

IN RE: PETITION FOR ADMIN. VARIANCE
N/side of Left Wing Drive, 183' w of
c/l of Left Aileron
15th Election District
5th Councilmanic District

(40 Left Wing Drive)

Kenneth A. and Margaret M. Tucker
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-235-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, Kenneth A. and Margaret M. Tucker. The variance request is for property located at 40 Left Wing Drive in the Middle River area of Baltimore County. The variance request is from Section 1B02.3.c.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a 2 ft. side yard setback in lieu of 10 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

A review of the zoning history of this property revealed that the Petitioner requested and was granted a variance in Case 97-406-A for a side yard setback of 1.5 feet in lieu of the required 7.5 feet to erect a carport subject to conditions. Condition 2 required that the carport remains open on the three (3) exposed sides and shall not be enclosed at any time.

The Petitioner requests in this Petition to be able to enclose the carport. Consequently, the case was set for public hearing given the specific condition previously granted.

The property was posted with a notice of the requested Administrative Variance on November 12, 2005. The public was notified of the time and date of the public hearing by

ORDER RECEIVED FOR FILING
Date 1-26-06
By [Signature]

reposting the property on January 3, 2006 and notice was given to the public on January 3, 2006 by publication in the Jeffersonian Newspaper.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing in support of the Petition was Ken Tucker. There were no protestants or citizens at the hearing.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 05-8908) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that the carport and wall was started without a permit.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for

violation of law. This is not the province of this office.

Applicable Law

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

"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."

Testimony and Evidence

Mr. Tucker indicated that he wanted to enclose the carport on the east side of his home to provide him some protection from the weather when he maintains his vehicles during the winter and to give the neighbors to the east some better privacy which an garage would give them. He also wants to replace an existing patio located at the rear of the patio with a sunroom to provide more living space for his family. A public hearing was held in this case because the Petitioner wanted to eliminate condition 2 of the previously granted variance in Case No. 97-406-A. In that case, the Zoning Commissioner granted the Petitioner's request for a side yard setback variance to allow the carport within 1.5 feet of the property line. Condition 2 specifically prohibited enclosing the carport. Mr. Tucker was not sure why the Zoning Commissioner added this specific condition.

Mr. Tucker indicated that he contacted his neighbor to the east about his plans and that they had no objection as shown by the Exhibit 2, letter from present tenants, and Exhibit 3, letter from the owners of the adjacent property. He presented photographs of the subject house and carport, Exhibit 4 and 5 as well as eight (8) photographs of similar garages/additions in the

neighborhood, which have little if any side yard setback. Based on these photographs, he opined that enclosing the carport would not adversely affect the neighborhood by changing the pattern of development. He noted that the subject property is Lot 288 of the Aero Acres subdivision and that homes in this subdivision were built in 1945.

Findings of Fact and Conclusions of Law

I requested this matter be set for public hearing to more fully explain why the condition that the carport not be enclosed in the prior case should be overruled. As Mr. Tucker points out, much has changed in eight (8) years including the affect on the community of enclosing the carport. It is likely that the condition added by the Zoning Commissioner in the prior case was a more general condition imposed on such requests without reference to some specific problem which he sought to remedy by its imposition.

I find the homes in this community were built before the DR zoning regulations were imposed on the area and as such impact this lot differently than lots created after the regulations were imposed. Consequently I find the property unique in a zoning sense.

I also find the Petitioner would suffer hardship or practical difficulty if the regulations were strictly enforced, as he would not be able to work on his vehicles out of the winter weather without the carport being enclosed.

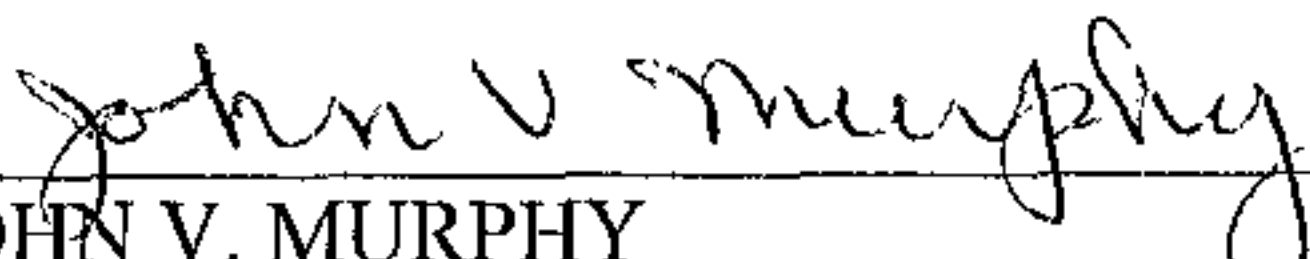
Finally, I find the variances can be granted within the spirit and intent of the regulations and there will be no adverse impact on the community. As shown by the many similar additions in the neighborhood, enclosing the carport will not change the pattern of development of the neighborhood. Also, I note that the tenants and owners of the property to the east wrote letters of support for these requests even though they would be most affected by the request.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26 day of January, 2006, that a variance from Section 1B02.3.c.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a 2 ft. side yard setback in lieu of 10 ft., be and is hereby GRANTED, subject, however, to the following restrictions 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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING

Date 1-26-06

By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 26, 2006

Kenneth A. Tucker, Jr.
Margaret M. Tucker
40 Left Wing Drive
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 06-235-A
Property: 40 Left Wing Drive

Dear Mr. and Mrs. Tucker:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 40 Left Wing Drive
which is presently zoned DTL 5.5

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) 1307.3 c.d (CHART)

to permit a 2 ft. side yard setback w/ lawn of 10 ft.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address

City

State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-235-A

Reviewed By JTK Date 10-31-05

Estimated Posting Date 11-15-05

REV 10/25/01

ORDER RECEIVED FOR FILING

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

40 Left Wing Drive
Address
Balto MD 21220
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):

Zoning variance obtained for carport in 1997 part of which is used as patio
Would like to close in but original zoning variance only allowed for carport
cannot use patio during winter months want to convert into sunroom
Have no other place on property to build garage to protect vehicle from weather and vandalism

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
Kenneth A Tucker Jr.
Name - Type or Print

[Signature]
Signature
MARGARET M. TUCKER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of Sept., 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kenneth A. Tucker Jr. & Margaret M. Tucker
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 8-1-05

