, containing

12, 956 square feet. Also Known as 9231 North Point Road

and located in the 15 Election District, 7 Council manic.

District



#### NOTICE OF ZONING HEARIND

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: #04-166-A 9231 North Point Road N/west side of North Point Road, 357 feet n/west of centerline of Bayelde Avenue 15th Election District 7th Councilmanic District Legal Owner(s): Frank and Mary Jones Administrative Variance: to permit a side yard setback of lift. In lieu of the required 10 feet. Hearing: Tuesday, December 9, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

LAWRENCE E, SCHMIDT 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) 887-4388.
(2) For Information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

11/184 Nov. 20 C637712

## CERTIFICATE OF PUBLICATION

NOV 20, 20 03
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on $100.00$ , $20$
The Jeffersonian
☐ Arbutus Times
Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
2 Wilking

LEGAL ADVERTISING

## CERTIFICATE OF POSTING

	RE: Case No.: 04-166-A
	Petitioner/Developer: F2ANK
	JONES
	Date of Hearing/Closing: 10/27/0
Baltimore County Department of Permits and Development Management County Office Building, Room 111 I West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	<i>i</i> •
This letter is to certify under the penalties of perjuposted conspicuously on the property located at:	ry that the necessary sign(s) required by law were
9231 NORT	H POINT RD
(1)	ncerely,
	10/11/03
ZONING NOTICE	(Signature of Sign Poster) (Date)
ADMINISTRATIVI 📆	SSG Robert Black
VARIANCE	(Print Name)
TO FORMIT A CM. POST STR. YARD FOR AWAITICAED	1508 Leslie Road
	(Address)
PUBLIC HEARING?	Dundalk, Maryland 21222
AN ELIQIBLE INDIVIDUAL OF GROUP MAY  REQUEST A PUBLIC HEARING CONCERNING  THE PROPOSED VARIANCE PROVIDED IT—	(City, State, Zip Code)
A 30 p.m. ON CATCAS TO THE TOTAL PROPERTY OF	(410) 282-7940
	(Telephone Number)

## CERTIFICATE OF POSTING

	RE: Case No.: 04-166-A
	Petitioner/Developer: FRANI
•	MARY TOWES
	Date of Hearing/Closing: 12/9/
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 name the	S AND STRANGE AND THE
posted conspicuously on the property loca	s of perjury that the necessary sign(s) required by law we
923/1	
	WINT (U)
he sign(s) were posted on	11/24/03
	(Month, Day, Year)
	Sincerely,
	**************************************
	1/24/0.
	(Signature of Sign Poster) (Date)
	1/24/0.
	(Signature of Sign Poster) (Date)  SSG Robert Black
	(Signature of Sign Poster) (Date)  SSG Robert Black  (Print Name)
	(Signature of Sign Poster) (Date)  SSG Robert Black
	(Signature of Sign Poster) (Date)  SSG Robert Black  (Print Name)
	(Signature of Sign Poster) (Date)  SSG Robert Black  (Print Name)  1508 Leslie Road
	(Signature of Sign Poster) (Date)  SSG Robert Black  (Print Name)  1508 Leslie Road  (Address)  Dundalk, Maryland 21222
	(Signature of Sign Poster) (Date)  SSG Robert Black  (Print Name)  1508 Leslie Road  (Address)  Dundalk, Maryland 21222  (City, State, Zip Code)
	(Signature of Sign Poster) (Date)  SSG Robert Black  (Print Name)  1508 Leslie Road  (Address)  Dundalk, Maryland 21222

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 20, 2003 Issue - Jeffersonian

Please forward billing to:

Frank Jones

9231 North Point Boulevard Fort Howard, MD 21052

410-477-5205

### 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: 04-166-A

9231 North Point Road

N/west side of North Point Road, 357 feet n/west of centerline of Bayside Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Frank and Mary Jones

Administrative Variance to permit a side yard setback of 1ft. in lieu of the required 10 feet.

Hearings:

Tuesday, December 9, 2003, at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL NOTES: (1) ACCOMODATIONS, 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.

### Department of Permits and Development Management

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



### **Baltimore County**

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

November 6, 2003

### **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: 04-166-A

9231 North Point Road

N/west side of North Point Road, 357 feet n/west of centerline of Bayside Avenue 15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Frank and Mary Jones

Administrative Variance to permit a side yard setback of 1ft. in lieu of the required 10 feet.

Hearings:

Tuesday, December 9, 2003, at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Frank and Mary Jones, P.O. Box 96, 9231 North Point Rd., Fort Howard 21052

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 24, 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.



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

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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.

Item Numb	ber or Case Number: 04-166-A.	
Petitioner:	Mr. Jours.	
Address o	r Location: 9231 Norvey Forwi Roma.	
PLEASE F	FORWARD ADVERTISING BILL TO:	
Address:	9231 NOOVU FOUT ROAD	
-	BAUTIMORE MARY LAND.	

# BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DELOPMENT MANAGEMENT ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number <del>23</del>	166	-A	Address _	9231	DOOUCH POUNT RD
Conta	act Person:	Planner	Please Print Your Nam	DEW		Phone Number: 410-887-3391
Filing	Date: 10	07-03	Posting	g Date: <u>(</u>	0-12.03	Closing Date: (0 77-03.
Any of through	contact made gh the contac	with this off t person (plan	ice regarding the c	he status ase numb	of the adm	unistrative variance should be
1	reposting mi is again res	ust be done or ponsible for a	and the petitionally by one of the lassociated co	ner is res e sign pos osts. The	ponsible for sters on the a zoning notice	ers on the approved list (on the all printing/posting costs. Any approved list and the petitioner sign must be visible on the imain there through the closing
2.	a ronnar rec	quest for a pt	late is the dead iblic hearing g, the process is	Please u	ndersland th	r owner within 1,000 feet to file tall even if there is no formal closing date.
	order that the (typically with	ne may ne matter be nin 7 to 10 day	(a) grant the reset in for a provided the closure	equested ublic hear u date) as	reliet: (b) de ing. You v i to whether	the zoning or deputy zoning my the requested relief; or (c) will receive written notification the petition has been granted, ou by First Class mail
	commissione changed give	er to a neighter), notification ng notice of the	ors formal rec will be forwa he hearing date	quest or larged to your time and	by order of You The si Llocation. A	at must go to a public hearing the zoning or deputy zoning ign on the property must be swhen the sign was originally red sign must be forwarded to
	•		Dota in Ali	ar y <mark>b</mark> errod C	-	
Petitio	ner: This Pa	art of the Forr	n is for the Sig	n Poster	Only	
	<i>i</i>	USE THE A	DMINISTRATIV	/E VARIA	NCE SIGN F	ORMAT
	h	166 -A		923	31 No	WW Pour RD.
Petition	ner's Name _	FRAWE	50 NC			ephone 4(0-477-570s
		10-12-0	3	Clos	ıng Date:	10-27-03.
Vordin	ig for Sign: _	To Permit	NONDE FOOT	SIDE	CAGLED FOR	U ATTA-elles GARAGE.
	······································			<del></del>		
				•		······································

### 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

Frank Jones Mary Jones 9231 North Point Road Fort Howard, MD 21052

Dear Mr. and Mrs. Jones:

RE: Case Number: 04-166-A, 9231 North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 2, 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

### Department of Permits and Development Management

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





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

December 4, 2003

Frank Jones Mary Jones 9231 North Point Road Fort Howard, MD 21052

Dear Mr. and Mrs. Jones:

RE: Case Number: 04-166-A, 9231 North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 2, 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 D

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 of: 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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 12, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SAMED: POPERTW. BOWLING

SUBJECT:

Zoning Advisory Committee Meeting

For October 20, 2003

Item No. 166

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the County.

RWB:CEN:jrb

cc: File

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

		DATE: October 27, 2003					
ΓO:	Tim Kotroco	DATE: October 27, 2003 RECEIVE					
FROM:	R. Bruce Seeley Ras / Tur	NOV - 4 2003					
DATE:	October 27, 2003						
SUBJECT:	Zoning Item <u>04-166</u> Address <u>9231 North Point Road (Jo</u>	20/WG COMMSS					
Zoning	Advisory Committee Meeting of Oc	tober 14, 2003					
	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.						
The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.							
<del></del>	epartment of Environmental Protections lowing comments on the above-reference						
	If streams or wetlands occur on or we development of the property may ne the Protection of Water Quality, Street (Sections 14-331 through 14-350 of	ed to comply with the Regulations for eams, Wetlands and Floodplains					
	Development of this property must of Conservation Regulations (Section 1 Baltimore County Code).	• •					
X	Development of this property must of Critical Area Regulations (Sections 2) Sections, of the Baltimore County C	26-436 through 26-461, and other					
	Additional Comments:						

Reviewer: Keith Kelley Date: 10/27/03

4/0-887-3980

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 20, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

ZONING COMMISSIONER

**SUBJECT:** 

9231 North Point Road

**INFORMATION:** 

Item Number:

04-166

Petitioner:

Frank L Jones, Jr.

Zoning:

DR 5.5

Requested Action: Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request contingent upon the following:

- 1. The proposed addition should not project forward of the front building wall on the existing structure. This office conducted an inspection of the subject site and is of the opinion that the proposed addition (with the projection) would be detrimental to the character of the neighborhood. There is ample room in the rear of the existing dwelling to move the proposed addition back.
- 2. The side yard of the proposed addition should be a minimum of 3 feet to provide for mowing of the side yard and maintenance of the addition. A 1-foot side yard setback could potentially create future lot line and trespassing disputes.

**Section Chief:** 



Item Number: 165 Case Number: 4-165-A Primary Use: Commercial Reviewer: JRF Type: Variance Legal Owner: Robert and Kitsa Padousis Contract Purchaser: Critical Area: No Flood Plain: No Historic: No Election Dist: 9th Councilmanic Dist: 5th Property Address: 8675 Oakleigh Road Location: S/east corner Joppa & Oakleigh Rds Existing Zoning: BLR Area: 0.96 Acres Proposed Zoning: VARIANCE to permit a parking setback of 10 feet from the ultimate street R/W in lieu of the required 20 feet ULTINATE RIGHT OF WAT FOR OALEINHIPL 60' AND SHOULD RE MAINTAINED AFALL Attorney: John Gontrum Miscellaneous: Item Number: (166) Case Number: 4-166-A Primary Use: Residential Reviewer: JRA Administrative Variance Type: Legal Owner: Franak L. Jr. and Mary T. Jones Contract Purchaser: Critical Area: Yes Flood Plain: No Historic: No Election Dist: 15th Councilmanic Dist: 7th Property Address: 9231 North Point Road Location: N/west side of North Point Road, 357 feet northwest of centerline of Bayside Avenue Existing Zoning: D.R. 5.5 Area: 12,956 square feet Proposed Zoning: ADMINISTRATIVE VARIANCE to permit a side yard setback of 1 foot in lieu of the required 10 feet. Then protection Frankly ME SITE IS STORM & -EDIMENT CONTENT CAMMENTS: PANTAGE

- The EUNING ENGINEER EHALL REQUEE A PERMIT FOR Attorney: - EULLAING SHALL BE DESIGNED AN ADEQUARE IT MOCHORED Miscellaneous: PREVENT ALOTATION, COLAPCE OR LATERAL MATERIAL: PRESIDENT TO

Thosa Riccipant Construction Shall be in ARCODANICA With Report of Roca Inter. Buranty Cook Adopted By the Country.

