IN RE: **PETITION FOR ADMIN. VARIANCE** NW/corner Joppa Road and Magledt Road **(3304 E. Joppa Road)** 11th Election District 8th Council District Brian J. Eikenberg Petitioner	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-472-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Brian J. Eikenberg. The Petitioner seeks relief from Section 400.1(d)(2) of the B.C.Z.R. (Zoning Commissioner's Policy Manual) to permit a detached accessory structure (carport) on a double frontage lot, with a street right-of-way setback of 14 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file

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Date 5-30-06
By

Based upon the evidence contained therein, I am persuaded to grant the requested variance. As shown on the site plan, the property is triangular in shape and tapers to a point at the intersection of Magledt Road and Joppa Road. Due to the location of existing improvements, the Petitioner proposes to locate the carport to the rear of the house, over an existing concrete parking pad. Due to the layout and location of existing improvements on the property, the proposed carport will be located 14 feet from the rear property line adjacent to Magledt Road. Thus, the requested variance is necessary. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and none of the neighbors voiced any objection. Thus, I am persuaded that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, within its ZAC comment, the Office of Planning requested that the rear façade of the proposed carport be articulated with window(s) or landscaped to buffer its view from Magledt Road and that the carport be constructed with materials similar to those existing on the house. Thus, as a condition to the relief granted, the Petitioner shall submit elevation drawings detailing the design of the proposed structure and materials to be used to the Office of Planning for review and approval prior to the issuance of any permit.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of May 2006 that the Petition for Administrative Variance seeking relief from Section 400.1(d)(2) of the B.C.Z.R. (Zoning Commissioner's Policy Manual) to permit a detached accessory structure (carport) to be located on a dual frontage lot, with a street right-of-way setback of 14 feet in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is

JAN 24 2006 RECEIVED FOR FILING
Date
By

filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any permits, Petitioner shall submit elevation drawings detailing the design of the proposed structure and materials to be used to the Office of Planning for review and approval (see attached Office of Planning comment).

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 5-10-99
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Brian J. Eikenberg
3304 E. Joppa Road
Baltimore, Maryland 21234

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
NW/Corner Joppa Road and Magledt Road
(3304 E. Joppa Road)
11th Election District – 8th Council District
Brian J. Eikenberg - Petitioner
Case No. 06-472-A

Dear Mr. Eikenberg:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Office of Planning; People's Counsel; Case File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3304 E. Joppa Rd.

which is presently zoned DR-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)

See attached

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):

Brian Joseph E. Ikenberg
Name - Type or Print

Signature

Name - Type or Print

Signature

3304 E. Joppa Rd 410-977-4643
Address Telephone No.

Baltimore MD 21234
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 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

UNDER RECEIVED FOR FILING
Date 3/22/01
By

CASE NO. 01-472-A

Reviewed By GH **Date** 3/22/01

Estimated Posting Date 4/6/01

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 3304 E. Joppa Rd
Address
Baltimore MD 21234
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):

House is located between a dual frontage Rd. The back of my property has an existing concrete parking pad. I wish to put a 2 car carport on top of the ped. I only have 14 ft from the parking ped to the road. Since it is a dual front the back of my house should have 25ft from the road, to the carport.

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

Brian J. Eikenberg
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of March, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Brian J. Eikenberg

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

AS WITNESS my hand and Notarial Seal

Barbara L. Owens
Notary Public

My Commission Expires My Commission Expires 01/31/2007

REV 10/25/01

400.1.d.(2) (Zoning Commissioner's Policy Manual) to permit an accessory structure (carport) on a double-frontage lot with a setback of 14 ft. to the street right-of-way line in lieu of the required 25 ft.

