ORDER REGEIVED/FOR FILING

By

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IN RE: PETITION FOR ADMIN. VARIANCE S/S Royahn Avenue, 135' W of the c/l

Hilltop Road

(4805 Royahn Avenue)

14th Election District 6th Council District

Linda R. Ward Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-054-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 owner of the subject property, Linda R. Ward. The Petitioner seeks relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 111.C.3, 1945-1955 Regulations) to permit a side yard setback of 2 feet in lieu of the required 7 feet for a proposed carport attached to the existing dwelling. 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, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to 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 case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon all of the evidence contained therein, I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. for relief to be granted. It was indicated that the

ORDER RECEIVED/FOR FILING
By

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proposed carport will be constructed adjacent to the east side of the existing dwelling over an existing concrete parking pad. Due to the location of the existing dwelling on the lot, the proposed carport will be located 2 feet from the side property line. It is also to be noted that the houses on the adjacent lots front on Hilltop Road. Thus, the rear yards of those lots abut the side yard of the subject property and proposed carport. There were no adverse comments from any County reviewing agency and the neighbors on the affected side signed a letter of support. Thus, it appears that relief can be granted without detrimental impact to the adjacent properties.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 111.C.3, 1945-1955 Regulations) to permit a side yard setback of 2 feet in lieu of the required 7 feet for a proposed carport attached to the existing dwelling, 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

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

August 30, 2004

Ms. Linda R. Ward 4805 Royahn Avenue Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE

S/S Royahn Avenue, 135' W of the c/l Hilltop Road

(4805 Royahn Avenue)

14th Election District – 6th Council District

Linda R. Ward - Petitioner

Case No. 05-054-A

Dear Ms. Ward:

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,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc:

People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	4805	Royal	on F	Tre.
	s presently	•	_	

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) (307.3.13) (802.12)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION (CARPORT) TO HAVE A SIDEYARD OF 21 IN LIEU OF THE REQUIRED 71.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/V is the subject of	we are the legal owner(softhis Petition.	of the property which
Contract Purchaser/L	<u>essee:</u>		Legal Own	e <u>r(s):</u>	ī
Name - Type or Print		- 	Name Type or	R. Ward	<u>()</u>
Signature			Signature	J J V OCC	
Address		Telephone No.	Name - Type or	Print	· · · · · · · · · · · · · · · · · · ·
Cíty	State	Zíp Code	Signature		410-
Attorney For Petition	er:	-	4805 Address	Royaha Av	4/0- e, 66/-7479 Telephone No.
Name - Type or Print			City offin	gham, Mr. Sta	2. 21236 ate Zip Code
Signature	 		Representa	tive to be Contact	<u>ed:</u>
Company g			Name	AME	
2			1401110	AS	· -
Ardres:		Telephone No.	Address	ABOUE	Telephone No.
5	State	Zip Code	City	Sta	zip Code
Right C Hearing having been day of Equia ons of Baltimore County	, t	hat the subject matter of th	ils petition be set för :	a public hearing, advertised	d, as required by the zoning
		^	·	Commissioner of Baltimor	re County
CASE NO. <u>05</u>	-054-	Rev	lewed By <u>C77</u>	Date	128/04
RI 10/25/01		Esti	mated Posting D	ate <u>8/8/</u>	04

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 a	at 4805 Koyahn Avenue
	Address Address City Address State Address Z/236 Zip Code
	City Zip Code
That based upon personal knowledge, the formation variance at the above address (indicate hard	following are the facts upon which I/we base the request for an Administrative dship or practical difficulty):
As we are aging	(Mr. Ward is 78; Mrs. Ward is 65)
a car port will help	(Mr. Ward is 78; Mrs. Ward is 65) o to protect us during bad
weather. It will al	low us to remain living in our
Line tor a longer poe	triod of time. In addition,
nsthe property	not be placed anywhere else
n the property. Mr. Ward is current	Ly under the Rave of Dr. Maro Hungerfor
located at the Good Sa	y under the care of Dr. Marc Hungerfor maritan Hospital, for several orthoped orthopadics at Good Samaritan Hospital -532-4731).
problems. Johns Hopkin	s Orthopaedics at Good Samaritan Hospin
4601 Loch Kaven Blud: 410	-532 - 4731).)
·	a formal demand is filed, Affiant(s) will be required to pay a reposting and ide additional information.
Signature T. Wara	Signature
Linda R. Ward	-
Name - Type or Print	Name - Type or Print
	,
STATE OF MARYLAND, COUNTY OF BAL	
I HEREBY CERTIFY, this 3300 day of of Maryland, in and for the County aforesaid	, <u>2004</u> , before me, a Notary Public of the State, personally appeared
the Affiant(s) herein, personally known or sa	tisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Dace Lancis Dracken
_	Notary Public