410-887-3751



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. 166

JRA

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,

lu

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

### 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

November 5, 2003

Mr. & Mrs. Frank L. Jones, Jr. P. O. Box 96 9231 North Point Road Fort Howard, Maryland 21052

Re: Petition for Administrative Variance

Case No. 04-166-A

Property: 9231 North Point Road

Dear Mr. & Mrs. Jones:

This office has received your petition for administrative variance regarding the above-captioned case. Although we haven't received any requests for hearing from any neighbors or adjacent property owners, we have received some adverse comments from reviewing County agencies. Specifically, we have received unfavorable comments from the Office of Planning, the Office of Zoning Review and the Department of Environmental Protection & Resource Management. We are enclosing copies of their written comments for your review.

I have decided to set this matter in for a hearing. You will be notified in writing of the scheduled hearing date and the County will post a Notice of Hearing on the property. In the meantime, we suggest that you contact the above-mentioned County agencies prior to the hearing in order to discuss their concerns in greater detail. Their phone numbers are set forth on their various corresondence.

Very truly yours

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure

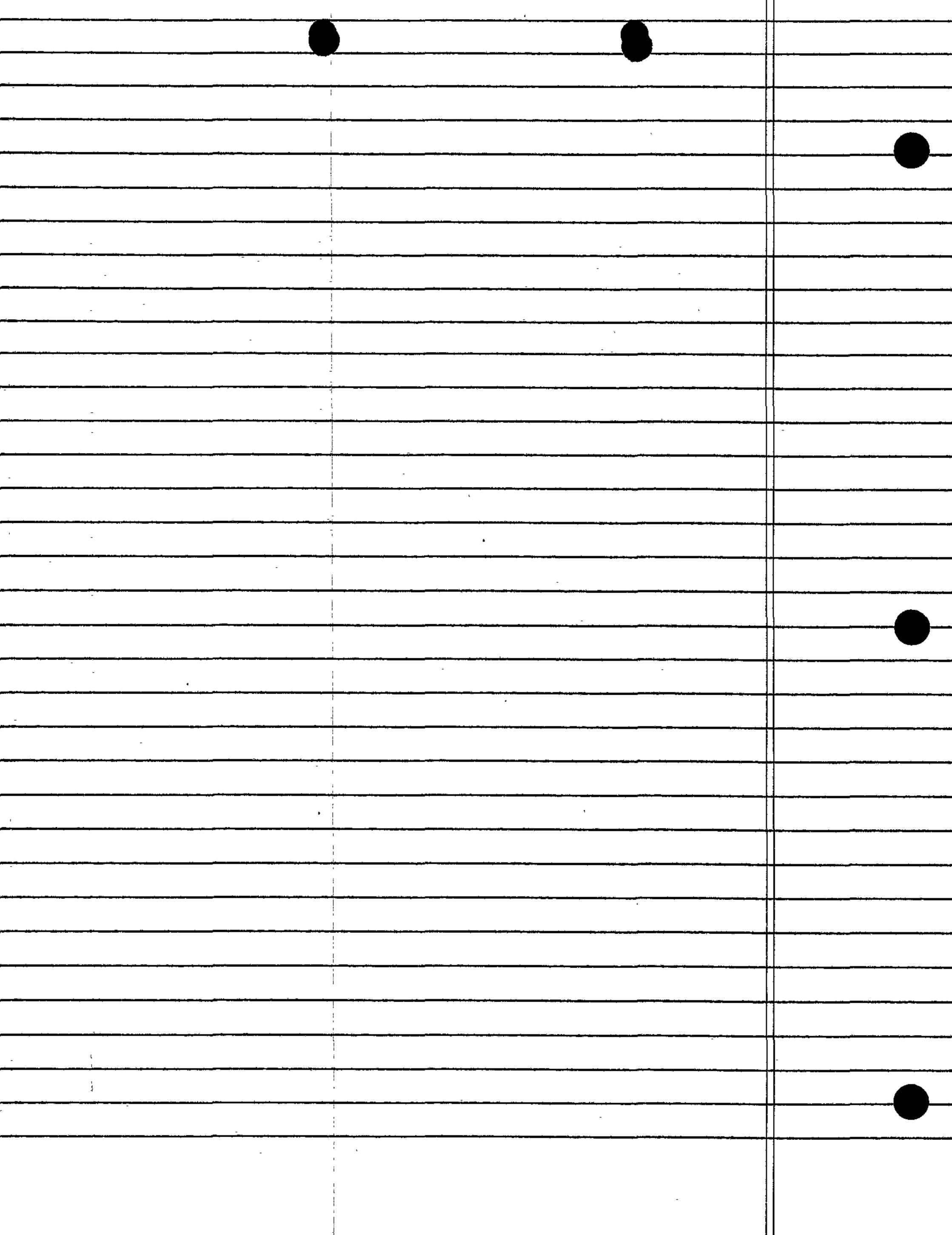


Visit the County's Website at www.baltimorecountyonline.info

To Whom It May Concern, 410-477-9722

O4-166.1

September 18,2003 O4-166-A



O T

IFF THERE IS A PROBLEM WITH THE

PAGE THAT IS NOTARIZED, CALL ME ON MY

Cell-410456-3683/ Home 410-477-5205

I TOOK 3 MORE CORIES THAT I'LL HAVE READY

TOMORROW. I CAN HAVE THEM TO YOU BY 3 PM.