B:17 1941

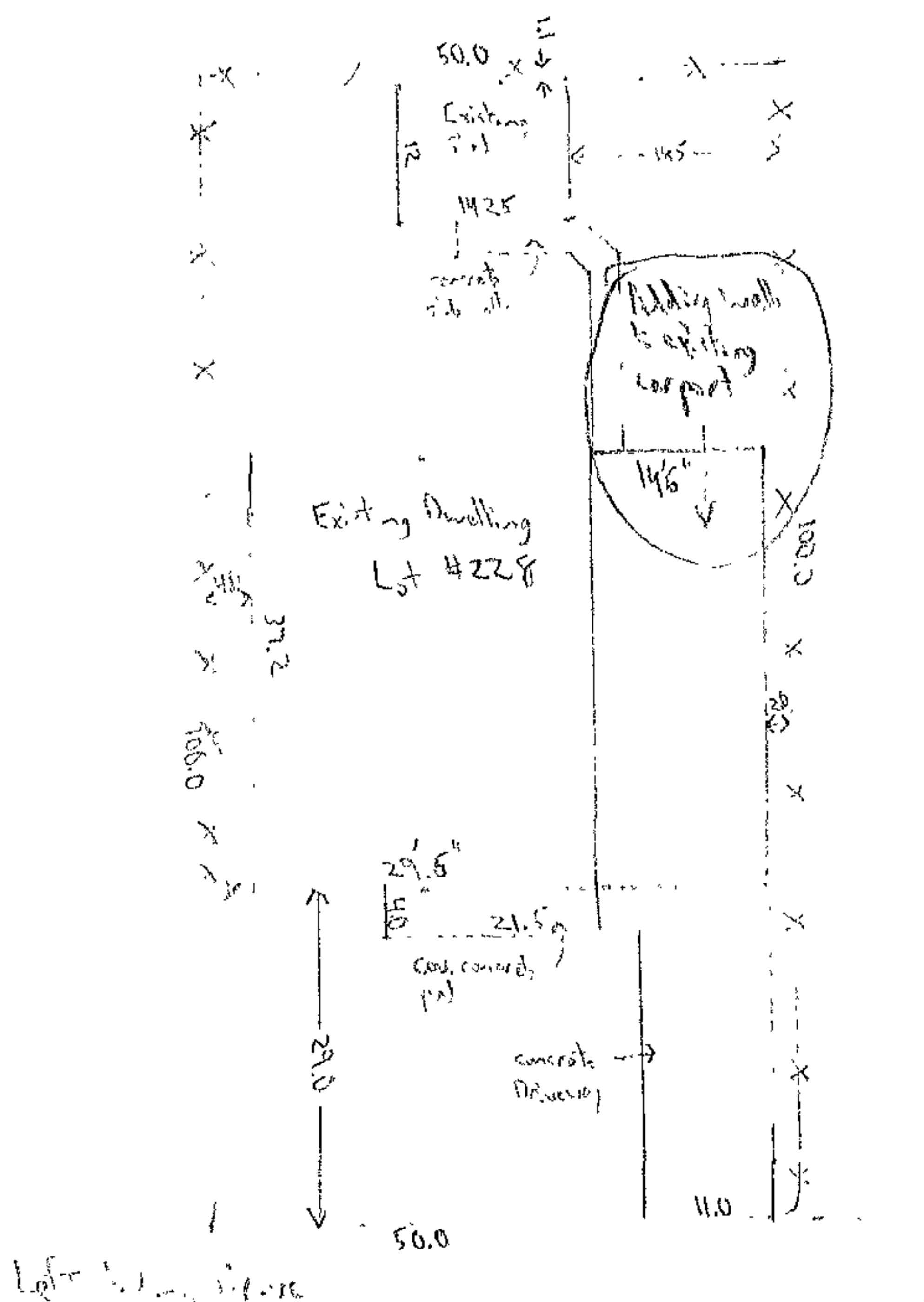
Zoning Map for 40 Left Wing Drive

Beginning at a point on the north side of Left wing drive which is 50 feet wide at the distance of 183 feet west of the centerline of the nearest improved intersecting street Left Bileron which is 50 feet wide. Being lot #228, Section I, in the subdivision for Aero Acres as recorded in Butte County Plat Book #13, Folio #139, containing 5000 square feet. Also known as 40 Left Wing Drive and located in the 15th election District, 6th congressional district

38 Rice Adkins
Edith Adkins
Tax account #1501130530
Lot 289
Aero Acres

42. Alfred + Hilda Crouch
Deed 14044/542
Account #1503671100
Lot 287
Aero Acres

17 Glider
Harry Horney, Jr.
1508651416
Lot #54
Deed 15858/219



OG-235-A

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-235-A
46 Left Wing Drive
North side of Left Wing Drive, 183 feet west of centerline of Left Aileron Drive
15th Election District
5th Councilmanic District
Legal Owner(s):
Kenneth A. &
Margaret M. Tucker, Jr.
Variance: to permit a 2-foot side yard setback in lieu of the required 10 feet.
Hearing: Wednesday, January 18, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/1/619 Jan 3 79707

CERTIFICATE OF PUBLICATION

1/6/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/3/, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-235-A

Petitioner/Developer: KENNETH
& MARGARET TUCKER

Date Of Hearing/Closing: 1/18/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 40 LEFT WING DRIVE

This sign(s) were posted on January 3, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 1/3/06
(Signature of sign Poster and Date)

Martin Ogle

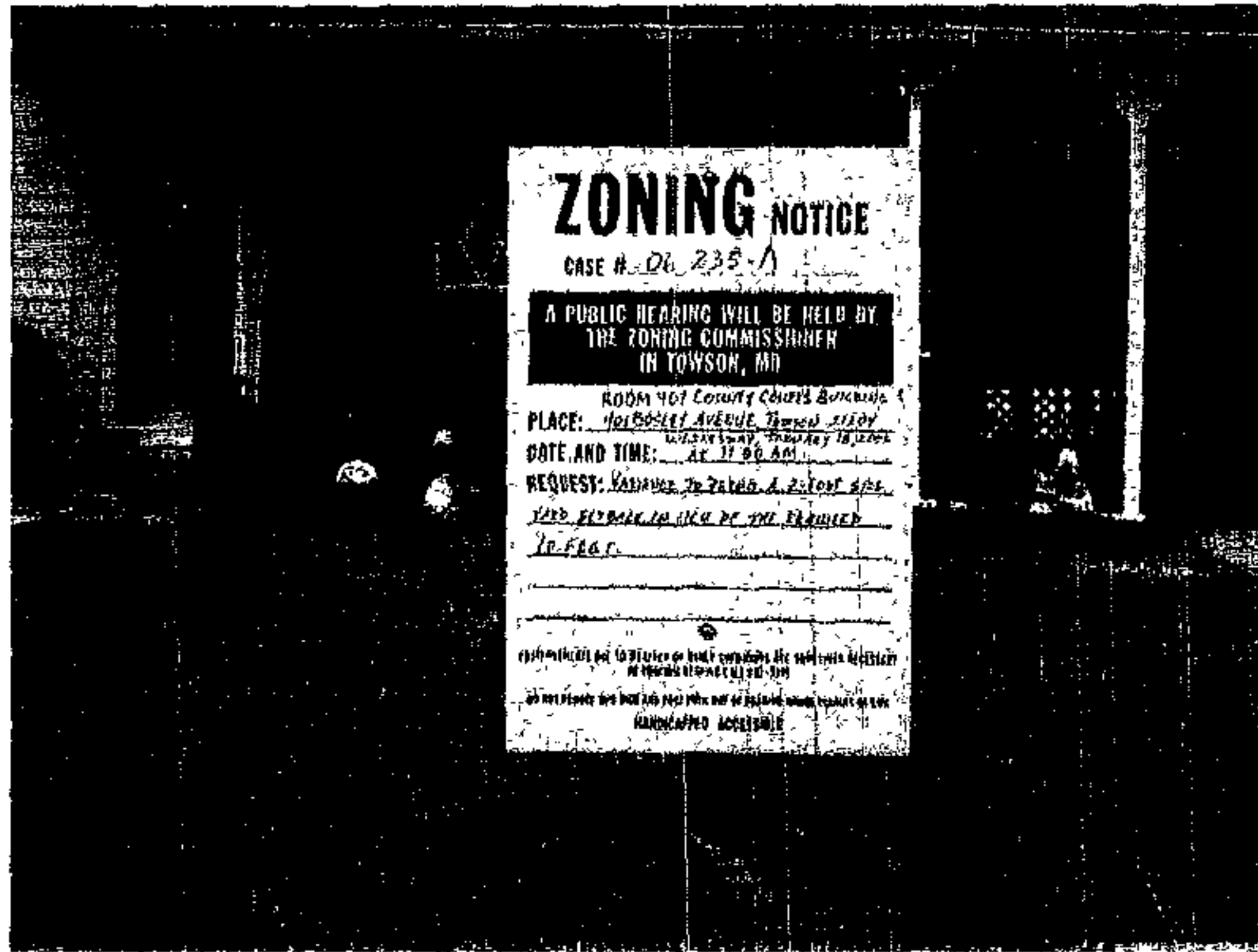
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