REV 10/25/01

My Commission Expires __/2/\dark__/04/

ZONING DESCRIPTION FOR 4805 ROYAHN AVE.

BEGINNING AT A POINT ON THE SOUTH SIDE OF ROYAHN AUE. (50'WIDE) AT A DISTANCE OF 1401 + WEST OF THE CENTERLINE OF HILLTOP AVE (SO'WIDE). BEING LOT ZO IN THE SUBDIVISION OF RIDGE ROAD SUBDIVISION AS RECORDED IN BALTIMORE COUNTY PLAT BOOK 18 73 CONTAINIA 10,500 ALSO WLIOWN AS 480'S ROYAHN AVE. AND LOCATED IN THE 14TH ELECTION 6 COUNCILMANIC DISTRICT.

TRIBUTION TRABILITY				
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ABTOM - CALLONEL				
			CONTRACTOR AND	
7 8 5				

Certificate Of Posting

	RE: Case NO.: 05-054-4
	Petitioner/Developer:
	Date of Hearing/Closing: 8/23/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penaltisign(s) required by law were posted constant 4805 £	1 0 0
This sign(s) were posted on(Mon	8 / 7 / 04 th, Day, Year)
Signature of Sign Poster and Date)	ncerely,
Martin Ogle	
(Printed Name) 5016 Castlestone Drive	
(Address)	
Balto, MD 21237	
(City,State,Zip Code)	
410)-933-9470	
(Phone Number)	

im000054 (1152x864x256 jpeg)



ZONING NOTICE

ADMINISTRATIVE

CASE # COLLING PROPERTY PROPERTY OF THE PROPER

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON THE ZONING OFFICE BEFORE ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AL DEVELOPMENT MANAGEMENT

ELL W CHESAPEANE AVE. JOWSON, SID 21204 TEL. 887-3391

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number 55-054-A
Petitioner Linda R. Ward
Address or Location 4805 Royahn Ave. 12/236
PLEASE FORWARD ADVERTISING BILL TO
Name. Linda R. Ward
Address 4805 Royahn Avenue
Address 4805 Royahn Avenue Nottingham, M.D. 21236
Telephone Number: 4/0 - 66/- 7 4 7 9

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

		·	-				
Case Nur	mber 05-	054	-A	Address	4805	MAYOST	AUE
		Planner	Please Print Your N	IOX LE	<u> </u>	hone Number: 4	10-887-3391
Filing Da	te:	28/04			3/8/04	Closing Date	:8/23/a
Any conta through th	act made ne contact	with this of person (plan	fice regarding iner) using the	the status case number	of the admir	nistrative variand	e should be
is a	again respond	consible for a	all associated	ine sign post costs The	ters on the ap	rs on the approve il printing/posting pproved list and t e sign must be v nain there throug	he petitioner
an	onnai 164	uest ioi a p	date is the deaublic hearing. g, the process	- Please un	derstand tha	owner within 1,00 at even if there osing date.	00 feet to file is no formal
orde (typ	er that the	e matter be in 7 to 10 da	set in for a live of the closi	requested re public heari ing date) as	ellet; (b) den ng. You wi to whether th	the zoning or dely the requested of the requested of the legister of the petition has been uponed by First Class reports of the legister of th	relief; or (c) notification
com chai post	missione nged givir	r), notification	n will be forw he hearing dat	equest or by arded to you be time and	y order of the Signocation As	t must go to a punche zoning or de non the proper when the sign wast be feet a sign must be feet as a sign must be	puty zoning rty must be
			(Detach	Along Dotted Line)			
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Petitioner's	Name _	1 1	R WAR	0	_ Tele	HH AVE phone	
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Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

