

IN RE: PETITION FOR ADMIN. VARIANCE

NW/Corner of Newburg Avenue
and Biddle Court
1st Election District
1st Councilmanic District
(504 Newburg Avenue)

Denise & Glenn L. Meyers

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 04-256-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, Denise and Glenn L. Meyers. The variance request is for property located at 504 Newburg Avenue in the Catonsville area of Baltimore County. The variance request is from Sections 211.2 and 211.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed open projection (carport) attached to a side of an existing dwelling with a 16 ft. front yard setback and a 5 ft. side yard setback in lieu of 18 ft. 9 in. and 6 ft. respectively. 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

ORDER RECEIVED FOR FILING

Date

12/30/03

By

[Signature]

that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict 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 30 day of December, 2003, that a variance from Sections 211.2 and 211.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed open projection (carport) attached to a side of an existing dwelling with a 16 ft. front yard setback and a 5 ft. side yard setback in lieu of 18 ft. 9 in. and 6 ft. respectively, 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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

12/30/03

By



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

December 30, 2003

Mr. & Mrs. Glenn L. Meyers
504 Newburg Avenue
Catonsville, Maryland 21228

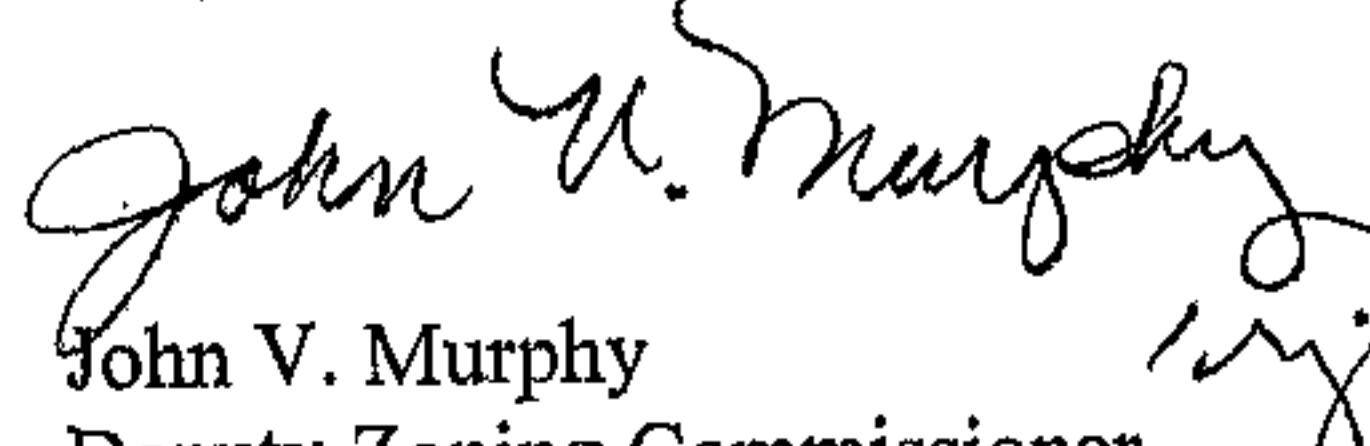
Re: Petition for Administrative Variance
Case No. 04-256-A
Property: 504 Newburg Avenue

Dear Mr. & Mrs. Meyers:

Enclosed please find the decision rendered in the above-captioned case. The 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 & 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

JVM:raj
Enclosure





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

504 NewBURG AVE
Address
Catonsville MD 21228
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 would like to erect a new carport to replace our existing carport. The old carport was in need of refurbishing, but due to the severe weather conditions this past year, it was not salvageable. The new carport would be 3 feet wider and 15 feet longer. We would like the larger carport to be able to have handicapped access to and from the car. Our existing carport does not allow easy access from the vehicles at its current width. The new carport would not be any wider than the existing driveway. However, the new dimensions of the carport would not be within the stated code for distance to our neighbor's property line. FRONT STREET
We are requesting a variance to place the new carport as stated. DM

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.

Signature Glenn L. Meyers
Name - Type or Print GLENN L. MEYERS

Signature Denise L. Meyers
Name - Type or Print DENISE L. MEYERS

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of November, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Glenn L. Meyers and Denise L. Meyers
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Deborah Marie Wiley
Notary Public
My Commission Expires 4 September, 2006

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

Address 504 Newberg Ave
City Catonsville State MD Zip Code 21228

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 would like to erect a new carport to replace our existing carport. The old carport was in need of refurbishing, but due to the severe weather conditions this past year, it was not salvageable. The new carport would be 3 feet wider and 15 feet longer. We would like the larger carport to be able to have handicapped access to and from the car. Our existing carport does not allow easy access from the vehicles at its current width. The new carport would not be any wider than the existing driveway. However, the new dimensions of the carport would not be within the stated code for distance to our neighbor's property line. FRONT STREET DR
We are requesting a variance to place the new carport as stated.

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.

Signature Glenn L. Meyers
Name - Type or Print GLENN L. MEYERS

Signature Denise L. Meyers
Name - Type or Print DENISE L. MEYERS

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of November, 2003 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Glenn L. Meyers and Denise L. Meyers
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Dulrah Mann
Notary Public
My Commission Expires 4 September, 2006



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 504 NEWBURG AVE 21228
which is presently zoned RESIDENTIAL

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) 205.3, 1955 REGS

^{or}
(open projection) on

211.2, 211.3 AND 301.1 (1955 BCZA)

To Permit A PROPOSED CARPORT ATTACHED TO A SIDE OF DWELLING WITH A
6 FT FRONT YARD SETBACK AND A 5 FT SIDE YARD SETBACK IN LIEU OF
18 FT 9 IN AND 6 FT. RESPECTIVELY.

