IN RE: PETITION FOR ADMIN. VARIANCE N/S of Bangert Street, 700 ft. W centerline of Winkler Street 11th Election District 5th Councilmanic District **(5208 Bangert Street)** Madeline M. & Carrick L. Hopson *Petitioners*	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-006-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, Madeline M. and Carrick L. Hopson. The administrative variance is requested for property located at 5208 Bangert Street in the eastern area of Baltimore County. The administrative variance request is from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 5 ft. side setback and sum of 20 ft. in lieu of 15 ft. and sum of 40 ft. to build an addition for an attached in-law apartment granted by approved Declaration of Understanding. 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 on July 9, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated July 27, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

RECEIVED FOR FILING
8/4/05

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 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 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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 4 day of August, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for administrative variance from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 5 ft. side setback and sum of 20 ft. in lieu of 15 ft. and sum of 40 ft. to build an addition for an attached in-law

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8/4/05

apartment, 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. The Petitioners shall comply with the ZAC comments submitted by the Office of Planning dated July 27, 2005, a copy of which is attached hereto and made a part hereof;

3. The Petitioners shall execute and file a Declaration of Understanding for In-Law Quarters with the Department of Permits & Development Management; and

4. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 8/4/05
By Lis

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
William J. Wiseman III, Zoning Commissioner

August 4, 2005

Mr. & Mrs. Carrick L. Hopson
5208 Bangert Street
White Marsh, Maryland 21162

Re: Petition for Administrative Variance
Case No. 06-006-A
Property: 5208 Bangert Street

Dear Mr. & Mrs. Hopson:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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 and 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

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5208 Bangert Street, White Marsh, MD 21162
which is presently zoned DR2

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) 1B02.3C.1 (CHART) TO PERMIT A 5 FT SIDE SETBACK & SUM OF 20 FT IN LIEU OF 15 FT. & SUM OF 40 FT TO BUILD AN ADDITION FOR AN ATTACHED IN-LAW APT. GRANTED BY APPROVED DECLARATION OF UNDERSTANDING

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):

Carrick L. Hopson
Name - Type or Print

Carrick L. Hopson
Signature

Madeline M. Hopson
Name - Type or Print

Madeline M. Hopson
Signature

5208 Bangert Street 410-256-6878
Address Telephone No.

White Marsh, MD 21162
City State Zip Code

Representative to be Contacted:

Madeline Hopson
Name

5208 Bangert Street 410-256-6878
Address Telephone No.

White Marsh MD
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

ORDER RECEIVED FOR FILING
8/16/05
By Rug

CASE NO. 06-000-A

Reviewed By SDT **Date** 06-30-05

REV 10/25/01

Estimated Posting Date 07-10-05

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 5208 Bangert Street
Address

White Marsh MD 21162
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 have AN IN-LAWS Suite Attached right to our house. My parents are getting older, AND my mom has health issues. My parents are used for watching our two young girls. They also want to feel safe. This addition would be the best thing for both families.

We cannot build the addition right now because:

① The addition needs 9 15ft set back from prop. ; line.

* Please See attached. *

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.

Carrick L. Hopson
Signature

CARRICK L. HOPSON
Name - Type or Print

Madeline M. Hopson
Signature

Madeline M. Hopson
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of June, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Tammy L Bayer
Notary Public

My Commission Expires July 11, 2006

TAMMY LYNN BAYER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 11, 2006

REV 10/25/01

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 5208 Bangert Street
Address

White Marsh MD 21162
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 have an addition, In-Laws Suite attached right to our house. My parents are getting older, and my mom has health issues. My parents are used for watching our two young girls. They also want to feel safe. This addition would be the best thing for both families.

We cannot build the addition right now because:
① The addition needs a 15ft set back from property Line.

* Please see attached. *

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.

Carrick L. Hopson
Signature

Carrick L. Hopson
Name - Type or Print

Madeline M. Hopson
Signature

Madeline M. Hopson
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of June, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Tammy L Bayer
Notary Public

My Commission Expires July 11, 2006

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5208 Bangert Street White Marsh, MD 21162
which is presently zoned DR2

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) 1B02.3C.1 (CHART) TO PERMIT A 5 FT SIDE SETBACK & SUM OF 20 FT IN LIEU OF 15 FT & SUM OF 40 FT, TO BUILD AN ADDITION TO AN ATTACHED IN-LAW APT. GRANTED BY APPROVED DECLARATION OF UNDERSTANDING.

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):

Carrick L. Hopson
Name - Type or Print

Carrick L. Hopson
Signature

Madeline M. Hopson
Name - Type or Print

Madeline M. Hopson
Signature

5208 Bangert Street 410-256-6828
Address Telephone No.

White Marsh MD 21162
City State Zip Code

Representative to be Contacted:

Madeline Hopson
Name

5208 Bangert Street 410-256-6828
Address Telephone No.

White Marsh MD 21162
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. 06-006-A

Reviewed By SDT **Date** 06-30-05

REV 10/25/01

Estimated Posting Date 07-10-05.

We would like the addition attached to the side of the house so we can keep our patio and yard. My girls play outback all the time, and use the patio for their bikes, etc. If the addition were to be attached without the Various, it would be built right in the middle of the back of the house. This would close off our entrance to the backyard, and the girls would loose their play area space. I don't want my girls playing or riding their bikes in the street. Also, I don't want my girls to have to go around the front of the house to get to the backyard. This would not be safe. If the addition were to be built in the middle of the house, there would need to be architectural work that would need to be done to the existing house to have the addition. We currently have stairs that are on the patio that go down into the basement of the current house. This is an escape route from the basement. The addition on the side of the house would also be convenient for my parents since there is a driveway already there. They would just have to drive right up to their house. The addition is for an In-Laws Suite as previously stated. My parents don't want to buy another house, but still want to keep their independence. They want a living room, bedroom, bathroom, and kitchen. We are awaiting approval for the Declaration of Understanding for the Kitchen. They want their kitchen so they don't feel dependent on their daughter for everything. Also, they like to cook and eat how they like to. They are capable of doing a lot on their own still, and I would like to keep it that way. This addition would be a way that my family could take care of my parents, make sure they are safe, and not have to depend on help from the outside. This addition is for my parents, and only intended for them, no one else. My parents do want us to keep our yard and patio, they also want to enjoy these same things when they move in. We don't want this addition to be more expensive then it has to be. The addition would cost a lot more if built in the middle of the current house. There is also an incline in the back of the yard that the contractors would have to go through in order to the put the addition in the middle of the house. More of the addition would have to go up into the yard. This would not look right. Please consider approving the Various so the addition can be started on the side of the house, and my parents can move in.