REV 10/25/01

	Nottingham	MD State	2/236 Zlp Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	• .		•
As we are aging	(Mr. Ward 13	5 78, Mrs.	Ward is.
65), a carport will	help to pro	tect us	daring
bad weather It wi	11 allow us	to vemai.	nliving
'n our home for a /	onger period	d of ti	me. In
edditions this struc	ture can n	of be pla	aced
Mr. Ward is current funger ford, located at	he property. Hy under the	care of x	Dr. Marc
funger ford, located at	the Good San	raritan H	ispoital for
veral orthopedic problem ed Samaritan Hospital, s	s. (Johns Aupki	no Orthopa	edics at
see Samaritan Hospital, S	"601 Loch Kaven K	3/d. 4/0- 5:	32-4731).
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	mal demand is filed, Affiant(s	s) will be required to	pay a reposting and
Sightature R. Ward	•		
	Signature	-	
Name - Type or Print Name - Type or Print			
Name - Type or Print	Name - Type or I	Print	•
	·	·	
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:		
I HEREBY CERTIFY, this 334 day of of Maryland, in and for the County aforesaid, personal day of the County aforesaid, personal day of the County aforesaid, personal day of the County aforesaid.	-		
the Affiant(s) herein, personally known or satisfac	ctorily identified to me as such	50 121 5/8/00 Affiant(s).	ceup 11/7/05:
AS WITNESS my hand and Notarial Seal	-		
	Notary Public	uis Stark	en.
	My Commission Expir	es 12/4/04	<u> </u>



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4-805 Royahn Ave.

		which is presently zoned 1223.5
made a part nereor, nereby petition for a	variance from Sectio	s and Development Management. The undersigned, legal h is described in the description and plat attached hereto and $(BCZR)$
TO PERMIT AND EXIS	STILL SIN	(BCZIZ) (BCZR)
WON CONTROL		AMOR M SIDE MARD OF ZI
IN LIEU OF THE	MEDOIREX	2 ゚゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙゙
of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning la	w of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised a l, or we, agree to pay expenses of above Varegulations and restrictions of Baltimore Cou	riance advertising nosi	ting etc. and further scree 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:	!	Legal Owner(s):
Name - Type or Print	 	Name - Type or Print R. Ward
		Linda R. Ward
Signature	i	Signature
Address	Telephone No.	Name - Type or Print
City	Zip Code	Signature , L/18 (
Attorney For Petitioner:	 	4805 Royann Ave. 661-7479 Address Telephone No.
Name - Type or Print	i i	City State Zip Code
	·	Representative to be Contacted:
Signature	i	SAME
Company	 	Name
Address	Telephone No.	Address Telephone No.
City	Zip Code	ABOUE City State Zip Code
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the proper	ist the elibioat matter of thi	equired, it is ordered by the Zoning Commissioner of Baltimore County, is petition be set for a public hearing, advertised, as required by the zoning
	1	Zoning Commissioner of Baltimore County
CASE NO. 05-054-1	Revie	ewed By (7m) Date 7/28/04

Estimated Posting Date ____

Department of Permits Development Management

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





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

August 23, 2004

Linda R. Ward 4805 Royahn Avenue Nottingham, Maryland 21236

Dear Ms. Ward:

RE: Case Number:05-054-A, 4805 Royahn Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28, 2004.

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

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

August 5, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of August 9, 2004

Item No.:

050, 052-060

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. 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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr Jpo

DATE:

September 3, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 9, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-050

04-052

04-053

04-054

04-055

04-056

04-057

04-058

04-059

04-060

Reviewers:

Sue Farinetti, Dave Lykens

Granted 8/31

DATE: August 19, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-053 and 5-054

Administrative Variance

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.