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):

GLENN L. MEYERS

Name - Type or Print

Signature

DENISE L. MEYERS

Name - Type or Print

Signature

504 NEWBURG AVE 410 719 7025

Address

Telephone No.

CATONSVILLE MARYLAND 21228

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

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 04 day of 256 A 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. 04 256 A

Reviewed By JL Date 11/18/03

REV 10/25/01

Estimated Posting Date 11/30/03

**ZONING DESCRIPTION FOR 504 NEWBURG AVENUE,
CATONSVILLE MARULAND 21228**

Location from the ~~southwest~~ corner of Newburg Avenue and Biddle
court. *Northwest*

Front footage, parallel to Newburg avenue 72.19 feet, traveling from
the intersection S.31 10'03" west.

Depth of lot S.58 49'57" east distance of 89.17 feet.

Distance describing rear of lot N.19 03' 03" east, 101.15 feet.

Length parallel to Biddle court N.70 56'57"west 57.37 feet.

Being lot #2 Section 3 in the Hilton subdivision as recorded in
Baltimore County Plat Book #22, Folio 87 . Also known as 504
Newburg Avenue and located in the ^{12th}~~12th~~ election district, ^{2nd}~~2nd~~
Councilman District.

OCT. 1955 APPROVED

DM

256

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29915

DATE

11/18/03

ACCOUNT

2001 006 6150

AMOUNT

\$ 65.00

RECEIVED FROM

Mr. James

FOR

Per Diem

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

504 Maryland Ave

PAID RECEIPT

BUSINESS ACTION TIME

11/18/2003 11/18/2003 15:11:15

RECEIVED 11/18/2003 11/18/2003

BY: 520 ADMIN: 0000-0001100

EX. NO. 10000

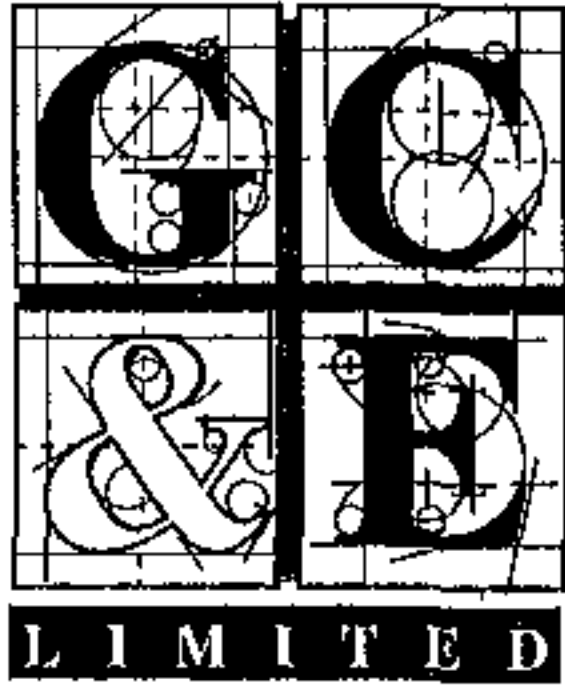
DEPT. 100

100 00

100 00

100 00

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 04-256-A
PETITIONER/DEVELOPER:
Glenn & Denise Meyers
DATE OF HEARING:
N/A