THANKS FOR HOLD HERP TRANK JONES

## **EXAMPLE 3 -- Zoning Description**

3 COPIES

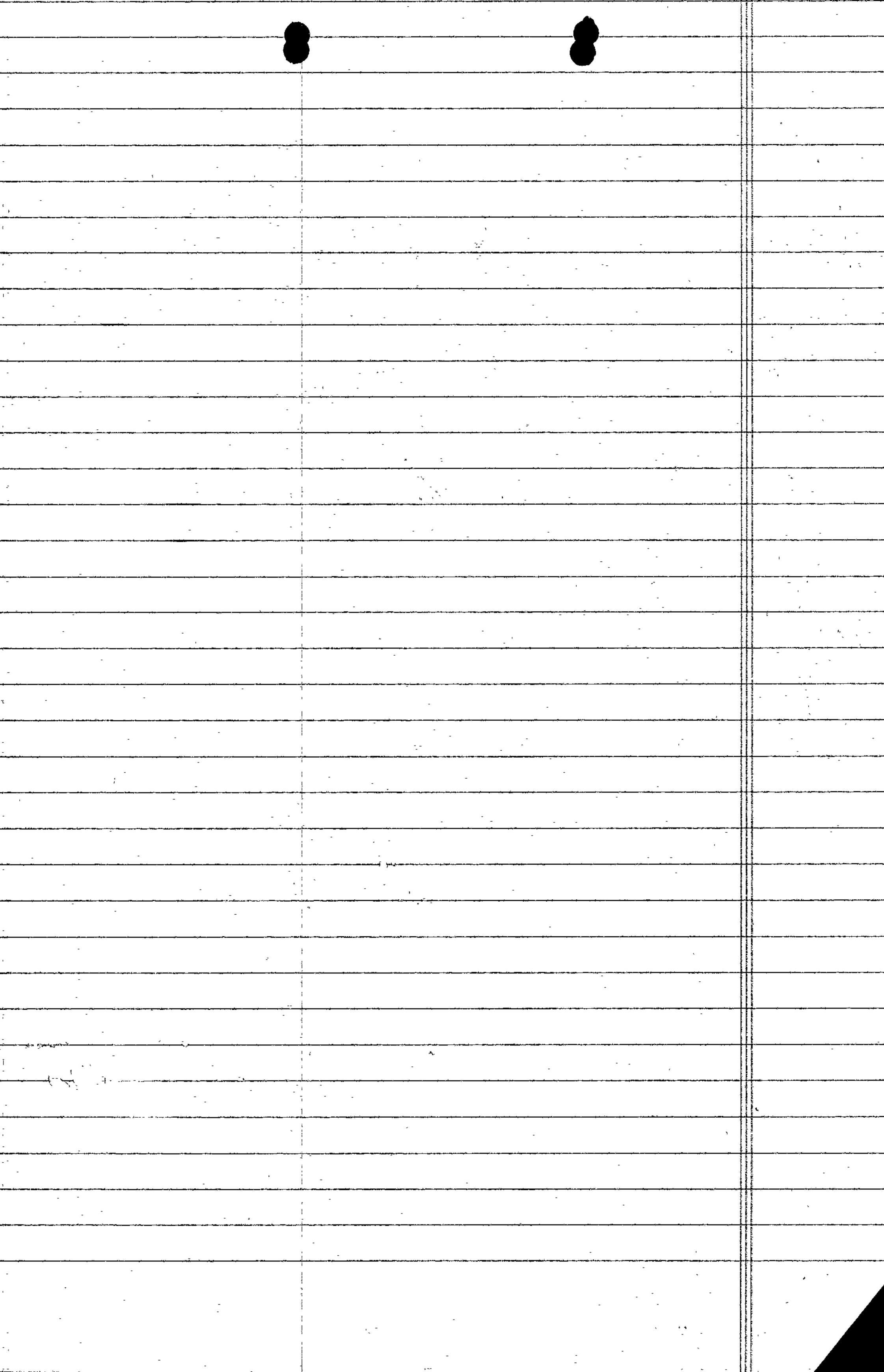
Three copies of the zoning description of your property are required. This is a sample to help you with the description - <u>DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"</u>. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description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

