

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Leslie Avenue, 100 ft. E
centerline of Bird Road
15th Election District
6th Councilmanic District
(6842 Leslie Road)

Carol A. & Frank W. Curran, III
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-278-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, Carol A. and Frank W. Curran, III. The variance request is for property located at 6842 Leslie Road in the eastern area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling (to replace storm damaged dwelling) to be located with 10 ft. side setbacks (each side) in lieu of the required 35 ft. (each side). 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.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated January 6, 2004, a copy of which is attached hereto and made a part hereof.

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

ORDER RECEIVED FOR FILING

Date

By

1/7/04

RC [Signature]

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 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 7 day of January, 2004, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling (to replace storm damaged dwelling) to be located with 10 ft. side setbacks (each side) in lieu of the required 35 ft. (each side), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
2. Compliance with the ZAC recommendations submitted by DEPRM on January 6, 2004, a copy of which is attached hereto and made a part hereof;
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

1/7/04

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

January 7, 2004

Mr. & Mrs. Frank W. Curran, III
6842 Leslie Road
Baltimore, Maryland 21220

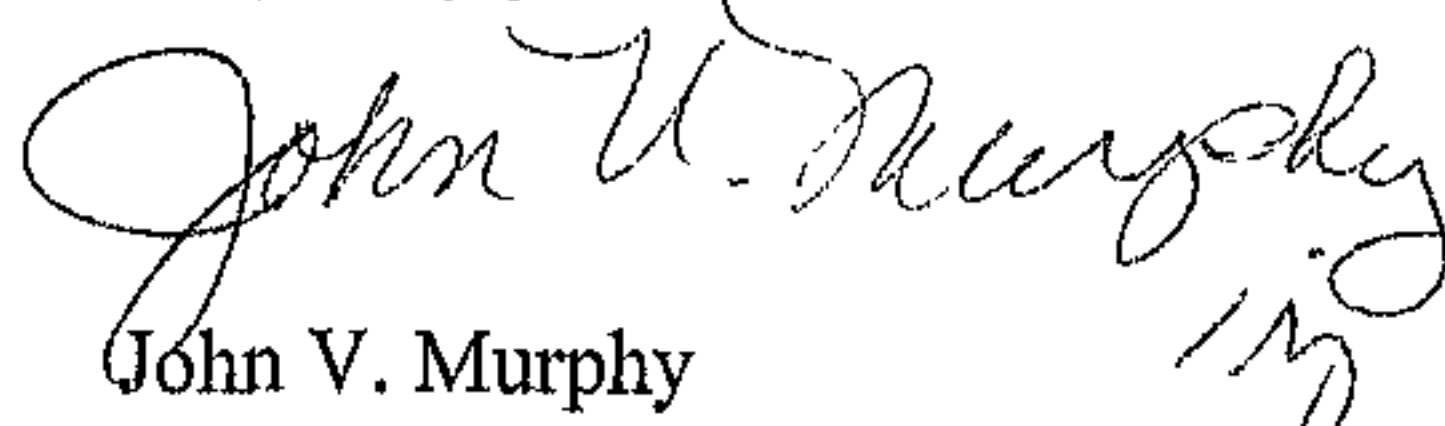
Re: Petition for Administrative Variance
Case No. 04-278-A
Property: 6842 Leslie Road

Dear Mr. & Mrs. Curran:

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



ORIGINAL
KEEP IN FILE

(ALSO SEE OTHER SIDE WHICH
MUST BE NOTARIZED AFTER COMPLETION)



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6842 LESLIE RD.
which is presently zoned RC 2.

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)

THIS IS A 2ND SHEET SIGNATURE FORM
DUE TO # OF OWNERS

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):

Joseph M Curran

Name - Type or Print

Joseph M Curran

Signature

FRANK W CURRAN JR

Name - Type or Print

Frank W. Curran Jr

Signature

6842 Leslie Rd

Address

410 335 8797

Baltimore MD

City

State

Zip Code

Representative to be Contacted:

Name

Address

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 day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO.

