

IN RE: PETITION FOR VARIANCE
N/S Page Drive, 250' N of the c/l
Ashwood Road
(2700 Page Drive)
12th Election District
6th Council District

Kenneth Metzler, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-172-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 and Cindy Metzler. The Petitioners request a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a side yard setback of 1 foot in lieu of the minimum required 7½ feet. 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 was Kenneth Metzler, property owner. There were no Protestants or other interested persons.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel, 50' wide by 120' deep, located on the southwest side of Page Drive, just north of Trappe Road in Dundalk. The property contains a gross area of 6,000 sq.ft., more or less, zoned D.R.5.5 and is improved with a single-family dwelling. On-site parking is provided by way of an existing driveway leading into the property from Page Drive and extending the length of the house along the east side. The Petitioners recently commenced construction of a carport without benefit of a building permit over that portion of the driveway located adjacent to the house. Mr. Metzler testified that the carport was necessary to provide protection during inclement weather for the Petitioners as well as their vehicles. Upon receipt of an anonymous complaint, the Code Enforcement Division of the Department of Permits and Development Management inspected the property and advised the Petitioners to file the instant Petition due to the close proximity of the

ORDER RECEIVED FOR FILING

Date 12/22/13

By [Signature]

carport to the side property line. Mr. Metzler testified that he does not know who is opposed to his request as he discussed the carport with his immediate neighbors on that side of the lot and that they had no objections to his plans. He indicated that the carport will have a pitched roof and will be compatible with the design of the house from an architectural standpoint. Furthermore, downspouts will be installed so that water runoff will be properly directed towards the street and away from the neighbors' property.

Based upon the testimony and evidence presented, I am persuaded that relief should be granted. I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. As shown on the site plan, the existing house is located 12 feet from the side property line; thus, without a variance the proposed carport cannot be constructed. There were no adverse Zoning Plans Advisory Committee (ZAC) comments submitted by any County reviewing agency and it appears that relief can be granted without detrimental impact upon the health, safety or general welfare of the surrounding locale.

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 22nd day of December 2003 that the Petition for Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a side yard setback of 1 foot in lieu of the minimum required 7½ feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

12/22/03

By



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

December 22, 2003

Mr. & Mrs. Kenneth Metzler
2700 Page Drive
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
N/S Page Drive, 250' N of the c/l Ashwood Road
(2700 Page Drive)
12th Election District – 6th Council District
Kenneth Metzler, et ux - Petitioners
Case No. 04-172-A

Dear Mr. & Mrs. Metzler:

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", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Code Enforcement Division, DPDM
People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2700 PAGE DRIVE
which is presently zoned D.R.5.5

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) 1802.3B. (OCZR)

TO PERMIT AN OPEN PROJECTION (CARPORT) WITH A 1-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 7 1/2- FEET.

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 _____

Case No. 04-172-A

Legal Owner(s):

Name - Type or Print KENNETH METZLER
Signature [Signature]
Name - Type or Print CINDY METZLER
Signature [Signature]
Address 2700 PAGE DR Telephone No. 410-285-1298
City BALTO State MD Zip Code 21222

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 10/16/03

ORDER RECEIVED FOR FILING
Date 10/28/03
BY [Signature]
10/28/03

Zoning Description for **2700 Page Drive**

Beginning at a point on the north side of Page Drive, which is 30-feet wide at a distance of 250-feet north of centerline of nearest improved intersecting street, Ashwood Road which is 30 feet wide. Being lot #58, in the subdivision of Gray Manor, recorded in Baltimore County Plat Book 13, Folio 34, containing 6,000 square feet. Also known as 2700 Page Drive located in the 12th Election District and 6th Councilmanic District.

04-172-A

No. 25073

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CASHIER'S VALIDATION

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: #04-172-A

2700 Page Drive

N/side of Page Drive 250 feet north of centerline of Ashwood Drive

12th Election District - 7th Councilmanic District

Legal Owner(s): Kenneth and Cindy Metzler

Variance: to permit an open projection carport with a 1-foot side yard setback in lieu of the required 7 1/2 feet.

