IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

E/S John Avenue, 111 feet +/- S c/l Huff Court

(411 John Avenue)
15th Election District
7th Council District

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Daniel and Joyce F. Paugh *Petitioners*

* Case No. 07-515-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Daniel and Joyce F. Paugh. Variance relief is requested from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) to have a side yard setback of 0 feet in lieu of the required 6 feet. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners' 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, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may 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.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the size of the property, the short driveway, and narrowness of John Avenue. Many cars park along both sides of this narrow residential street.

TOUND FOR

As shown on the site plan, the Petitioners propose to construct a carport measuring 15 feet x 26 feet to be located on the right side of the home. Access to the carport will utilize the existing driveway. The carport will provide safe and secure access to vehicles for Mr. Paugh's father who is 82 years old.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. The next door neighbor at 409 John Avenue, submitted a letter in support of the Petitioners' request. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

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 _____ day of June, 2007 that the Petition for Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) to have a side yard setback of 0 feet in lieu of the required 6 feet be and is hereby GRANTED, subject to the following restriction:

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

WILLMAMJ. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz

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CONTRACTOR OF THE PARTY OF THE



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 6, 2007

Daniel and Joyce F. Paugh 411 John Avenue Baltimore MD 21221

RE: Petition For Administrative Variance

Property: 411 John Avenue

Case No. 07-515-A

Dear Mr. and Mrs. Paugh:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with a restriction, 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 410-887-3391.

Very trully your

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz

Enclosure



REV 10/25/01

Petition for Administrative Variance

for the property located at 411 John Ave

to the Zoning Commissioner of Baltimore County

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City Attorney For Petitioner	State	Zip Code	Signature 411 Joh Address	, , , ,	410 574-913 Telephone No.
Name - Type or Print	·	_ 	City	State	21221 Zip Code
Signature			Representative	to be Contacted:	
Company			Name	<u> </u>	<u> </u>
Address	 - 	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
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CASE NO. 07-	-515-	A	Zoning Comr	nissioner of Baltimore Cou	inty 10/07
REV 10/25/01	THE PUR		mated Posting Date _	05/20	07

AffidaVit in Support of Administrative Variance

Address

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

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.

MD

State

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):
we are the first House on a Dead end street, The street is
NARROW STREET ALLOWING ONLY ONE CARP TO PAST AT ATIME. WHEN IT
Now's if the cars are parked on the street This does not allow
SNOW Plow to ENTER The STREET. Need to have closer Access
o The FRONT ENTRANCE FOR MY FATHER. He has a Handy CAP STICKER A silt's and STAY'S OFTEND Due To his Age (82).
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 Daniel Paush Name - Type or Print Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this day of Maryland, in and for the County aforesaid, personally appeared Take Sugn + Juge Sugn
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal Notary Public Notary Public
REV 10/25/01 REV 10/25/01 My Commission Expires



Petition for Administrative Variance

for the property located at 411 John Ave

to the Zoning Commissioner of Baltimore County

which is presently zoned DR5.5

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Affidavit in Support of Administrative Variance

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

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	City	State	Zip Code
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REV 10/25/01



Petition for Administrative Variance

for the property located at 411 John Ave

to the Zoning Commissioner of Baltimore County

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Affidavit in Support of Administrative Variance

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REV 10/25/01

Zoing Description

Zoning Description for All John AVE
Beginning at a Point on the seast side of
John ave which is 24 ft wide at the
distance of 111 ft (1/2) south of the centerline
of the nearest improved Intersecting street
Huff court which is 24 ft wide. Being
Lot # 25 Block (N/A) section * (N/A) in the
Subdivision of Grimes Dale as Recorded in
Baltimore County Plat Book # 45 folio # 090
Containing 144 acres Also Known as 411 John ave
and located in the 15 Election District 7th Council Manic
District

Item # 515

CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT AMOUNT \$ 75 AMOUNT \$ 75 CAST # O7 - 215 FOR. CAST # O7 - 215 WHITE CASHER PINK AGENCY YELLOW - CUSTOMER