ZONING DESCRIPTION

Zoning Description For 3304 E. Joppa Road

That parcel of ground situated in Baltimore County, Maryland and described as follows, that is to say. Beginning for the same in the center of the Camp Chapel Road (Now Joppa State Road) at the distance of 284-88/100 feet on the east 110-1/2 perches line of that parcel of land which by Deed dated May 14, 1932 and recorded among the Land Records of Baltimore County in Liber L MCL M No. 897, folio 362 etc., was conveyed by Benjamin Burton widower to Harvey Burton and Sadie Burton, his wife, running thence binding on said line in the center of said road South 86 degrees 30 minutes East 149-47/100 feet to the center of the Ferguson Road running thence binding in the center thereof two following courses and distances via South 75 degrees 18 minutes West 72-7-10 feet and South 70 degrees 18 minutes West 11-95/100 feet running thence for a line of division South 3 degrees 30 minutes West 122-5/100 feet to the place of beginning.
Improvements beginning known as 3304 E. Joppa Road, Baltimore MD 21234

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5814

DATE 2/24/06 ACCOUNT 001-6150

AMOUNT $ 65.00

RECEIVED FROM: Ellen Hornberg

FOR: Appeal for 1 sign Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 412

PAID RECEIPT
BUSINESS ACTUAL TIME
3/29/2006 10:32:59
ELLEN HORNBERG
RECEIPT # 27284 3/29/2006
Dept 9 320 ZONING VERIFICATION
OBJ/REV 006150
Receipt Tot 65.00
CA 65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-472-A

Petitioner/Developer:
BRIAN EIKENBERG

Date Of Hearing/Closing: 5/1/06

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 3304 E. JOPPA RD

.

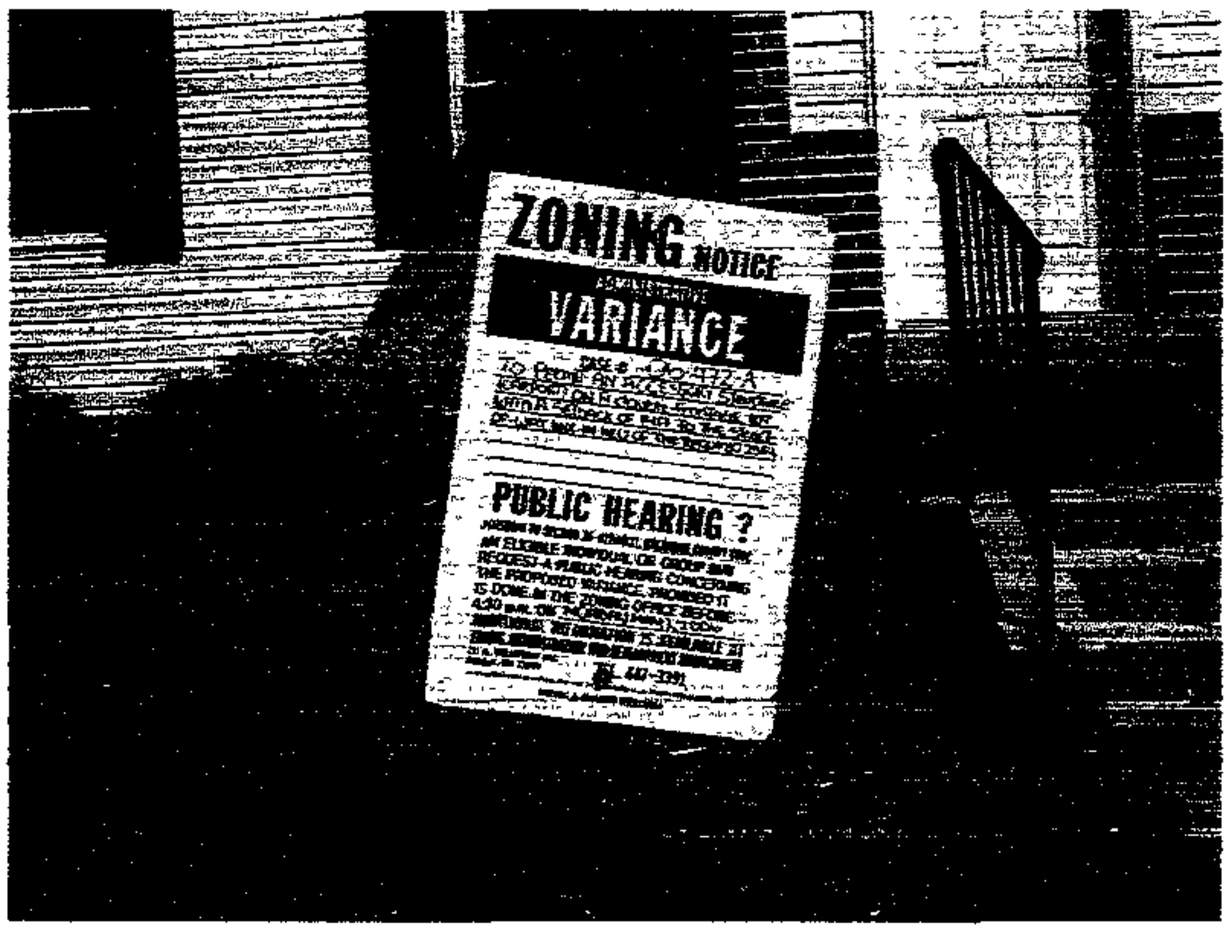
This sign(s) were posted on April 15, 2006 .
(Month, Day, Year)

