IN RE: PETITION FOR ADMIN. VARIANCE
N side Portsmouth Road, 468 feet E
c/l Jeffrey Road
2nd Election District
4th Councilmanic District
(7110 Portsmouth Road)

Petitioners

(7110 Portsmouth Road)

Clarence E. and Stephanie P. Johnson

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-543-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, Clarence E. and Stephanie P. Johnson. The variance request is for property located at 7110 Portsmouth Road. The variance request is from Sections 1B02.3.B and 211.3 (1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with open projection (carport) to have a side yard of 1 feet in lieu of the required 6 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to install a 14 foot x 26 foot carport. The carport will provide protection from the elements for their vehicles and that side of the house and will help to reduce energy costs. The carport will utilize the existing driveway. The Petitioners provided pictures of similar carports in their neighborhood.

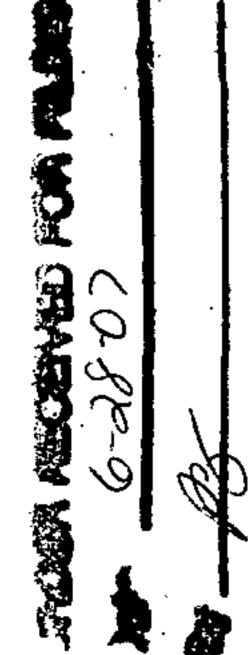
Zoning Advisory Committee Comments

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

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."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 9, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the 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 Deputy Zoning Commissioner for Baltimore County, this _______ day of June, 2007 that a variance from Sections 1B02.3.B and 211.3

(1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with open projection (carport) to have a side yard of 1 feet in lieu of the required 6 feet be and is hereby GRANTED, subject to the following:

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.

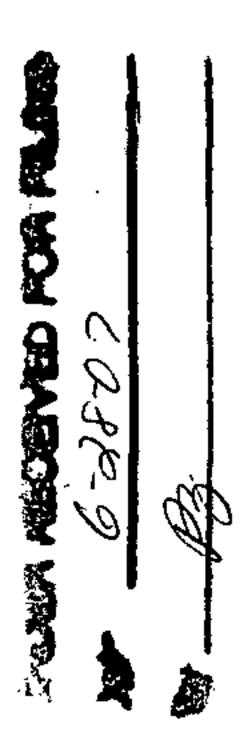
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

June 28, 2007

CLARENCE E. AND STEPHANIE P. JOHNSON 7110 PORTSMOUTH ROAD WINDSOR MILL, MD 21244

> Re: Petition for Administrative Variance Case No. 07-543-A Property: 7110 Portsmouth Road

Dear Mr. and Mrs. Johnson:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of 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

for the property located at	7110	Portsmo	outh Rd.	·
which	h is pres	ently zoned	DR S	5.5

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH OPEN PROJECTION (CARPORT) TO HAVE A SIDEYAND OF I' IN LIEU OF THE REQUIRED 6'

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.

.

is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: arence Name -Type or Print Name - Type or Print Signature Telephone No. voe or Print Address Zip Code State City Attorney For Petitioner: Address Name - Type or Print Representative to be Contacted: Signature SAME Name Company 2 B Telephone No. Telephone No. Address Address ABOUG Zip Code Zip Code City State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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. Reviewed By **Estimated Posting Date** REV 10/25/01

Affidavit in Support of Administrative Variance

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.