CERTIFICATE OF POSTING

RE: Case No: 06-235-A

Petitioner/Developer: KEN ?
MARGARET TUCKER

Date Of Hearing/Closing: 11/28/05

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 40 LEFT WING DRIVE

This sign(s) were posted on November 12, 2005

(Month, Day, Year)

Sincerely,

Martin Ogle 11/12/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

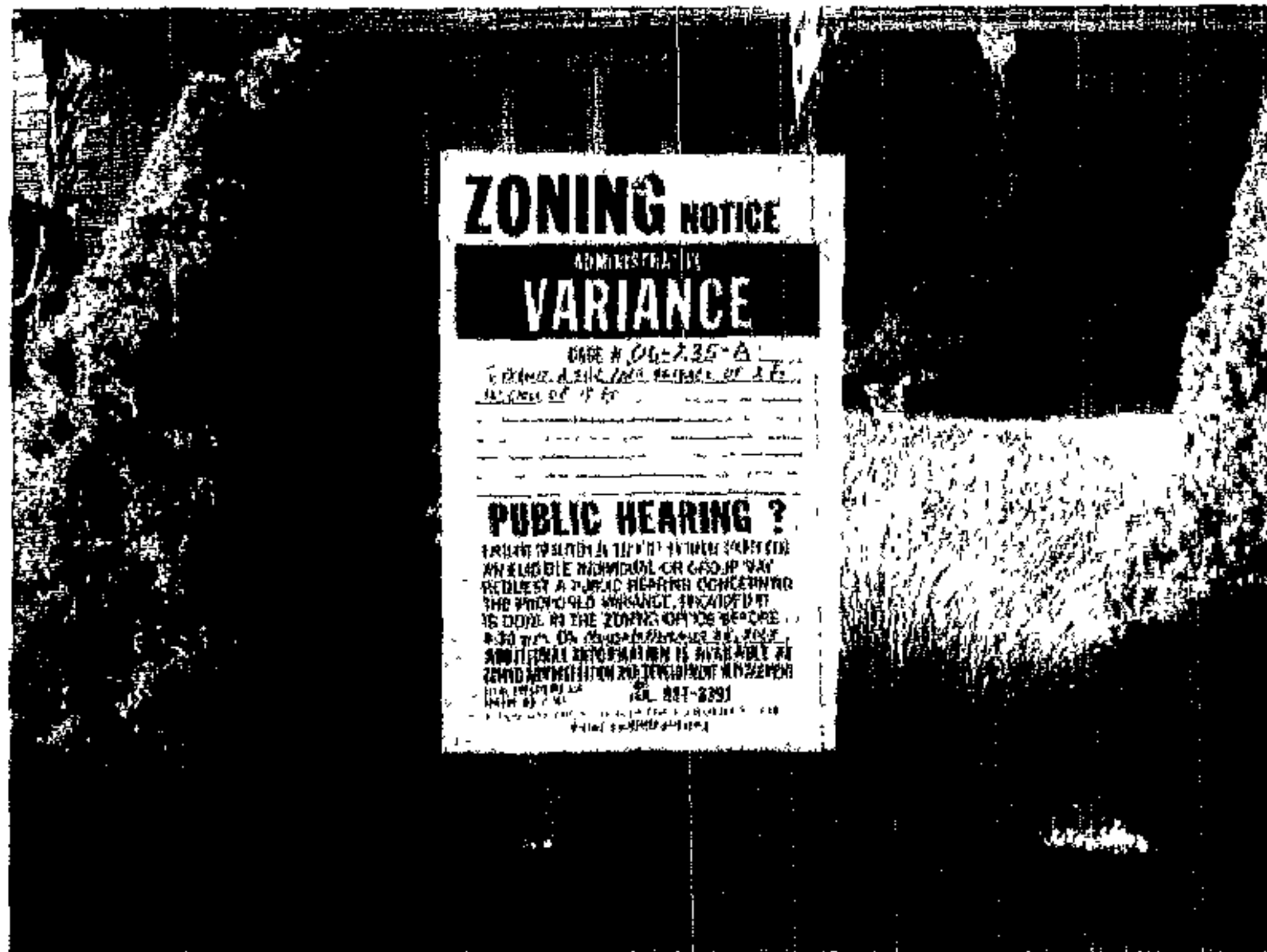
16 Salix Court

Address

Balto, Md 21220

(443-629 3411)

im000439 (576x432x24b jpeg)



Walter J. 11/12/05



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel. 410-887-3353 • Fax: 410-887-5708

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

December 16, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-235-A

40 Left Wing Drive

North side of Left Wing Drive, 183 feet west of centerline of Left Aileron Drive

15th Election District – 5th Councilmanic District

Legal Owners: Kenneth A. & Margaret M. Tucker, Jr.

Variance to permit a 2-foot side yard setback in lieu of the required 10 feet.

Hearing: Wednesday, January 18, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over the printed name and title.

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Kenneth Tucker, Jr., 40 Left Wing Drive, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 3, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 3, 2006 Issue - Jeffersonian

Please forward billing to:
Kenneth A. Tucker, Jr.
40 Left Wing Drive
Baltimore, MD 21220

410-370-2558

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-235-A

40 Left Wing Drive

North side of Left Wing Drive, 183 feet west of centerline of Left Aileron Drive

15th Election District – 5th Councilmanic District

Legal Owners: Kenneth A. & Margaret M. Tucker, Jr.

Variance to permit a 2-foot side yard setback in lieu of the required 10 feet.

Hearing: Wednesday, January 18, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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: 06-235-A
Petitioner: Kenneth A. Tucker Jr.
Address or Location: 40 Left Wing Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kenneth A. Tucker Jr.
Address: 40 Left Wing Drive
Baltimore MD 21220

Telephone Number: 410 780 3071

Revised 7/11/05 - SCJ

06-235-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 235 -A Address 40 - LEFT WING DR

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

Filing Date: 10-31-05 Posting Date: 11-13-05 Closing Date: 11-28-05

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- 235 -A Address 40 - LEFT WING DR

Petitioner's Name KW&L INC. TUCKER Telephone 410-780-3071

Posting Date: 11-13-05 Closing Date: 11-28-05

Wording for Sign: To Permit A SIDE YARD SETBACK OF 2 FT IN LIEU OF
10 FT

WCR - Revised 6/25/04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 40 Left Wing Drive
which is presently zoned Residential D/2 S.S.