Sincerely,

4/15/06
(Signature of Sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

im000642 (1152x864x24b jpeg)



Matthew Ogle 4/15/06

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: 06-472-A

Petitioner: Brian Eikenberg

Address or Location: 3304 E. Joppa Rd Baltimore, MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian Eikenberg

Address: 3304 E. Joppa Rd
Baltimore MD 21234

Telephone Number: 410-977-4643

Revised 7/11/05 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-472-A Address 3304 E. Joppa Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/28/06 **Posting Date:** 4/9/06 **Closing Date:** 4/24/06

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 06-472-A Address 3304 E. Joppa Rd

Petitioner's Name Brian Eikenberg Telephone 410-977-4643

Posting Date: 4/15/06 **Closing Date:** 5/1/06

Wording for Sign: To Permit an accessory structure (carport) on a double-frontage lot with a setback of 14ft. to the street right-of-way line in lieu of the required 25 ft.

ADP Revised 2/20/04

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

April 24, 2006

Brian Joseph Eikenberg
3304 E. Joppa Road
Baltimore, MD 21234

Dear Mr. Eikenberg:

RE: Case Number: 06-472-A, 3304 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2006.

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:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 19, 2006

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

SUBJECT: 3304 East Joppa Road

INFORMATION:

Item Number: 6-472

Petitioner: Brian Eikerberg

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Rear façade of proposed carport shall be articulated with window(s) or be treated with an array of evergreen plantings.
2. Site plan shall be revised to show the conditions as they exist at present. Upon field inspection, the area of driveway encroachment wraps around the side yard and up to the entrance of the proposed garage.
3. All materials used during the construction of the proposed garage shall be consistent with that of the existing single family dwelling on site.

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

Prepared by: Cindy Murray

Division Chief: AFK/LL: CM Lynn Lanham

W:\DEVREV\ZAC\6-472.doc

PLANS RECEIVED FOR FILING
Date 5-10-06
By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 14, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2006
Item No. 472

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The ultimate right-of-way for Magledt Road is 60-feet. The proposed carport will be in the ultimate right-of-way and the requested variance should be denied.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 472-04142006.doc

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

April 11,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 10, 2006

Item Numbers: 471-483 (471)

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.

.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

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: 4.10.04

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 BPR

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.

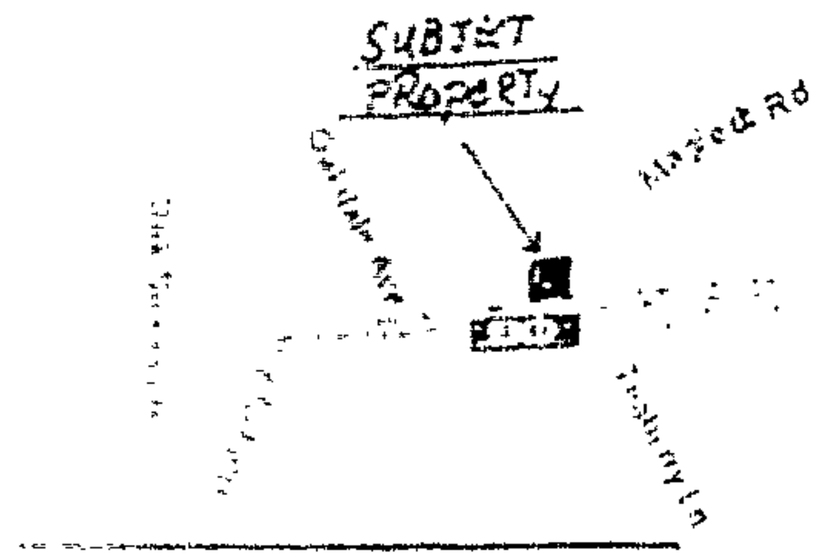
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