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CERTIFICATE OF POSTING

RE: Case No.: Q7-515-A

Petitioner/Developer: DANIEL

PAUGH

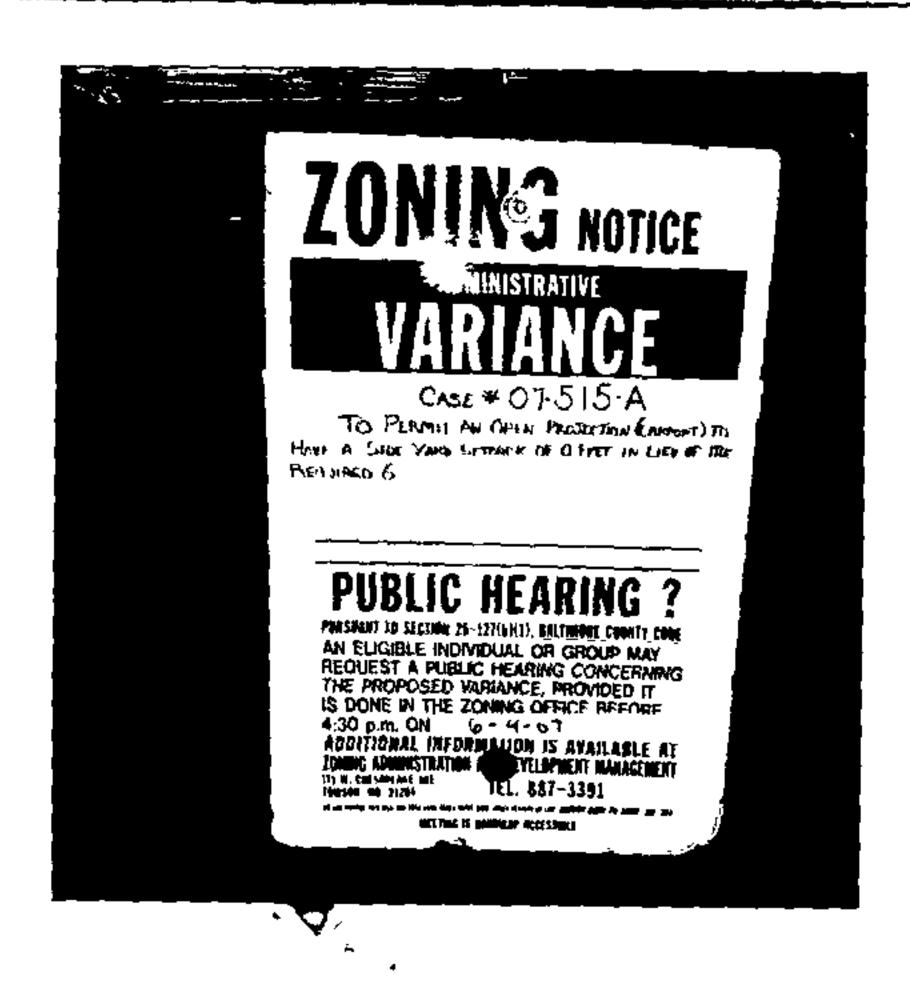
Date of Hearing/Closing: 6-4-07

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

Sincerely,



(Signature of Sign Poster) (Date)	5
SSG Robert Black	
(Print Name)	-
1508 Leslie Road	
(Address)	
Dundalk, Maryland 21222	
(City, State, Zip Code)	*
(410) 282-7940	
(Telephone Number)	•

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:	
Item Number or Case Number:	-
PLEASE FORWARD ADVERTISING BILL TO: Name: Paugh Address: 411 John Ave BALTIMORE, Md 21221	
Telephone Number: 410 574-9137	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 515 -A Address 4/1 John Ave
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-339
Filing Date: $\frac{5}{10} \frac{10}{07}$ Posting Date: $\frac{5}{20} \frac{20}{07}$ Closing Date: $\frac{6}{4} \frac{4}{0}$
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. <u>POSTING/COST</u> : 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. An reposting must be done only by one of the sign posters on the approved list and the petitione 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.
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.
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 (conder 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 07- 515 -A Address 411 John Ave
Petitioner's Name Daniel Paugh Telephone 410 574 9137
Posting Date: $\frac{5/29/07}{29/07}$ Closing Date: $\frac{6/4/07}{4}$
Nording for Sign: <u>to Permit an open projection (carport) to have a</u>
side yard setback of O feet in lieu of the required 6
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