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION

504 Newburg Avenue

DATE

December 2, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD

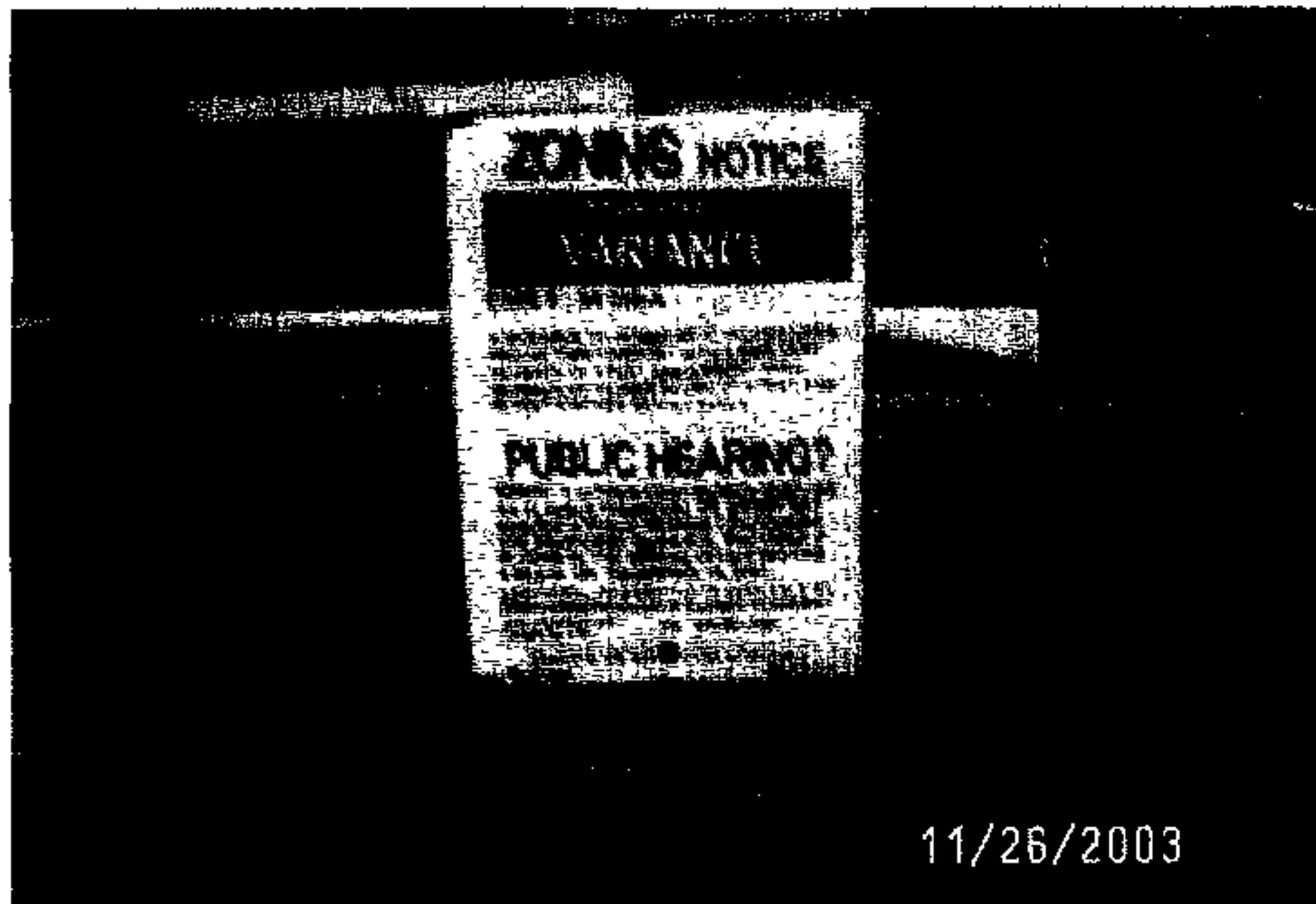
SUITE 100

320 EAST TOWSON TOWN BLVD

TOWSON, MARYLAND 21286

410-823-4470 PHONE

410-823-4473 FAX



POSTED ON: November 26, 2003

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: 04 256 A

Petitioner: x MEYERS

Address or Location: x 504 NewBURG AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: GLENN L. MEYERS

Address: 504 NEWBURG AVE.

CATONSVILLE, MD 21228

Telephone Number: 410-719-7025

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 04- 256 -A Address 504 NEWBURG AVE.Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner: Please Print Your NameFiling Date: 11/18/03 Posting Date: 11/30/03 Closing Date: 12/15/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

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.

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.

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.

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.

Detail Along Dotted Line

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04- 256 -A Address 504 NEWBURG AVE.
Petitioner's Name GLENN & DENISE MEYERS Telephone 410 719 7025
Posting Date: 11/30/03 Closing Date: 12/15/03
Ordering for Sign: To Permit AN ATTACHED (OPEN PROJECTION) CARPORT WITH A SIDE YARD SETBACK
OF 5 FT. AND A FRONT YARD SETBACK OF 16 FT. IN LIEU OF 6 FT. AND