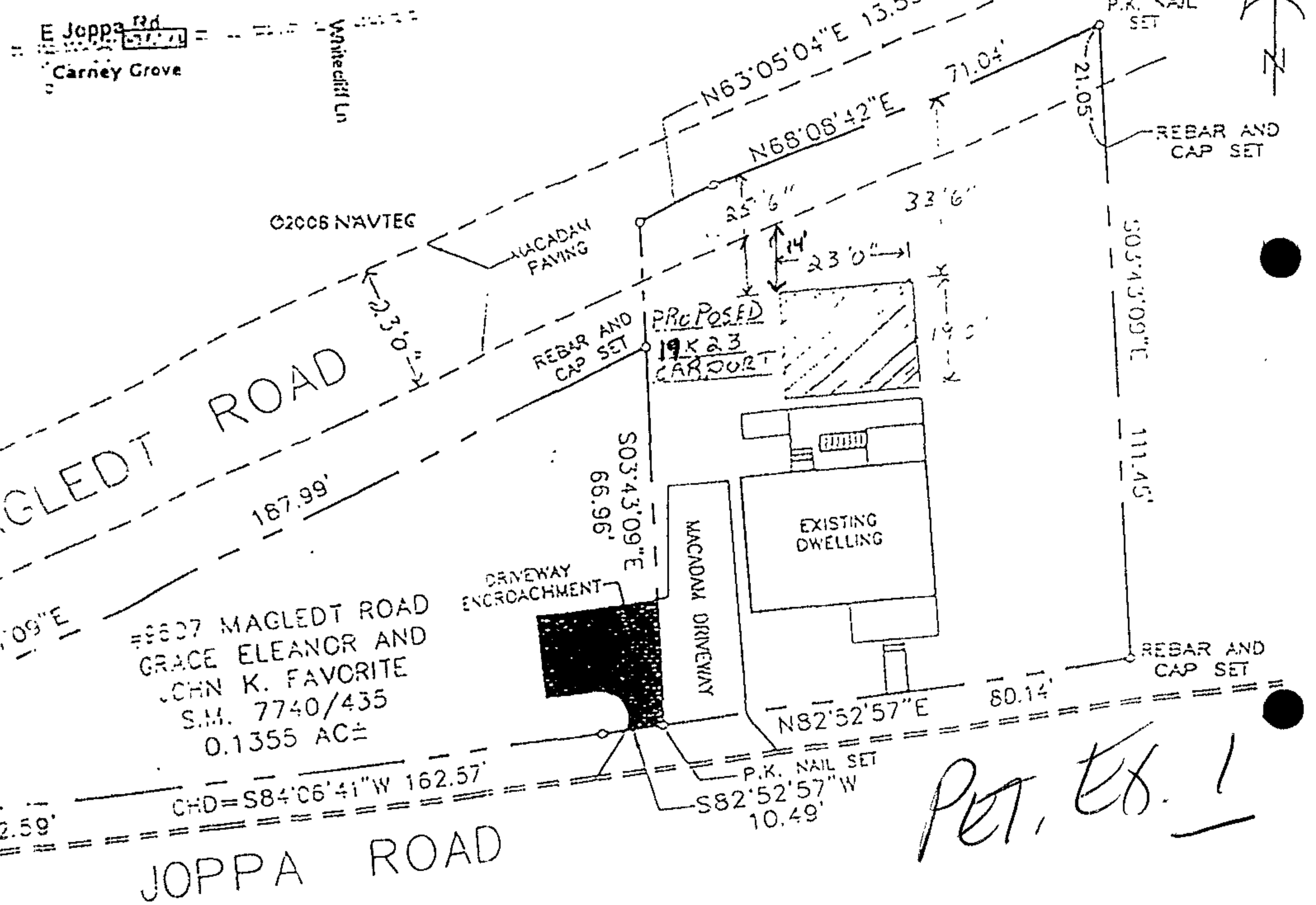
Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE





Pet. Ex. 1

PROPERTY ADDRESS 3304 E. Joppa Rd 21234

SUBDIVISION NAME _____

PLAT BOOK # ___ FOLIO # ___ LOT # ___ SECTION # ___

OWNER Brian Joseph Eikenberg

PROPERTY LINE SURVEY OF
9607 MAGLEDT ROAD
& 3304 JOPPA ROAD

11TH ELECTION DISTRICT, BALTIMORE COUNTY, MD
SCALE: 1" = 30' OCTOBER 31, 2002

Map #071 B4

#472

BL

CB

BL

CB

BL

RIDGEOAK AVE

MAGLEDT RD

MAGLEDT

OAKDALE AVE

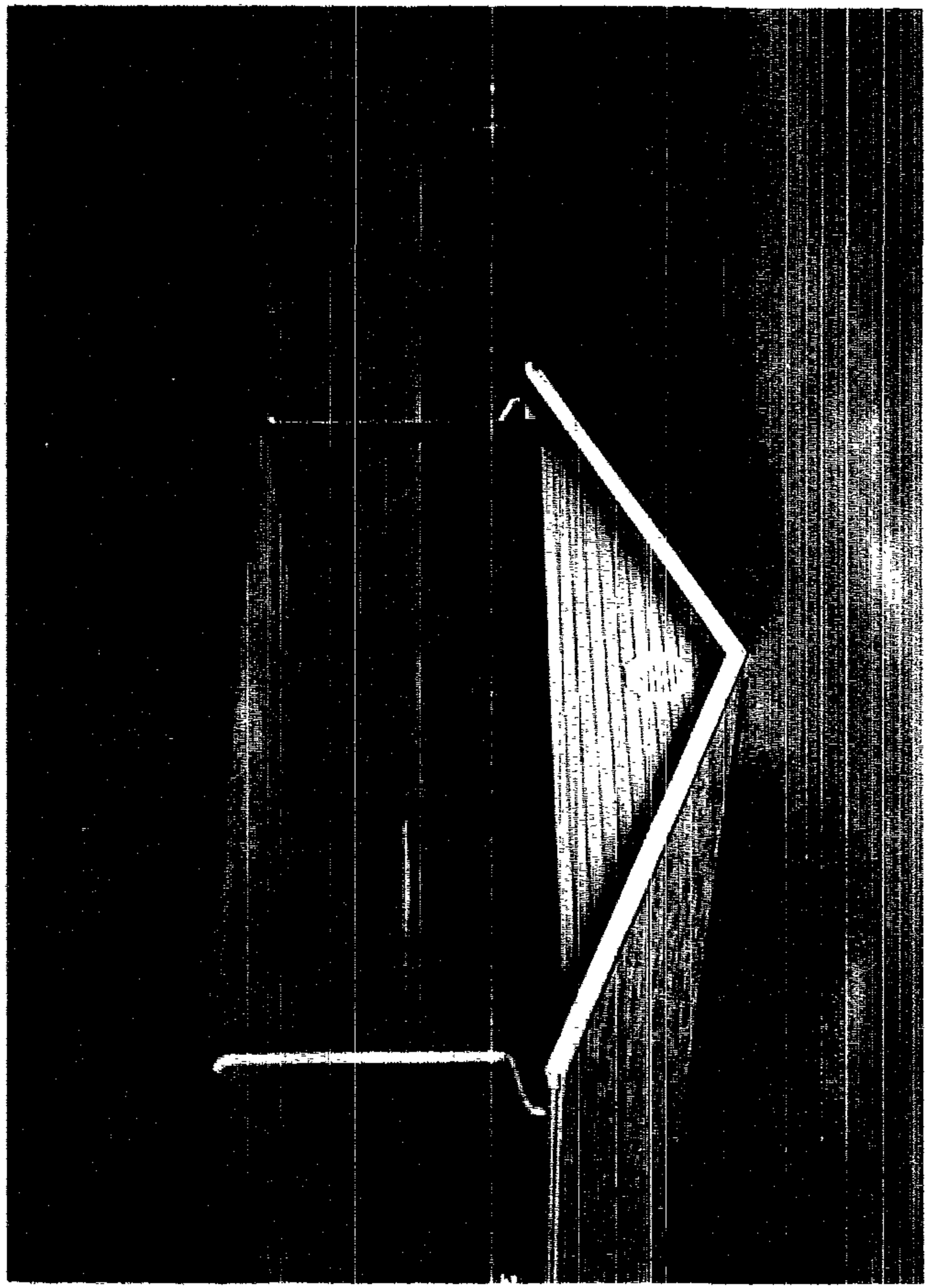
OAKDALE AVE

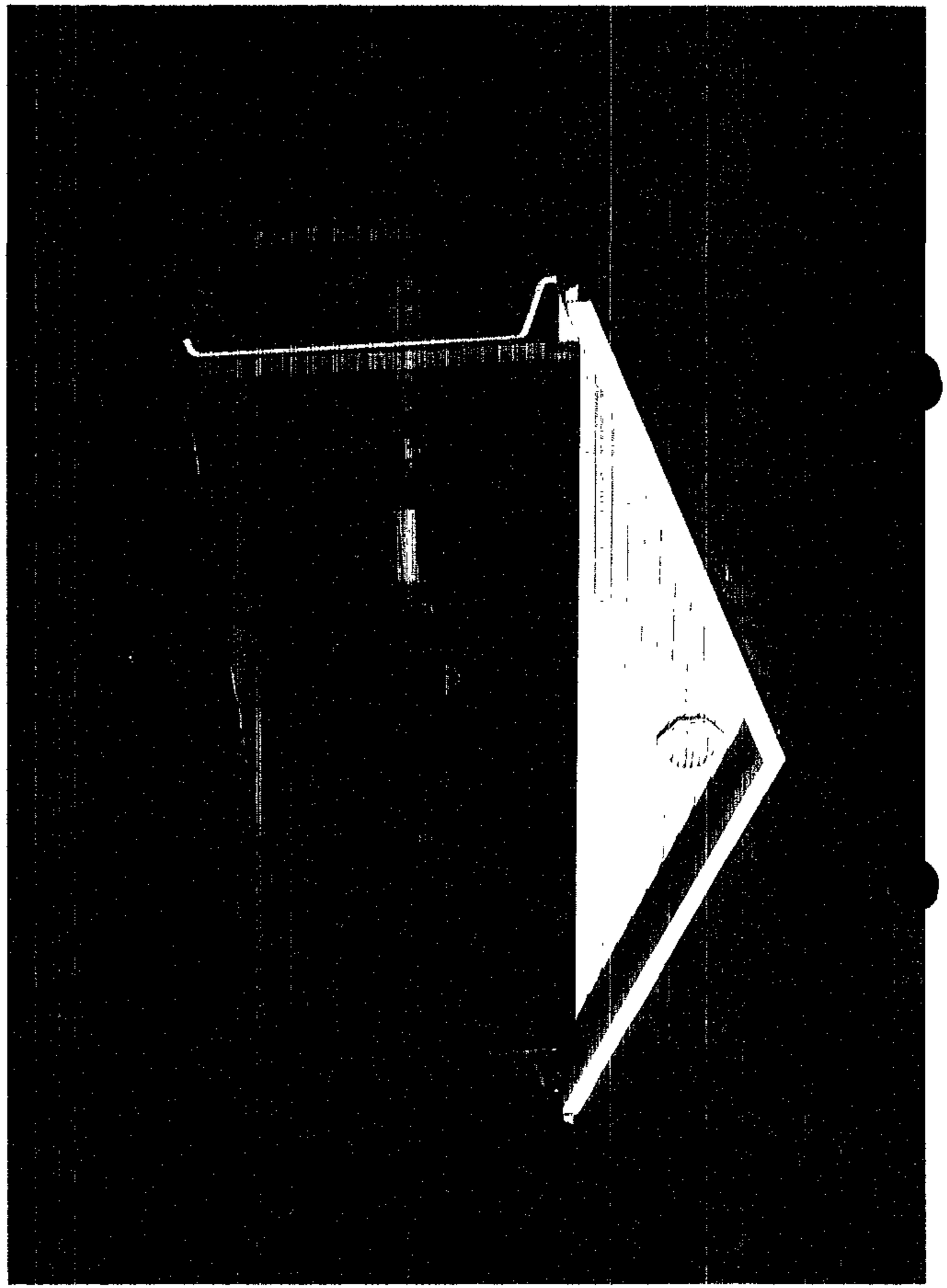
OAK SUMMIT AVE

DR 5.5

ALDA DR