June 4, 2007

Daniel Paugh Joyce F. Paugh 411 John Avenue Baltimore, MD 21221

Dear Mr. and Mrs. Paugh:

RE: Case Number: 07-515-A, 411 John Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 10, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 20, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-515- Variance

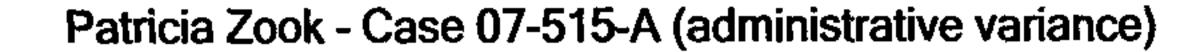
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. There appears to be a pattern in the subject neighborhood.

For further questions or additional information concerning the matters stated herein, please contact Nkechi Hislop in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL



From:

Patricia Zook

To:

Murray, Curtis

Date:

6/14/2007 10:02 AM

Subject: Case 07-515-A (administrative variance)

Good morning Curtis -

Do you have a copy of Planning's comments that you can e-mail to me?

Thanks.

Patti Zook **Baltimore County** Office of the Zoning Commissioner 410-887-3868 pzook@baltimorecountymd.gov



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAY 22, 2607

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

RE:

Baltimore County

Item No. 7-515-A

PAUGH PROPERTY

LOMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-515-A

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

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 May 24,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

515

Item Number: 512 through 529 and 522 and 523

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

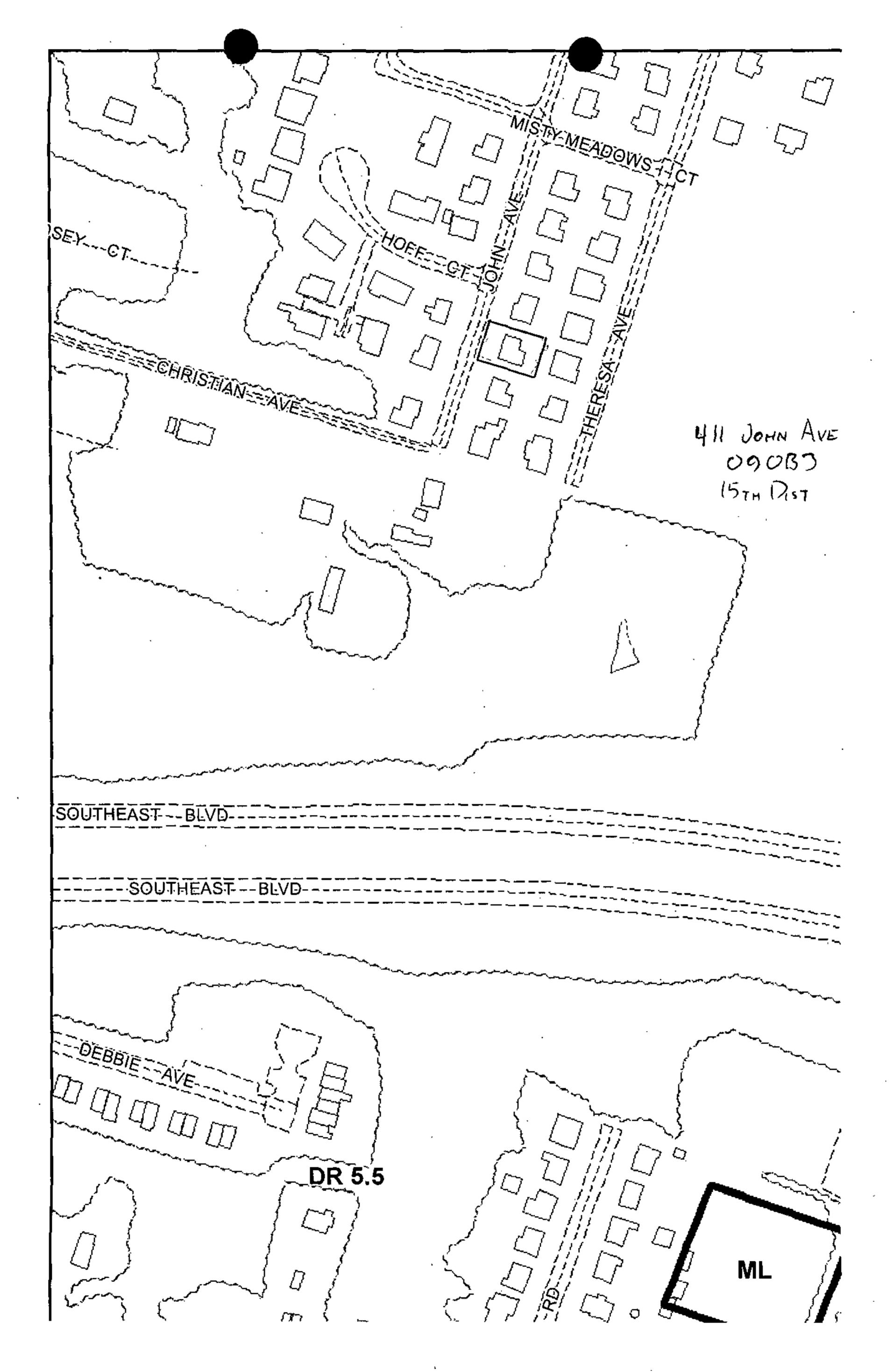


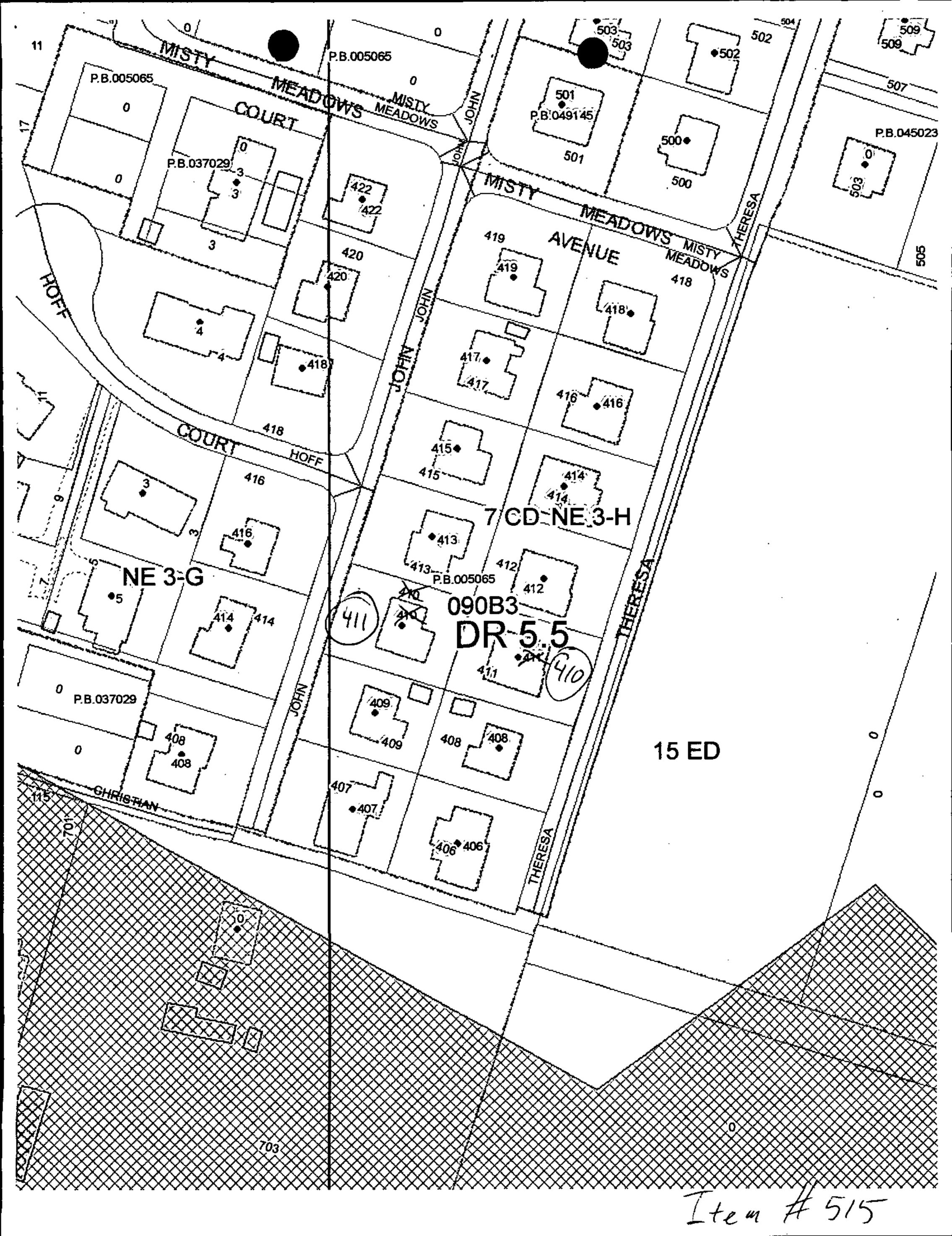
Visit the County's Website at www.baltimorecountyonline.info