7110 Portsmouth Road

	Address Lindsor Mill Mary land 21244 City State Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ring are the facts upon which I/we base the request for an Administrative or practical difficulty):
1. Drive may lacate 2. The sun stays &	on. It this side of the house ones with this side bakes our can and shade from the car port we have an anoty we
Right hours a day	which bukes our con and
Sauce. With the	saue en anergy
3. To keep rain wind	shade from the car port we save on energy. ter from seeping around the law The door is at ground livel. " dan as an exit.
4. Snow likacks the	dans as an exit.
advertising fee and may be required to provide at	
Signature Skinson	Signature Dopper.
Larence E. Johnson Name - Type or Print	Stephanie P. Johnson Name-Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMO	
HEREBY CERTIFY, this 31^{at} day of 21^{at} of Maryland, in and for the County aforesaid, personal manufactures and the county aforesaid.	h, 2007, before me, a Notary Public of the State onally appeared
Carone E. Johnson and St	ephanie P. Johnson
he Affiant(s) herein, personally known or satisfac	tofily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Letter W. Murrell
	Notary Public
	My Commission Expires Opril 28, 2010
REV 10/25/01	\cdot U

Zoning Description

Zoning Description For	7110 Por	tsmouth Roa	<u>d</u>
	(add	lress)	
Beginning at a point on the _	North		side of
	(north, se	outh, east or west)	
Portsmouth Road	_ which is		50 feet
(name of street on which property front	s) (nu	mber of feet of rig	ht-of-way width)
Wide at the distance of	468 feet	<u>East</u>	of the
	(number of feet)	(north, south, ea	st or west)
Centerline of the nearest imp	roved interse	ection street .	Jeffrey Road (name of street)
Which is 50 feet (number of feet of right-of-way width)	_wide. *B	Being Lot #_	18 1-1050C
Block <u>G</u> , Section #	_ in the subdi	vision of Ru	· -
As recorded in Baltimore Co	unty Plat Boo	k# <u>22</u> ,	Folio # <u>140</u>
Containing 7,140.00 square (square feet or acres			Portsmouth Rd. rty Address)
And located in the 2 Elec	tion District, _	4_ Council	nanic District.

DATE			Ωσοι	0066	16.75	
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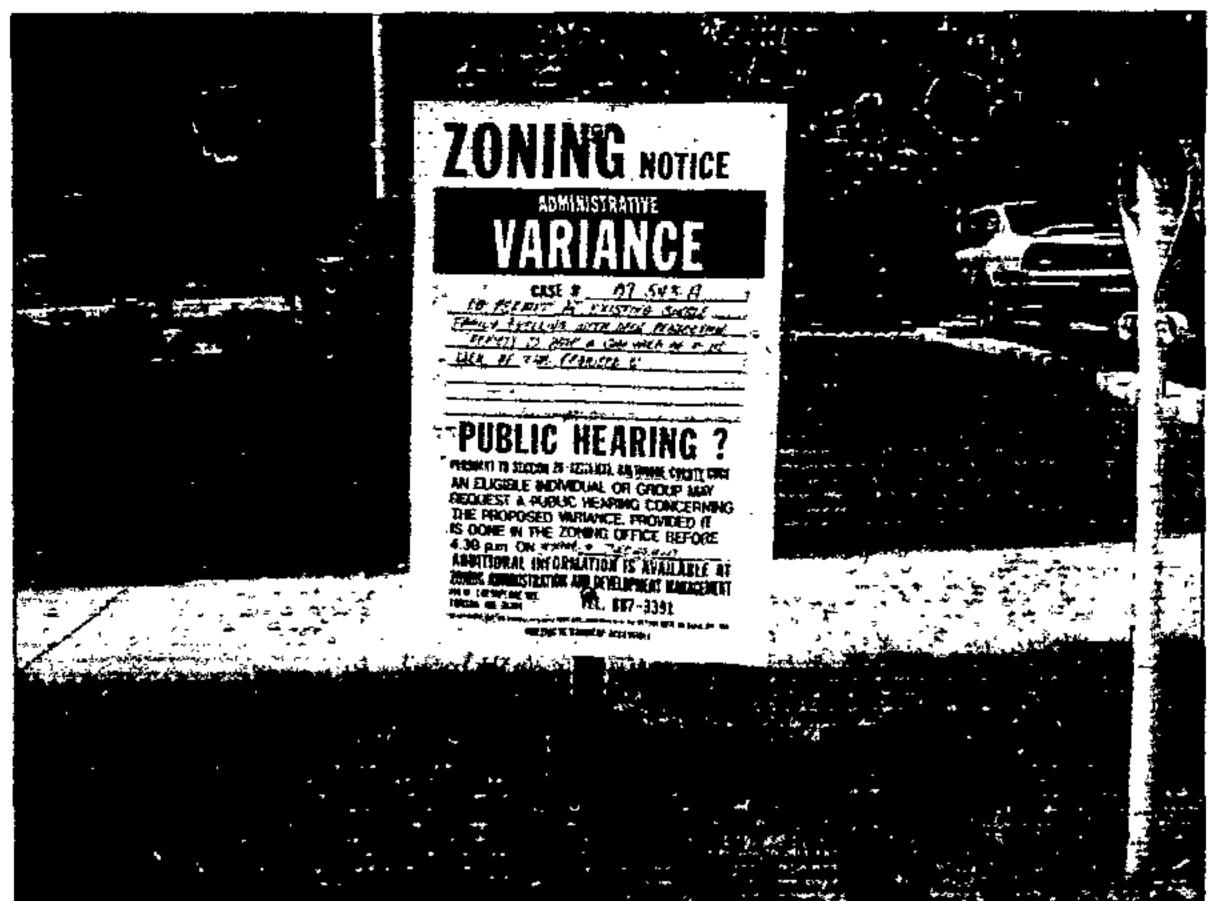
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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No: 07-543-1
	Petitioner/Developer:
	CLARENCE FOHNSON ETUX
	Date Of Hearing/Closing: 4/25/07
Baltimore County Department of Permits and Development Mana County Office Building, Room 1111 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were pos	e penalties of perjury that the necessary sted conspicuously on the property
at 7/10	PORTSMOUTH LD
<u>-</u>	
This sign(s) were posted on	There 9, 2007
// / / / / / / / / / / / / / / / / / /	(Month, Day, Year)
	Sincerely
•	maturdale 6/9/00
	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)



