

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Mt. Carmel Road, 700 feet
SE of Foreston Road
5th Election District
3rd Councilmanic District
(3116 Mt. Carmel Road)

James C. and Carol A. Joyce
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-503-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, James C. and Carol A. Joyce for property located at 3116 Mt. Carmel Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (garage) to be located in the front yard in lieu of the required rear yard only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Due to Mrs. Joyce's handicap, the Petitioners desire to construct a garage as close as possible to the dwelling. The rear yard contains the septic reserve area and the south end of the house is located on a slope which leaves the front yard as the logical location for the garage. The subject property contains 6.904 acres.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 3, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

5.27.08
[Signature]

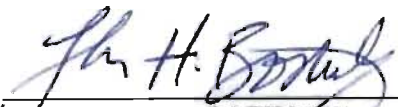
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 Petitioners.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 27th day of May, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (garage) to be located in the front yard in lieu of the required rear yard only 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.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILING
5.27.08
PB

34

ORIGINAL KEPT IN FILE

TAX. ACCOUNT # 600003660



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3116 Mt. Carmel Rd Upperco, MD 21155 which is presently zoned RC 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, BCZR, to permit a proposed accessory building (garage) to be located in the front yard in lieu of the required rear yard only.

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

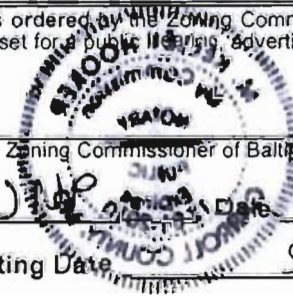
Legal Owner(s):

James C. Joyce
Name - Type or Print
[Signature]
Signature
Carol A. Joyce
Name - Type or Print
Carol A. Joyce
Signature
3116 Mt. Carmel Rd (410) 239-1928
Address Telephone No.
Upperco MD 21155
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.



CASE NO. 2008-0503-A

Reviewed By [Signature] Date 4/24/08

REV 10/25/01

Estimated Posting Date 5/4/08

5-27-08
[Signature]

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 3116 Mt Carmel Rd
Address
Upperco MD 21155
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):

The garage we want to build needs to be located as close to the dwelling as possible because of Mrs. Joyce's handicap. In order for this to be possible it should be located near the N/W corner of the house. We did not want the garage located ^{DIRECTLY} in front of our house and the back side of the house is where the septic is located eliminating both of those sites. The South end of the house is located on a deep slope leaving the N/W End of the house the only practical place left.

① Mrs. Joyce's handicap
② Only location available in close proximity to residence.
③ Other locations not suitable for building eg. High water Table - septic - bedroom/basement end of house

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
James C. Joyce
Name - Type or Print

[Signature]
Signature
Carol A. Joyce
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James C. Joyce and Carol A. Joyce
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



M. Kelley Hooker
Notary Public
My Commission Expires 12/1/10

Affidavit in Support of Administrative Variance

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Address
Upperco MD 21155
City State Zip Code

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[Signature]
Signature
James C. Joyce
Name - Type or Print

[Signature]
Signature
Carol A. Joyce
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 7th day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
James C. Joyce and Carol A. Joyce
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



M. Kelley Hooker
Notary Public
My Commission Expires 12/1/10

34

TAX. ACCOUNT 600003660



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3116 Mt. Carmel Rd Upperco, MD 21155
which is presently zoned RC2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, BC2R, to permit a proposed accessory building (garage) to be located in the front yard in lieu of the required rear yard only.

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

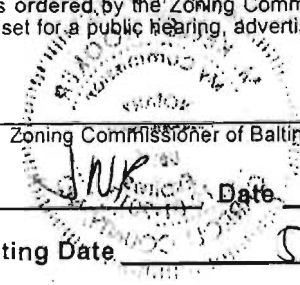
Legal Owner(s):

James C. Joyce
Name - Type or Print
[Signature]
Signature
Carol A. Joyce
Name, Type or Print
Carol A. Joyce
Signature
3116 Mt. Carmel Rd (410) 239-1928
Address Telephone No.
Upperco MD 21155
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.



CASE NO. 2008-0503-A

Reviewed By [Signature] Date 4/24/08

REV 10/25/01
5.27.08

Estimated Posting Date 5/4/08

Zoning Description for James C. and Carol A. Joyce
3116 Mt. Carmel Rd.
Upperco, MD 21155

Beginning at a point on the N. E. side of Mt. Carmel Rd. at a distance of 700 ft. S.E. of Foreston Rd.
Being Lot # 5 of Thompson Estates so recorded in Plat Book 34, folio 133 being 6.904 acres in the 5th
Election District, 3rd Council District.

