

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of a private drive 200 ft. S of
Circle Road, said point being
1,200 ft. W of Lake Roland Drive
9th Election District
2nd Councilmanic District
(1844 Circle Road)

Mary B. & Patrick H. Vogel
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-072-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mary B. and Patrick H. Vogel. The administrative variance is requested for property located at 1844 Circle Road in the Towson area of Baltimore County. The administrative variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a detached accessory structure (a proposed open carport) to be located in the front yard in lieu of the rear yard. 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 August 13, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

ORDER RECEIVED FOR FILING
9/8/05
J. Ray

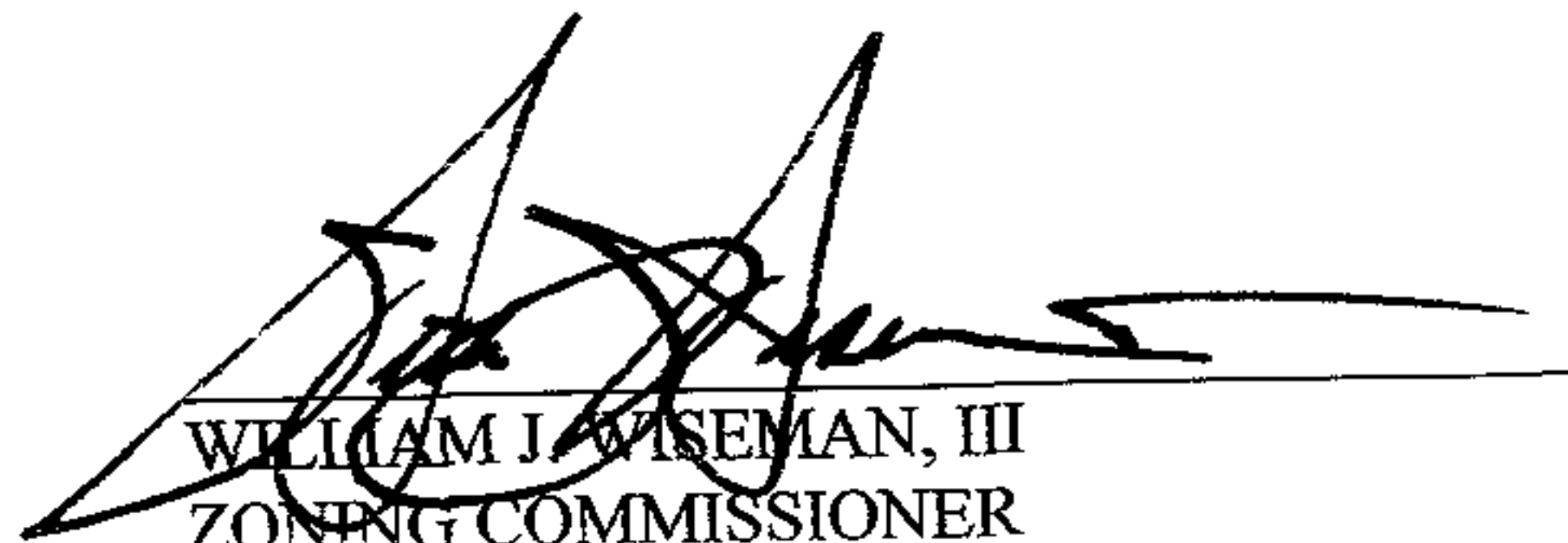
requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 Zoning Commissioner for Baltimore County, this 8th day of September, 2005, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a detached accessory structure (a proposed open carport) to be located in the front yard in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

ORDER RECEIVED FOR FILING

9/8/05



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

September 8, 2005

Mr. & Mrs. Patrick H. Vogel
1844 Circle Road
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 06-072-A
Property: 1844 Circle Road

Dear Mr. & Mrs. Vogel:

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,

A handwritten signature in black ink, appearing to be "W. J. Wiseman III", is written over a horizontal line.

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

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



Printed on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1844 Circle Rd
which is presently zoned DR 1

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) 400.1 BC2R TO ALLOW A

DETACHED ACCESSORY STRUCTURE (A PROPOSED OPEN CARPORT) TO BE LOCATED IN FRONT YARD IN LIEU OF REAR YARD.

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):

Patrick H. Vogel
Name - Type or Print

Signature

Mary R. Vogel
Name - Type or Print

Signature

1844 Circle Rd 410
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 06 day of 07 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. 06 072 A

Reviewed By VL Date 8/02/05

REV 10/25/01

Estimated Posting Date 8/14/05

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

Address

City

State

Zip Code

1844 Circle Rd
Towson Md 21204

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):

In order to protect our personal property (2 automobiles), we wish to build a Carport structure. Our lot doesn't provide space for this structure except in the front of the property.

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

[Signature]

Name - Type or Print

Patrick H. Vogel

Signature

[Signature]

Name - Type or Print

Mary R. Vogel

Patrick H. Vogel and Mary R. Vogel

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of July, 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

Notary Public

My Commission Expires

[Signature]

August 1, 2006

ZONING DESCRIPTION FOR
1844 CIRCLE ROAD TOWSON, MD 21204

SAID POINT ALSO 1200' WEST OF
LAKE ROLAND DRIVE

Beginning at a point on the South side of private driveway which is 20' wide
at the distance of ²⁰⁰150' South of the centerline of the nearest improved
intersecting street Circle Road which is 20' wide, containing .0510 parts of
an acre. Also known as 1844 Circle Road and located in the 9th Election
district, 2 Councilmanic district.