Matin De 4/9/07

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 <u>67-543-A</u>
Petitione: CLARENCE E. JOHNSON
Address or Location 7110 PORTSMOLL TH BD,
PLEASE FORWARD ADVERTISING BILL TO
Name CLARENCE F. JOHNSON
Address 7110 PORTS mouth RD.
BALTO, MD, 21244
Telephone Number: 4/0-298-0859.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: June 15, 2007

IECEIVE IUN 2 5 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-543- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 15, 2007

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Prepared By:

Division Chief:

CM/LL



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

June 25, 2007

Clarence E. Johnson Stephanie P. Johnson 7110 Portsmouth Road Windsor Mill, Maryland 21244

Dear Mr. and Mrs. Johnson:

RE: Case Number: 07-543-A, 7110 Portsmouth Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 1, 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



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

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

Maryland Department of Transportation

Date: June 18,2007

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

RE:

Baltimore County

Item No. 7-543 -A

JOHNSON PROPERTY

ADMINISTRATIVE 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.7-543-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,

A Steven D. Foster, Ch

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 June 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 11, 2007

5 543 Item Number: 542 Through 549

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 14, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 18, 2007 Item Nos. 07-542, 643, 544, 547, 548, and 549

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-06142007.doc

May 29, 2007

To Whom It May Concern;
We the Bronson family have
as objection to the carport
that is being huilt on the
Johnson's property.

Print: MR+ MRS HARSEN Branson
Sign Ma. Hurs Haven Branson
7112 Portsmouth Rd
Balto, Md 21244
410.281-1247

. -- v· ·

543

Lower Stam It May Concern We the Brown family have no objection to the carport that is being built on the Johnson's property.