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) 1 B O Z. 3 C. 1 (C Mount)

to Permit A 2 FT. Side Yard Setback in Lieu of 10 FT

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):

Kenneth A Tucker Jr.
Name - Type or Print _____
Kenneth A Tucker Jr.
Signature _____
Margaret M Tucker
Name - Type or Print _____
Margaret M Tucker
Signature _____
40 Left Wing Drive 410-780-3071
Address Telephone No.
Balto MD 21220
City State Zip Code

Representative to be Contacted:

Kenneth Tucker Jr. work 410-370-2558
Name _____
40 Left Wing Drive 410-780-3071
Address Telephone No.
Balto MD 21220
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 0 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. OG-235-A

Reviewed By SLA Date 10-30-05

Estimated Posting Date 11-13-05

ORDER RECEIVED FOR FILING
1-20
10/25/01
By

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

40 Left Wing Drive
Address
Baltimore MD 21220
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):

Zoning variance obtained for carport in 1997 part of which is used as patio
Would like to close in but original zoning variance only allowed for carport
cannot use patio during winter months Want to convert to sunroom
Have no other place on property to build garage to protect vehicle from weather and vandalism

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.

Kenneth A. Tucker Jr.
Signature
Kenneth A Tucker Jr.
Name - Type or Print

Margaret M. Tucker
Signature
MARGARET M. TUCKER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of Sept., 05, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kenneth A. Tucker Jr. & Margaret M. Tucker
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Debra E. Stevens
Notary Public

My Commission Expires 8-1-07

**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*

January 16, 2006

Kenneth A. Tucker, Jr.
Margaret M. Tucker
40 Left Wing Drive
Baltimore, Maryland 21220

Dear Mr. and Mrs. Tucker:

RE: Case Number: 06-235-A, 40 Left Wing Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 31, 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, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



**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

November 28, 2005

Kenneth A. Tucker, Jr.
Margaret M. Tucker
40 Left Wing Drive
Baltimore, Maryland 21220

Dear Mr. and Mrs. Tucker:

RE: Case Number: 06-235-A, 40 Left Wing Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 31, 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, reading "W. Carl Richards, Jr.", is written over a horizontal line.

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

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

November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234,
235, 236, 237, 238, 239, 241 and 242

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.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
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*

Maryland Department of Transportation

Date: 11.15.05

RE: Baltimore County
Item No. 235

JZA

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

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, Director
Department of Permits and
Development Management

DATE: November 14, 2005

RECEIVED

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

NOV 15 2005

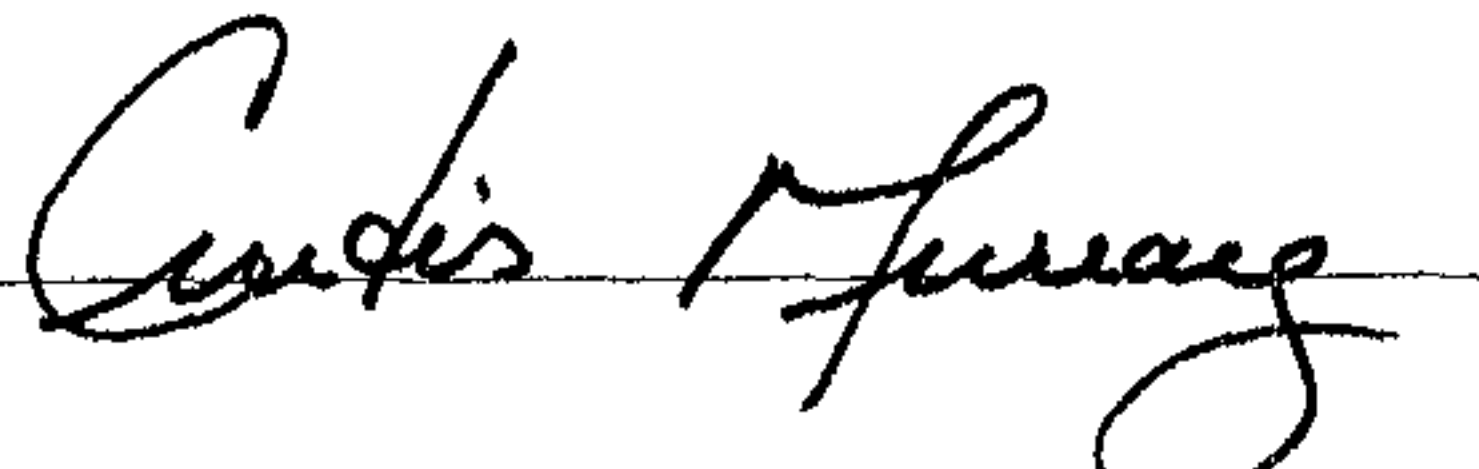
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-235- 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 Amy Mantay 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: November 16, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For November 7, 2005
Item Nos. 223, 224, 225, 227, 228, 233,
234, 235, 236, 238, 239,

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-11162005.doc

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: November 10, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 235
Legal Owner/Petitioner: Tucker, Kenneth & Margaret
Contract Purchaser: N/A
Property Address: 40 Left Wing Dr
Location Description: N/side of Left Wing Dr, 183' W of centerline of
Left Wing Dr

VIOLATION INFORMATION: Case No. 05-8908
Defendants: Tucker, Kenneth & Margaret

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|-------------------------------------|-----|---|
| ☐ | 1. | Complaint letter/memo/email/fax (if applicable) |
| ☒ | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☒ | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☐ | 8. | Photographs including dates taken |
| ☐ | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/gk
C: Code Enforcement Officer

entered KN

CODE ENFORCEMENT REPORT

NCF

683

DATE: 9, 28, 05 INTAKE BY: MSK CASE #: 05-8908 INSPEC: 17

COMPLAINT LOCATION: 40 Left Wing Dr.

ZIP CODE: 21220 DIST:

COMPLAINANT NAME: ANOV PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: CAR port, wall ~~and fence~~ All without permit

IS THIS A RENTAL UNIT? YES NO
IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION: KENNETH A TUCKER JR Same
MARGARET M TUCKER

TAX ACCOUNT #: 15-08-651427 ZONING:

INSPECTION: 10/12/05 - VISITED SITE, SPOKE TO OWNER, HAS FENCE
PERMIT + BUILDING PERMIT APPLICATION POSTED ON WINDOW.
OWNER IS FILING FOR A VARIANCE, HEARING DATE SCHEDULED
FOR 10/31/05. COMPLAINANT WAS ANONYMOUS, R/C 11/7/05 About Field

REINSPECTION:

REINSPECTION:

REINSPECTION:

DATE: 09/28/2005

RD ASSESSMENT INQUIRY

TIME: 09:22:16

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 08 651427	15	3-1	04-00	H	NO		08/22/05
TUCKER KENNETH A, JR				DESC-1.. IMPS			
TUCKER MARGARET M				DESC-2.. AERO ACRES			
40 LEFT WING DR				PREMISE. 00040 LEFT WING			DR

00000-0000

BALTIMORE MD 21220-4645 FORMER OWNER: TUCKER KENNETH A, JR

FCV			PHASED IN		
PRIOR	PROPOSED		CURR	CURR	PRIOR
			FCV	ASSESS	ASSESS
LAND: 29,000	29,000				
IMPV: 59,280	66,060	TOTAL..	95,060	95,060	92,800
TOTL: 88,280	95,060	PREF...	0	0	0
PREF: 0	0	CURT...	95,060	95,060	92,800
CURT: 88,280	95,060	EXEMPT.		0	0
DATE: 07/99	07/02				