Hearing(s): Tuesday, November 25, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Busley 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, 11/039 Nov. 8 C635458

CERTIFICATE OF PUBLICATION

11/6/, 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 11/6/, 2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-172-A

Petitioner/Developer: KENNETH

+ CINDY METZLER

Date of Hearing/Closing: NOV 25, 2003

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:

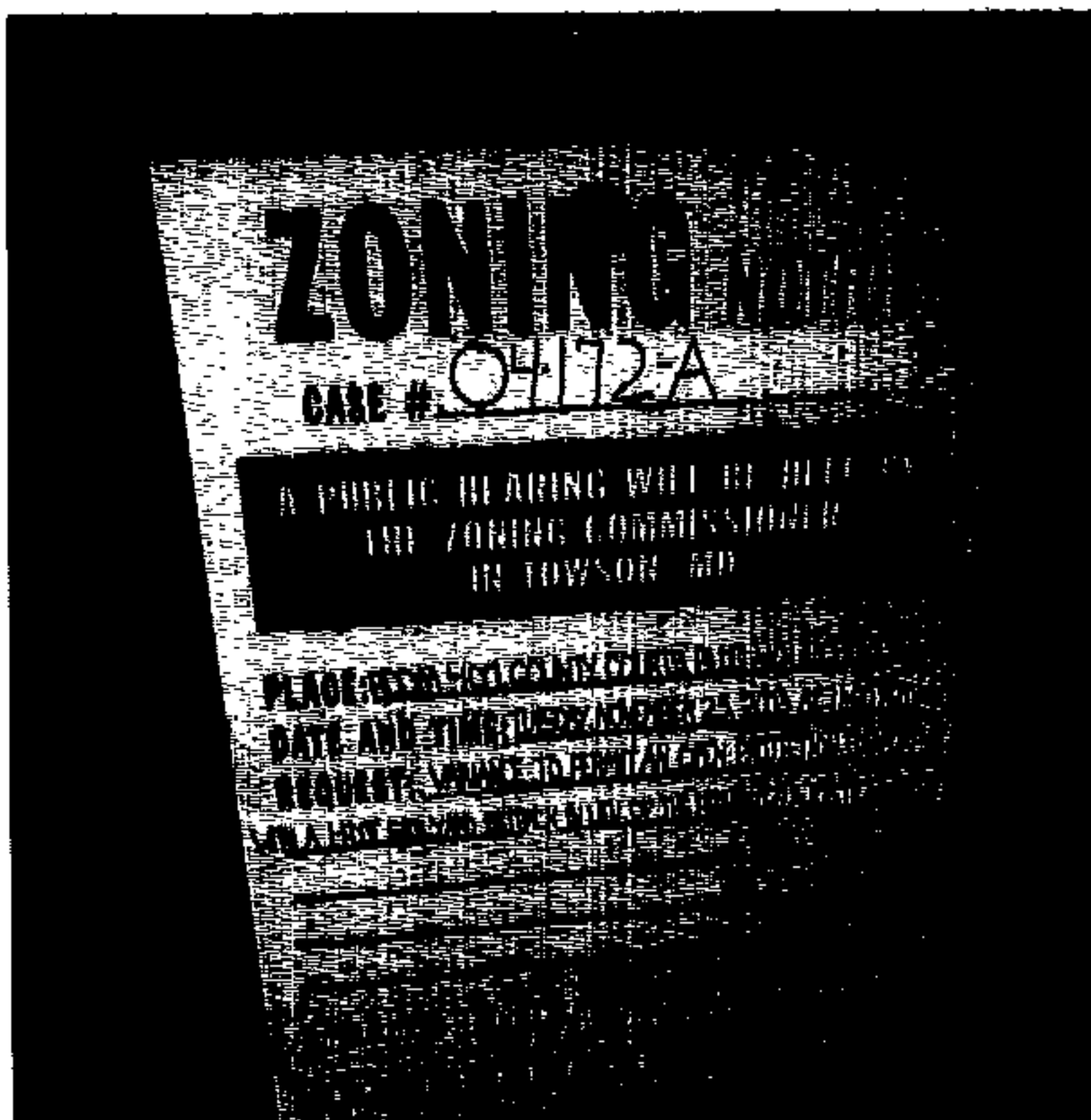
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

2700 PAGE DRIVE

The sign(s) were posted on

11/8/03
(Month, Day, Year)

Sincerely,



[Signature]
(Signature of Sign Poster)

11/8/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR VARIANCE
2700 Page Drive; N.side Page Drive, 250'
N c/line of Ashwood Drive
12th Election & 7th Councilmanic Districts
Legal Owner(s): Kenneth & Cindy Metzler
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 04-172-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 and documentation filed in the case.