Print George Brown Sign Heavy Brown

51gn Heavy Brown

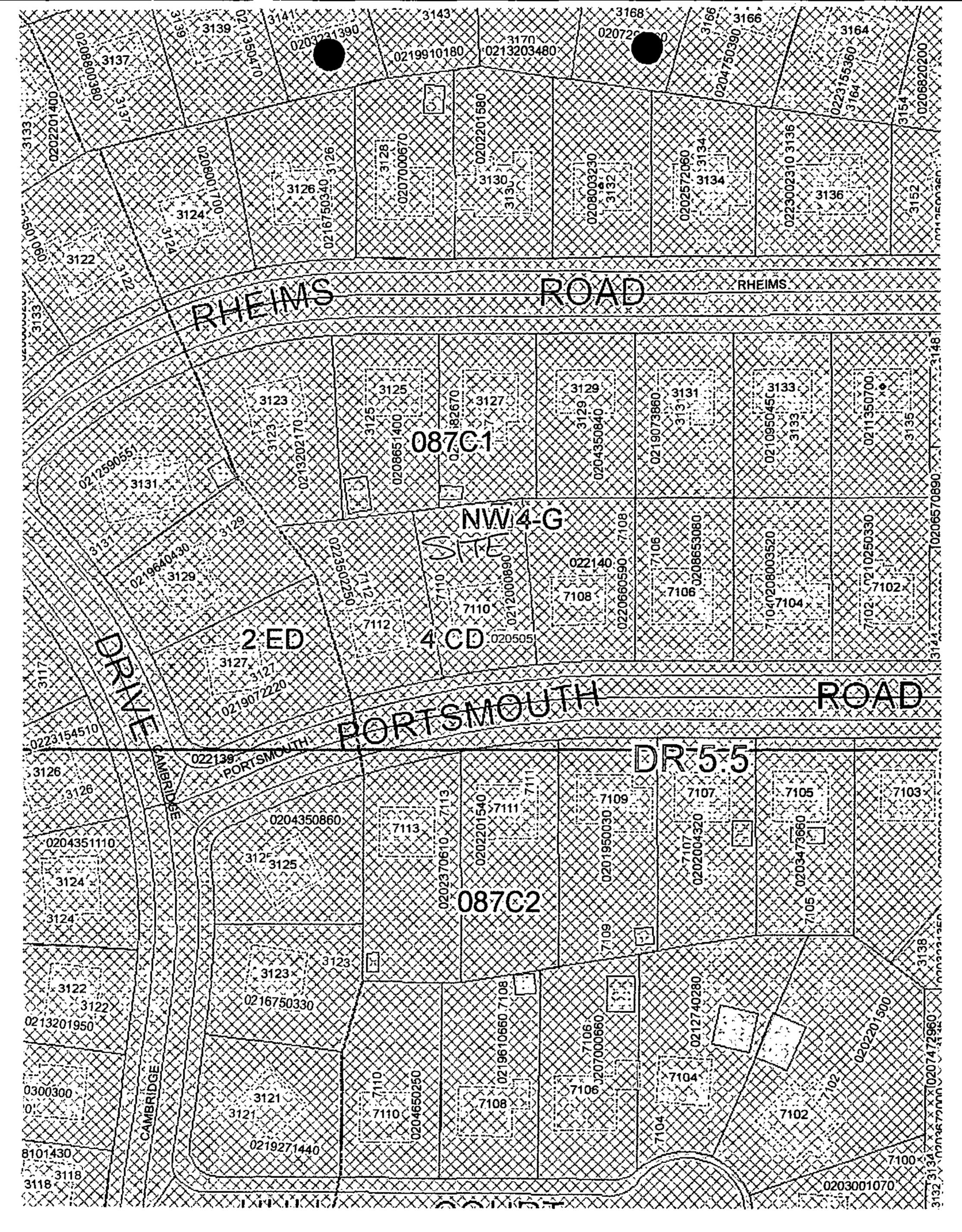
410-298-4202

7108 Partsmouth Rd. 21244

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Numbe	r 07-	543	-A	Address _	7110	POR	TSmou	TURO
Conta	ct Perso	on: <u>1</u>	LOYO Planner	MOXLE Please Print Your Na	ime	<u> </u>	Pho	ne Number:	410-887-3391
Filing	Date:	6	107			2/10/0	٦	Closing Da	te: 6/25/0
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2.	a form	al red	juest for a p	date is the dea ublic hearing. g, the process	Please u	nderstand	that e	even if there	,000 feet to file e is no formal
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1593	REVIEWED BY ITEM # CASE #	MAP 1000 RMATION RMATION SQUARE FEE PRIVATE I I I I I I I I I I I I I	SPECIAL HEARING FOR ADDITIONAL REQUIRED INFORMATION MANJELA D PORTSMOUZIES SUBSECT PROPERTY