THE UNDERSIGNED
ACCEPTS RESPONSIBILITY
FOR THE ACCURACY OF ALL
INFORMATION AS DRAWN
BY BALTO. CO. REGARDING
THE PETITION APPLICATION

Nancy R. Vogel

8-2-05

06-072-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

072 No. 440873

DATE

8/2/05

ACCOUNT

101 006 6155

AMOUNT

\$ 65.00

RECEIVED

Locat

FOR

William Lawrence

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

1844 Locat Rd

PAID RECEIPT

RECEIVED

ACTING

TIME

8/14/2005 8/18/2005 15:36:12

NO. 005 0000000000000000

RECEIPT # 001149 8/02/2005

NO. 5 000 0000000000000000

RECEIPT

Receipt Tot

\$65.00

\$65.00 OK

\$65.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

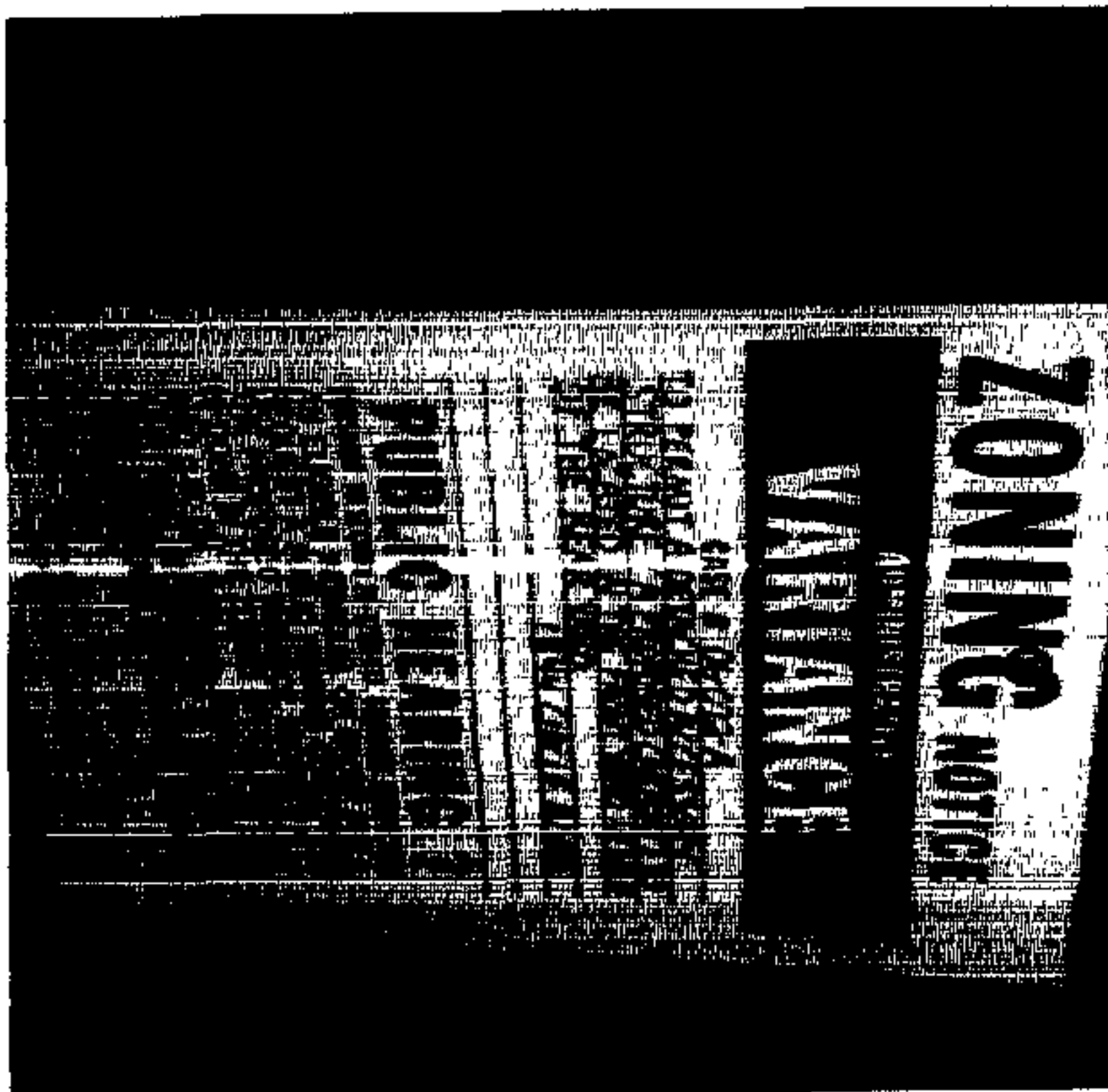
ATTENTION: KRISTEN MATTHEWS

Date August 14, 2005

RE: Case Number 06-072-A
Petitioner/Developer, MARY + PATRICK VOGEL
Date of Hearing (Closing) AUGUST 29, 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 1844 CIRCLE ROAD

The sign(s) were posted on August 13, 2005
(Month, Day, Year)



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 MD 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: 06 072 A
Petitioner: Patrick H. Vogel
Address or Location: 1844 Circle Rd Towson, Md 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patrick H. Vogel
Address: 1844 Circle Rd
Towson, MD 21204

Telephone Number: 410 - 828-1844

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 072 -A

Address 1844 CIRCLE RD

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 8/02/05

Posting Date: 8/14/05

Closing Date: 8/29/05

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- 072 -A

Address 1844 CIRCLE RD

Petitioner's Name PATRICK & MARY VOGEL

Telephone 410 -

Posting Date: 8/14/05

Closing Date: 8/29/05

Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE (A PROPOSED CAR PORT) TO BE LOCATED IN THE FRONT YARD IN LIEU OF REAR YARD

**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*

August 29, 2005

Patrick H. Vogel
Mary B. Vogel
1844 Circle Road
Towson, Maryland 21204

Dear Mr. and Mrs. Vogel:

RE: Case Number: 06-072-A, 1844 Circle Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 2, 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,

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: clb

Enclosures

c: People's Counsel

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



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

August 10, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: August 15, 2005

Item No.: 067-076

1. The fire marshal's office has no comments at this time.

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

Acting Lieutenant David Heath
Fire Marshal's Office
410-887-4881
MS-1102F

cc: File

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



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



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

Date: 8.9.05

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

RE: Baltimore County
Item No. 472 JLL

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,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: R. Bruce Seeley *RM*

DATE: September 7, 2005

SUBJECT: Zoning Item # 06-072A
Address 1844 Circle Road
Vogel Property

Zoning Advisory Committee Meeting of August 15, 2005

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

Prior to issuance of a building permit, the applicant must request a variance from COMAR regulations to allow the carport to be built over the existing septic system. The applicant should contact Mr. J. Rob Powell at 410-887-2762.