18 FT. 9 IN. RESPECTIVELY.

(APP HAS POSTERS LIST) WCR - Revised 5/28/00



Baltimore County
Department of Permits and
Development Management

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

December 15, 2003

Glenn L. Meyers
Denise L. Meyers
504 Newberg Avenue
Catonsville, MD 21228

Dear Mr. and Mrs. Meyers:

RE: Case Number: 04-256-A, 504 Newburg Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 18, 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, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel



Printed with Soybean Ink
on Recycled Paper

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

December 9, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: December 8, 2003

Item No: 249, ~~256~~ 266

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

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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12.9.03

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

RE: Baltimore County
Item No. 256 JLL

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 18, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case 04-256 and 04-266**
Administrative Variance

RECEIVED

DEC 18 2003

ZONING COMMISSIONER

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 24, 2003

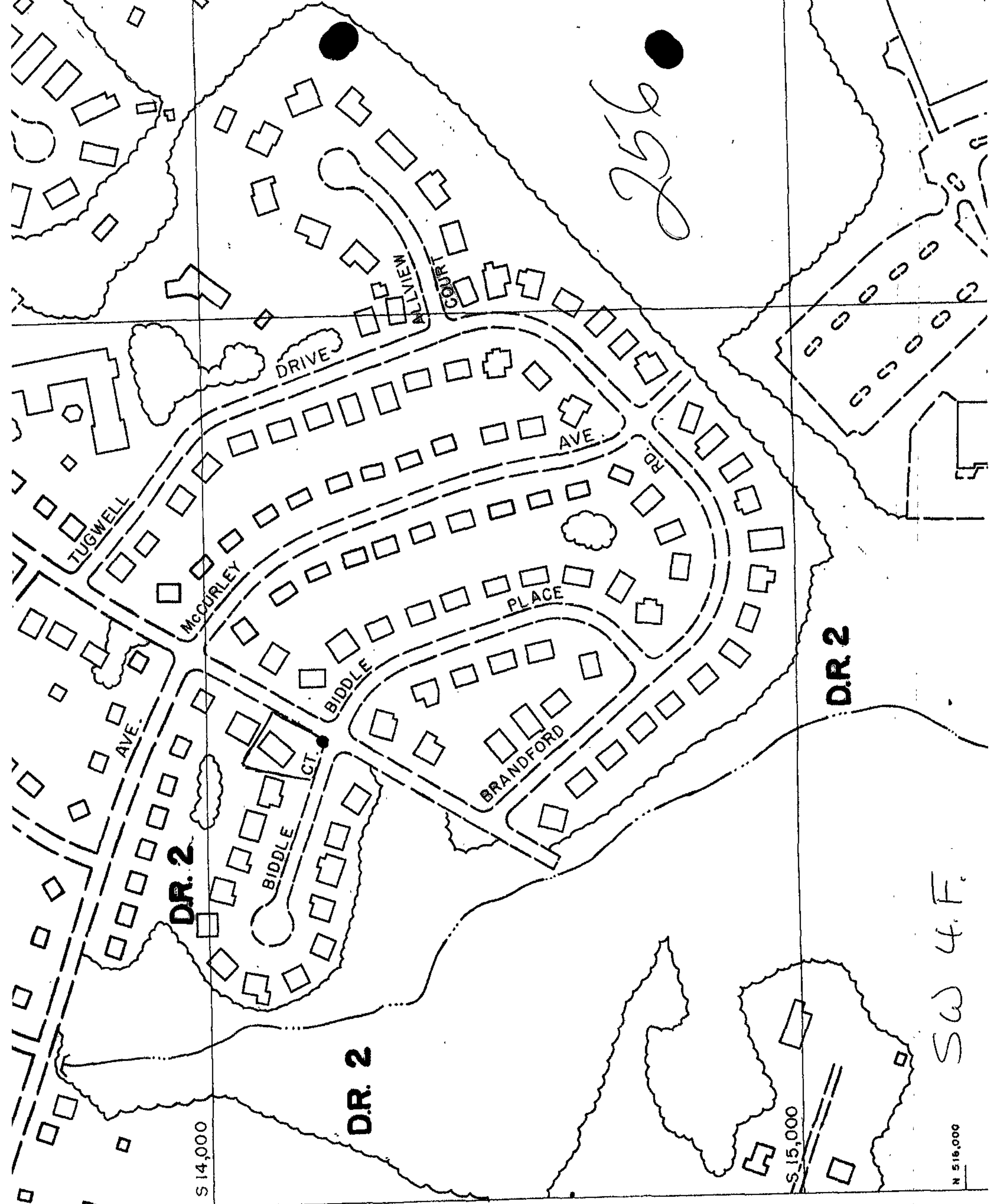
FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2003
Item Nos. 249, 256, 257, 258, 260,
261, 262, 264, 265, and 266