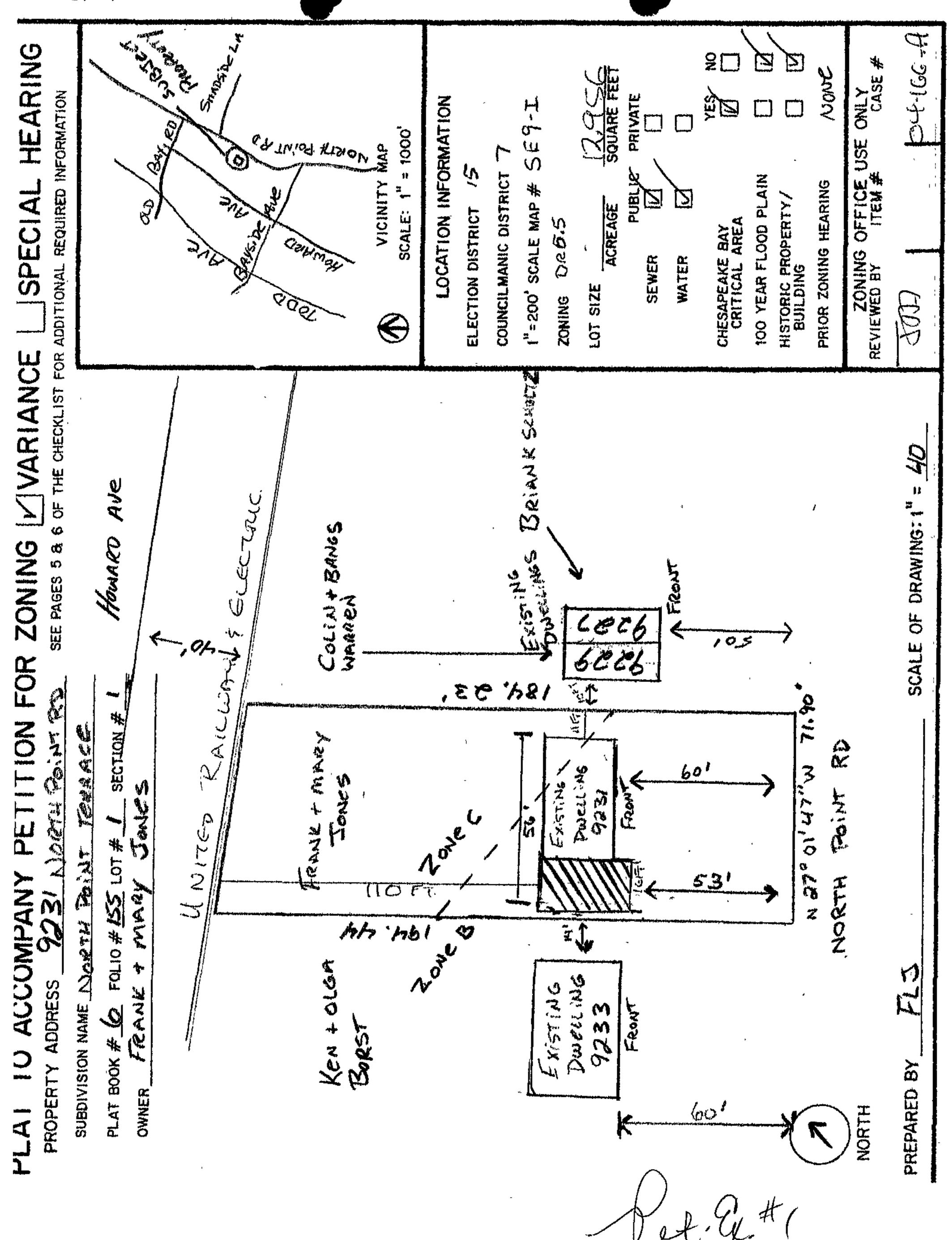
ZONING DESCRIPTION F	OR	Market State Control of the Control
		(address)
i i		
Beginning at a point on the	<u></u>	side of
	(north, south, eas	st or west)
	which	is
(name of street on which p	roperty fronts)	(number of feet of right-of-way width)
wide at the distance of		* 11
<b>;</b>	(number of feet)	(north, south, east or west)
centerline of the nearest in	nproved intersecting s	treet (name of street)
		(name of street)
which is		wide. *Being Lot #
(number of feet	of right-of-way width)	
Block, Section #	in the subdivis	ion of
		(name of subdivision)
as recorded in Baltimore C	ounty Plat Book #	, Folio #,
containing	. Also kn	own as
containing (square feet o	r acres)	(property address)
and located in the	Election District,	Councilmanic District.

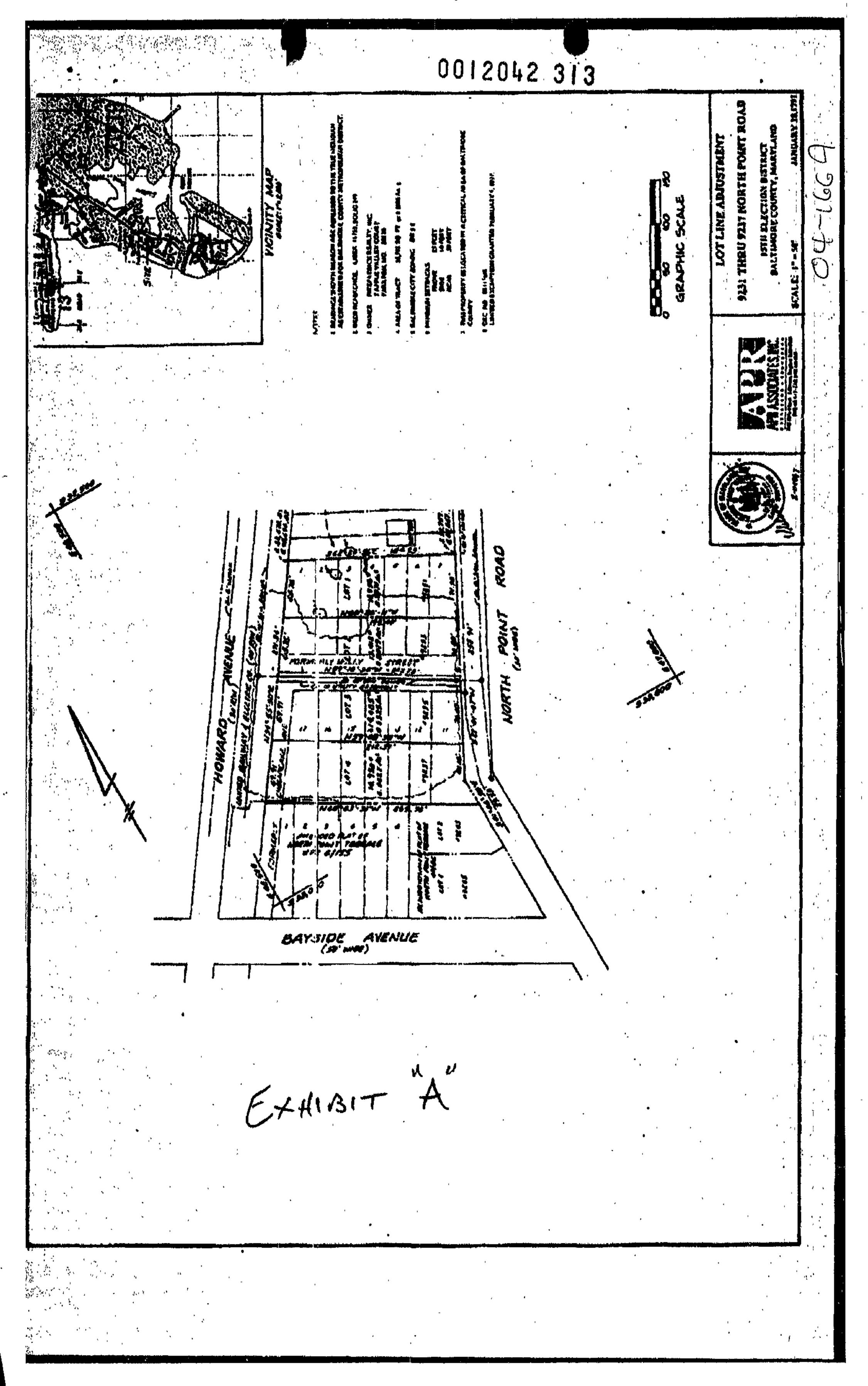
\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_, Folio \_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in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