Reviewer: Sue Farinetti

Date: August 31, 2005

AV
8/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

RECEIVED **DATE:** September 6, 2005

SEP 8 2005

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

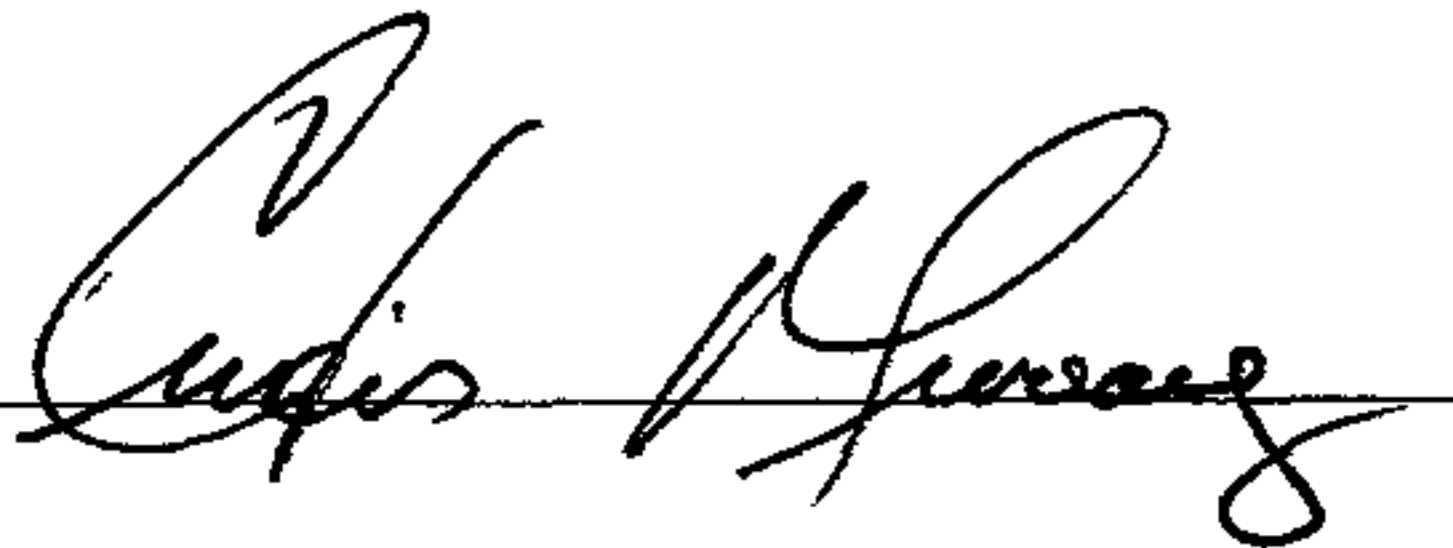
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-072- 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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 19, 2005

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 22, 2005
Item No's: 070, 071, 072, 073, 074, 075, and 076