Thank you

6006.P

Zoning Description For 5208 Bangert Street, White Marsh, Maryland 21162-1031

Beginning at a point on the SOUTH Side of Bangert Street, which is 50 ft. wide at the distance of 700 West of the Centerline of the nearest improved intersecting Street Winkler Street which is 50 ft. wide. *Being Lot # 7, Block M, Section # — in the Subdivision of Forge Acres as recorded in Battimore County Plat Book # J.W.B 14, Folio # 88, Containing 0.45 ACRE. Also Known as 5208 Bangert Street White Marsh, MD 21162 and located in the 11 Election District, 5 Councilmanic District.

OG-COG-F)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 146980

DATE 6-12-03 ACCOUNT R001(000-6150

AMOUNT $ 50

RECEIVED FROM: Catonsville Horse Assn

FOR: Pet Parade Fee
for Parade on 5/17

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTION TIME
6/12/2003 6/30/2003 12:02:41
ACCOUNT NAME
RECEIPT # 319459 SOURCE
QTY 1 SPA PARADE APPLICATION
REF NO. 146980
Receipt Tot 50.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date JULY 12, 2005

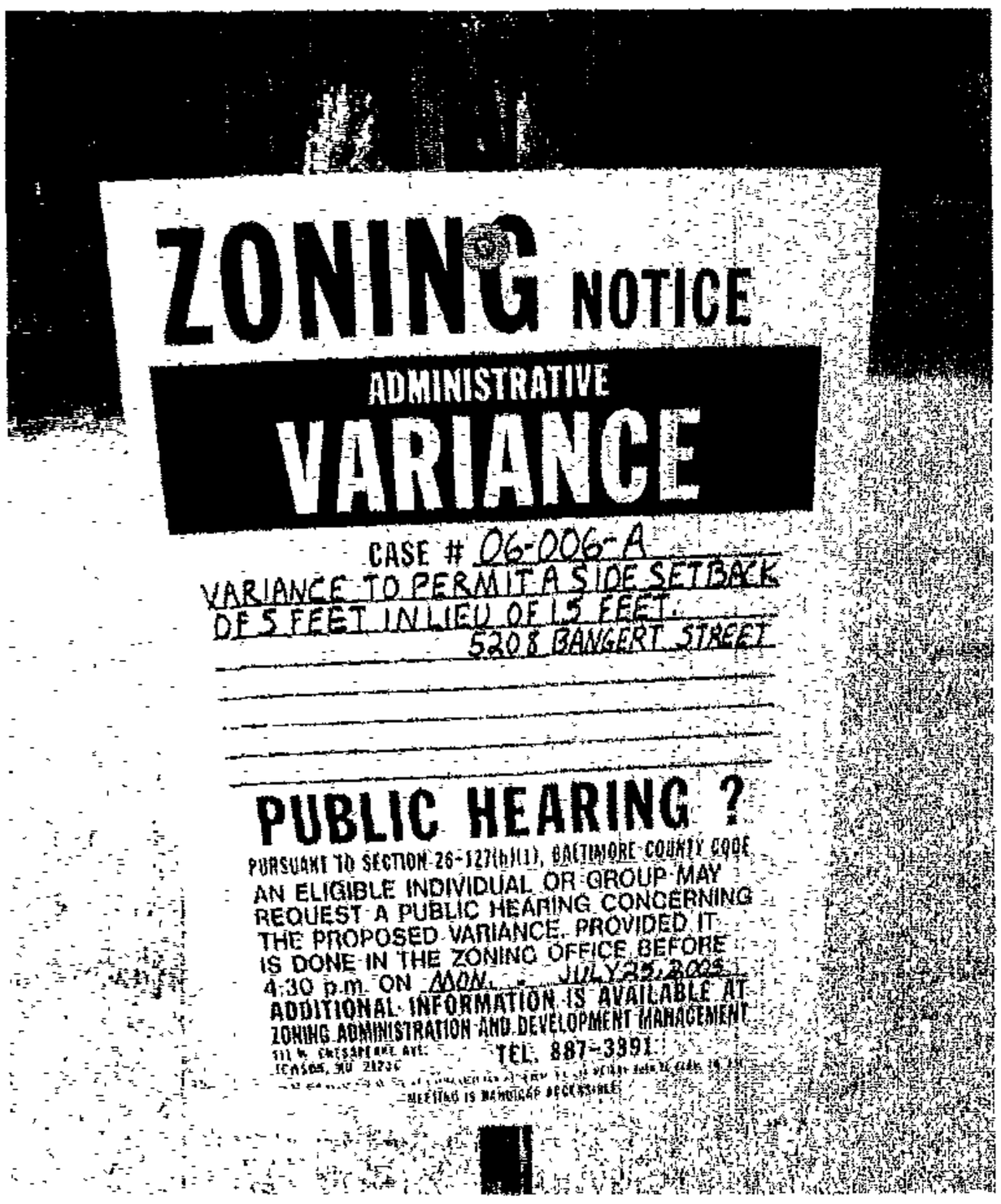
RE: Case Number 06-006-A

Petitioner/Developer MADELINE HOPSON

Date of Hearing/Closing) JULY 25, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5208 BANGERT STREET

The sign(s) were posted on JULY 9, 2005



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

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: 06-006-A

Petitioner: Carrick & Madeline Hopson

Address or Location: 5208 Bangert Street, White Marsh, MD 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: Madeline Hopson

Address: 5208 Bangert Street

White Marsh, MD 21162

Telephone Number: 410-256-6878

Revised 2/20/98 - SCJ

06-006-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-006-A Address 5208 BANGERT ST.

Contact Person: JOHN R ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 06-30-05 **Posting Date:** 07-10-05 **Closing Date:** 07-25-05

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

1. **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.

2. **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.

3. **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.

4. **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 06-006-A Address 5208 BANGERT ST.

Petitioner's Name HOPSON Telephone 410-256-6878

Posting Date: 07-10-05. **Closing Date:** 07-25-05

Wording for Sign: To Permit A SIDE SETBACK OF 5 FT. INSTEAD OF 15 FT.

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

06-006-A

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

July 25, 2005

Carrick L. Hopson
Madeline M. Hopson
5208 Bangert Street
White Marsh, Maryland 21162

Dear Mr. and Mrs. Hopson:

RE: Case Number: 06-006-A, 5208 Bangert Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 30, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 14,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 001,003,006,007,008,011,013,014,015,016,017,018,019

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.