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

RWB:CEN:jrb

cc: File



256

D.R. 2

D.R. 2

D.R. 2

SW 4.F.

25

Proposed Airport Scientific Area

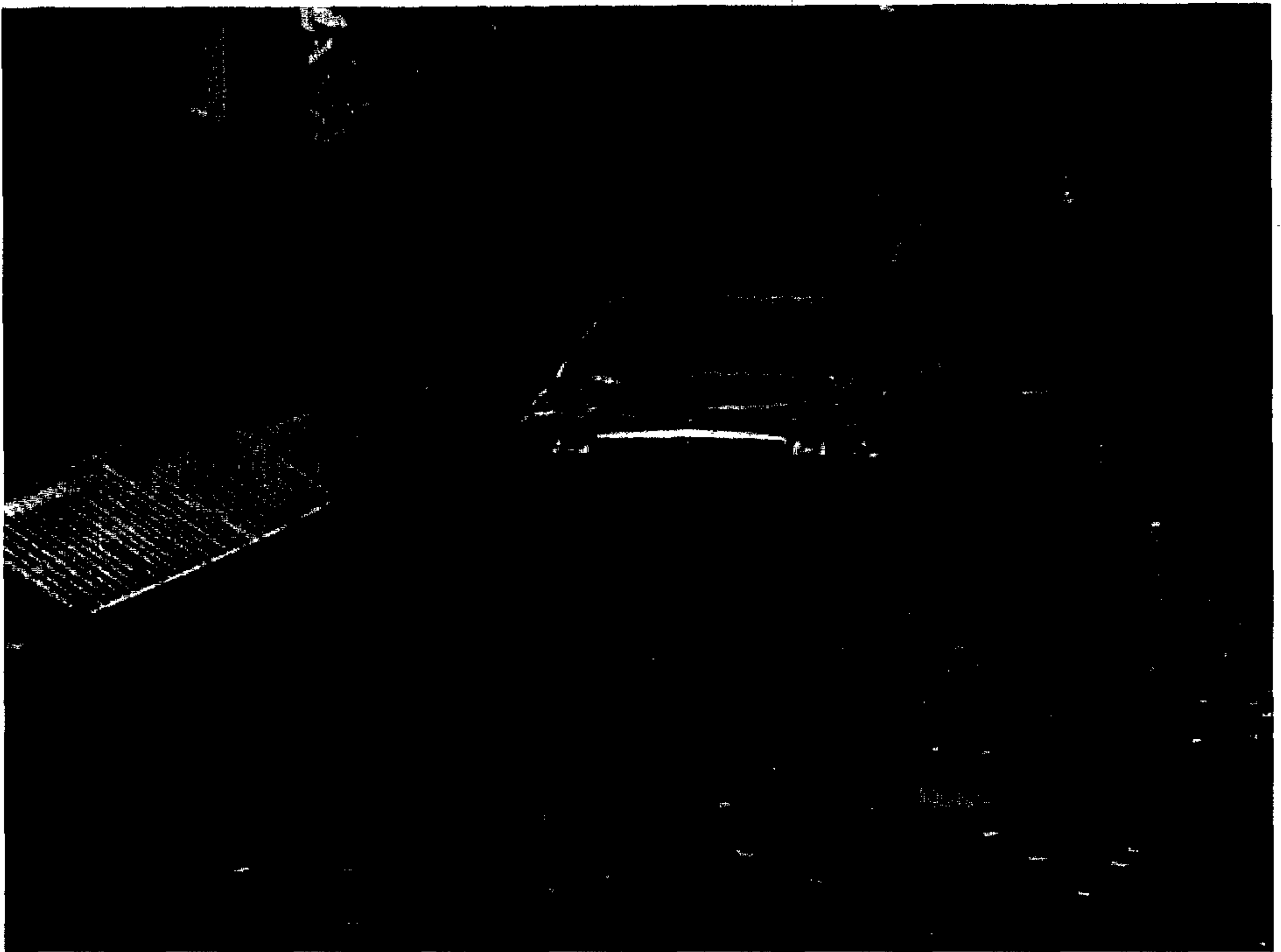
Site and Old Airport



501-710-0111
SOS
New Guinea Ave

Off South Rolling Rd.