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-08192005.doc

D.R. I

W 10,500

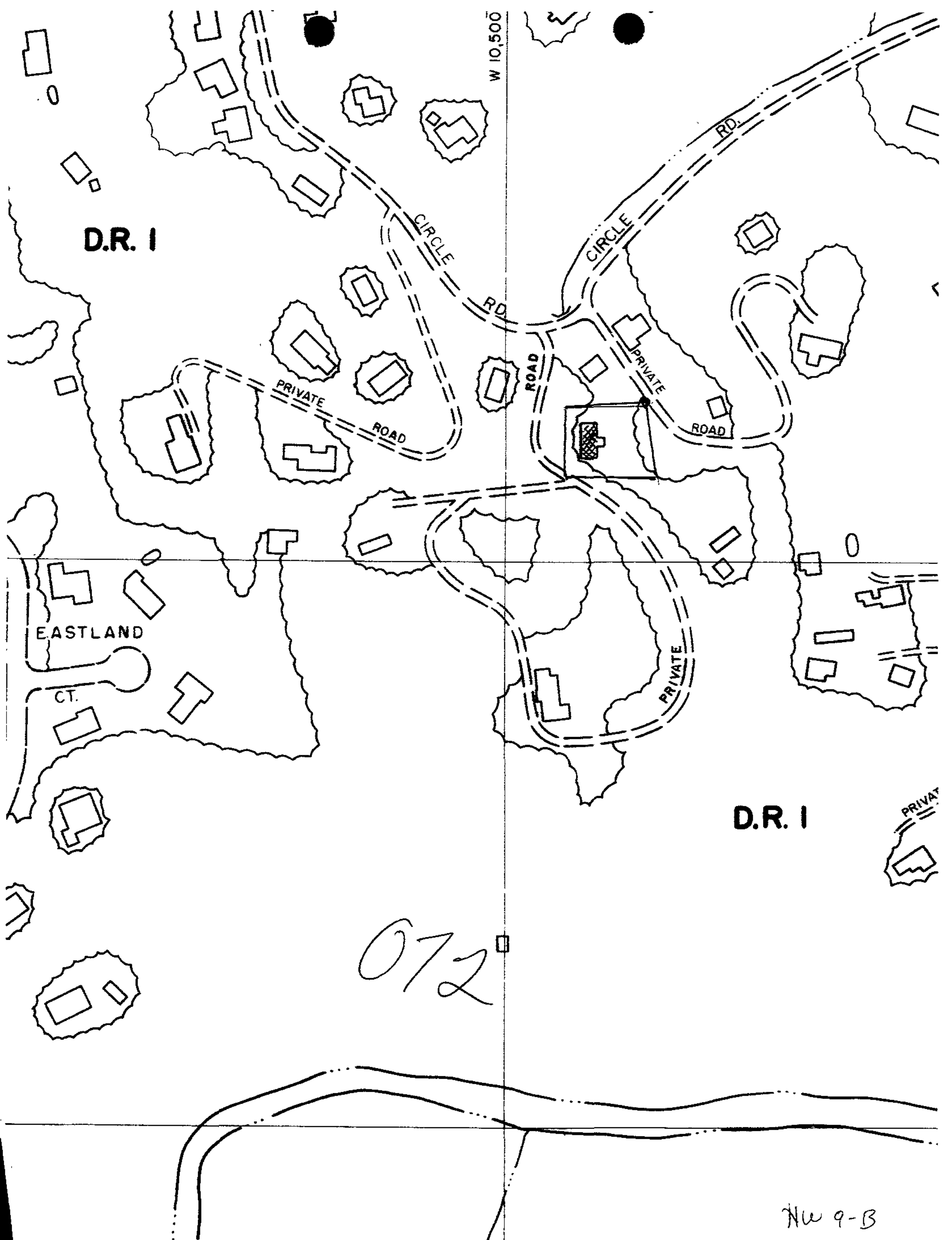
EASTLAND

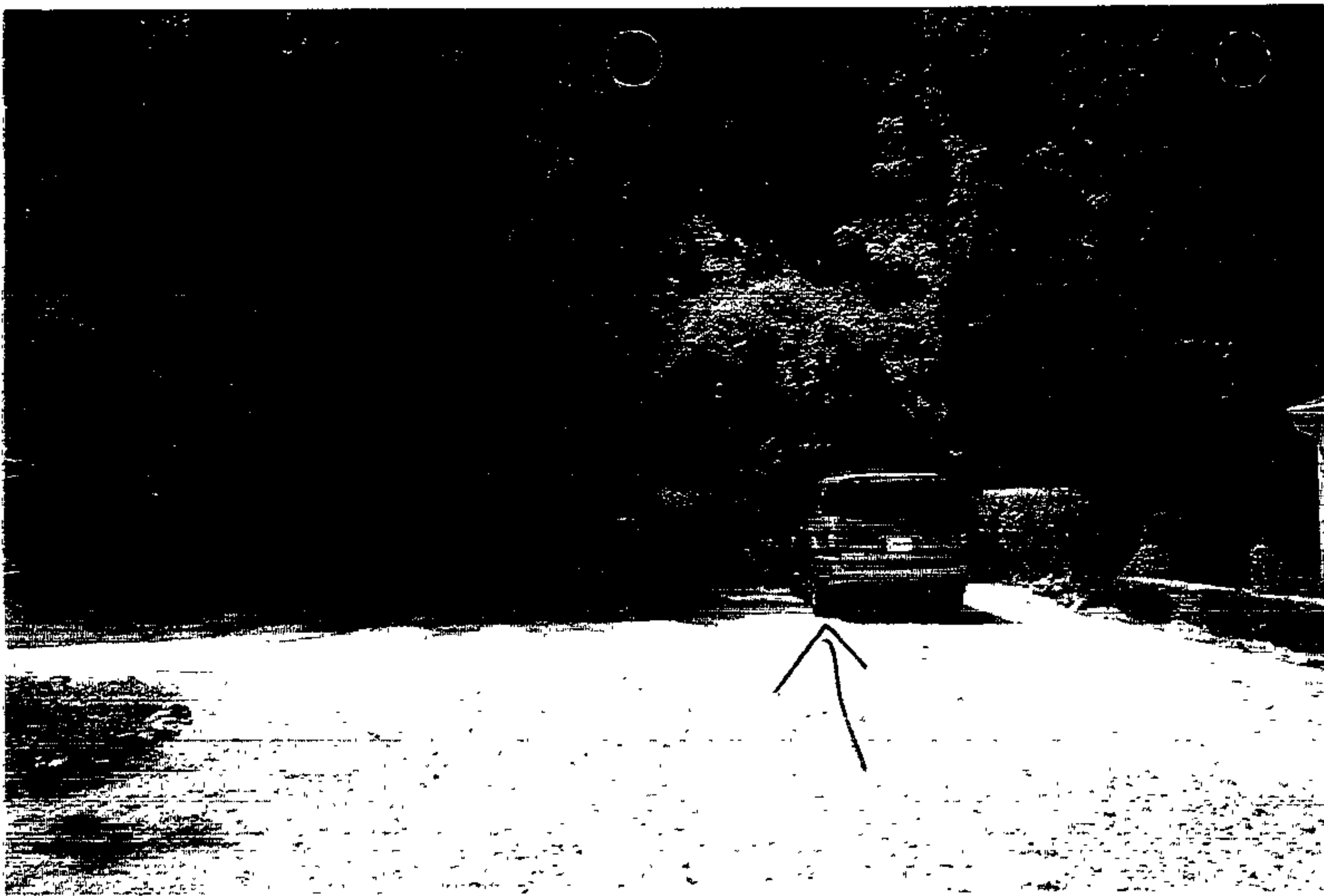
CT.