Reviewed By Date

REV 10/25/01

Estimated Posting Date

ORIGINAL
KEEP IN FILE

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) do presently reside at

Address 6842 Leslie Rd
City Balto- State MD Zip Code 21220

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):

Loss of home due to Hurricane Isabel.
Home (uninhabitable.) uninhabitable. Water damage
caused unsafe foundation + unhealthy
mold & environmental factors inside as well.
^{old house}
20' wide since this lot is only 50' wide it's
impossible to meet setbacks. We wish to put
a reasonable size home on lot

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 Joseph M Curran Frank W. Curran Jr Frank W Curran III Carol Curran
Name - Type or Print Joseph M Curran FRANK W CURRAN JR FRANK W CURRAN III CAROL A. CURRAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of Dec 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

F.W. Curran, C. Curran & J. M. Curran & F.W. Curran III
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal.

Sue Ann Zack
Notary Public

My Commission Expires July 1, 2007

REV 10/25/01

Zoning Description for 6842 LESLIE RD.

BEGINNING ON THE NORTH SIDE OF LESLIE RD AT A
DISTANCE OF ~~600~~ 100 FT EAST OF THE CENTERLINE
OF BIRD RD, BEING LOT # 20 IN THE SUBDIVISION
KNOWN AS EARL PLAT, PLAT BOOK # 7 FOLIO 144,
LOT SIZE 7,250 SQ FT. IN THE 15TH ELECTION DISTRICT,
6TH COUNCIL DISTRICT.

I am responsible for the accuracy ^{of information} as shown
& stated by Baltimore County regarding this petition.

Frank W. Curran ^{12.5}

218

CERTIFICATE OF POSTING

RE: Case No.

04-278-A

Petitioner/Developer:

JOSEPH H. CURRAN

Date of Hearing/Closing:

12/29/03

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

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

Ladies and Gentlemen:

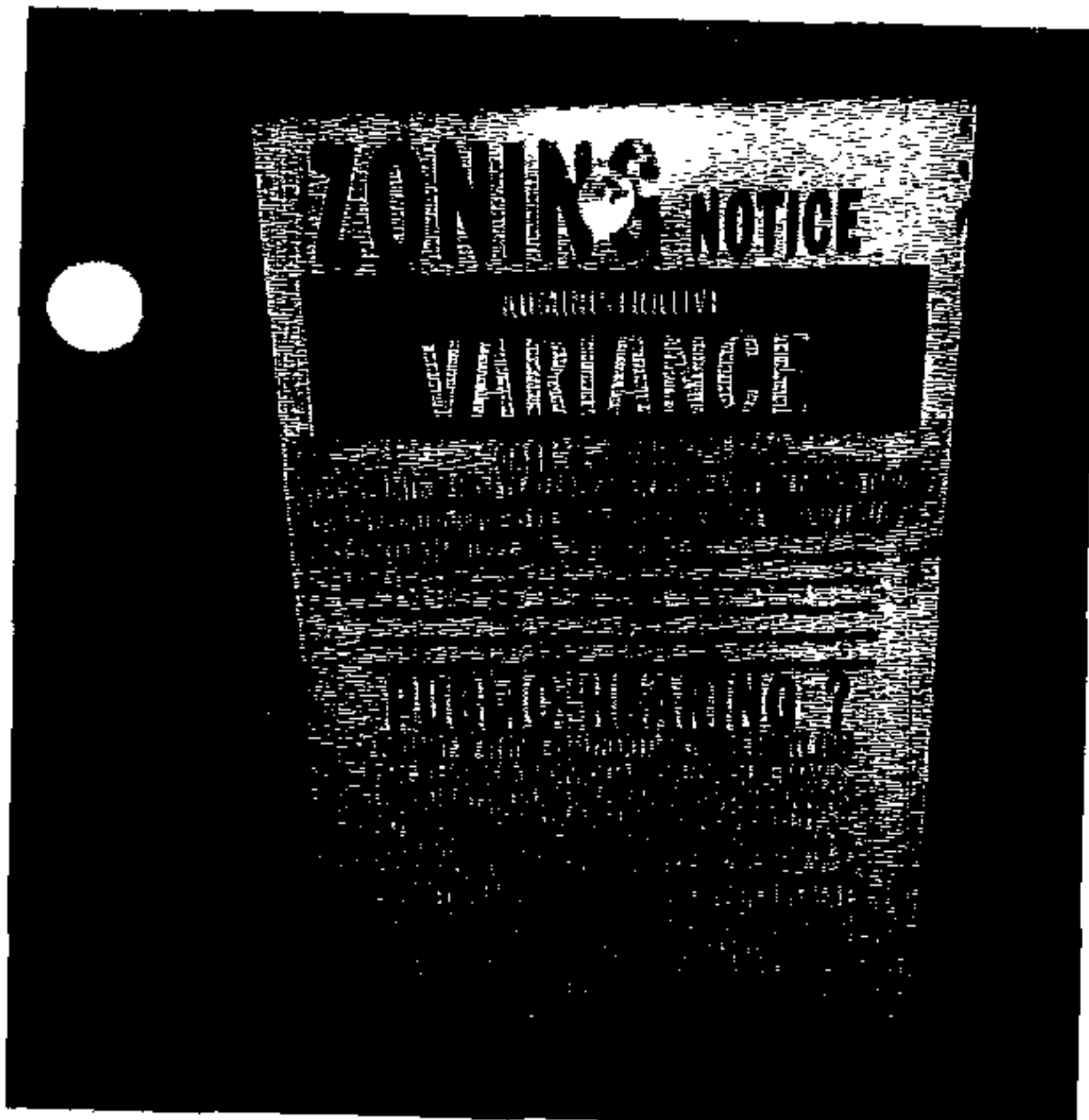
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