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K/b 07-5/5-A	RAWING: 1" = 30	SCALE OF DI		P	PREPARED BY
REVIEWED BY ITEM # CASE #				٠	NORTH
PRIOR ZONING HEARING					
HISTORIC PROPERTY/				7.7) Huff
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CHESAPEAKE BAY CRITICAL AREA					
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ELECTION DISTRICT 15	またらと	7	# 1/	# 2)	# 4/3
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STAMMAR RUN Rd			\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	200	ナム・キ
317			PAUGH	4 Joyce	
i ie		•	T # 25 SECTION #	FOLIO # 090 LO	PLAT BOOK #45 FO
		}	ic	Grimesda	SUBDIVISION NAME (
OR ADDITIONAL REQUIRED INFORMATION	NG WARIANC	SEE PAGES	AVE	All John	PROPERTY ADDRESS 411
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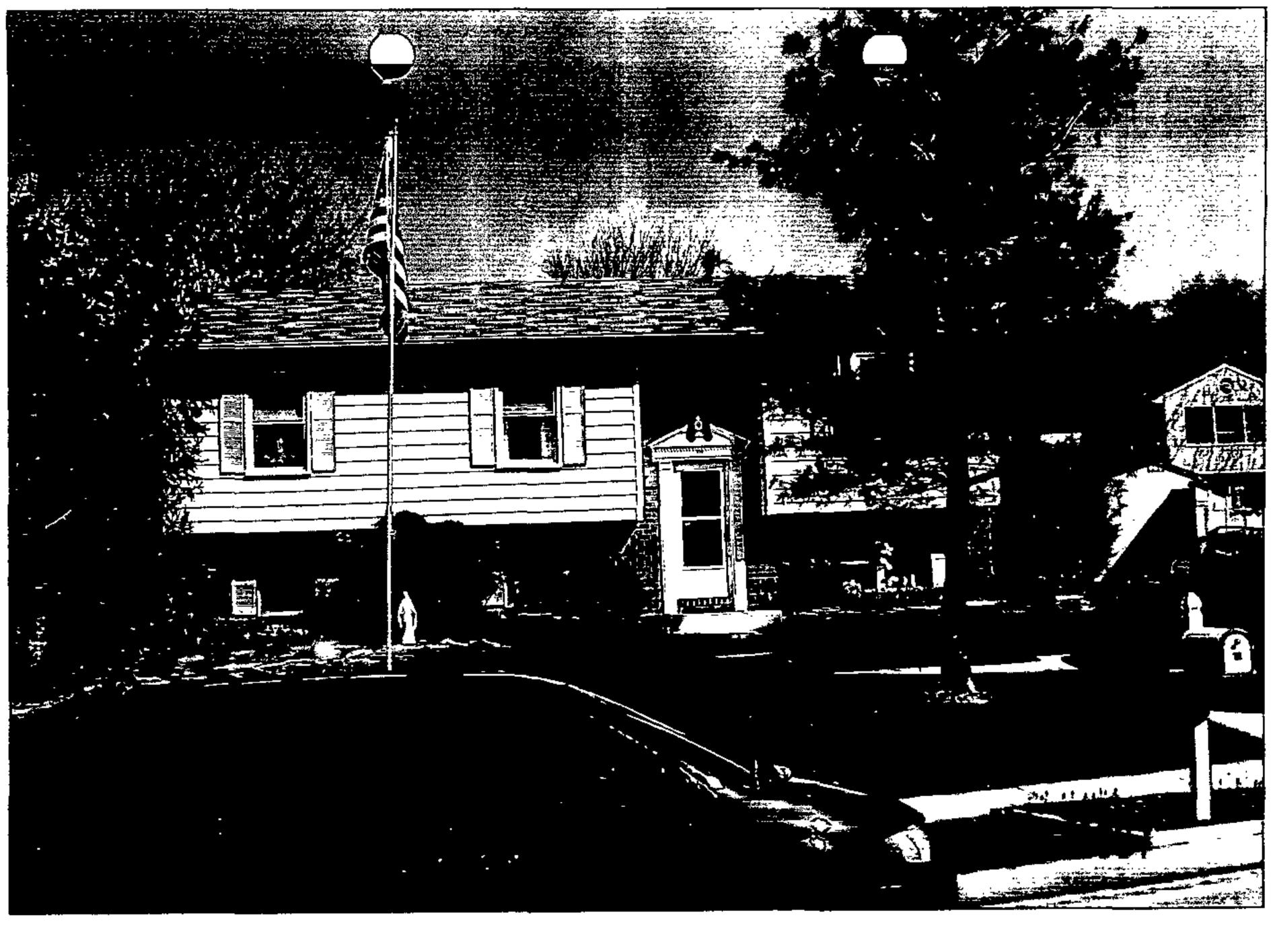