D.R. I

072

NW 9-B



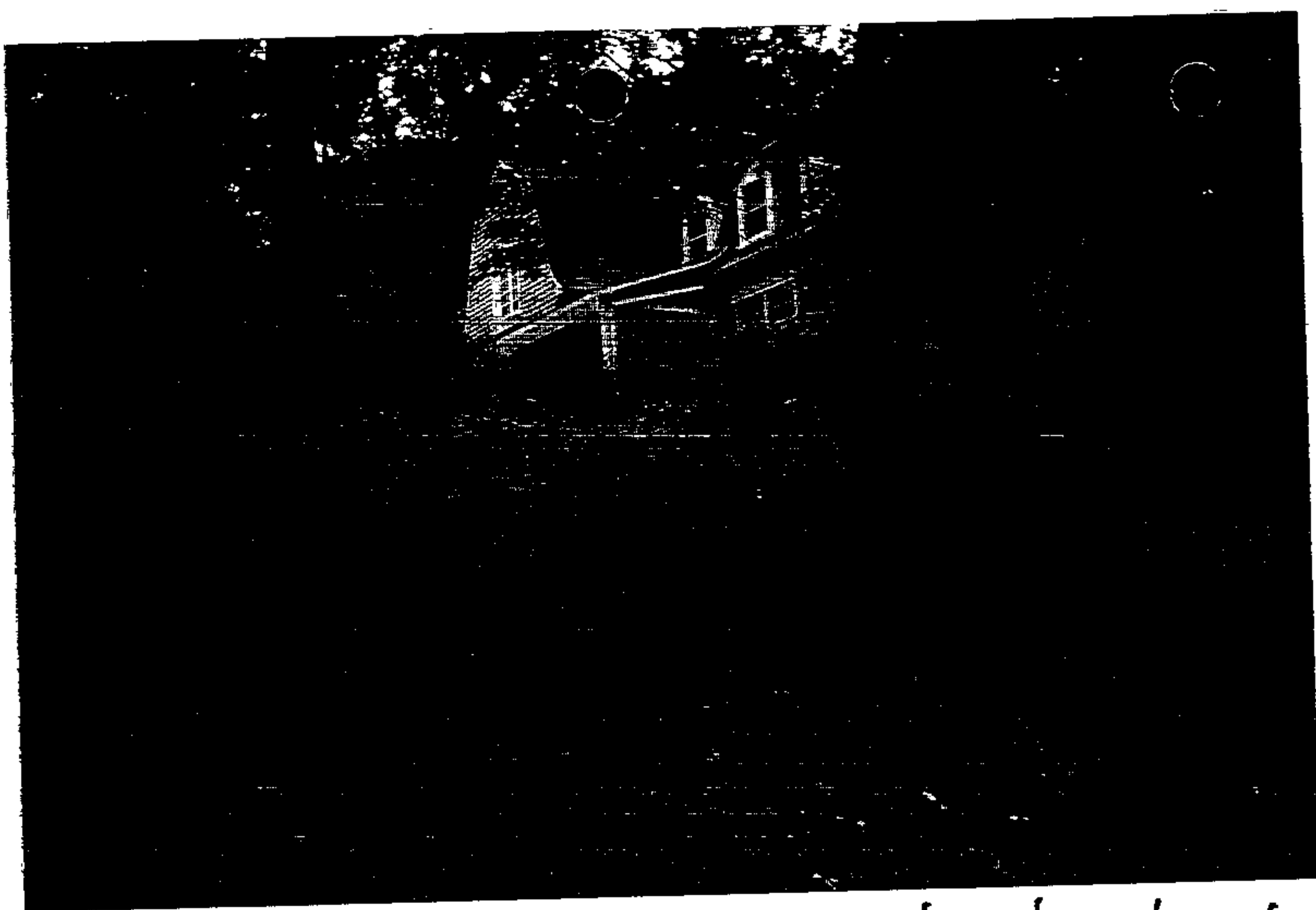


072

proposed area
for carport



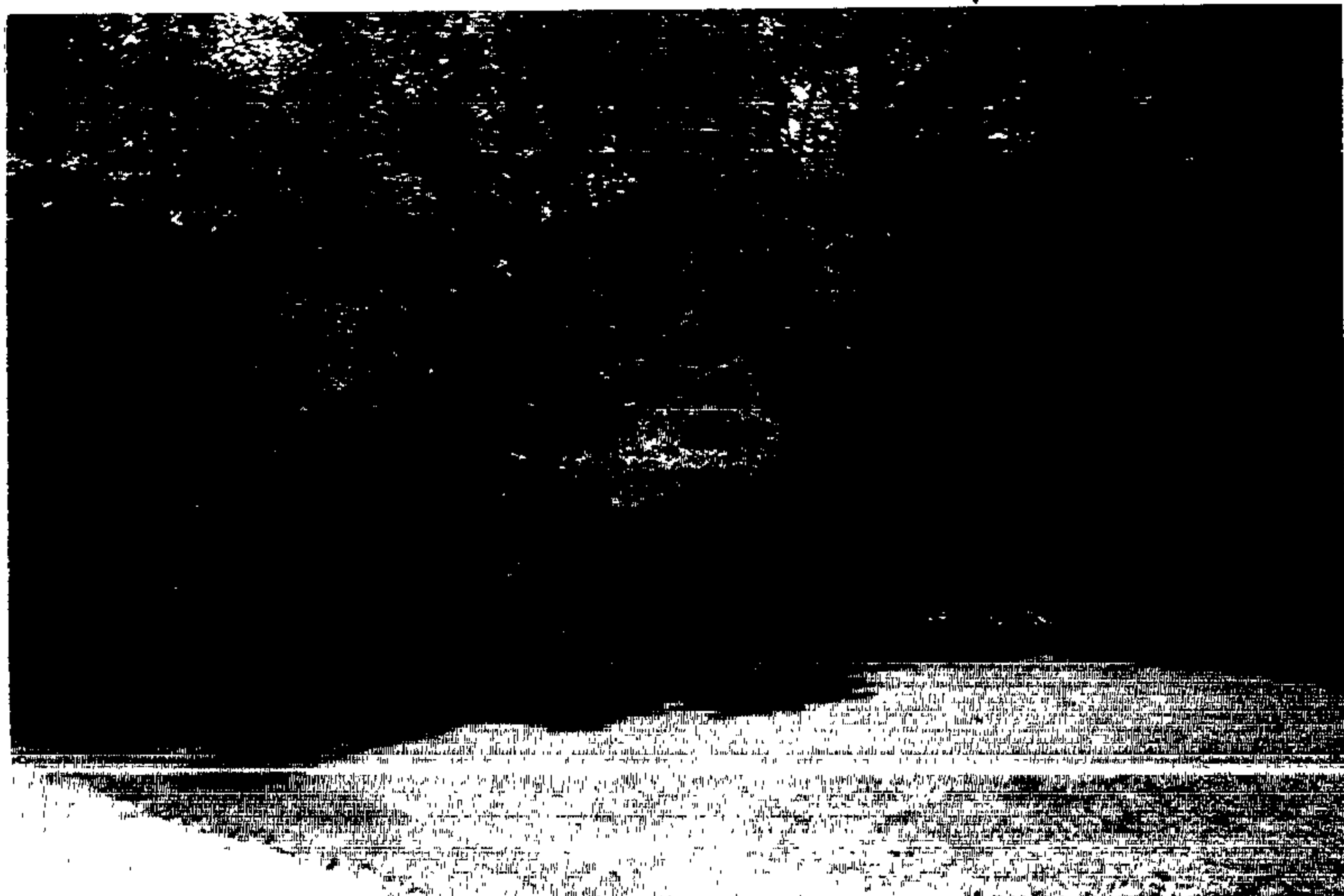
proposed carport
to left of
front of
1844 Circle
Rd.