6842 LESLIE RD

The sign(s) were posted on

12/14/03
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 04-278-A
Petitioner: JOSEPH CURRAN ET AL.
Address or Location: 6842 LESLIE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joseph Curran
Address: 6923 Gunden Ave
Balto. MD 21220

Telephone Number: 410-335-8797

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

APPLICANT GIVEN POSTERS LIST.

Case Number 04- 278 -A Address 6842 LESLIE RDContact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner: Please Print Your NameFiling Date: 12/05/03 Posting Date: 12/14/03 Closing Date: 12/29/03

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.

Detach Along Dotted Line

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04- 278 -A Address 6842 LESLIE RD
Petitioner's Name JOSEPH CURRAN ET AL. Telephone 410 335 8797
Posting Date: 12/14/03 Closing Date: 12/29/03
Ordering for Sign: To Permit A NEW DWELLING (REPLACING A STORM DAMAGED DWELLING)
TO BE LOCATED WITH 10 FT. SIDE SETBACKS (EACH SIDE) IN LIEU OF 35 FT.
(EACH SIDE).

**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*

December 29, 2003

Frank Curran
Carol Ann Curran
6842 Leslie Road
Baltimore, MD 21220

Dear Mr. and Mrs. Curran:

RE: Case Number: 04-278-A, 6842 Leslie Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 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." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Carol Curran, 6923 Gunder Avenue, Baltimore 21220

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 18, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: December 18, 2003

Item No.: 267-271, 273-283

278

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 29, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 22, 2003
Item No. 278

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

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotreco
FROM: R. Bruce Seeley *RB*
DATE: January 6, 2004
SUBJECT: Zoning Item # 04-278
Address 6842 Leslie Road
Curran Property

RECEIVED
JAN 06 2004
ZONING COMMISSIONER

Zoning Advisory Committee Meeting of December 15, 2003

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Keith Kelley

Date: December 23, 2003

An evaluation of the septic system and/or soil evaluation tests may be required. A new well must be drilled before approval of a building permit.