TAXABLE BASIS		FM DATE
00/01 ASSESS:	95,060	08/18/05
ASSESS:	92,800	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Code Enforcement - Daily Worksheet

GB

Inspector -

Area Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
17 05-8908	40 LEFT WING DR		21220	10/07/2005	

ax Acct #: 1508651427

mer: TUCKER, KENNETH & MARGARET

Complainant Name: (Last) ANONYMOUS (First)

Addr:

Str #

Dir Street Name

Type

Apt

City

ST Zip
(Work)

Phone: (Home)

Problem: CARPORT, WALL W/O PERMITS

VARIANCE ON 10/31/05
PERMIT APPLIED FOR

**Department of Permits and
Development Management**

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



Baltimore County

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

December 16, 2005

Kenneth A. Tucker, Jr.
Margaret M. Tucker
40 Left Wing Drive
Baltimore, MD 21220

Dear Mr. & Mrs. Tucker:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-235-A

The purpose of this letter is to officially notify you that your administrative posting procedure after further review by the deputy zoning commissioner should be scheduled for a public hearing.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information, which will be done by this office at no charge to you.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and this office will also handle the fee for this directly through Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact John Alexander at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm



IN RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
ZONING VARIANCE
N/S Left Wing Drive, 183 ft. W * ZONING COMMISSIONER
of c/l Left Aileron
40 Left Wing Drive * OF BALTIMORE COUNTY
15th Election District
5th Councilmanic District * Case No. 97-406-A
Kenneth A. Tucker, Jr.
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Kenneth A. Tucker, Jr., for that property known as 40 Left Wing Drive in the Aero Acres subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 1.5 ft. for a carport, in lieu of the required 7.5 ft., in a D.R.5.5 zone. The subject property and requested relief is more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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

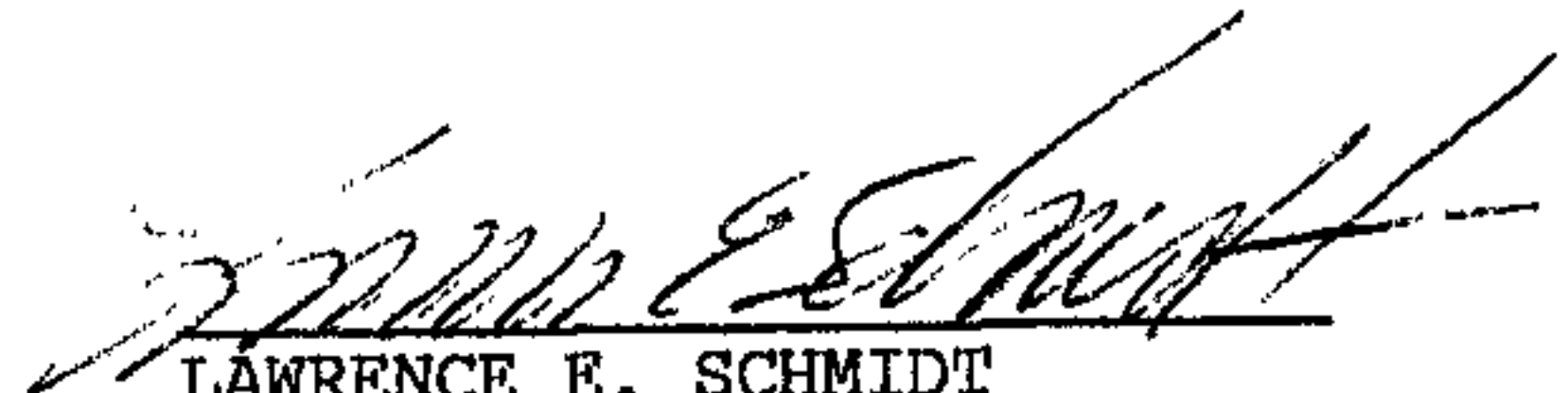
06-235-A

upon the Petitioner.

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 22nd day of April 1997 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 1.5 ft. for a carport, in lieu of the required 7.5 ft., in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

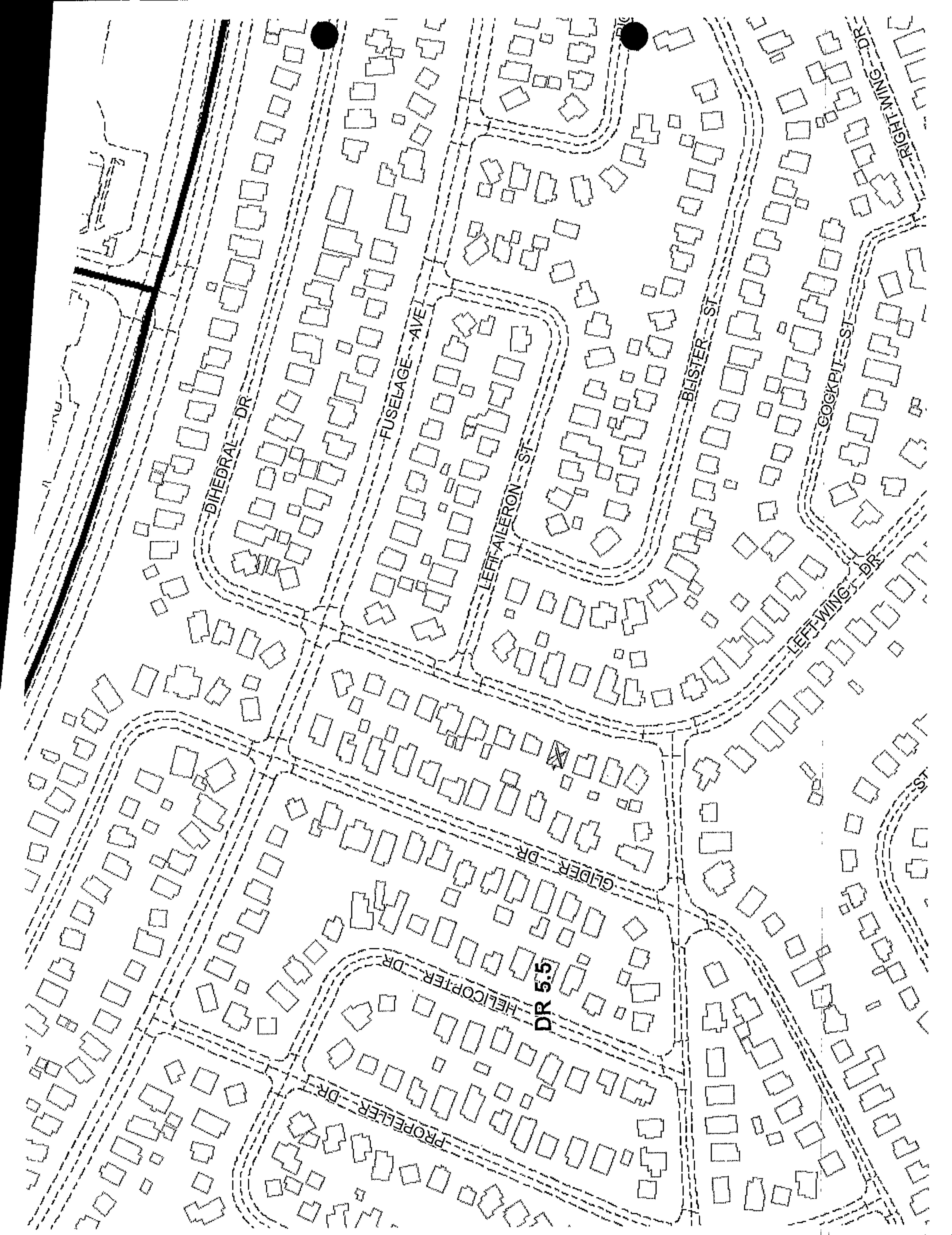

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]