1. The Fire Marshal's Office has no comments at this time.

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O)410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 25, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2005
Item Nos. 001, 003, 006, 008, 011, 012, 013, 014, 016, 017, 018, and 019

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-07252005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 27, 2005

RECEIVED

JUL 29 2005

ZONING COMMISSIONER

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

SUBJECT: 5208 Bangert Street

INFORMATION:

Item Number: 6-006

Petitioner: Carrick Hopson

Zoning: DR 2

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request provided all facades of the proposed addition shall be treated with brick, that is consistent with the existing single-family dwelling.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-006.doc

BCZN RECEIVED FOR FILING
8/4/05
By

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

SHA State Highway Administration — *Driven to Excel*

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

Maryland Department of Transportation

Date: 7.15.05

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

RE: Baltimore County
Item No. 006 JRA

Dear. Ms. Matthews:

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Peter Max Zimmerman
Office of People's Counsel

DATE: September 26, 2005

FROM: John V. Murphy
Deputy Zoning Commissioner

SUBJECT: Case No. 06-006-A
Petitioners: Madeline & Carrick Hopson
Property: 5208 Bangert Street

I acknowledge your letter of September 1, 2006 requesting that the variance granted in the above-captioned case be dismissed and re-filed as a special hearing. I hope you will accept this informal response. I reviewed this question with Mr. Richards in the Zoning Office, as it appeared to me this question primarily involved his office's procedures in these circumstances. After some discussion, he indicated that his office treats the two parts of this request separately.

In regard to the requested variances for side yard and sum of side yard setbacks, these are classic dimensional variances which are advertised and granted in proper order. However, Mr. Richards believes that his office can grant in-law quarters administratively without public hearing and special hearing. Apparently, it is his office's longstanding interpretation of the regulations that in-law quarters are temporary uses similar to temporary signs and the like. Since they are temporary, they do not affect density.

To assure these arrangements are in fact temporary, the Zoning Office requires the applicant to execute and file a declaration of understanding with his office pledging that when the in-law no longer lives there, kitchens in particular will be removed and the petitioner must restore the property to its allowed use.

However, if for any reason the applicant will not agree to remove the kitchen at the end of the in-law use of the property, his office would require the applicant to file for a special hearing to allow the continued use.

From the above, it appears that the Zoning Office prepared the above case properly and no further zoning procedures are needed.

JVM:raj
c: Mr. & Mrs. Carrick Hopson
Carl Richards, Zoning Review, PDM

Pull File

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

RECEIVED

SEP 1 2005

ZONING COMMISSIONER

September 1, 2005

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

John V. Murphy, Duputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: PETITIONER FOR ADMINSTRATIVE VARIANCE
Madeline M. & Carrick L. Hopson- Petitioners
5208 Bangert Street
Case Nos: 06-006-A

Dear Mr. Murphy:

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Findings of Fact and Conclusions of Law and Order dated August 4, 2005 in the above-referenced case.

It appears to this office that this request involves an "in-law apartment" in a D.R. 2 zone, which involves density issues. It should have been treated, therefore, as a petition for special hearing under BCZR 500.7, with notice and a public hearing, as is typically done in such situations. The attached public notice for the variance, moreover, does not provide notice that an in-law apartment is requested. In sum, this case should be dismissed without prejudice, with leave to refile as a petition for special hearing in combination with variances.

In addition, it should be noted that any approval of an "in-law" apartment should be conditioned specifically on the use of the apartment by parents of the occupants, and the filing of the decision in the Land Records of Baltimore County.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw
cc: Madeline & Carrick Hopson
W. Carl Richards, Zoning Supervisor

John V. Murphy, Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

RECEIVED
SEP 8 2005
ZONING COMMISSIONER

September 6, 2005

RE: PETITION FOR ADMINISTRATIVE VARIANCE
Madeline M. & Carrick L. Hopson - Petitioners
5208 Bangert Street
Case No: 06-006-A

Dear Mr. Murphy:

Please accept this letter with the understanding of how upsetting it was to receive a letter from the Office of People's Counsel of September 1, 2005. Office of People's Counsel has requested a Motion for Reconsideration under Rule 4K of the Findings of Fact and Conclusions of Law and Order dated August 4, 2005 in the above referenced case.

If appears that the Office of People's counsel has a problem with density issues, and that the "in-law apartment" was not put on the variance sign that was posted on July 9, 2005. In all the documentation that was provided to the Zoning Commissioner, "in-law apartment" is stated and understood by the County Agencies. Also, the information put on the Variance Sign was written up by John R. Alexander from the Dept. of Permits and Development Management. I cannot tell the County what to put on the sign. Mr. Alexander knew what the addition was for. I also was granted the Declaration of Understanding. It is stated in the Declaration that the kitchen being requested was for the sole purpose for an "in-law apartment" for my parents. This information was Recorded in the Land Records of Baltimore County. All the documentation that I have and that has been sent to all County Agencies state that the Variance was for an "in-laws apartment."

Please consider to grant my family and my parents the Administrative Variance. We have checked with our neighbors, and no one had an objection. My parents are under great hardship as they are getting older and not in great health. We need this addition for them. I have done everything that I was supposed to do, please allow my family the Administrative Variance.

Thank you for time and consideration in this matter.