Reviewer: Sue Farinetti

Date: December 17, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 22, 2003

RECEIVED

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

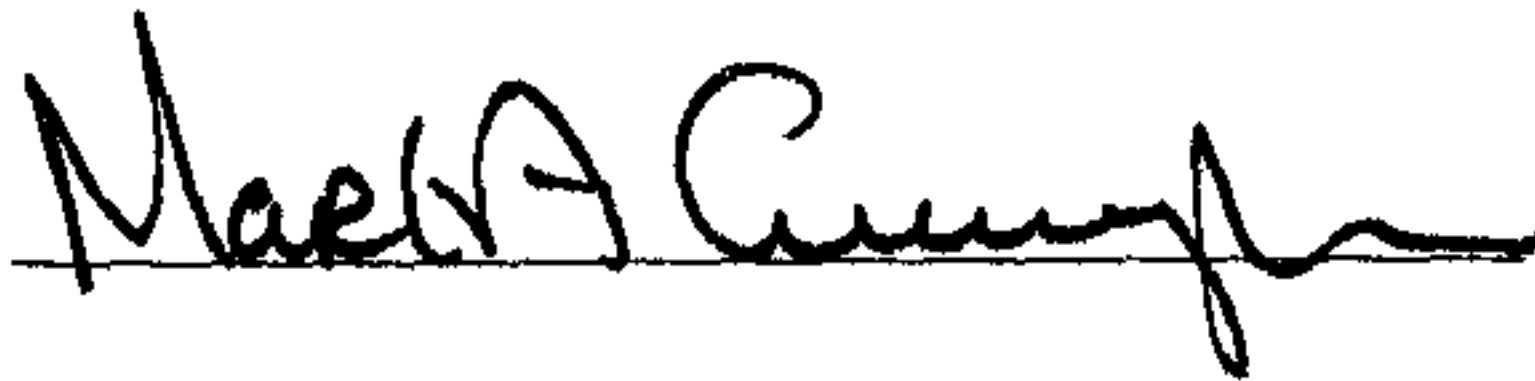
DEC 23 2003

SUBJECT: Zoning Advisory Petition(s): Case 04-278 – Administrative Variance

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:



Section Chief:



AFK/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12.16.03

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

RE: Baltimore County
Item No. 278 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

Fee waived for Variance
Filing (Hurricane Damage)
Per Mr. John Reisinger
Case # 04-278-A

John Lewis
PLANNER II
12/05/03

SCALE 1" = 20'