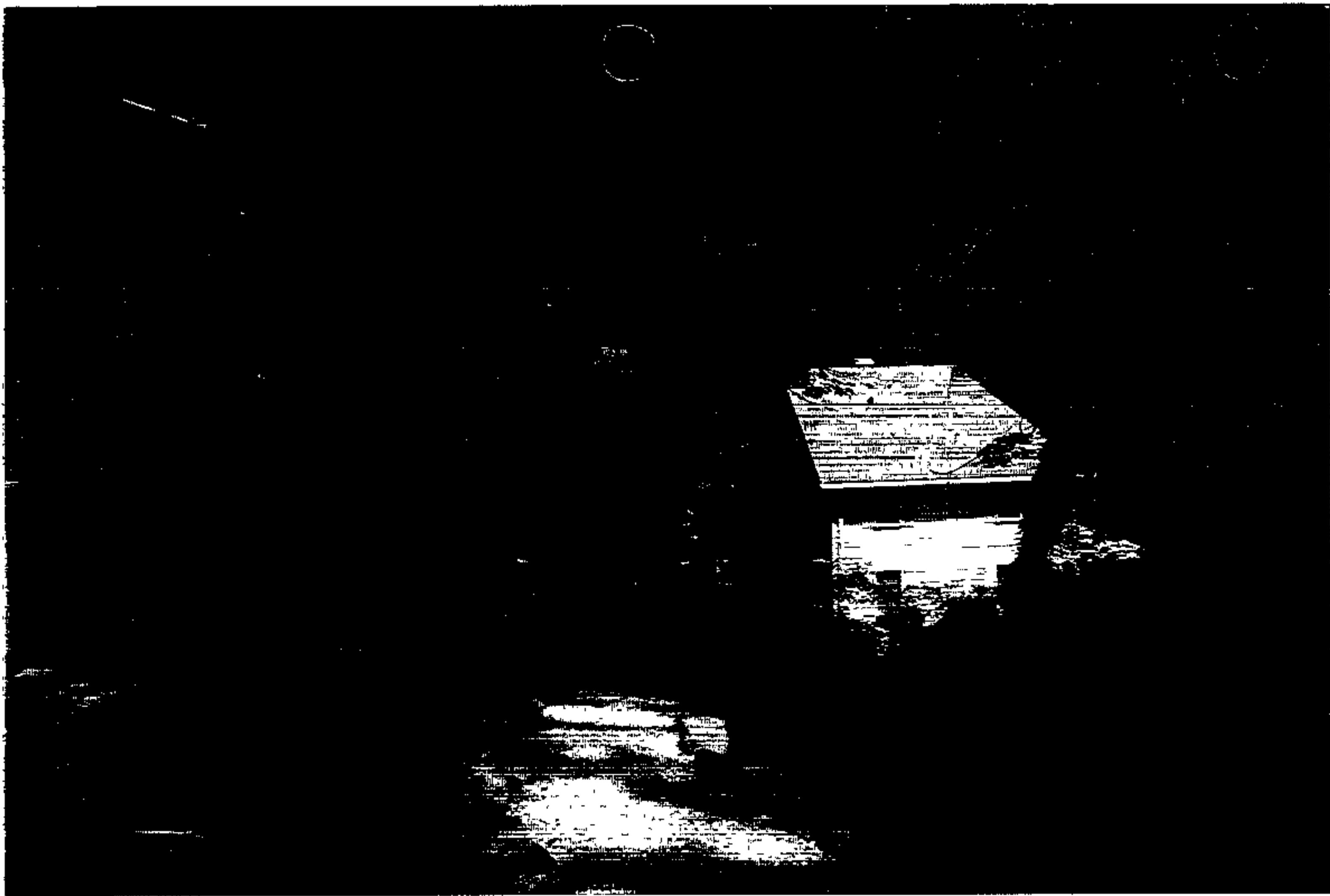
077

1844 Circle Rd

Sloped side of house -
no carport
possibility



1844 Circle Rd
Sloped side of home



072

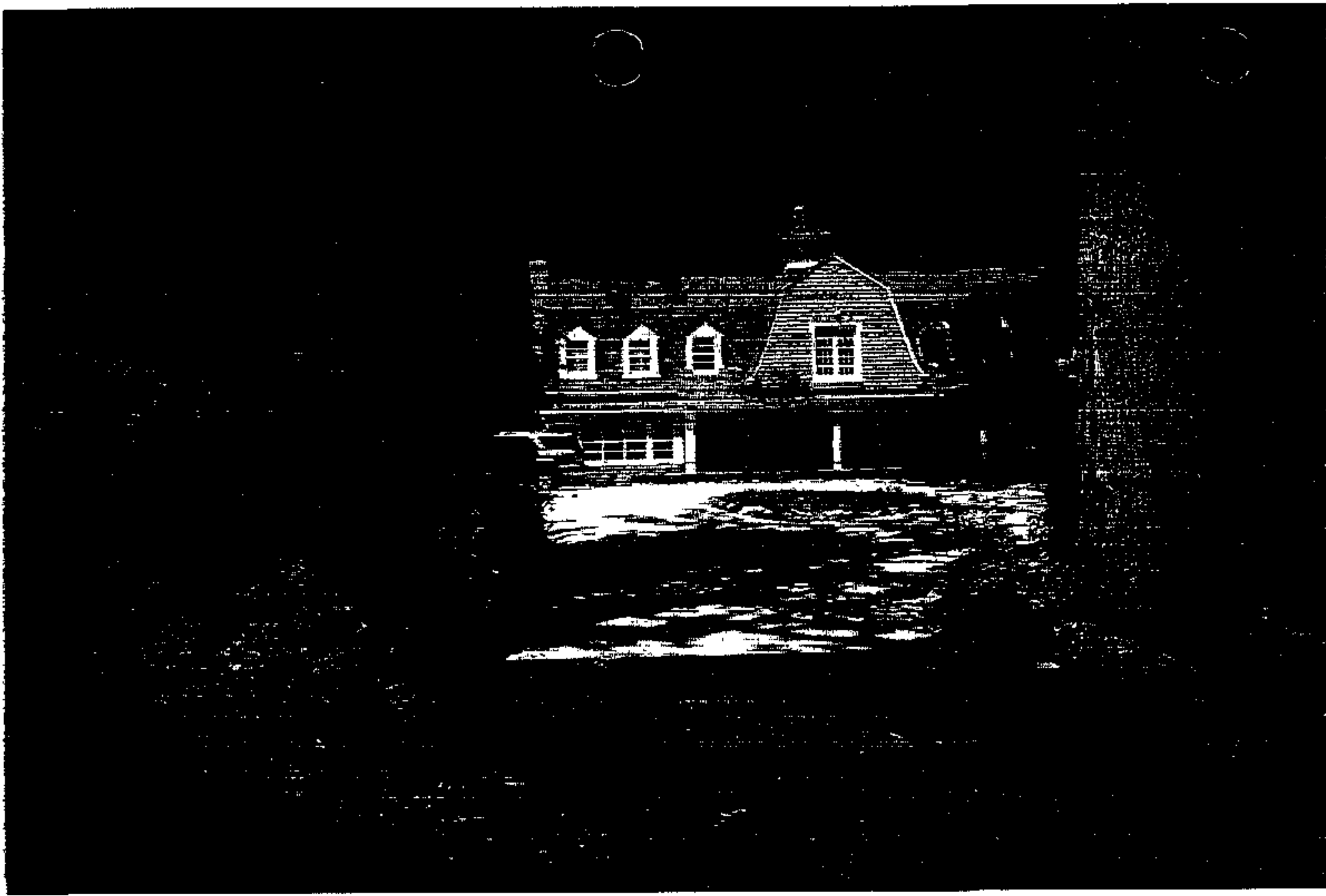
View of
1842 Circle
from 1844
Circle



looking from 1844 Circle to Circle Rd