Sincerely,

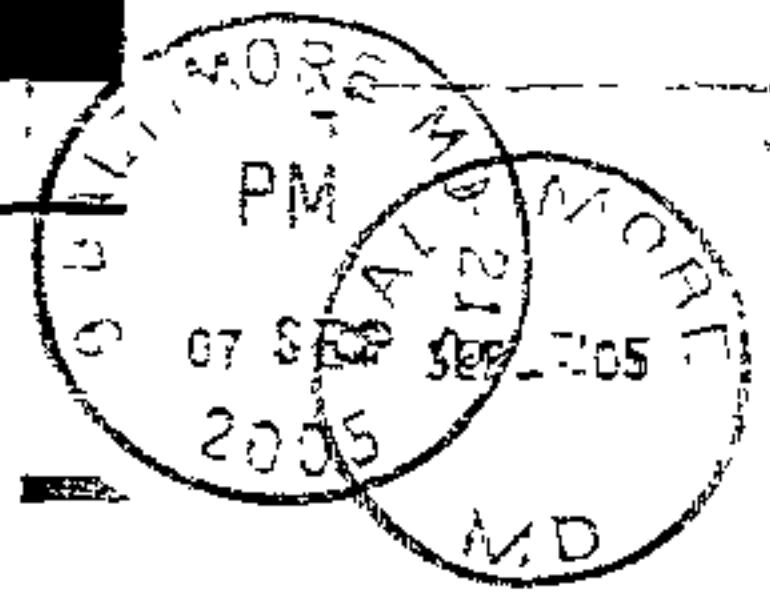
Madeline Hopson

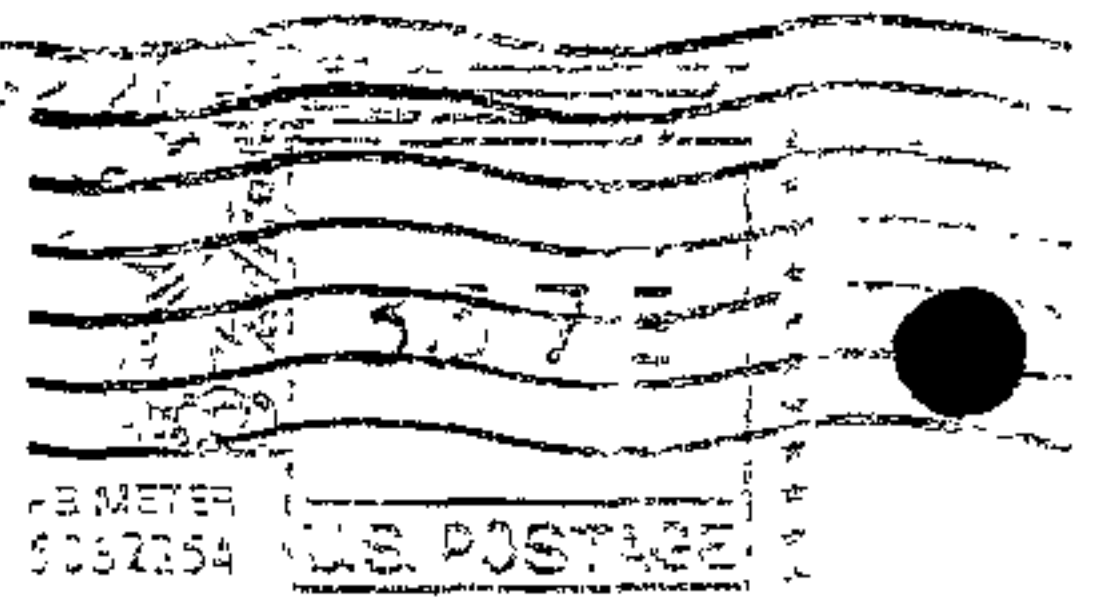
Madeline Hopson

Carrick & Madeline Hopson
5208 Bangert Street
White Marsh, MD 21162

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

7002 2030 0002 1205 9737





John V. Murphy
Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Md 21204

21204-4423

CERTIFIED MAIL™

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John V. Murphy
Deputy Zoning Commissioner
County Courts Building
401 Bosley Ave., Suite 405
Towson, MD 21204

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7002 2030 0002 1205 9737

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

RECEIVED
DEC - 8 2005
ZONING COMMISSIONER

INCREMENTAL MACHINE

ONE STEP AT A TIME

PRECISION CNC MACHINING

TO: John Murphy - Baltimore County

FAX#: 410-887-3468

FROM: Madeline Hopson

DATE: Dec. 7, 2005

RE: Declaration of Understanding

PAGES: 9

I will also mail you a copy.

Thank you for your help!

7942 E. BALTIMORE STREET
BALTIMORE, MD 21224

PHONE# 410-256-6878 *CELL# 410-218-7176* *FAX# 410-256-7433*

rrmc143131@aol.com

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

RECEIVED
DEC - 8 2005
ZONING COMMISSIONER

July 18, 2005

Carrick Hopson
Madeline Hopson
5208 Bangert Street
White Marsh, MD 21162

RE: Declaration of Understanding, 5208 Bangert Street, White Marsh, MD 21162, 11th Election District

Dear Mr. and Mrs. Hopson:

Your recent letter to Timothy Kotroco, Director of Permits and Development Management, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has *been determined:*

1. The Director of Permits and Development Management has approved the enclosed Declaration of Understanding. Approval of this declaration does **not** indicate that the proposed in-law addition is in compliance with other zoning standards (such as building setback requirements). **Since the attached "Exhibit B" indicates a deficient side yard setback, please be sure to obtain a variance for this deficiency prior to building permit application. You will need a copy of the order and site plan from that variance to apply for your permit.**

2. In addition, please record the enclosed declaration in the County Land Records Office prior to building permit application. Save your Land Records recording receipt, as you will need that to apply for your permit as well.

3. When you apply for your building permit for the in-law addition, this office will examine the site plan accompanying the permit to confirm compliance with all zoning standards.

Please be aware that this response applies to the Baltimore County Zoning Regulations (BCZR) and policies only and does not apply to regulations enforced by other County and State agencies.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jeffrey Perlow

Jeffrey Perlow
Planner II
Zoning Review

JNP

Book # 22267
Folio # = 72

DAWN
410-887-2652

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING is made on this 5th day of July, 2005, by and between Carrick L. Hopson and Madeline M. Hopson and the Department of Permits and Development Management.

Recitals

A. The Declarant has filed an application for permit with PDM requesting approval to construct an addition to the improvements on the property located at 5208 Bangert Street, White Marsh, MD 21162 and more particularly described by metes and bounds in Exhibit A (the "Property") and attached hereto and made a part hereof . The property is zoned DR2, which is the particular zone in which the property is located.

B. PDM has approved the Declarants' request to build an in-laws' addition, complete with kitchen, provided the improvement and addition are used as a single family residence. **The addition will be the housing for Declarants' elder parents with the benefit of being attached to her family.** The second kitchen will be removed and the addition's living space will be taken over by the Declarants upon the death of the in-laws, if the in laws leave or moves from the residence, or if the Declarant moves or sells the property, whichever occurs first.

C. As a condition to its approval of the Declarant's request, PDM has required the filing of this Declaration amongst the Land Records of Baltimore County to provide notice to any future owners, subsequent bona fide purchasers of users of this Property that no part of any improvement or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PDM.

DECLARATIONS

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant and PDM hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit.

2. The kitchen for the in-laws will be constructed as part of the addition to the Property shall be accessory uses to the principal use of the Property as a single-family residence. Living quarters for the in-laws shall be used only by the in-laws and not as an independent residential unit, and shall not be used by any other person or for any other reason.

3. Upon the death of both in-laws, if the in-laws leave or otherwise vacates, or the Declarant moves or sells the Property, whichever occurs first, the living space of the addition will be incorporated into the living space of the single-family residential unit for the exclusive use of the Declarant or subsequent purchaser or user and the second kitchen removed.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

Rita J Mitzel — Carrick Lee Hopson
Declarant

Rita J Mitzel — Madeline M. Hopson
Declarant

State of Maryland, County of Baltimore: to wit::

I HEREBY CERTIFY that on this 5th day of July, 2005, before the Subscriber, a Notary Public of the State of Maryland, personally appeared Madeline Hopson and Carrick Hopson, the declaring(s) herein, known to me (or satisfactorily proven) to be the person(s) who (se) names are subscribed to the within instrument, and (th)ey acknowledged that (th)ey executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

Jack Ingrassia
Notary Public

My Commission Expires: 8/23/2005

Department of Permits
And Development Management
Of Baltimore County

WITNESS:
Jeffrey Perlow

By: Timothy Hoffacker
Director

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 15th day of July, 2005, the Director of the Department of Permits and Development Management herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and he acknowledged that he executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

Catherine S. Poplarski
Notary Public

My Commission Expires:
4-08-2009

CATHERINE S. POPLARSKI
NOTARY
PUBLIC
BALTIMORE COUNTY, MD.