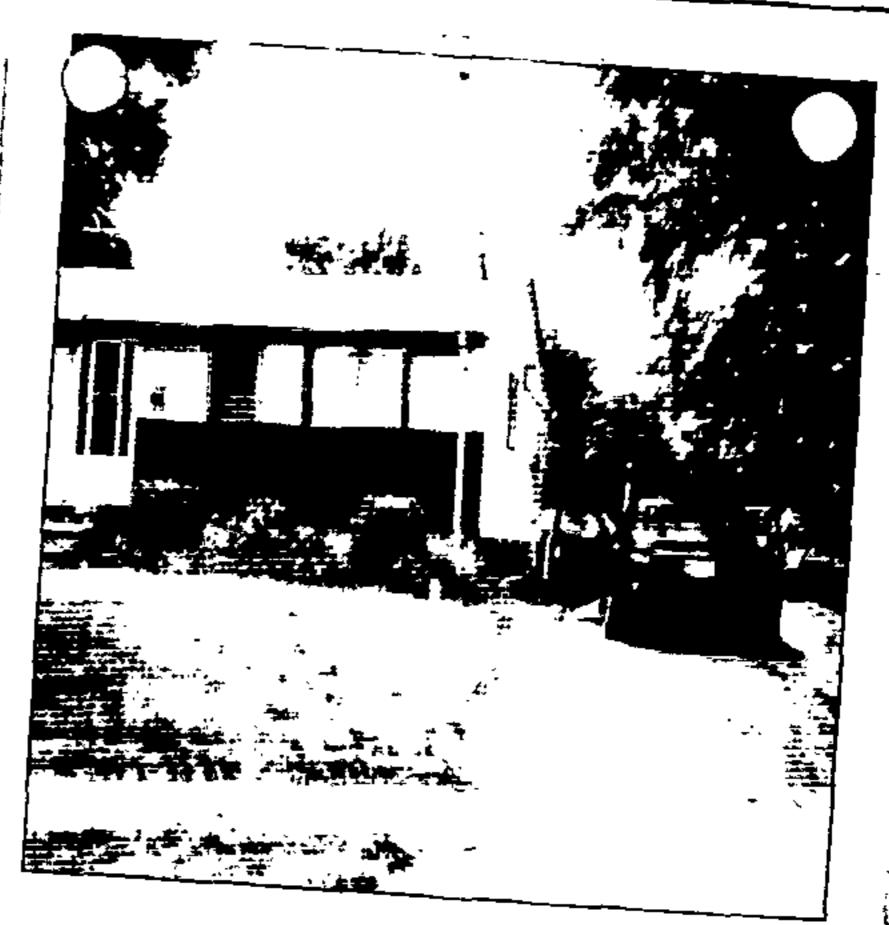


543	PREPARED BY G. SMITH SCALE OF DRAWING: 1" = 10
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	RONSON - 15'
ELECTION DISTRICT 2	MRS HARSED PROPOSED GEORGE BROWN
LOCATION INFORMATION	·
SCALE: 1" = 1000"	
	73'
PORTSMOUZE SUBJECT	
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טור	Sum OF SIDEYARD=18 MEETS SEC, all 3 "55" BOXR
CALLINATION	RO POSE
	OWNER, Stiller J. M. Marie - Cherina E. J. Kuner
	LOT # 18 SECTION # G
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OR ADDITIONAL REQUIRED INFORMATION	PROPERTY ADDRESS 7/1/2 PORTEMANCIANCY THE CHECKLIST FOR PROPERTY ADDRESS 7/1/2 PORTEMANCIANCY TO SEE PAGES 5 & 6 OF THE CHECKLIST FOR