PREPARED BY D P	NORTH) Huff CT	O			L01 22			74047			DESCRIPTION OF			MIKE + Rose		TAX # 19 00 003	4 70	FOLIO # 09	PROPERTY ADDRESS 41 30	
SCALE OF DE			1	JOHN AVE 24' LIDE	48' To & oc	Po	LOT 25	36′		FRONT	# 4 1	ב		±	2 CAR SET	70′鱼。。		882	ce PaucH	<u> </u>	NY PETTION FOR ZONI	;; }
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KB 107.515-A	ZONING OFFICE USE ONLY	PRIOR ZONING HEARING		EAR FLOOD PLAIN	CHESAPEAKE BAY	WATER [7 []	SEWER [M PRIVATE	LOT SIZE O.144 6299 ACREAGE SOLIARE FEET	20NING DR 5.5	1"= 200' SCALE MAP # 000 B3		ELECTION DISTRICT 15	OCATION INICODA	SCALF 1" = 1000"	VI II	THE TRUES)))))))))))))))))))	STAMMAR RUN Rd	Rossvi	111C	ADDITIONAL REQUIRED INFORMATION	

D 107-5/	DP SCALE OF DRAWING: 1" = 30	PREPARED BY
REVIEWED BY STEM * CASE *		NORTH
PRIOR ZONING HEARING		
HISTORIC PROPERTY/) Huff
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CHESAPEAKE BAY	70 70 70 70	
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LOT SIZE O.144 6299 ACREAGE SQUARE FEET	36'	
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1"=200' SCALE MAP # 050 B3	FRONT 15'	TRON
COUNCILMANIC DISTRICT 7 74		· •
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	Grimesdale	
OR ADDITIONAL REQUIRED INFORMATION	OMPANY PETITION FOR ZONING WARIANC	PLAT TO ACCON

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Item #515 Ltem #515





Item # 515

CASE # 07-515-A
ATTN: DAVID DUVALL

DAVIEL + Joyce Paup

May 10, 2008

I am a homeowner at 409 John Avenue and am neighbors with the Paugh family at 411 John Avenue they have told me of their plans to put a carport on their house I have no problem with this carport being near my property.