down private lane

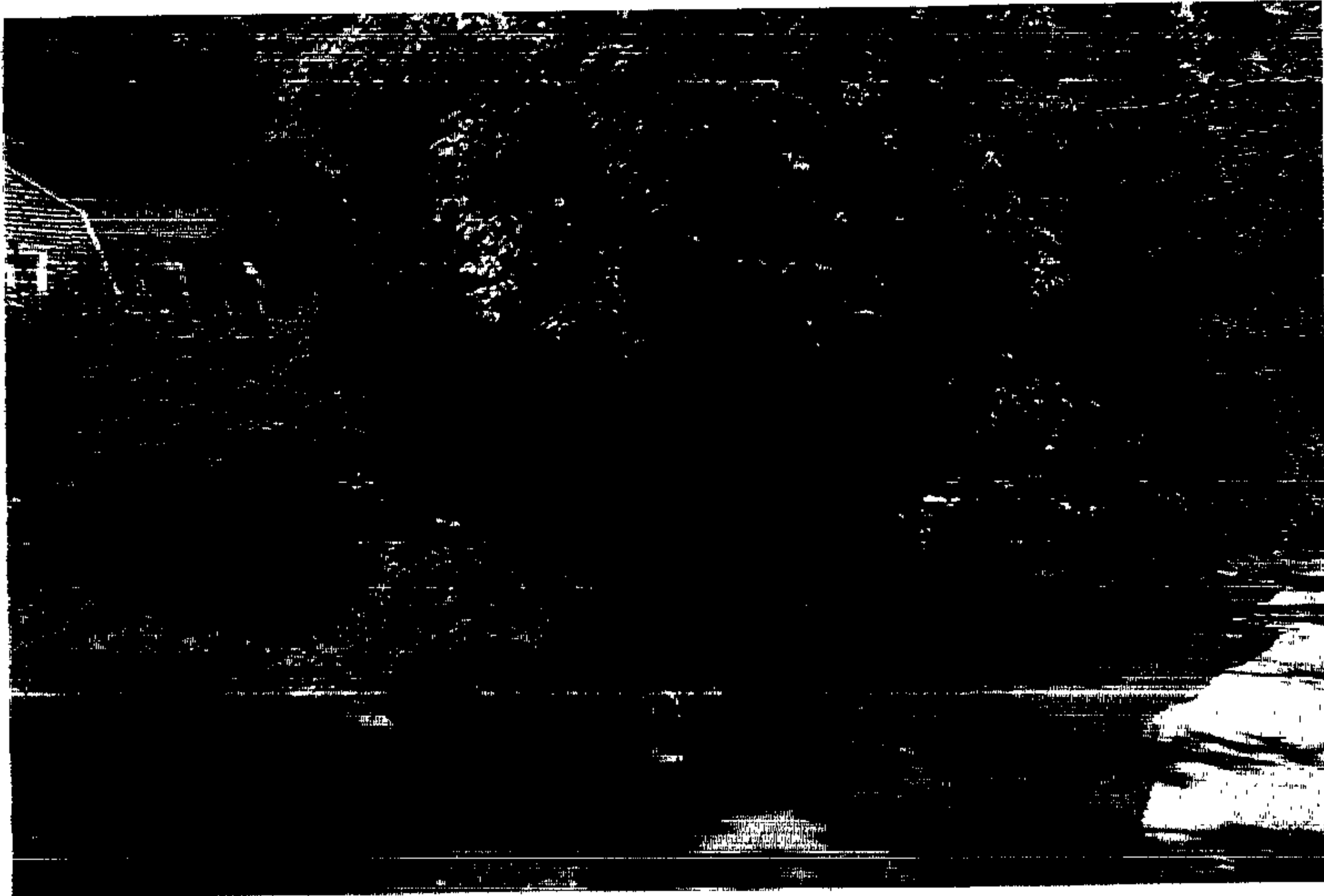


1842 Circle Rd



012

1844 Circle Road - Front of home from private driveway



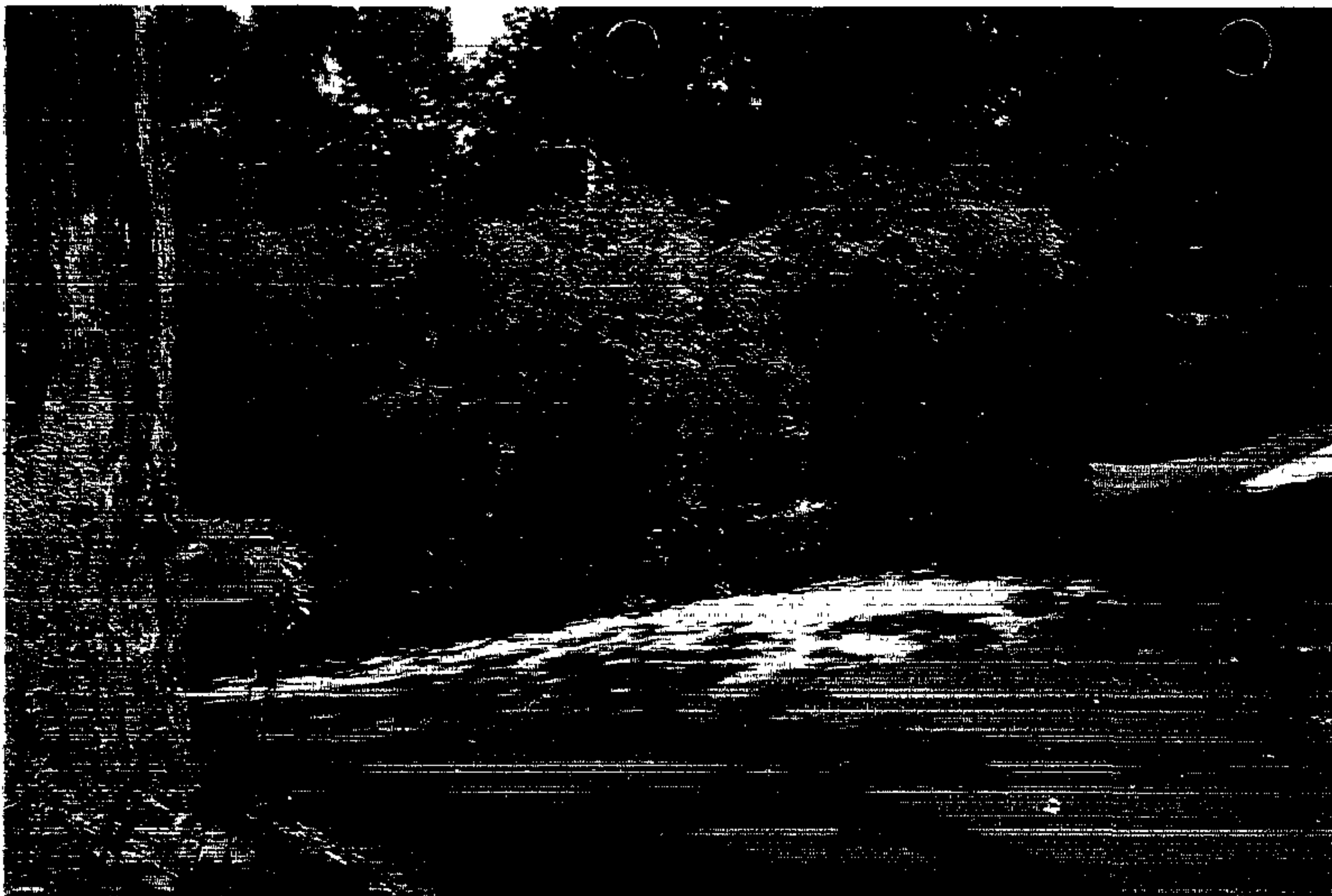
Jones property

← 1842 Circle Rd

Circle Rd



1844



072