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 27, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 16, 2004 Item Nos. 050, 052, 053, 054, 055,

and 060

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

RWB:CEN:jrb

cc: File

Balto. County Dept. of 2004
Permits and Development Management:

Re: Case# 054 (Variance Request for Carport)

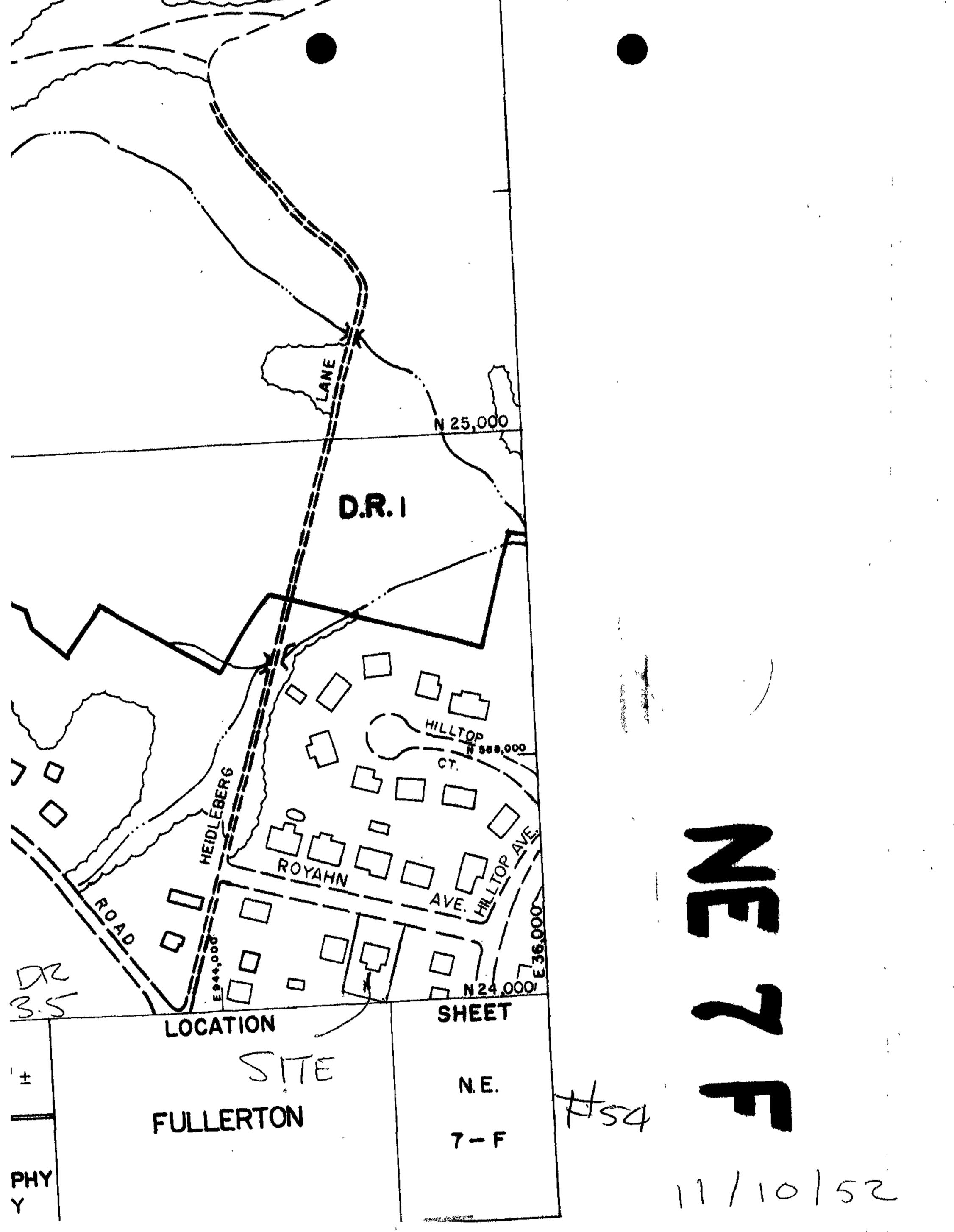
Enclosed is a page of 3 signatures showing no objection to the carport project known as Case # 054.

Please add this page to the file of Case # 054, so the Zoning Commissioner can review it with all of the other required information concerning this Variance request.

Thank you once again for your time and cooperation.