DIHEDRAL DR

FUSELAGE AVE

LEFTAILERON ST

BLISTER ST

COCKPIT ST

RIGHTWING DR

LEFTWING DR

GLIDER DR

HELICOPTER DR

PROPELLER DR

DR 55

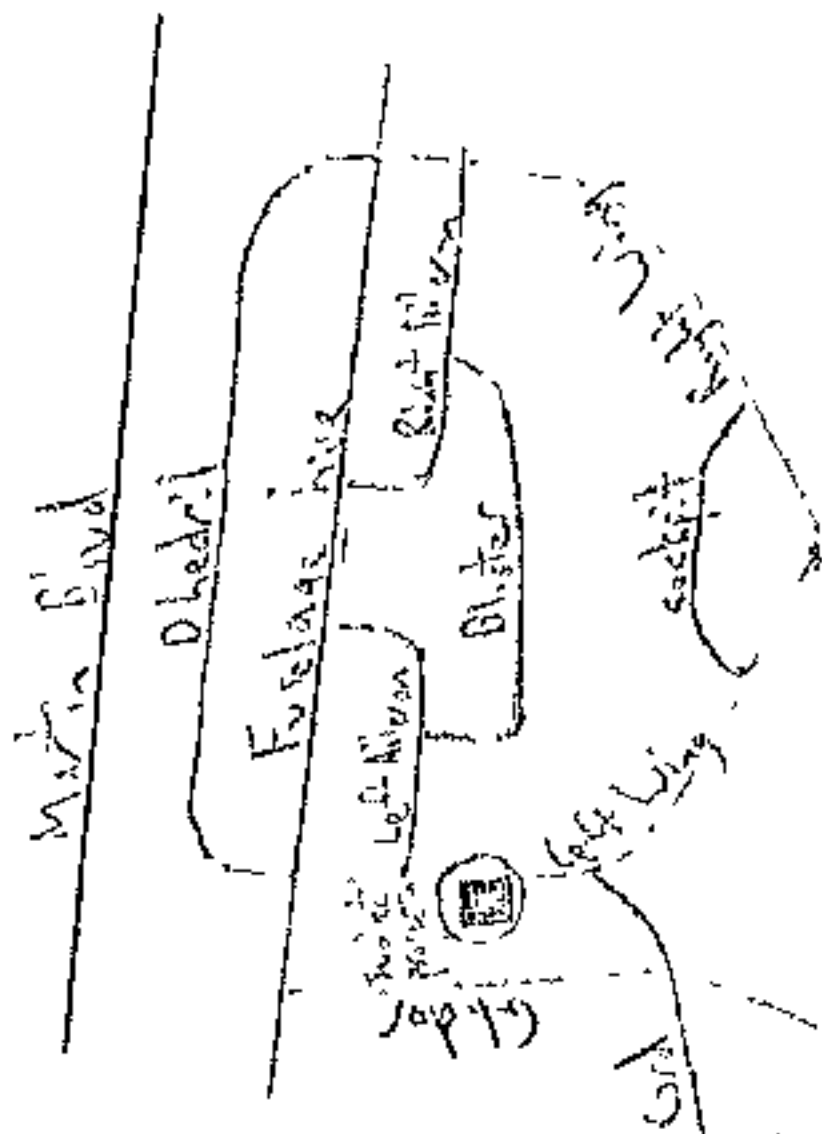
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 40 Left Wing Drive see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Nero Acres

plat book # 13, folio # 139, lot # 228, section # I

OWNER: Kenneth A. Tucker, Jr.



Vicinity Map
Scale: 1"=1000'

LOCATION INFORMATION

Section: District 15
County: District 5

1:200 Scale map: NE-4H
Zoning: OR 5.5 090-B-2

Lot size: 110 acreage
5000 square feet

Public Utilities
SEWER: ☒ YES ☐ NO
WATER: ☒ YES ☐ NO

Chesapeake Bay Critical Area: ☐ YES ☒ NO

Prior Zoning Hearings:

97-406-A

Zoning Office USE ONLY!

reviewed by: EPH ITEM #: 06235-A CASE #:

Brice - 5274 Adkins
Tax Acc. #: 1501130530

Existing Dwelling
Lot # 2289

38 Left Wing

Existing Dwelling
Lot # 2288

29.5 Front

covered concrete pad
(4.0 x 18.5)

40 Left Wing
50.0

Harry Hornig, Jr.
Tax Acc. #: 1508651416
17 61.00

shed
112.5
sidewalk

sunroom

Carport

Adding walls to existing carport
kitchen

W. F. 14412, Croche
Tax Acc. #: 1503671111

Existing Dwelling
Lot # 2287

Front

42 Left Wing

Left Wing Drive (50' R/W)



North

date: 9/29/05
prepared by: KAT

Scale of Drawing: 1"=20'

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Sept 29, 2005

Attention:

Commissioner John Murphy
401 Bosley Ave.
Laneseon Maryland 21204

I Seanette Crouch at
42 Left Wing Drive, Balto Md.
21220, have know problem
with my neighbor enclosing
his carport. My neighbor
is Ken Tucker at 40 Left
Wing Drive Balto. Md.
21220.

Thank You
Mrs. Seanette Crouch
Mrs. Seanette Crouch

Any Question's Please call
410-780-4453 (Home)
443-271-1072 (Cell)

Ref #2

06-235-A

Sept 3, 2005

Attention:

Commissioner John Murphy
401 Bosley Ave.
Towson, Maryland 21204

I Hilda Crouch 'owner' of 42 Left Wing Dr, have no problems with the ~~neighbor~~ neighbor at 40 Left Wing Dr. I have no problem with Mr Tucker enclosing his car port.