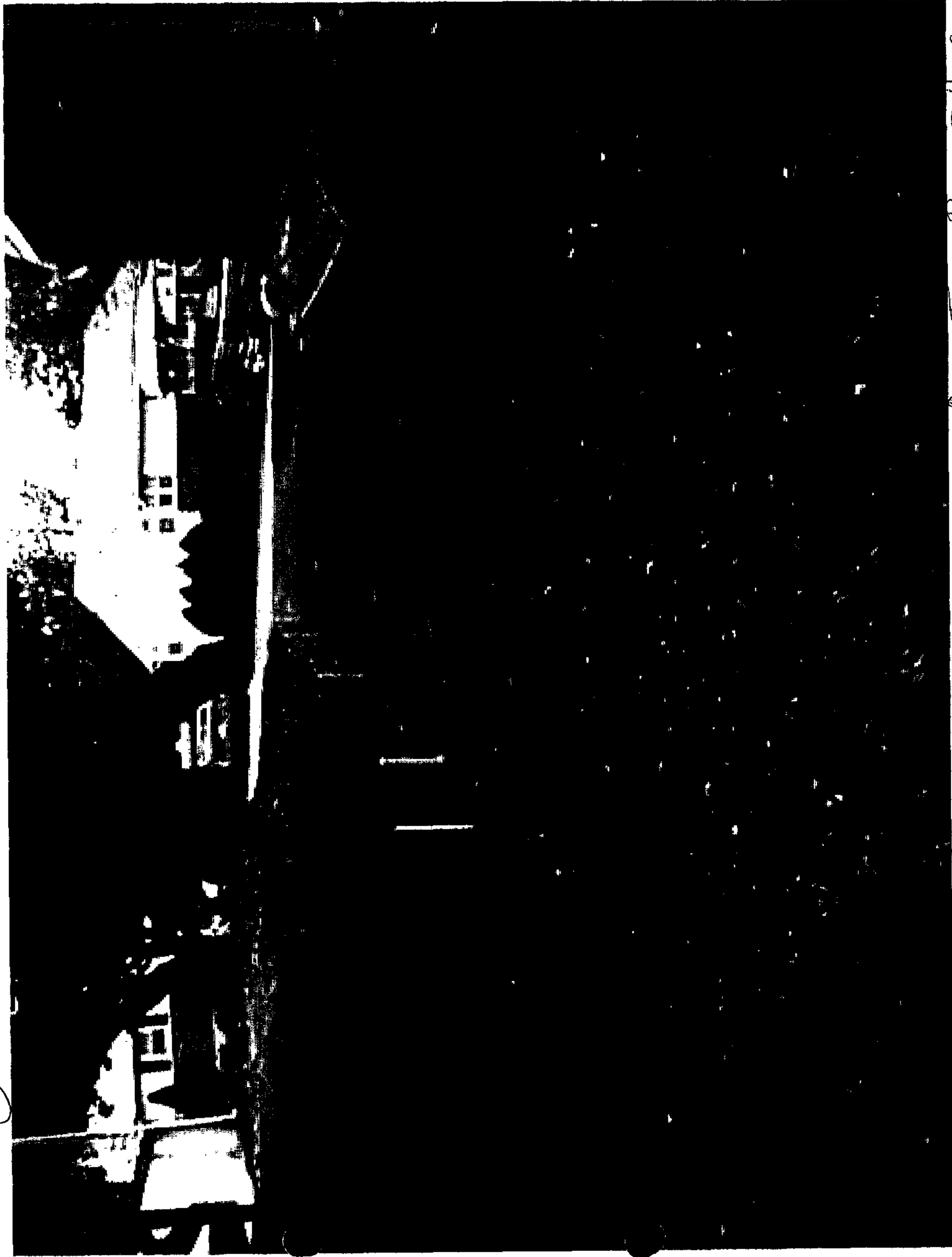
JP



PROPOSED CARPORT AREA
SHOWING HANDICAPPED WIDTH

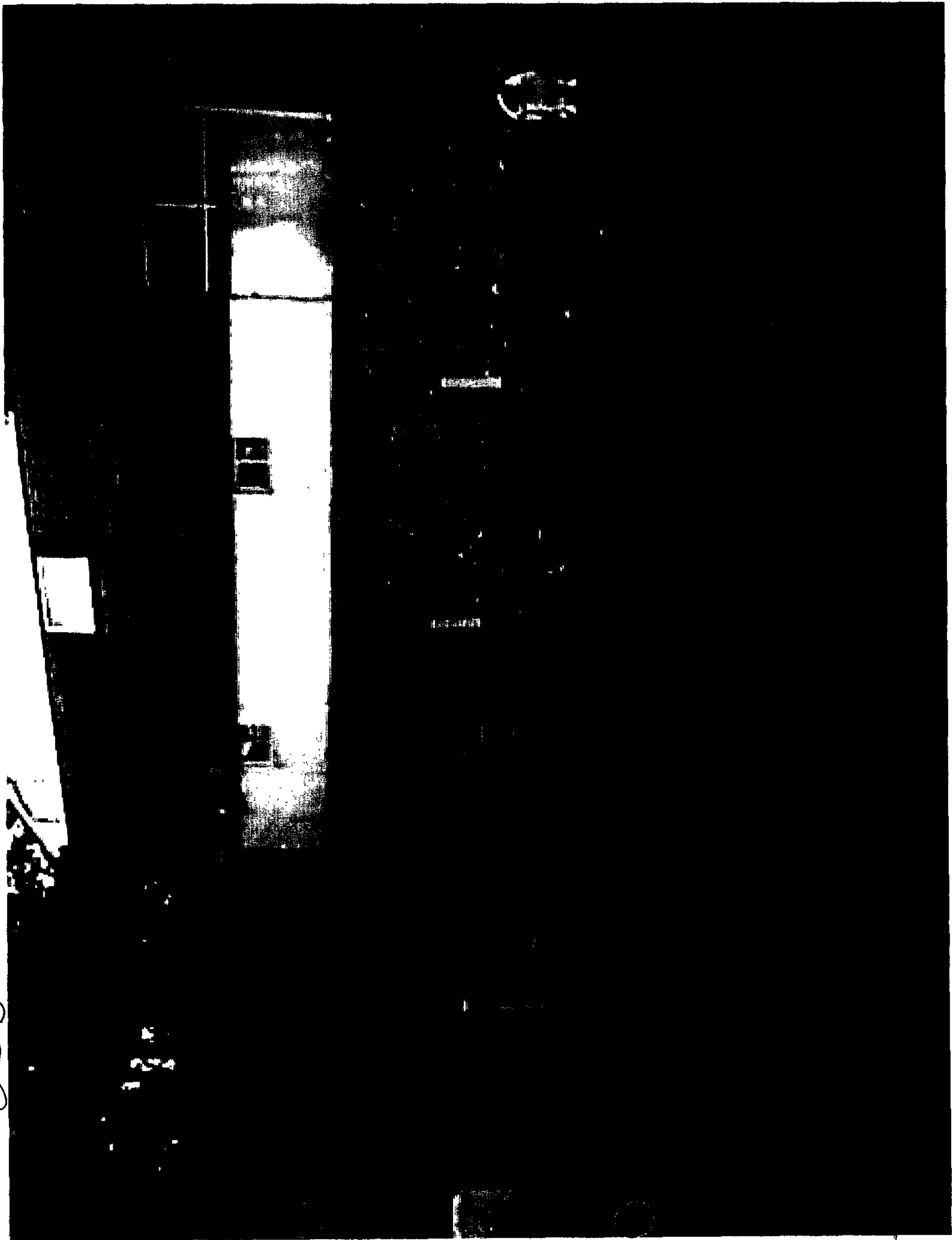
- OLD CARPORT - CONCRETE BLOCKS
- STAKES SHOWING CARPORT.