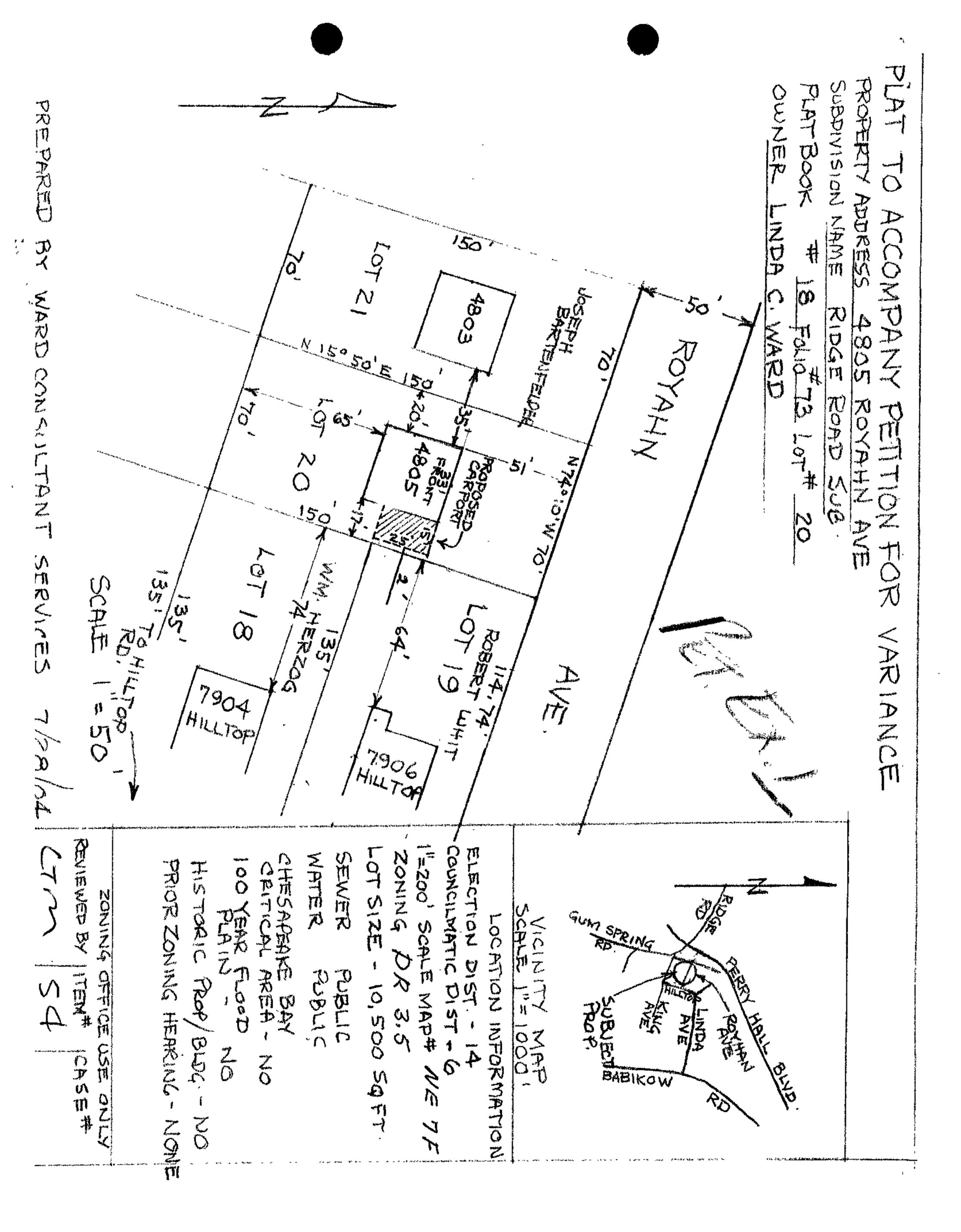
Sincerely, Linde R. Ward, Property Owner 410-661-7479