EXHIBIT "A"

BEING KNOWN AND DESIGNATED as Lot No. 7, as shown on the Plat entitled, "Forge Acres", which Plat is recorded among the Land records of Baltimore County, Maryland in Plat Book J.W.B. 14, folio 88.

5208 mH

The improvements thereon being known as No. 660 Bangert Street.

BEING the same property which by Deed dated November 23, 1994 and recorded among the Land Records of Baltimore County in Liber SM No. 10890 folio 4 which was granted and conveyed by Russell M. Craven, Personal Representative of the Estate of Shirley C. Thomas unto Jay Earl Jacobs and Jennifer Lynn Jacobs.

0022261 077

Recording Validation

Space Reserved for County Validation

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification	☐ Agricultural Verification	☐ Whole	☐ Part	☐ Tran. Process Verification
Transfer Number:	Date Received:	Deed Reference:		Assigned Property No.:

Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. Cd.	Land	

REMARKS:

TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND

☐ COUNTY TRANSFER TAX
Per _____ ART 11 TITLE 3
SUBTITLE 2, 11-3-202

☐ RECORDATION TAX
Per _____ T.P. ART 12-108

Date 07-28-05

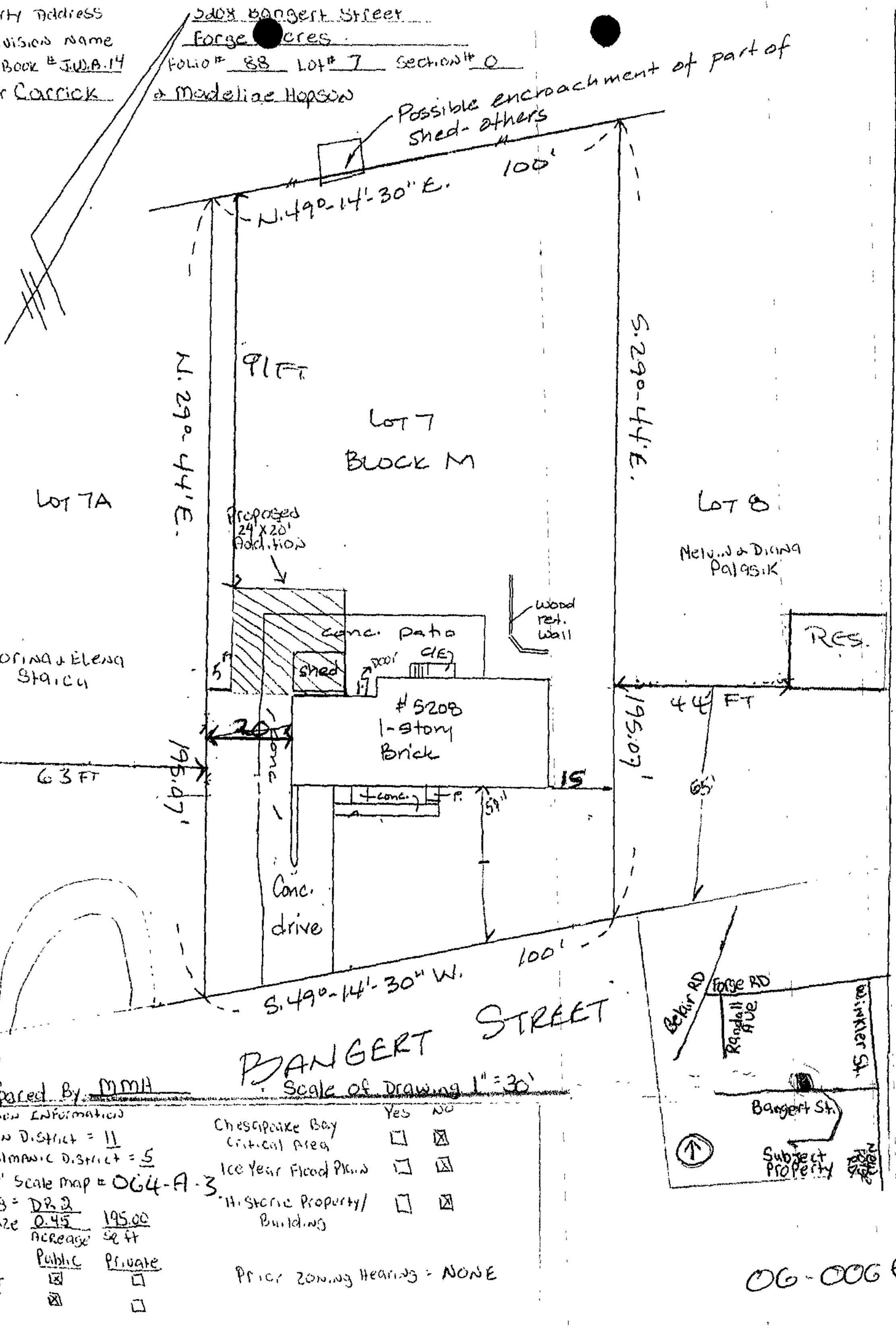
Distribution: *White - Clerk's Office*
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