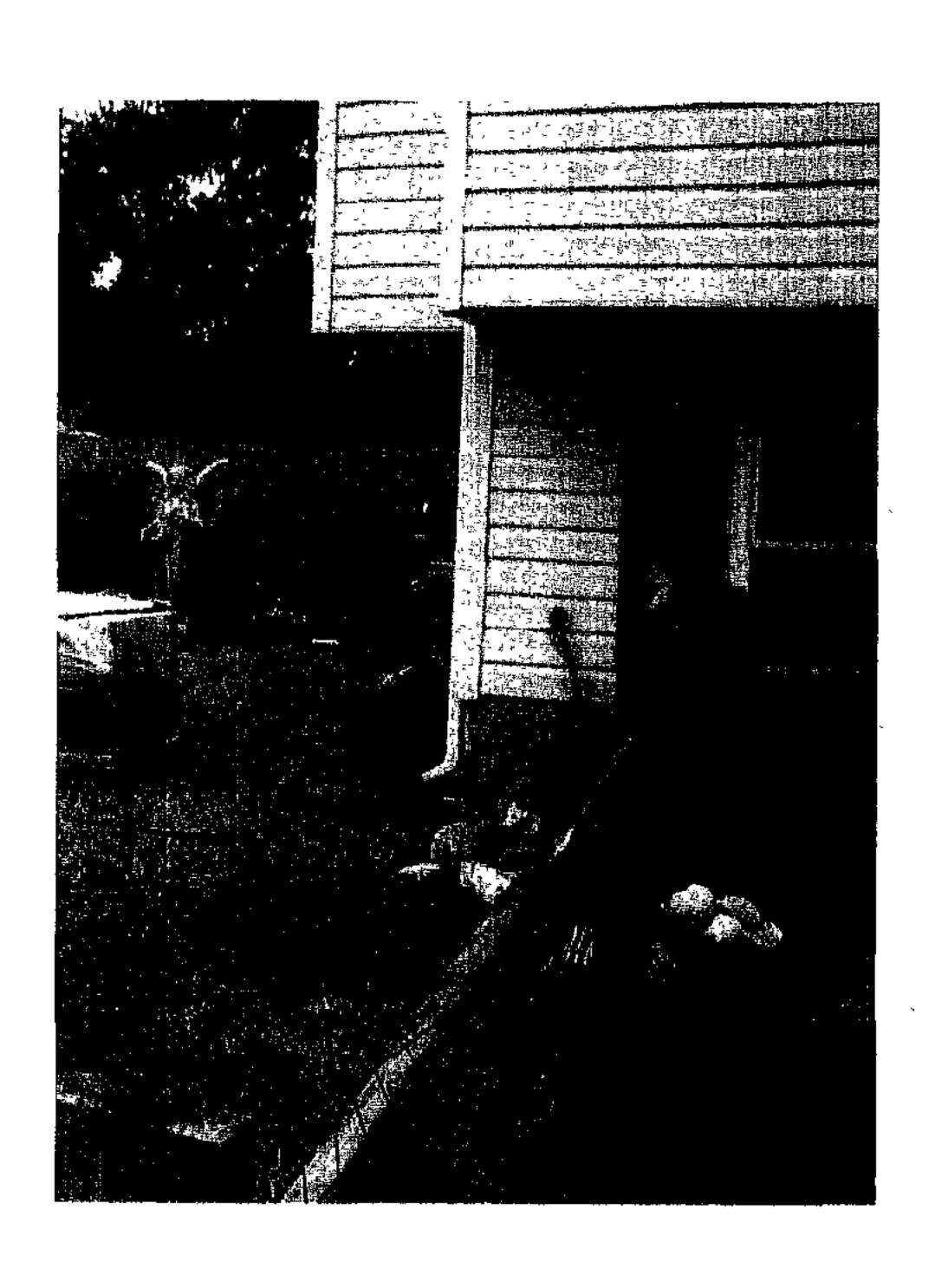
Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