PLAN FOR ZONING VARIANCE

7250 SQ FT
50X150
LOT SIZE
RC-2 ZONE
MAPS NE 7&8 L

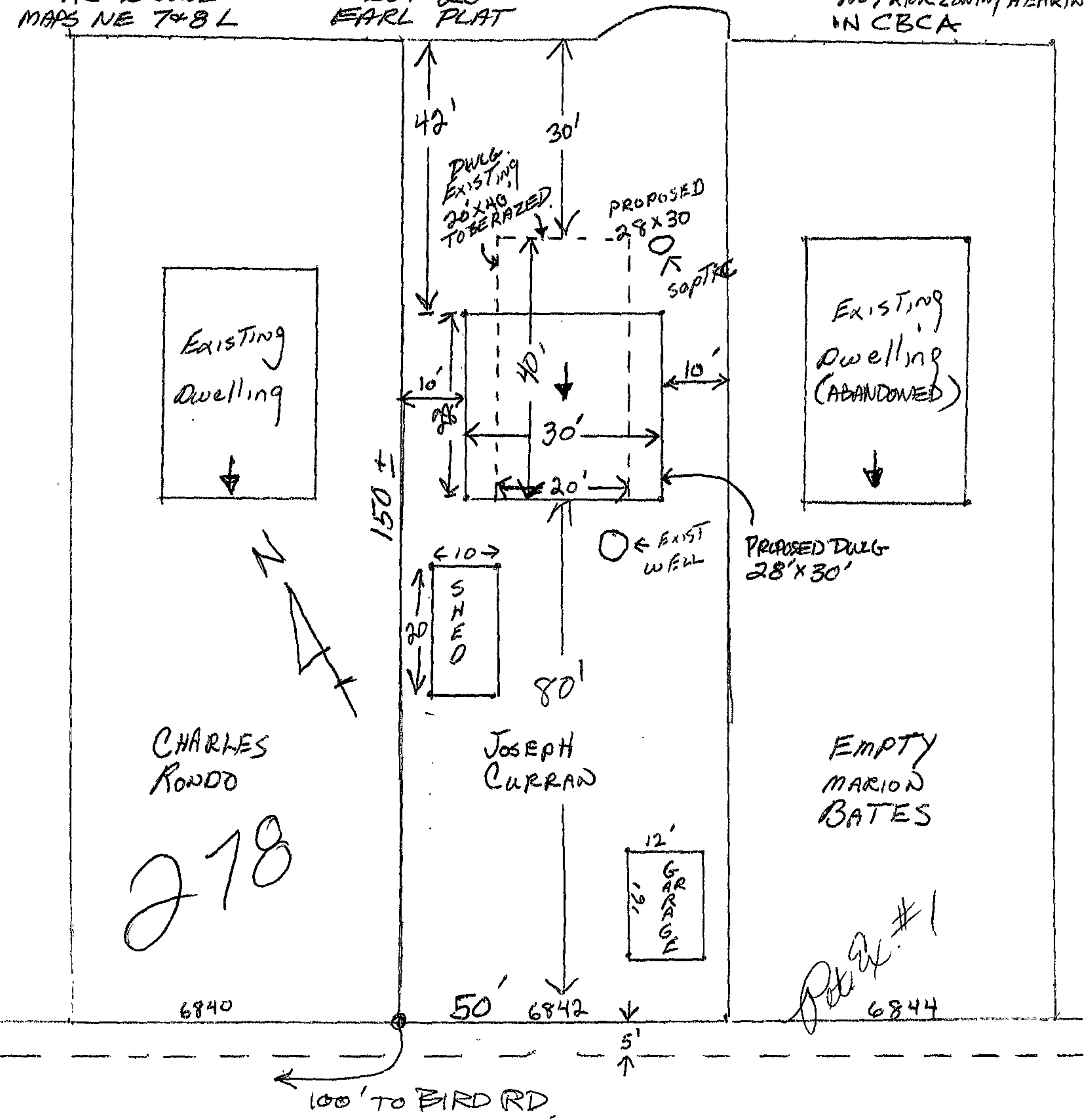
15TH ED
6TH CD.
PLAT 7
FOLIO 144
LOT 20
EARL PLAT

JOSEPH CURRAN ET AL,
6842 LESLIE RD



Well
Septic

ZONE A-10, ELEV. 7 FT ±, IN. 100 YR FLOOD
NOT HISTORIC
NO PRIOR ZONING HEARING
IN CBCA



CHARLES ROAD
278

JOSEPH CURRAN

EMPTY
MARION
BATES

Plot #1
6844

SHEET 1 OF 2

Leslie RD 30' RW
FARM LAND

NE 7L 1"=200'

E 976,000

E 67,500

ROAD BIRD AVE

LESLIE BIRD RD.

RD.

LESLIE

P.O.B.