1543	PREPARED BY (S. SMITH SCALE OF DRAWING: 1"
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LOT SIZE ACREAGE SOUNRE FEET	FRONT
ZONING DR 5.5	# 7/10 = # 7/10 = # 7/08
1"=200' SCALE MAP # 08751	EXISTING 36 TAISTING
COUNCIL MANIC DISTRICT 4	RONDON - 15'
٦ پر	PROPOSED PROPOSED GEORGE BROWN
LOCATION INFORMATION	
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74.07	73'
PORTSMOUTH OF SUBJECT	
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WINDOR WILL RD	Colone Manuel
-	FOLIO # /40 LOT # 18 SECTION
ADDITIONAL REQUIRED INFORMATION	ERTY ADDRESS 7/10 PORTEMANTARY SEE PAGES 5 & 6 OF THE CHECKLIST
SPECIAL HEARING	PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE



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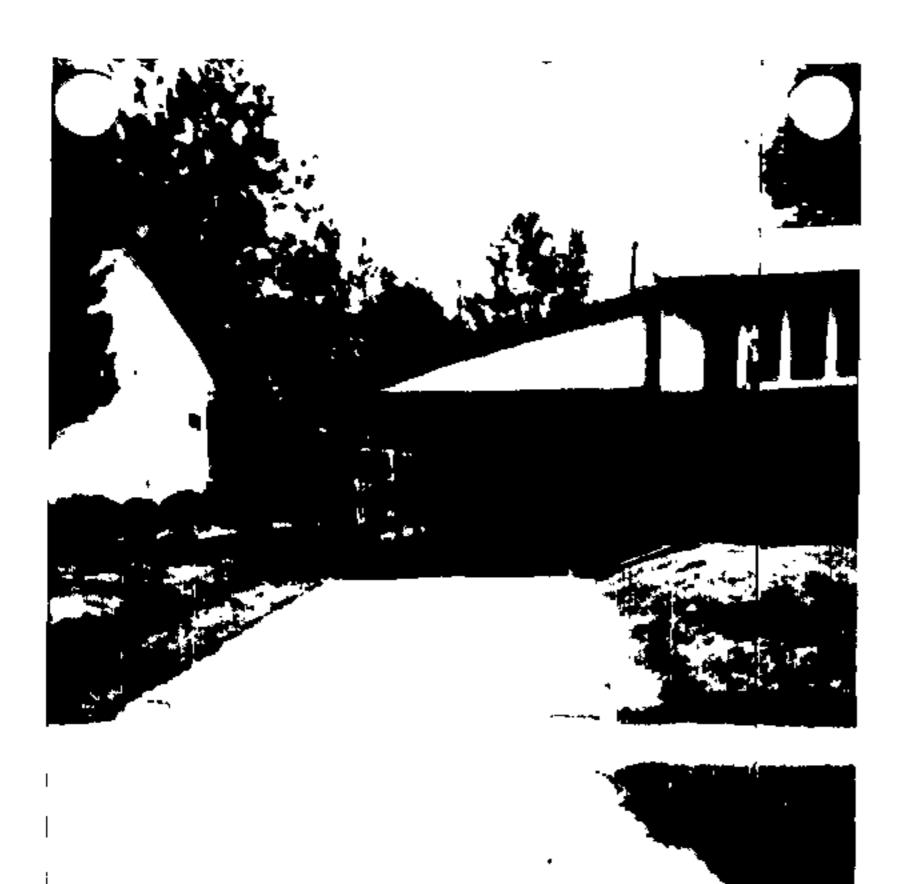
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109 fortsmouth fd