Thank you
Mrs Hilda Crouch

Ref #3

OG-235-A



Front of house
40 Left Wing Drive

Ret #4

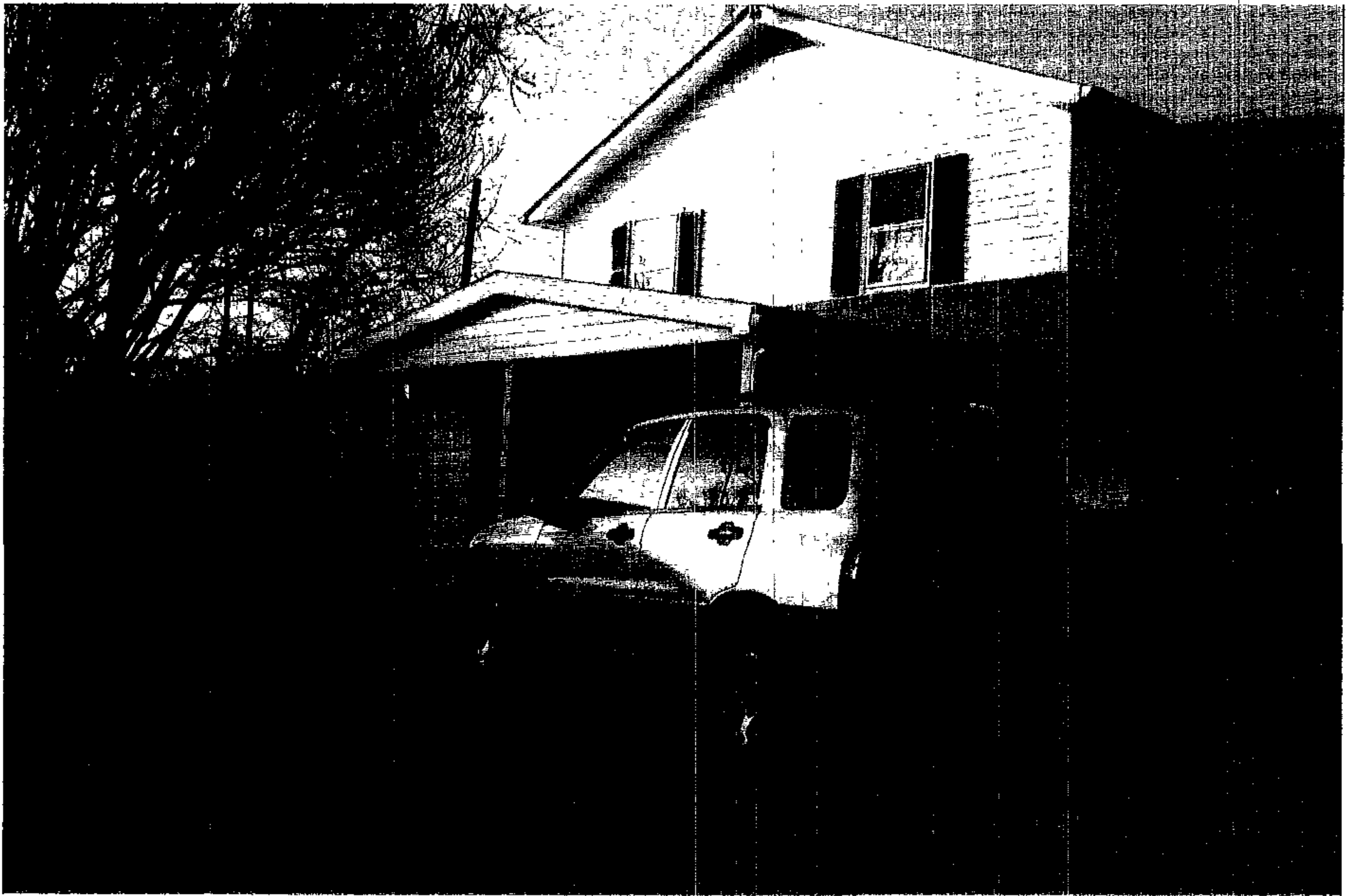
OG-735-A



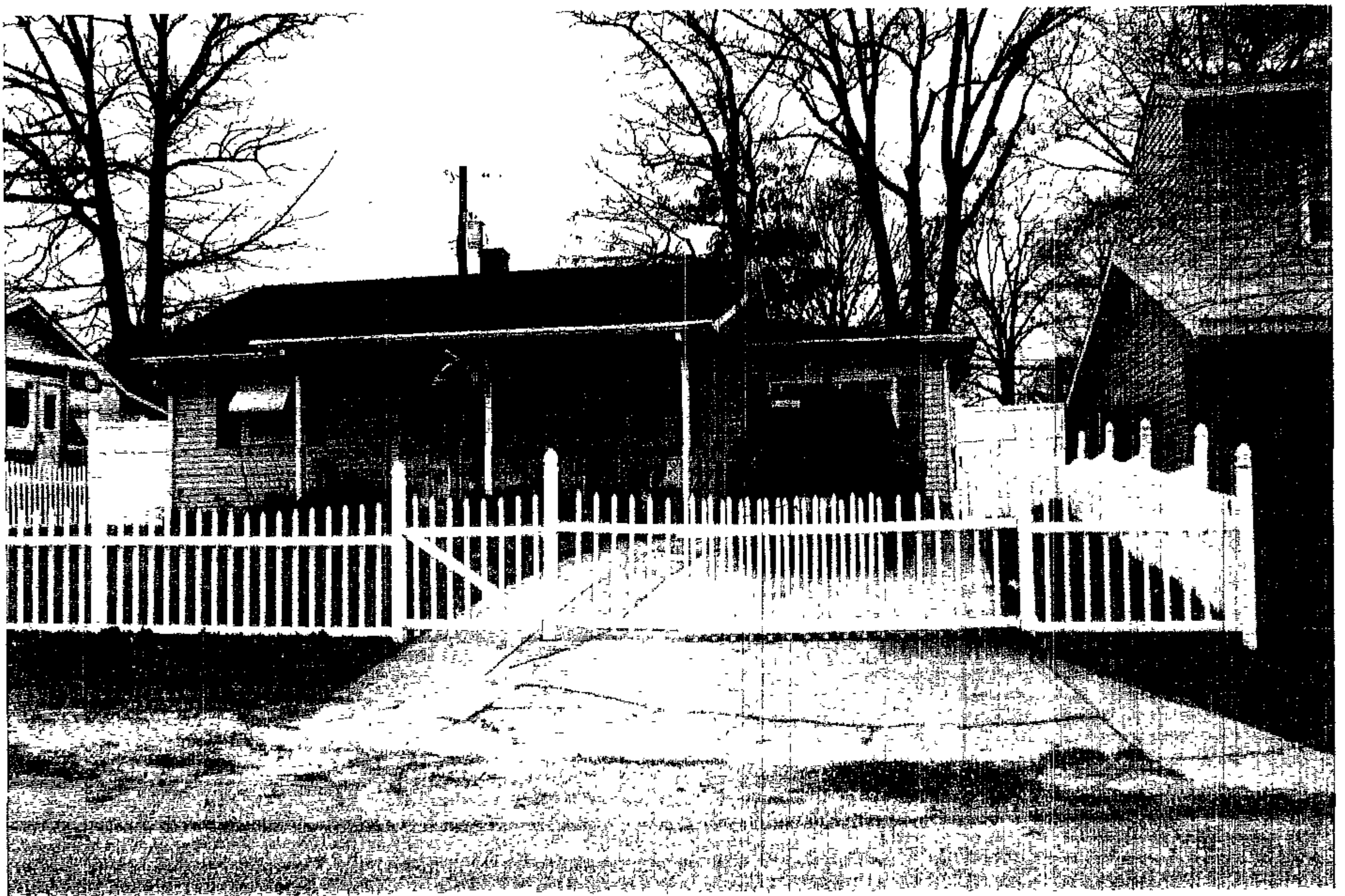
Rear of house
40 Left Wing Drive

Pet #5

OG-235-A