256

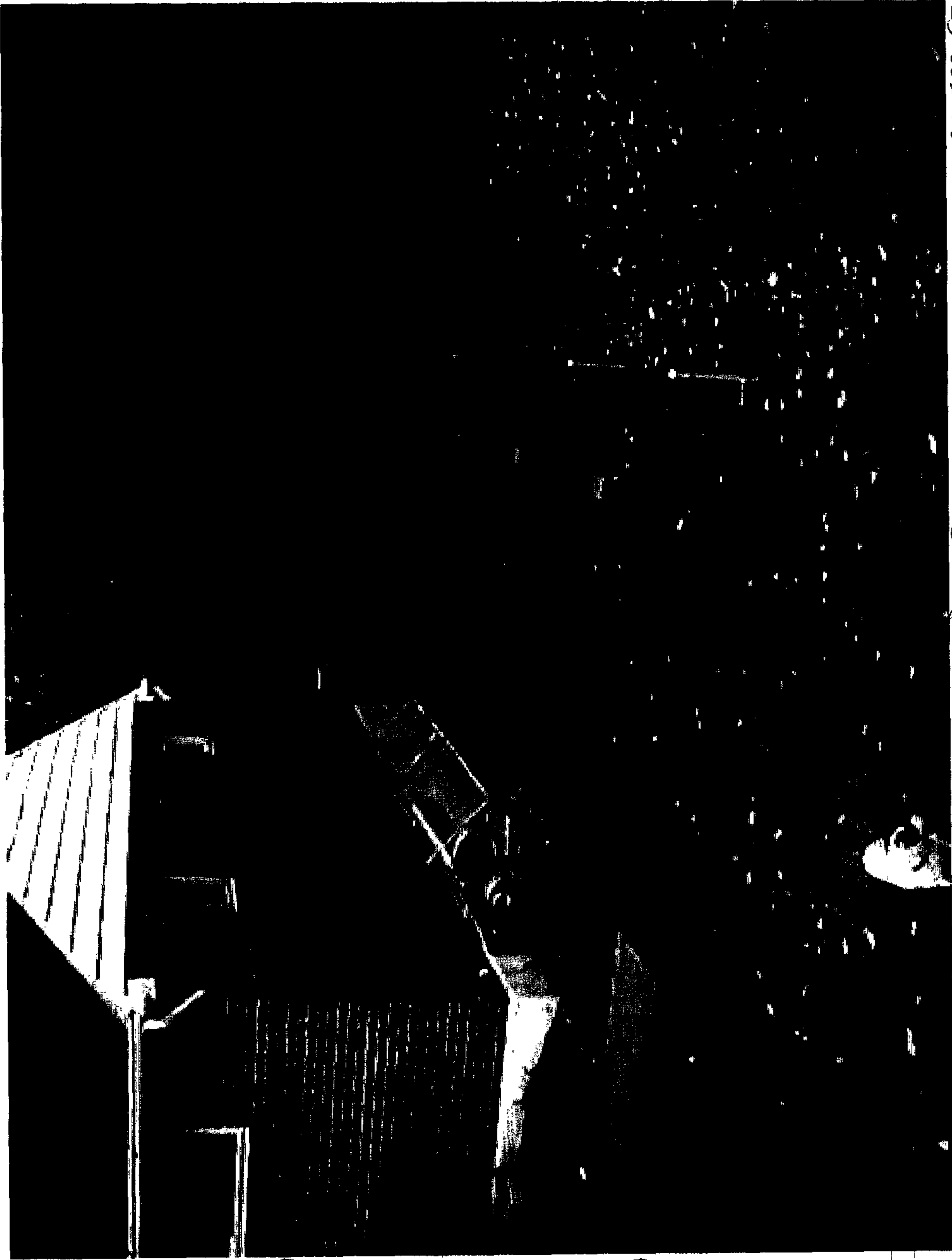


View of Progress Carl Port Area From Rear of House

256



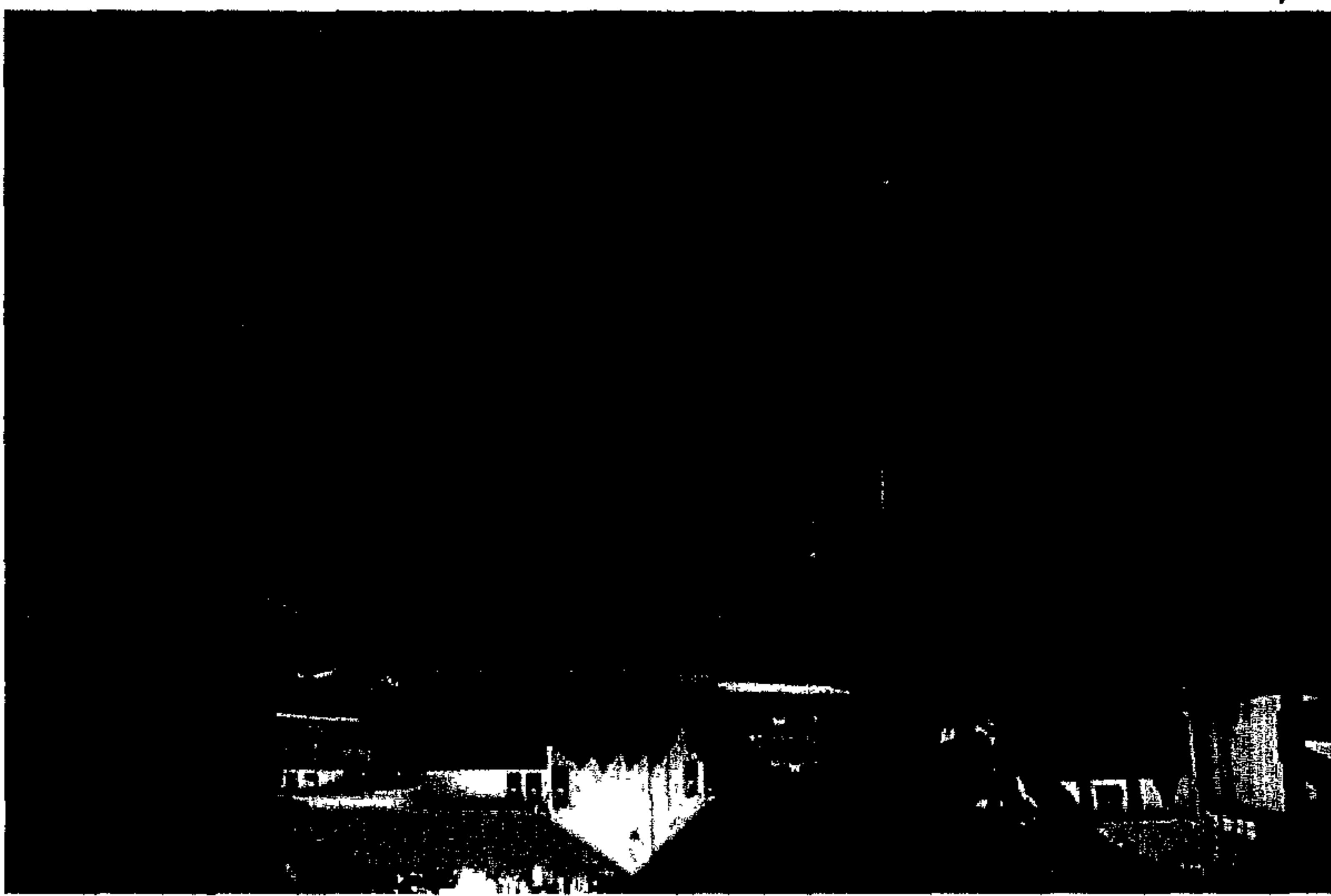
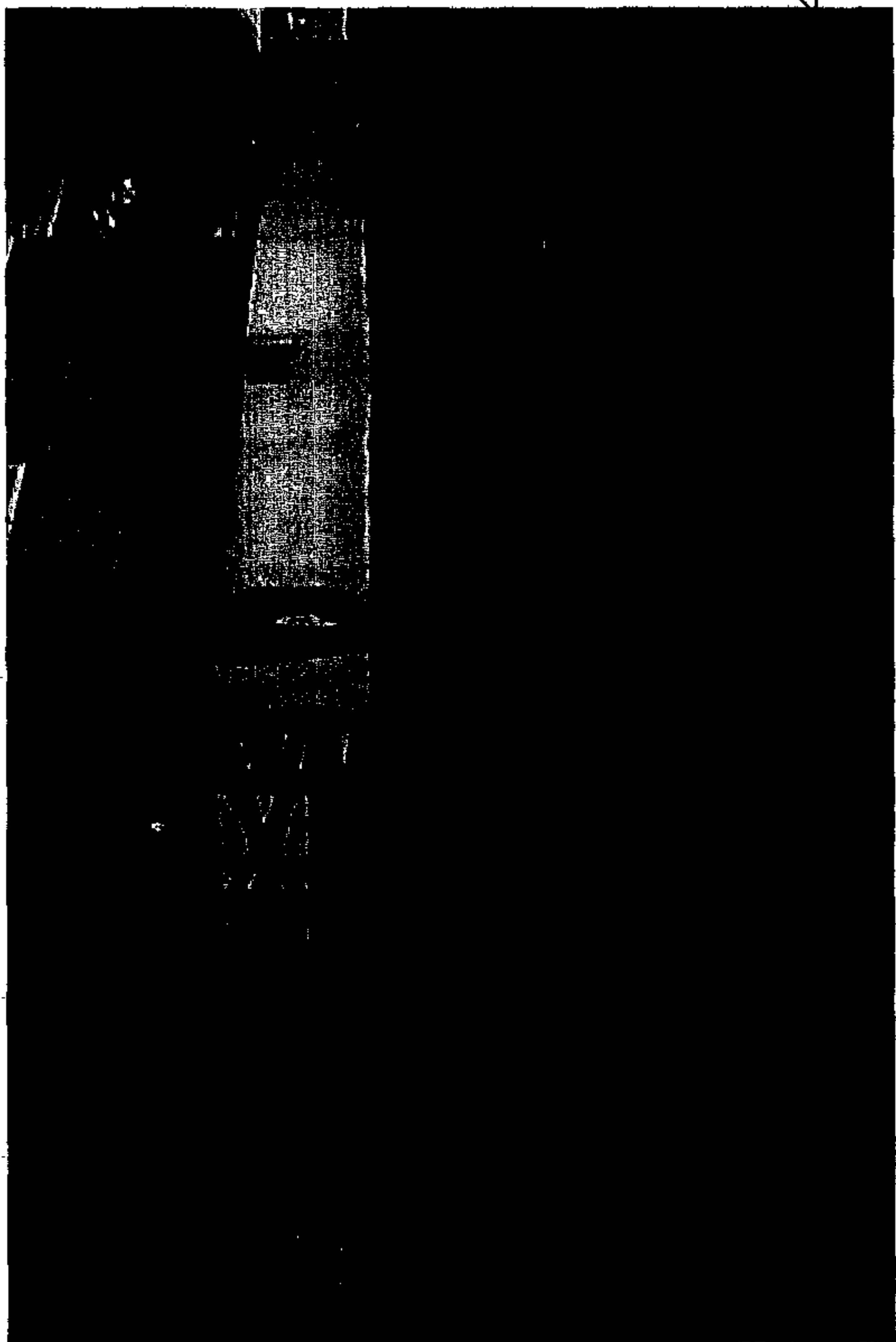