RECEIVED

OCT 24 2003

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 24th day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to, Kenneth & Cindy Metzler, 2700 Page Drive, Baltimore, MD 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 6, 2003 Issue - Jeffersonian

Please forward billing to:

Mr. and Mrs. Kenneth Metzler
2700 Page Drive
Baltimore, MD 21222

410-285-1298

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: 04-172-A

2700 Page Drive

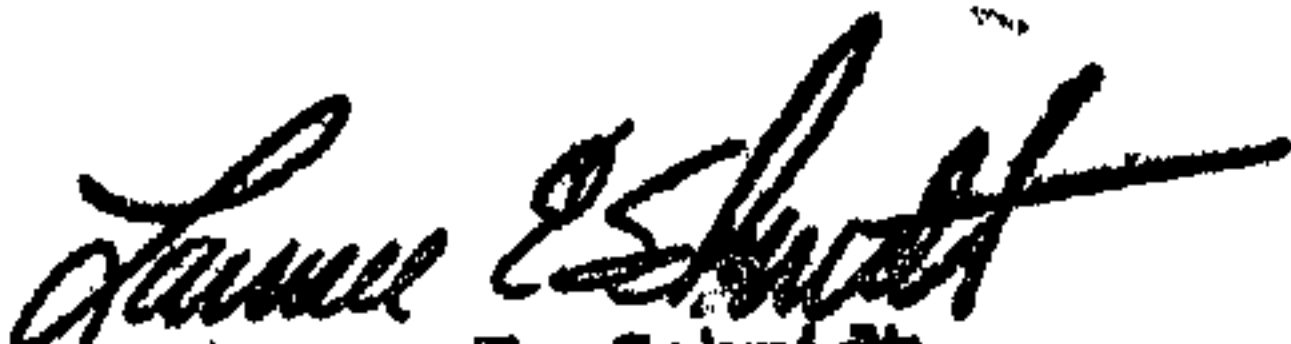
N/side of Page Drive, 250 feet north of centerline of Ashwood Drive

12th Election District – 7th Councilmanic District

Legal Owners: Kenneth and Cindy Metzler

Variance to permit an open projection, carport with a 1-foot side yard setback in lieu of the required 7 ½ feet.

Hearings: Tuesday, November 25, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



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

October 27, 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: 04-172-A

2700 Page Drive

N/side of Page Drive, 250 feet north of centerline of Ashwood Drive

12th Election District – 7th Councilmanic District

Legal Owners: Kenneth and Cindy Metzler

Variance to permit an open projection, carport with a 1-foot side yard setback in lieu of the required 7 ½ feet.

Hearings: Tuesday, November 25, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Kenneth and Cindy Metzler, 2700 Page Drive, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 10, 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 04-172-A

Petitioner METZLER

Address or Location 2700 PAGE DR.

PLEASE FORWARD ADVERTISING BILL TO

Name MR. & MRS. KENNETH METZLER

Address 2700 PAGE DR.

BALTO. MD 21222

Telephone Number 410-285-1298



Baltimore County
Department of Permits and
Development Management

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

November 21, 2003

Kenneth Metzler
Cindy Metzler
2700 Page Drive
Baltimore, MD 21222

Dear Mr. and Mrs., Metzler:

RE: Case Number: 04-172-A, 2700 Page Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 6, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel



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



**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

October 22, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.: ¹⁷² 170-175, 177-181

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



11/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 28, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case 04-172**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Mark A. Cunningham

Section Chief:

[Signature]

AFK/LL

RECEIVED

NOV 3 2003

ZONING COMMISSIONER

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.21.03

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

RE: Baltimore County
Item No. 172 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

Case Entry/Update

Format : CASREC

Mode : CHANGE

File : PDLV0001

Dt Rec: 9042003 Intake: JSS Act: Case #: 03-7379

Insp: BERRY, G Insp Grp: ENF Insp Area: 15 Tax Acct: 1202059952

Address: 2700 PAGE RD Apt #: Zip: 21222

Problem Descript.: CARPORT BEING BUILT W/O PERMIT;

Complainant Name (Last): ANON (First):

Complainant Addr:

Complainant City: State: Zip:

Complainant Phone (H): (W):

Date of Reinspection: 10152003 Date Closed: Delete Code (P):