Property Address 5208 Bangert Street

Subdivision name Forge Acres

Plat Book # J.W.B. 14 Folio # 88 Lot # 7 Section # 0

Owner Carrick & Madeline Hopson



Prepared By MMH

Location Information

Election District = 11

Councilmanic District = 5

200' Scale Map # 064-A-3

Zoning = DR 3

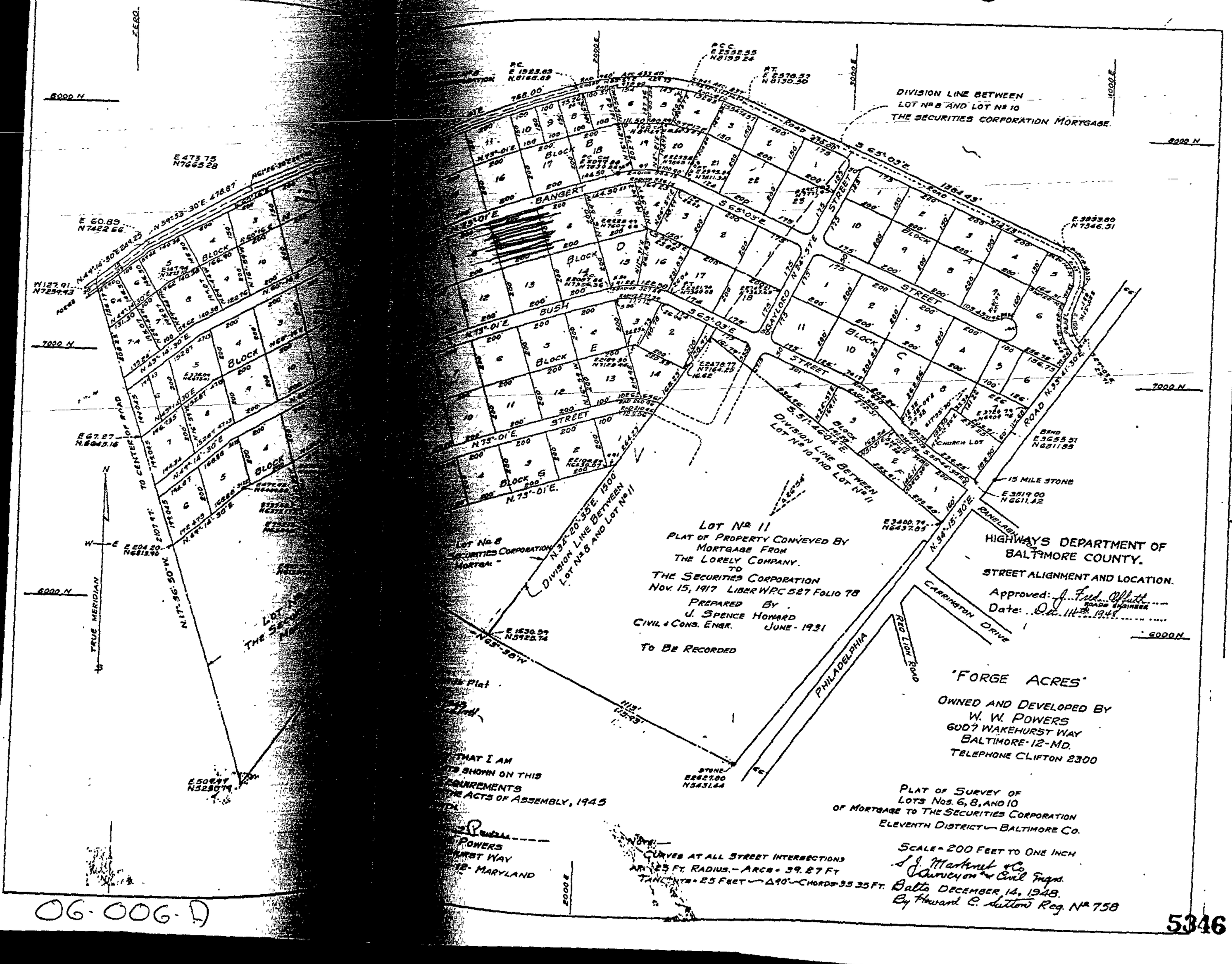
Size 0.45 Acreage 19500 sq ft

	Public	Private
	☒	☐
	☒	☐

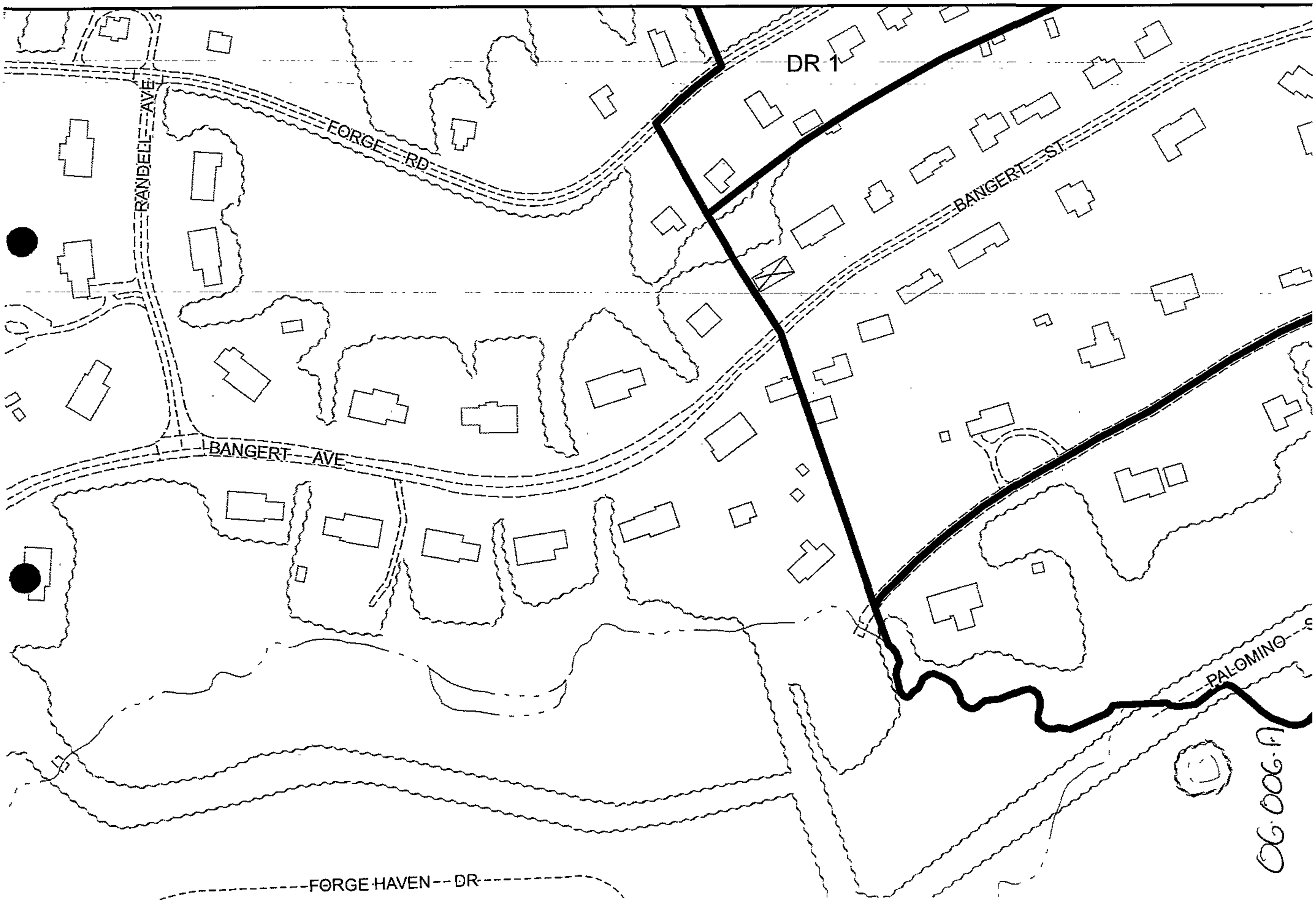
	Yes	No
Chesapeake Bay Critical Area	☐	☒
100 Year Flood Plain	☐	☒
Historic Property/ Building	☐	☒