RD

R.C. 2

R.C. 50

R.C. 2

R.C. 2

SHEET 2 OF 2



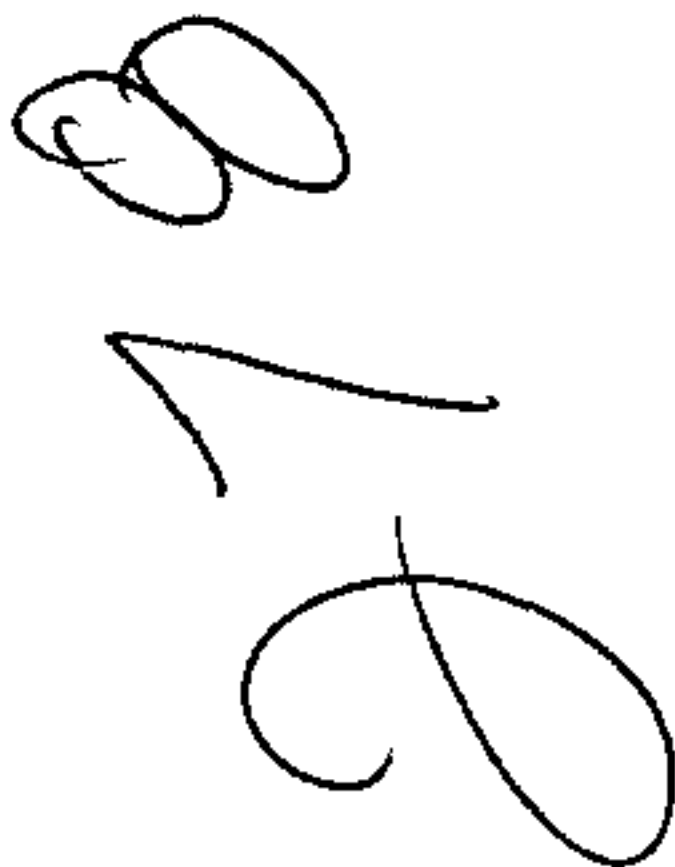
278

6844 - Leslie
neighbor's house



6842 Hoslie Rd

Please note water line
+ mold Damage



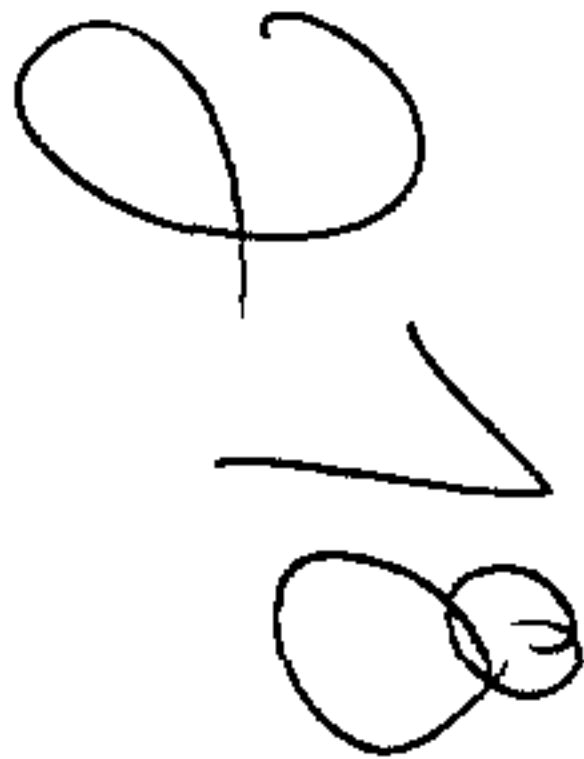


10840 Kessie Rd
Neighber's house

2/8

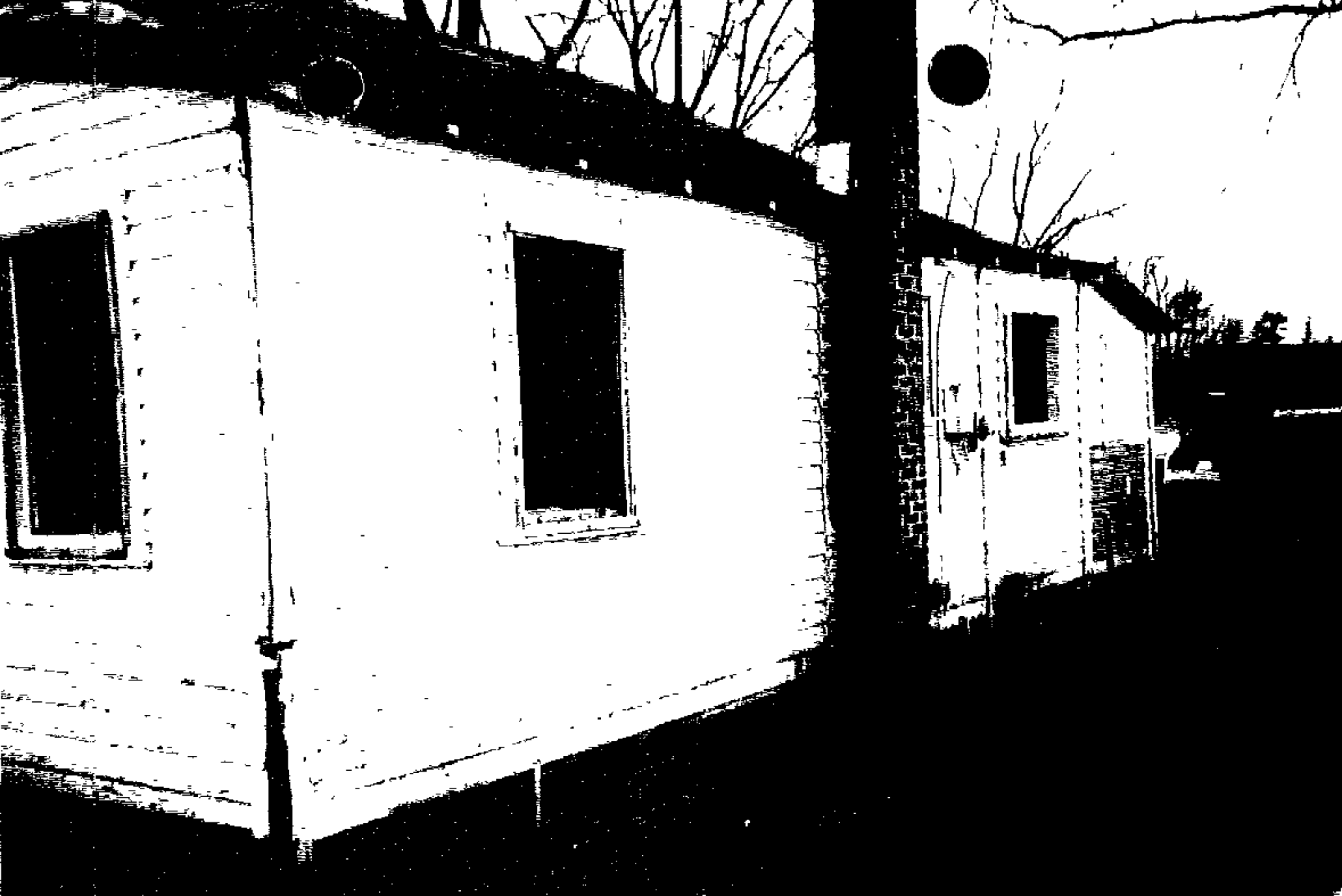


Hurricane Isabel Damage
6842 Leslie Rd
waterside
Loss of foundation
on porch
Roof Down





278



OLIVER NOTE MOLO

078



ORIGINAL
KEEP IN FILE.

(ALSO SEE OTHER SIDE WHICH
MUST BE NOTARIZED AFTER COMPLETION)



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6842 LESLIE RD.
which is presently zoned BC 2

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) 1A01.3.B.3 TO PERMIT A NEW DWELLING (REPLACING A STORM DAMAGED DWELLING) TO BE LOCATED WITH 10 FT. ~~35 FT.~~ SIDE SETBACKS (EACH SIDE) IN LIEU OF 35 FT. (EACH SIDE)

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):

FRANK W CURRAN III
Name - Type or Print _____
FRANK W CURRAN III
Signature _____
CAROL ANN CURRAN
Name - Type or Print _____
CAROL ANN CURRAN
Signature _____
6842 Leslie Rd 410 335 8797
Address _____ Telephone No. _____
Balto. MD 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

CAROL CURRAN
Name _____
6923 GUNDER AVE 410 335 8797 887-5281 w/ht
Address _____ Telephone No. _____
Balto. MD 21220
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 _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 04 278 A

Reviewed By SL Date 12/05/03
Estimated Posting Date 12/14/03

REV 10/25/01