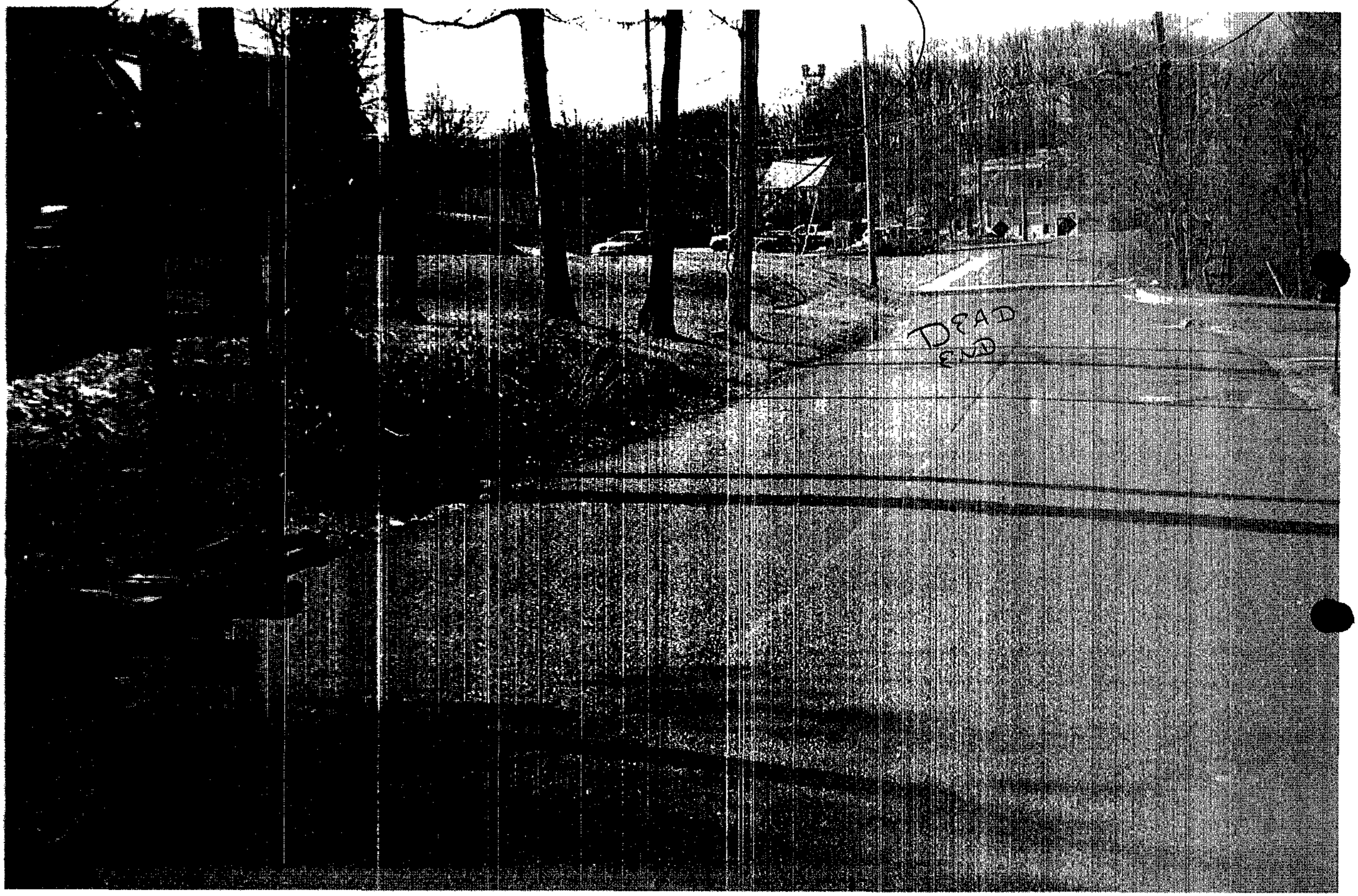
SAMPLE Picture of CARPort



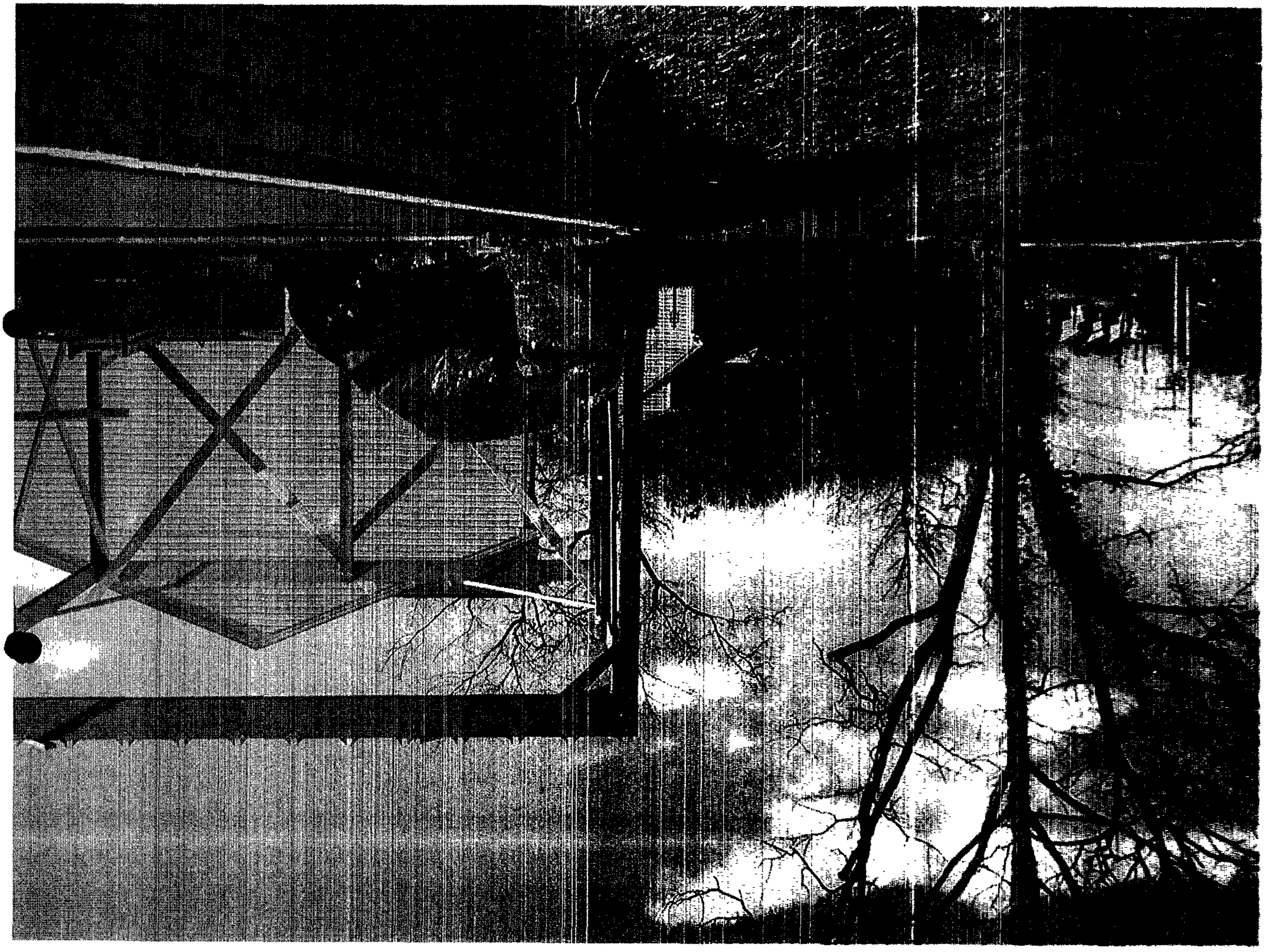


CARPORT

I own Property
To End of Street



#472





#472



#472