F3=Exit

F9=Insert

F5=Refresh

F10=Entry

F6=Select format

F11=Change

Case Entry/Update

Format : CASRE

Mode : CHANGE

File : PDLV0001

Notes: 09/05/03 CARPRT. APPROX. 12'6"X40' BEING CONSTR. ON SIDE OF SFD. ISSUED
SWO TO OBTAIN PERMIT OR REMOVE BY 09/17/03. ANON. COMPL. G.BERRY/KH.***
09/18/03 OWNER CAME IN TO APPLY FOR PERMIT. VAR. REQ'D. WAS GIVEN WRONG PAPERS
TO FILL OUT. WAS GOING TO COME BACK TO CO. THIS WK. P/U 09/25/03. G.BERRY/KH.***
10/1/03 EXT 10/15/03 TO SEE IF VARIENCE IS APPLIED FOR. P/U 10/15/03 G.BERRY/DR

F3=Exit

F9=Insert

F5=Refresh

F10=Entry

F6=Select format

F11=Change

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2700 PAGE DRIVE

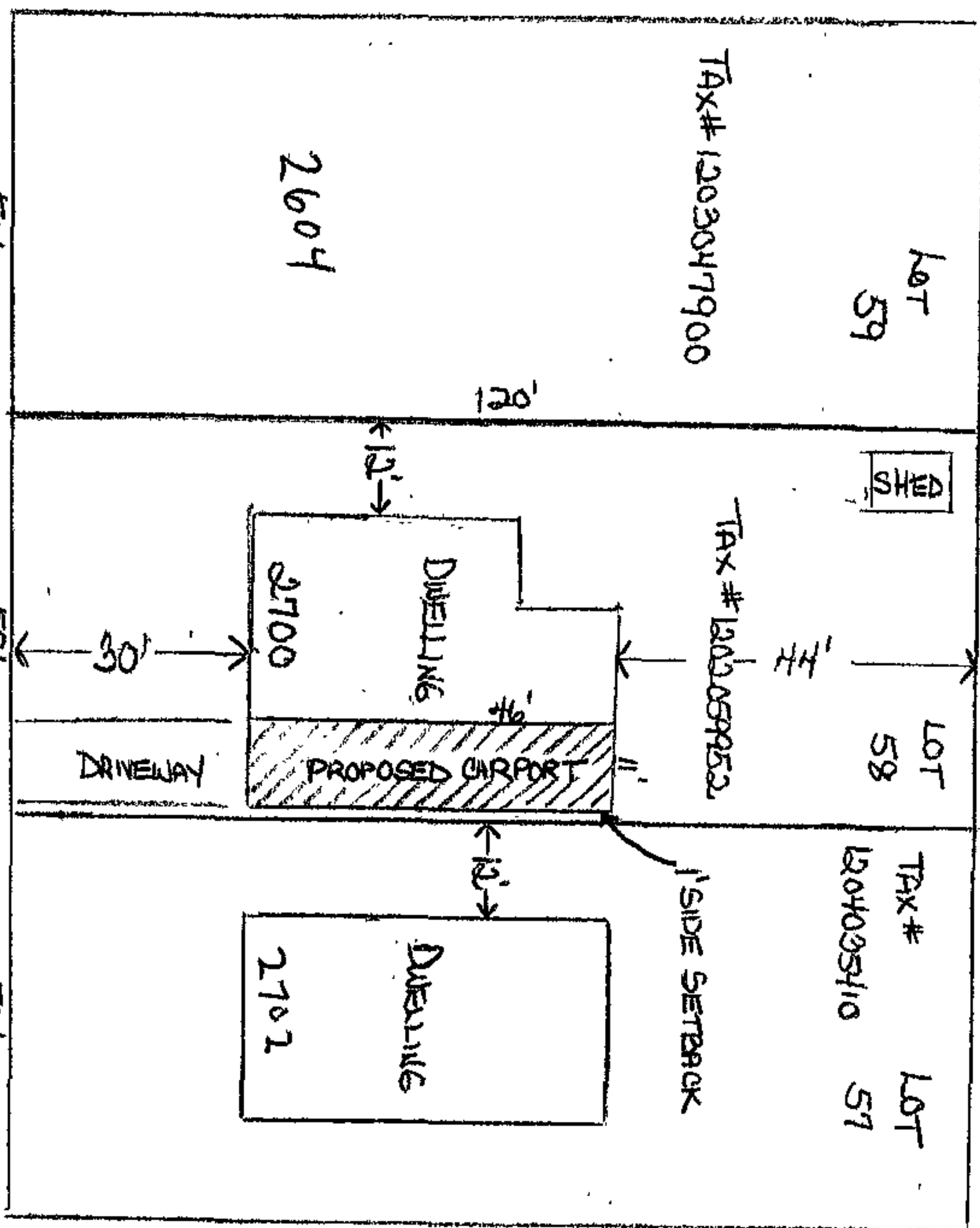
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME GRAT MANOR