Looking from
1844 Circle Rd
out to 1850



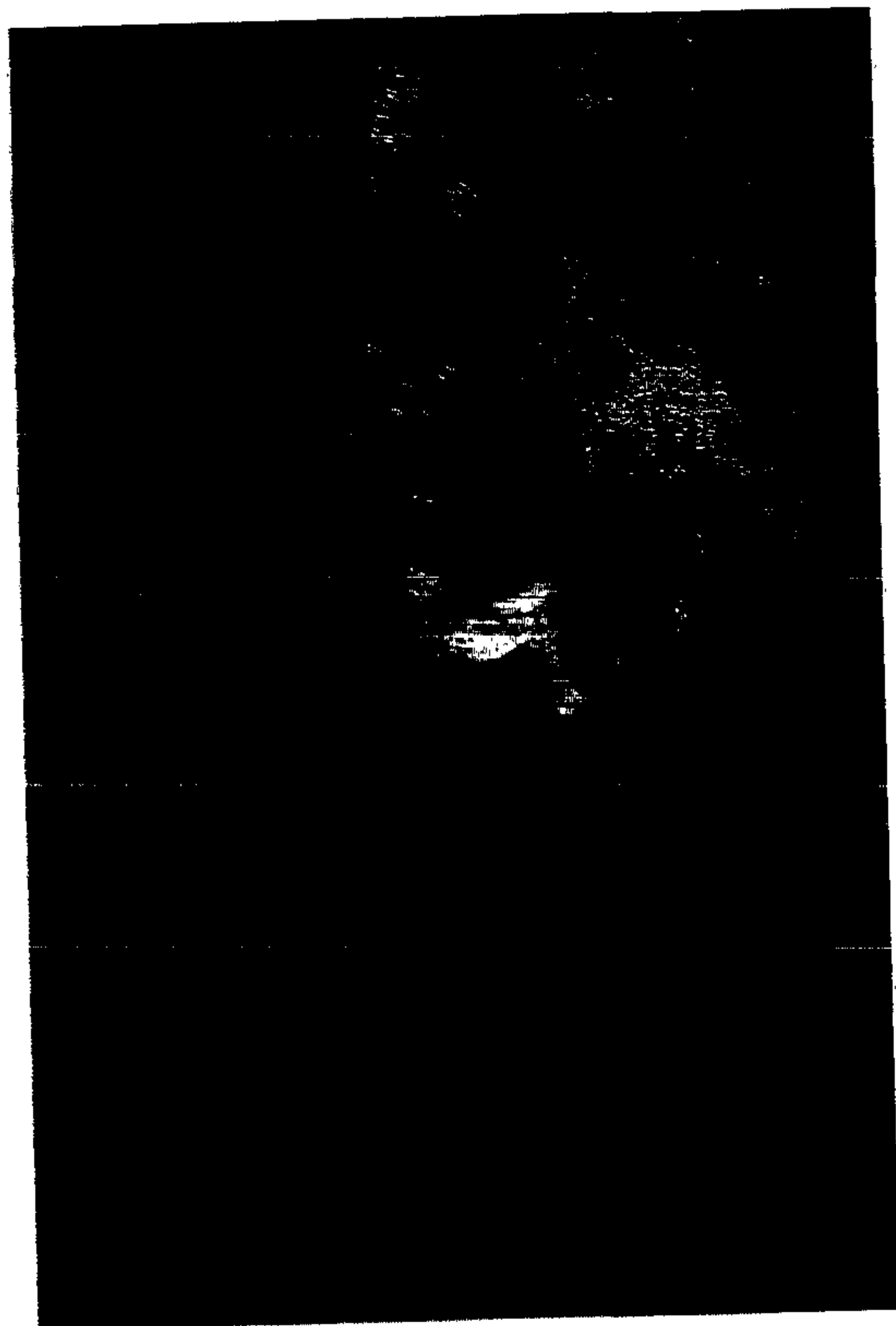
Circle Rd
(Nickerson)

Looking from
1844 Circle Rd
at 1846
Circle Road,
(Clemons)



072

Site of
proposed
carport
structure



Rear of 1844 Circle
Rd.

No room for carport.