"Zone (" 5hour that mens sell & got a comme rave reca lle endo crows comments &

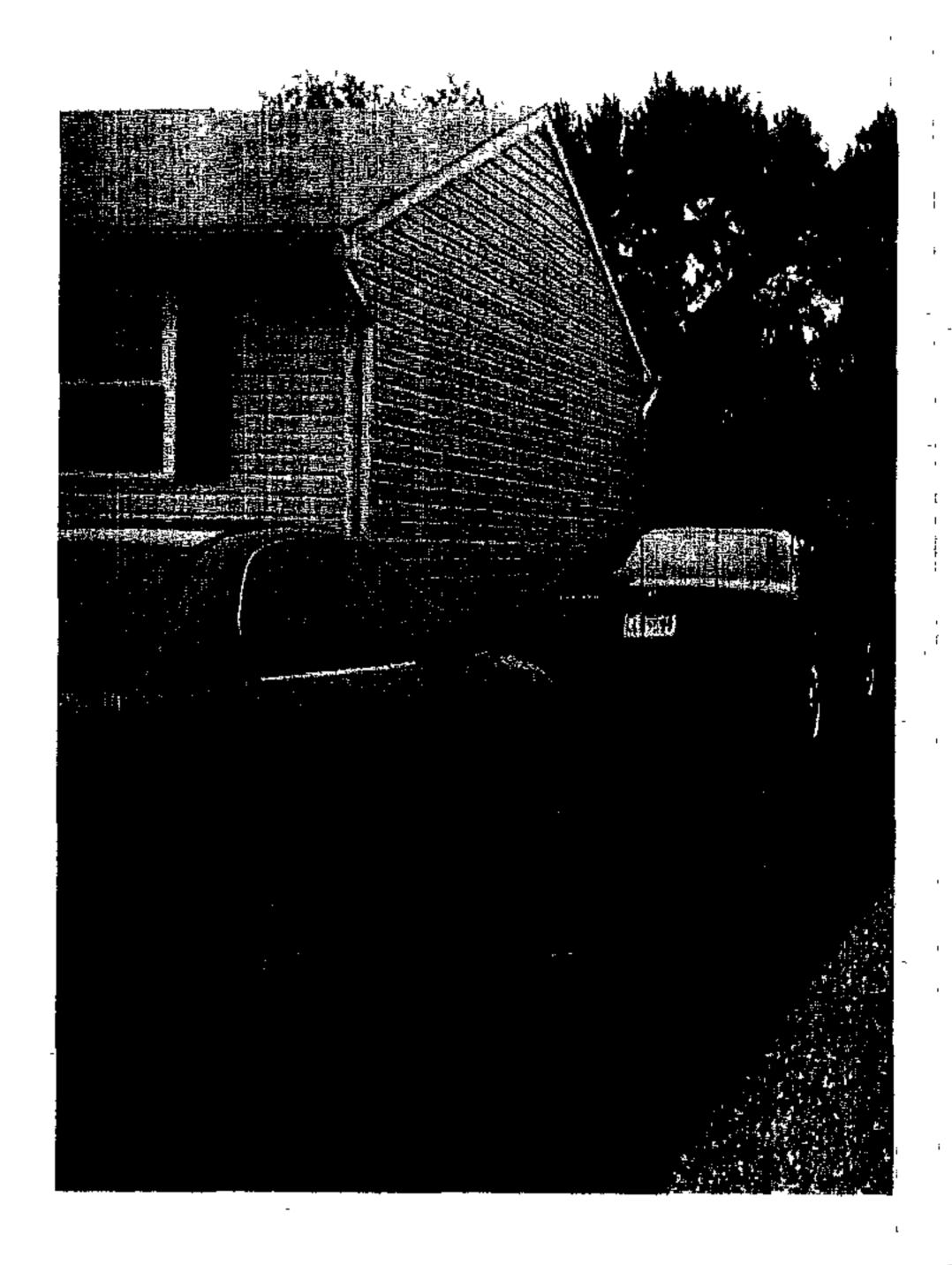




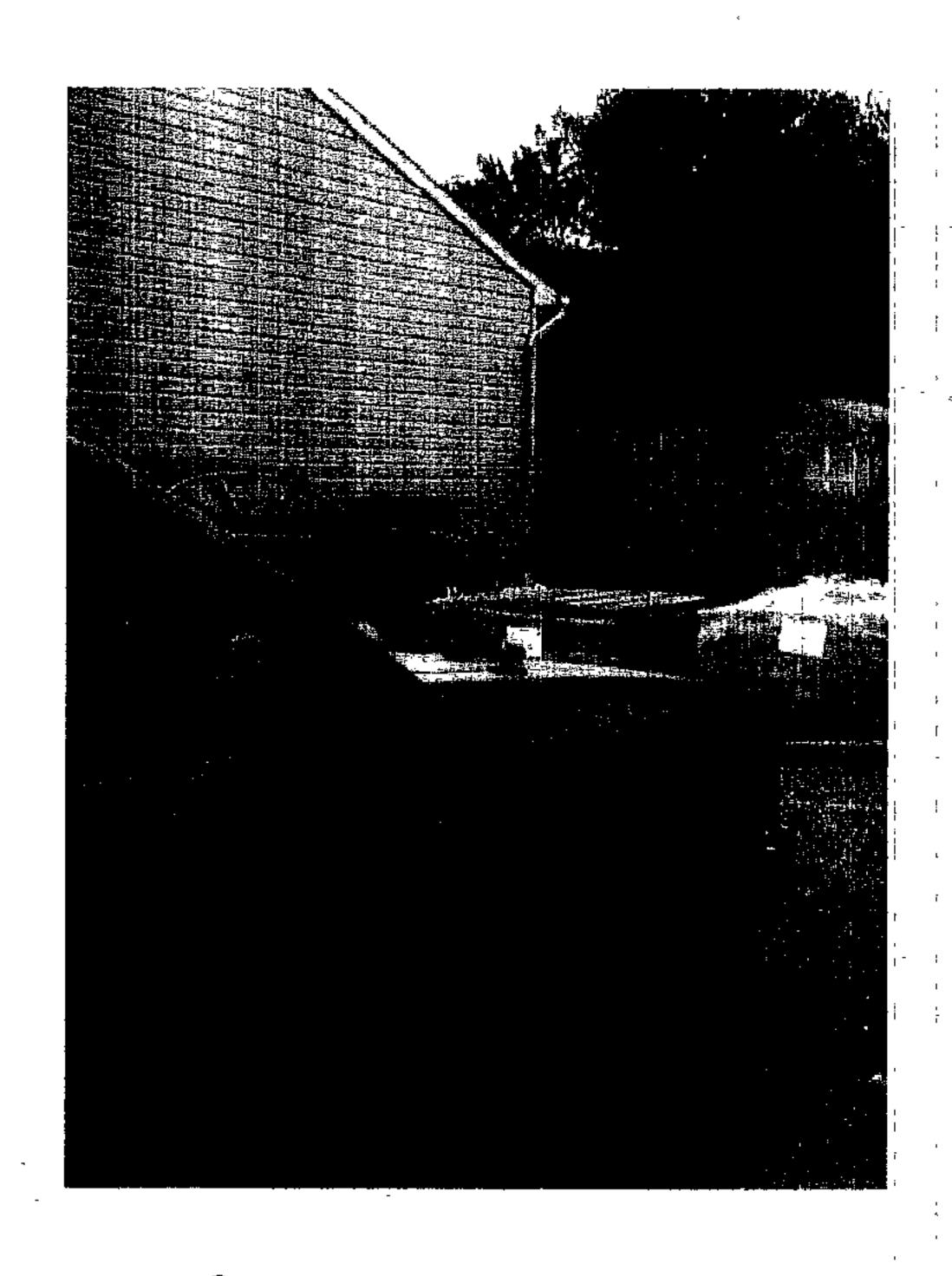




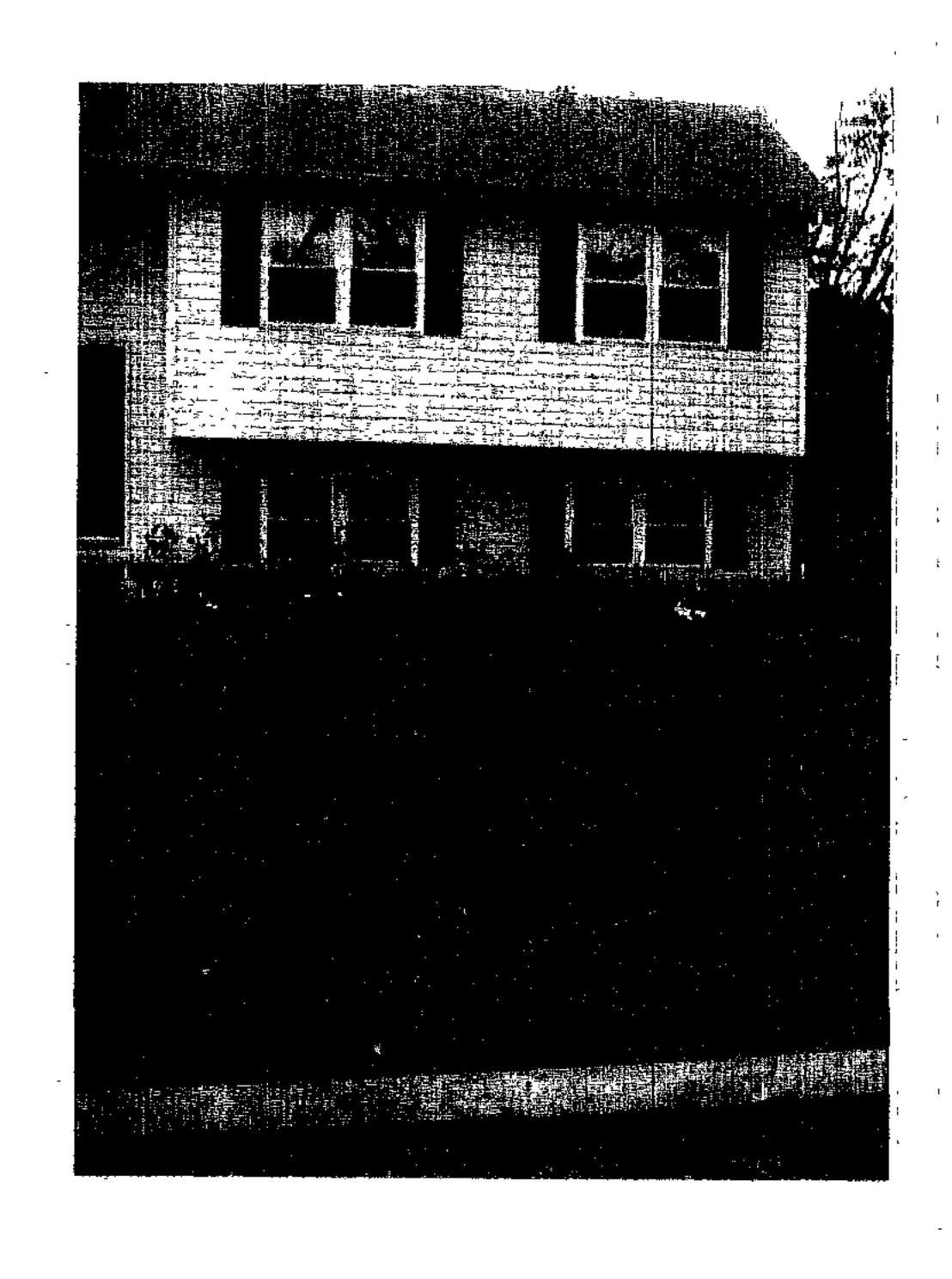
PROPOSED GARAGE SITE



NeighBor AT 9233 NORTH POINT RD Ken + OLGA BORST



MY PROPERTY AT GARAGE SITE AND 9233 NORTH POINT RD. Kent OCGA BORST.



NORTH SIDE OF HOUSE













C4-1667