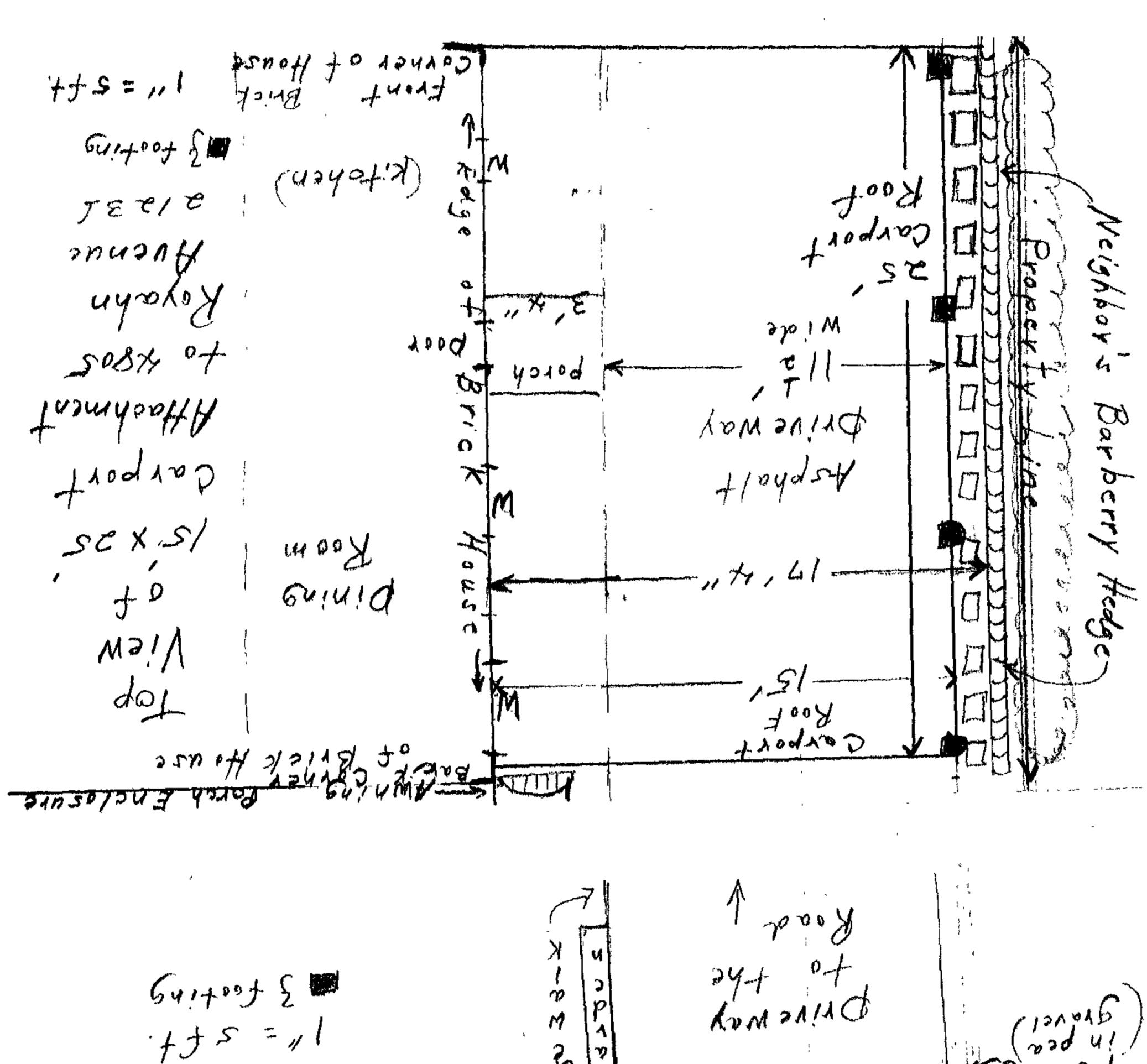
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SUBJECT BY AROP. Mask way

SCALE I"= 1000'





Secise sunsulty to selventy thousand there of the sex's the sex's



480 Royahn Avenae No Hingham, Maryland 21236

759

Linda R. Ward, Property Owner

4/0-661-7479

(Shows neighbor's hedge, garden and
drive way; his house is not shown.)



4805 Royahn Avenue No Hingham, Maryland 21236

#54

3)

Linda R. Ward, Property Owner 410-661-7479

(Shows front yard and driveway)

,



4) 48 Royahn Avenue Nottingham, Maryland
21236 #54 Property Linda R. Ward, Owner 410-661-7479

(Shows enclosed porch on back of 4805 dwelling; brown wishing well is in garden about) 6ft. from this end of driveway; neighbor's hedge.