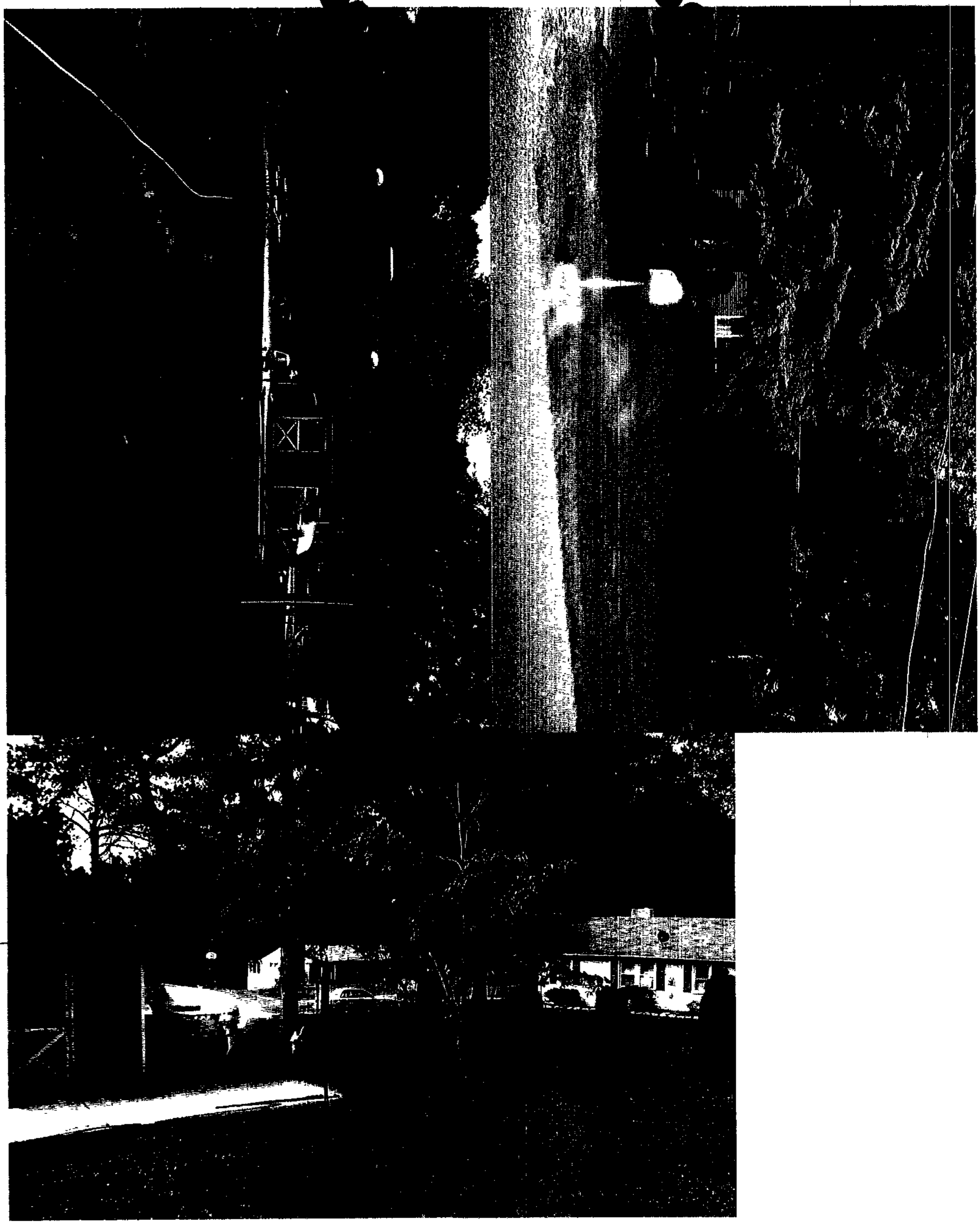
Prior Zoning Hearing = NONE

06-006 A

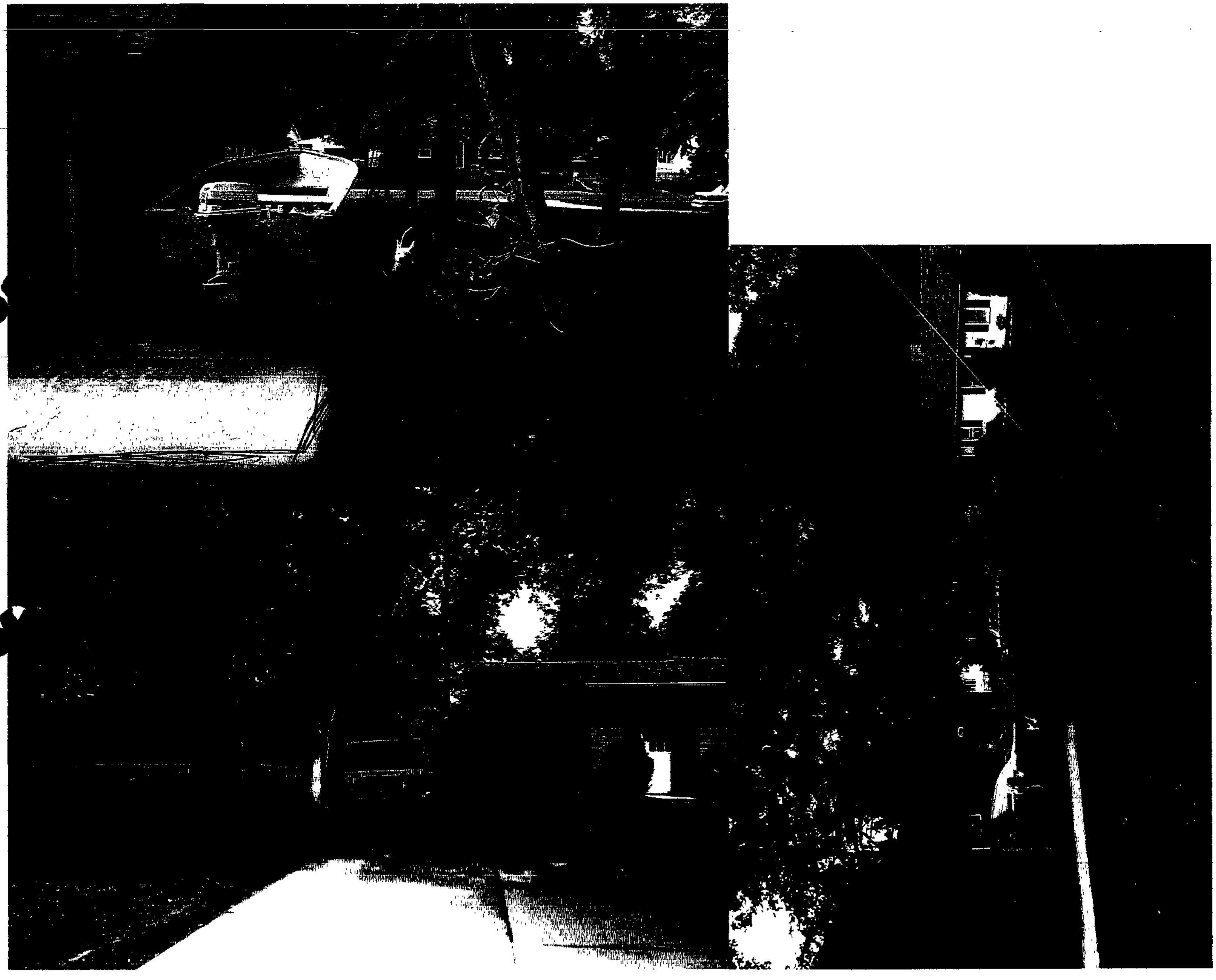

DIVISION LINE BETWEEN
LOT Nº 8 AND LOT Nº 10
THE SECURITIES CORPORATION MORTGAGE.
LOT Nº 11
PLAT OF PROPERTY CONVEYED BY
MORTGAGE FROM
THE LORELY COMPANY.
TO
THE SECURITIES CORPORATION
Nov. 15, 1917 LIBER WPC 527 FOLIO 78
PREPARED BY
J. SPENCE HOWARD
CIVIL & CONS. ENGR. JUNE - 1931
TO BE RECORDED
HIGHWAYS DEPARTMENT OF
BALTIMORE COUNTY.
STREET ALIGNMENT AND LOCATION.
Approved: J. Fred Offutt
ROADS ENGINEER
Date: Dec. 11th 1948
"FORGE ACRES"
OWNED AND DEVELOPED BY
W. W. POWERS
6007 WAKEHURST WAY
BALTIMORE-12-MD.