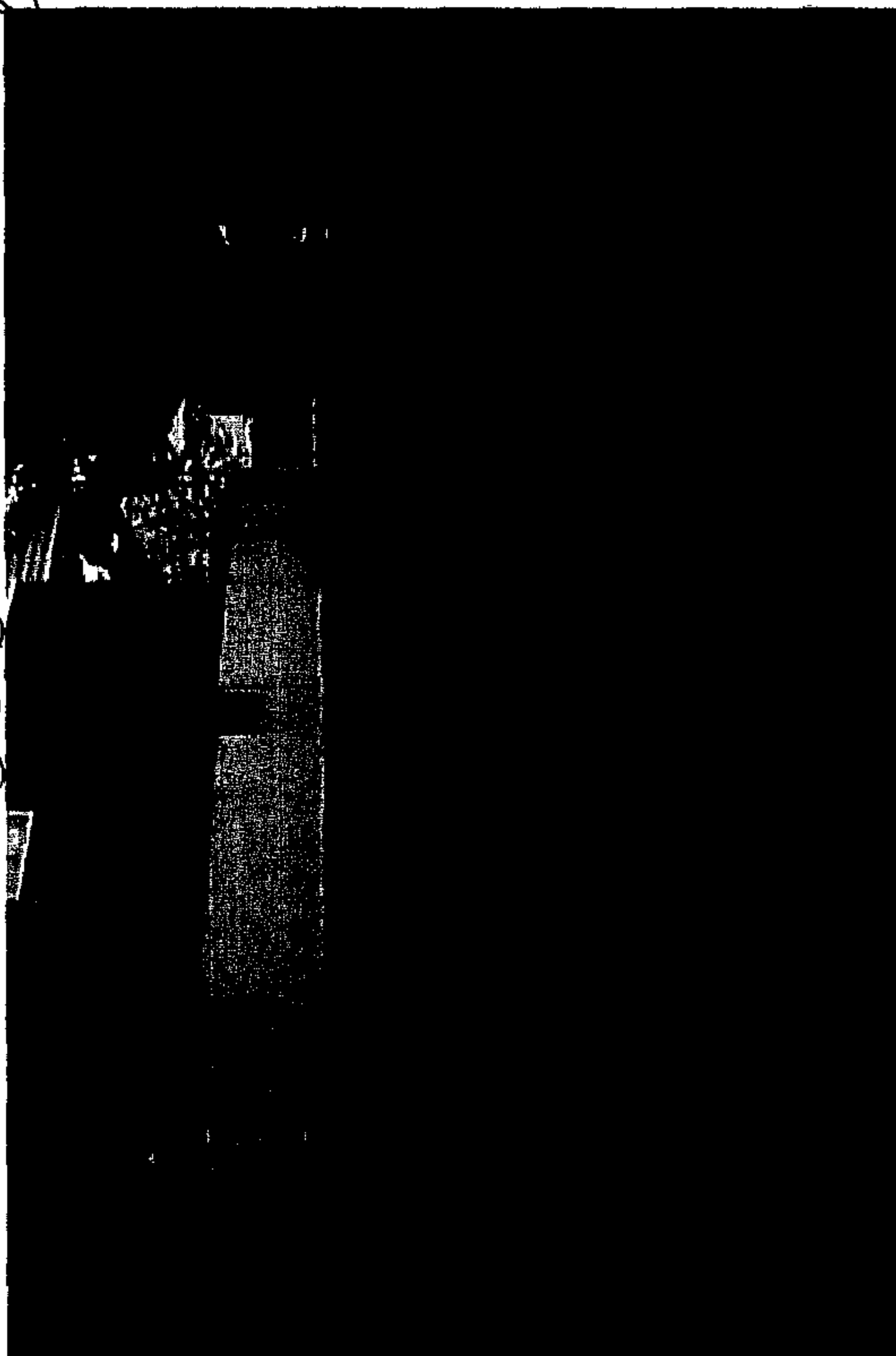
256



AREA OF PROPOSED NEW CARPORT; STAGES SHOW OUTER EDGE
OF PROPOSED.

256

Shots showing neighbors house



View From Rear OF House

← corner stake for carpet.