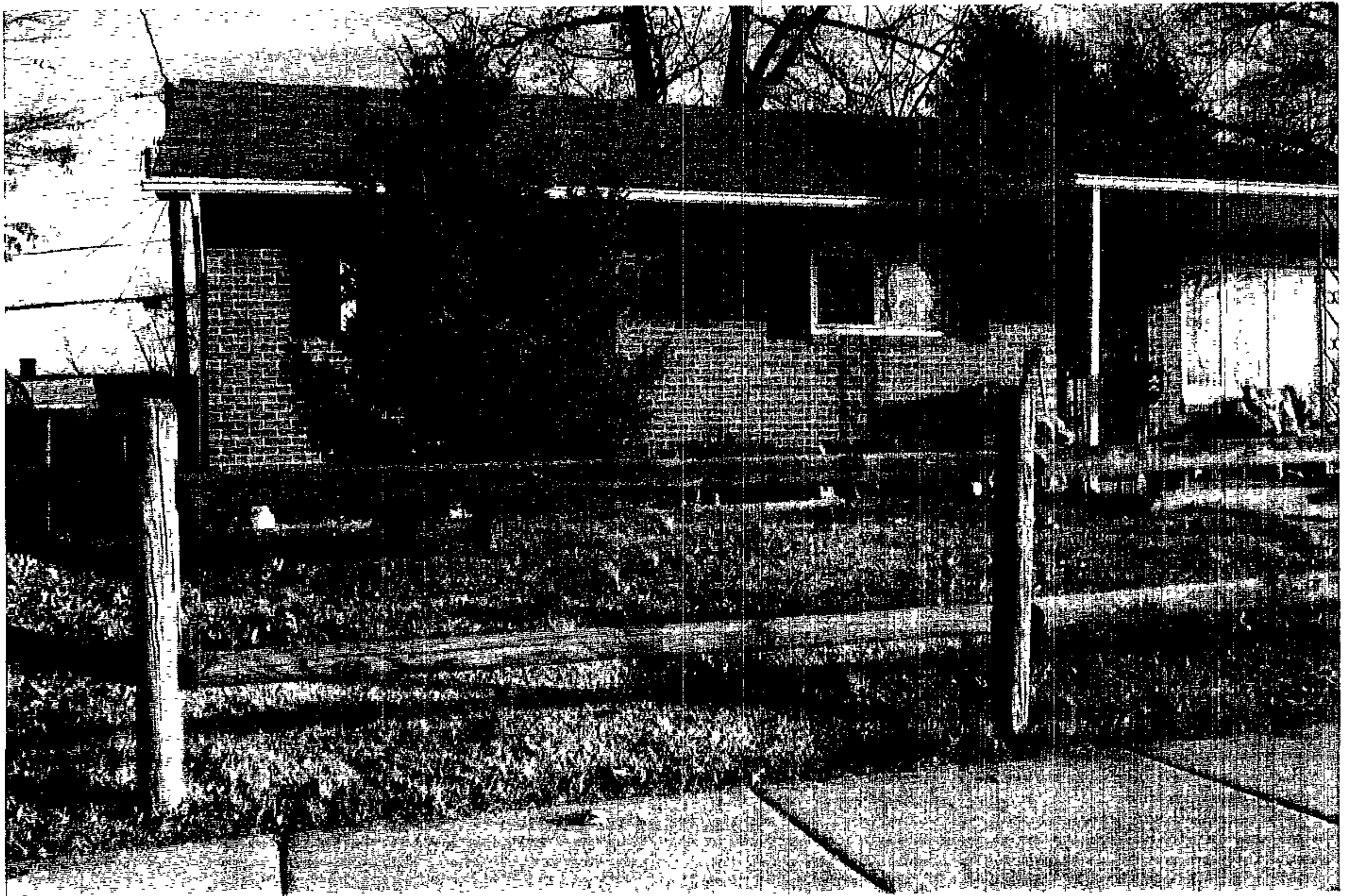


32 Gyro



48 Left Wing Drive

6A



11 Glider

6 B



III Glider

b^c



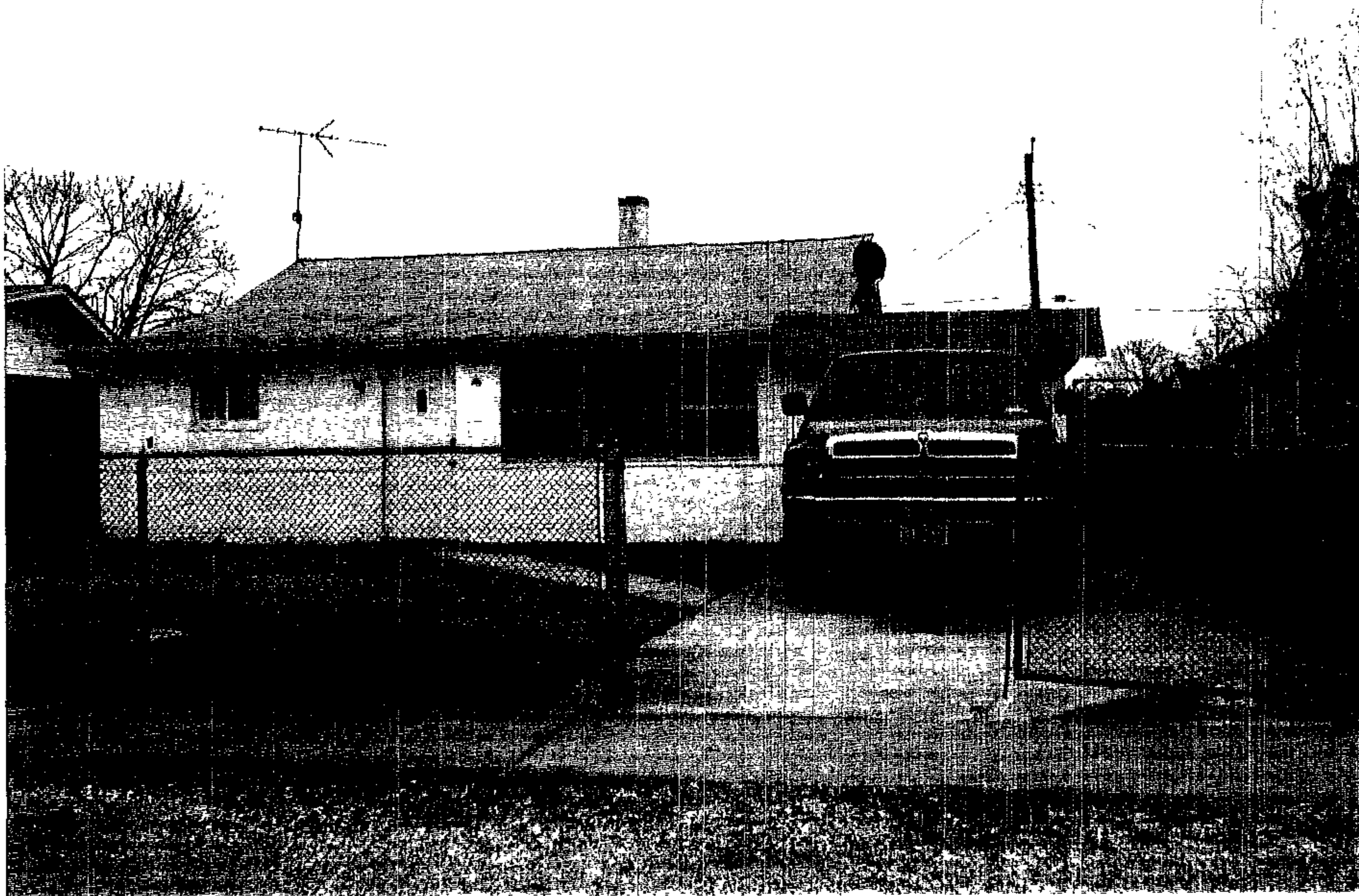
211 Glider

6D



31 Dyhedral Drive

6/15



34 Dyhedral Drive

65



37. Dykehead Drive

66