TELEPHONE CLIFTON 2300
PLAT OF SURVEY OF
LOTS Nos. 6, 8, AND 10
OF MORTGAGE TO THE SECURITIES CORPORATION
ELEVENTH DISTRICT — BALTIMORE CO.
SCALE = 200 FEET TO ONE INCH
J. J. Markert & Co
Surveyors & Civil Engrs.
Balto DECEMBER 14, 1948.
By Howard C. Sutton Reg. Nº 758
BANGERT
BUSH
STREET
BLOCK
GAYLORD
PHILADELPHIA
RED LION ROAD
CARRINGTON DRIVE
PANELAND
15 MILE STONE
CHURCH LOT
TRUE MERIDIAN
8000 N
7000 N
6000 N
5000 N
1000 E
2000 E
06-006-D
5346

073-A-1


DR 1
FORGE RD
RANDELL AVE
BANGERT ST
BANGERT AVE
PALOMINO
FORGE HAVEN DR

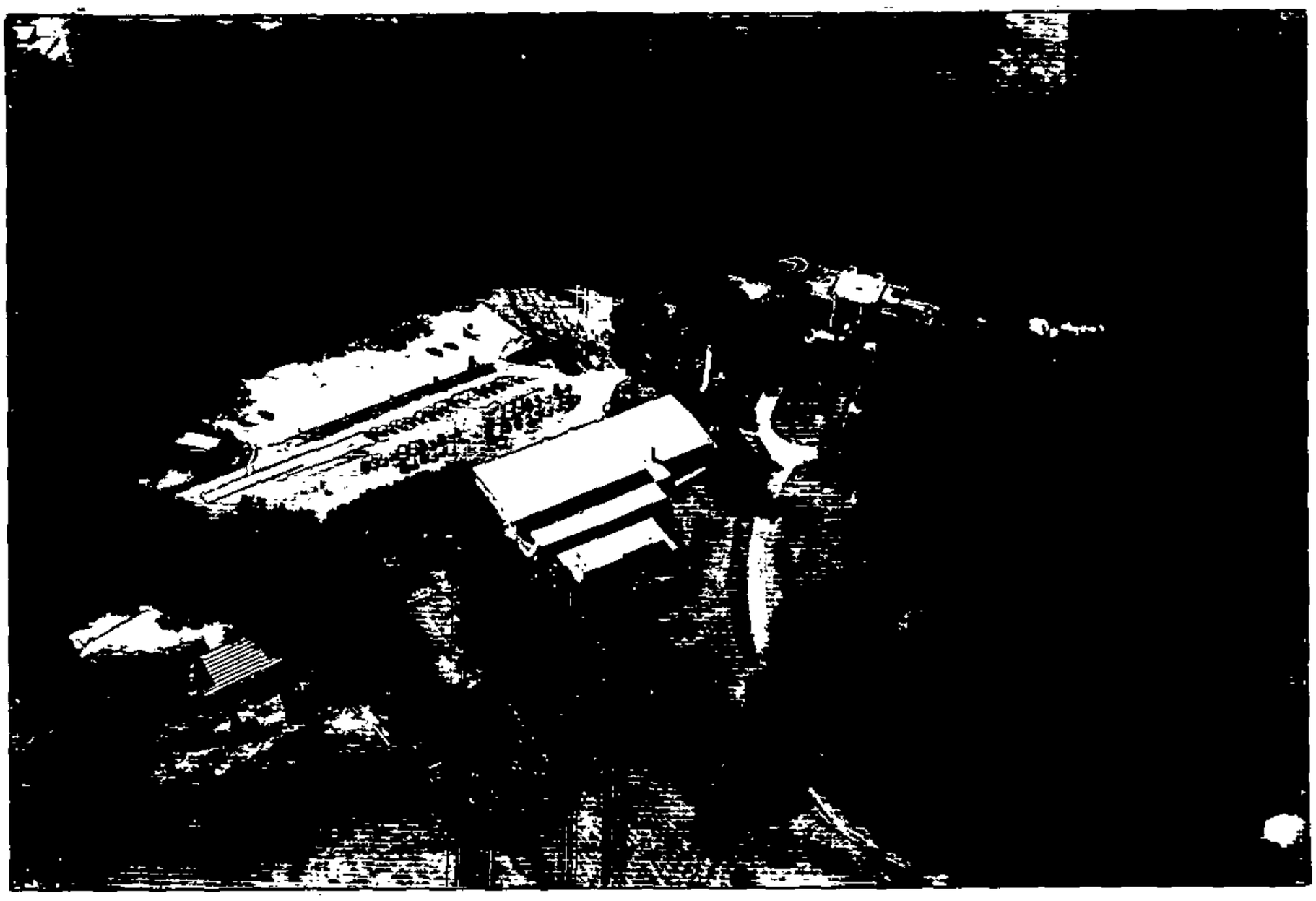


06.006.A



06.006.9

Appellants 14
15

2 photos

CBA-06-006