PLAT BOOK # 13 FOLIO # 34 LOT # 58 SECTION #

OWNER KENNETH + CINDY METZLER

1/2/01



PAGE DRIVE (30') 250' TO CL

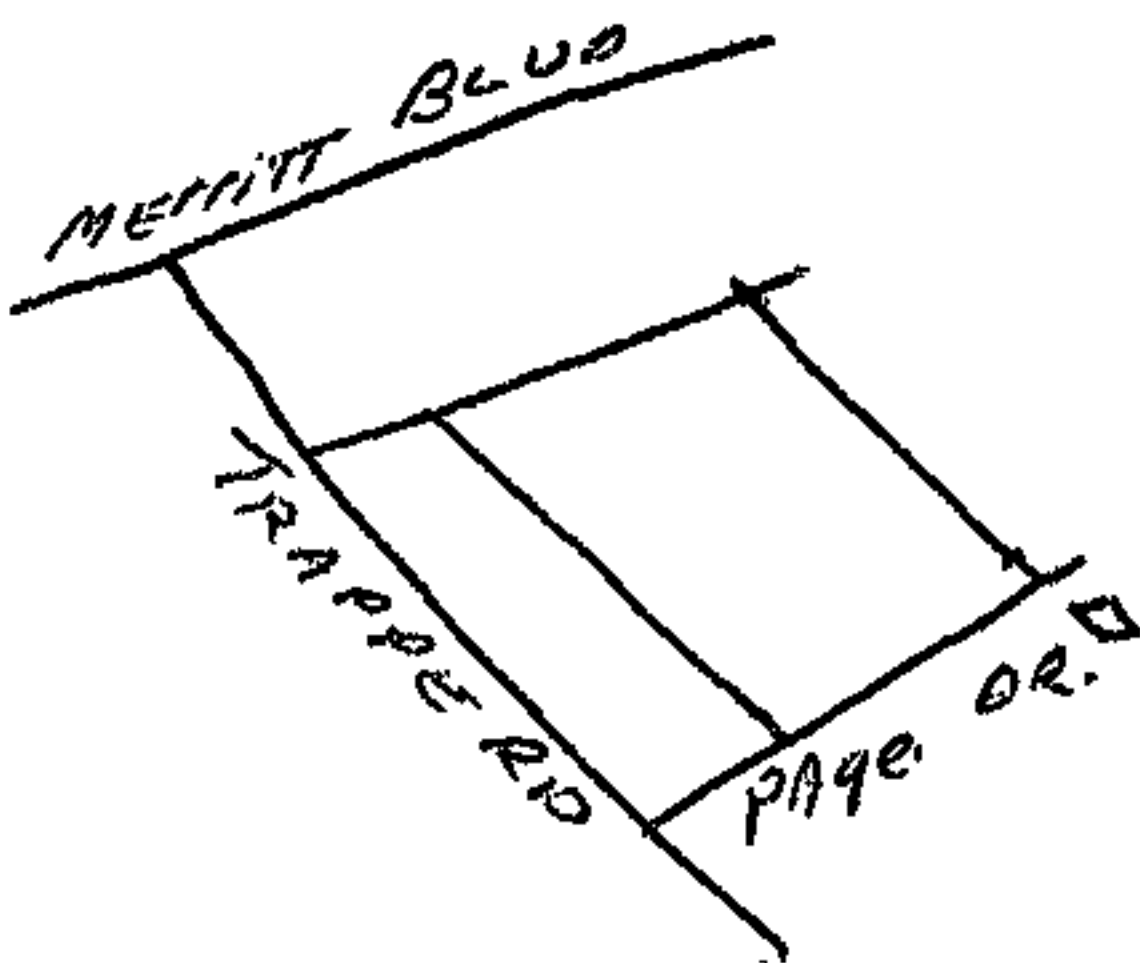
ASHWOOD RD.

NORTH



PREPARED BY K.L.M.

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # SE 2 F

ZONING D.R. 5.5

LOT SIZE

ACREAGE 6.000 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

REVIEWED BY D. Thompson

ITEM # 192

CASE # 04-172-A