Print Name
FONARD R GREEN JA

Signature

Date: 5-10-0)

Item# 515

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 24, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

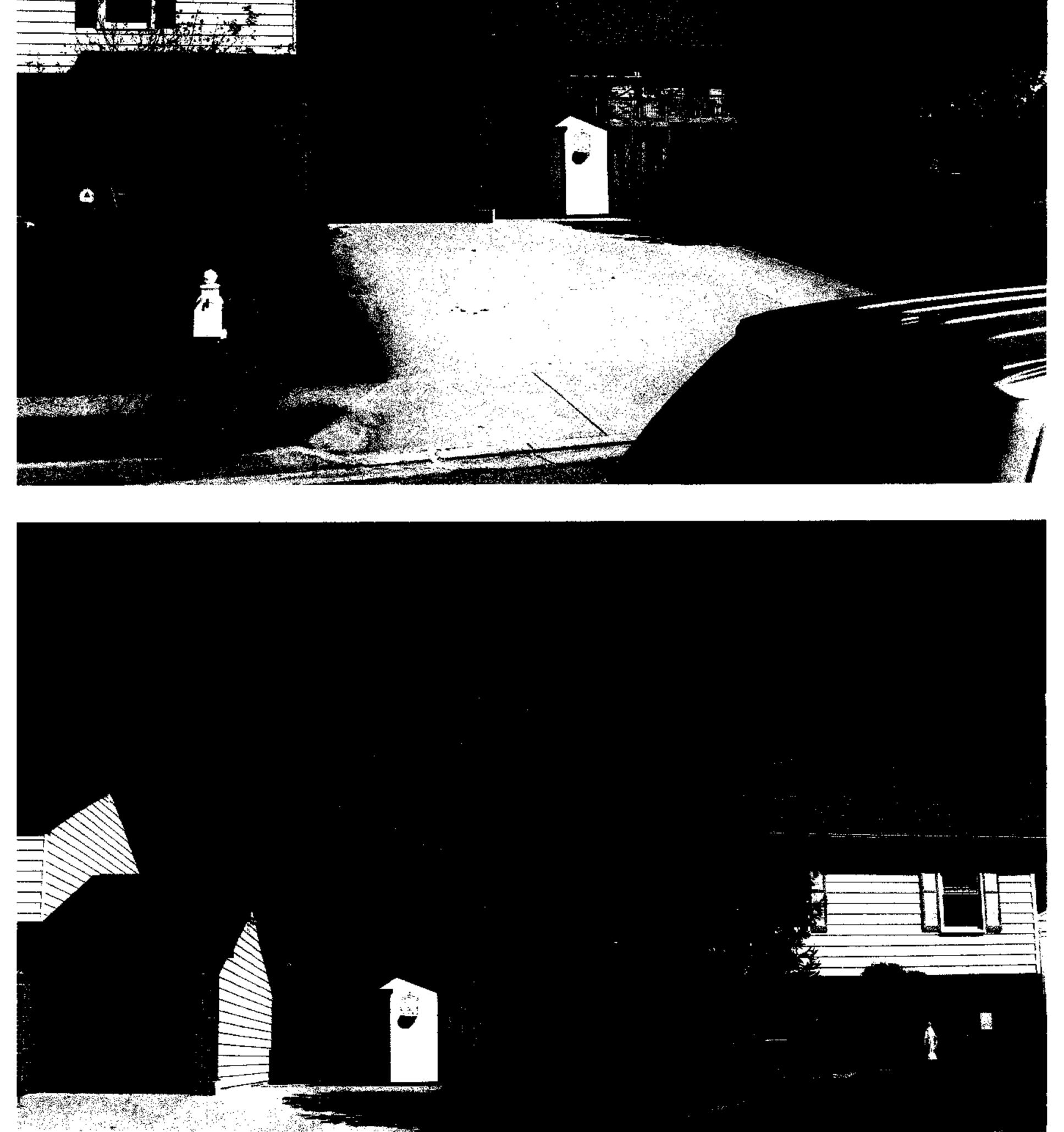
Zoning Advisory Committee Meeting

For May 28, 2007

Item Nos. 07-500, 512, 513,514,(515,)
516, 517, 519, 520, 522, 523, 524, 525

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-05242007.doc



Item #515