2008-0503-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **14042**

PAID RECEIPT

Date: **4/24/08**

BUSINESS ACTUAL TIME INR
 4/24/2008 4/24/2008 10:45:53 1
 REC 01 WALKIN JRIC DR
 3>RECEIPT II 372097 4/24/2008 0FLB
 Dept 5 528 ZONING VERIFICATION
 034042
 Receipt Tot 165.00
 165.00 03 1.00 Ca
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
20	00			6150				65.00
Total:								65.00

Rec From: James & Carol Joyce
 For: Administrative Variance - 3116 Mt Carmel Rd.
ESD1-0303-A (JOYCE)

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 5-7-08

RE: Case Number: 08-503-A

Petitioner/Developer: James Joyce

Date of Hearing/Closing: 5-19-08

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3116 Mt Carmel Rd

The sign(s) were posted on 5-3-08
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

**ATTACH PHOTOGRAPH
OF
SIGN POSTED ON
PROPERTY
HERE**

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE #

08-503-A

TO PERMIT A PROPOSED ACCESSORY
BUILDING (GARAGE) TO BE LOCATED
IN THE FRONT YARD IN LIEU OF
THE REQUIRED REAR YARD ONLY

3116 MT CARMEL

PUBLIC HEARING ?

PRESENT TO SECTION 26-127(B)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. PUBLIC HEARINGS
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON THE DAY OF THE
ADDITIONAL INFORMATION IS AVAILABLE AT
THE ZONING ADMINISTRATION AND DEVELOPMENT
DEPARTMENT, 100 WEST PATENT AVENUE, BALTIMORE, MD 21287
TELEPHONE 410-386-7300

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2008- 0503 -A Address 3116 Mt. Carmel Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/24/08 Posting Date: 5/4/08 Closing Date: 5/19/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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 (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.
- 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

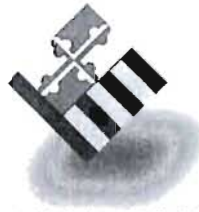
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2008- 0503 -A Address 3116 Mt. Carmel Road

Petitioner's Name James & Carol Joyce Telephone 410-239-1928

Posting Date: 5/4/08 Closing Date: 5/19/08

Wording for Sign: To Permit a proposed accessory building (garage) to be located in the front yard in lieu of the required rear yard only.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive
James C. & Carol A. Joyce
3116 Mt. Carmel Rd.
Upperco, MD 21155

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 19, 2008

Dear James C. & Carol A. Joyce

RE: Case Number: 2008-0503-A, Address: 3116 Mt. Carmel Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 2008. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For May 5, 2008
Item Nos. 08-489, 490, 491, 492, 493,
494, 495, 496, 497, 498, 499, 500, 501,
502, and 503.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC-5012008-NO COMMENTS



State Highway Administration

Maryland Department of Transportation

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

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

May 8, 2008

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

RE: Baltimore County Item No. 08-503-A MD 137 (MT Carmel Road) at Yeoho Road 3116 MT Carmel Road Administrative Variance

Dear Ms. Matthews:

We have reviewed the plat to accompany petition for special exception and special hearing on the subject of the above captioned, which was received on May 1st. A field inspection reveals that the MD 137 (MT Carmel Road) the property has access to a public road (Yeoho RD). Based on available information a permit from this office is not necessary. To that end, the State Highway Administration (SHA) has objection 3116 Mt Carmel Road Case Number 08-503-A approval.

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

Very truly yours,

Handwritten signature of Michael P. Bailey

For Steven D. Foster, Chief Engineering Access Permits Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

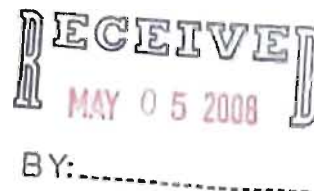
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 1, 2008

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



SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-8-503- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

A handwritten signature in black ink that reads "Curtis Murray". The signature is written over a horizontal line.

1" = 200'

0516015176

0516015177

0516015175

FORESTON RD

0516015178

0516015026

17217

17211

0520030600

SITE

Prettyboy Hydrology 100 Foot Stream Buffer

NW 28-G

020C2

RC 2

Pt. Bk. 34 Folio 133 1600003660

Flood Zone X

3 CD

5 ED

1600003659

MT. CARMEL RD

3217

0512089030

0501074353

0520030400

0520030176

0505061260

0520066480

3213

3211

3209

3207

0519084100

0523050725

0523050250

3208

3204

3202

3205

0523050930

0523051000

0501074923

0523051000

3105

3103

1800003657

3110

1600003658

3106

0501054040

17300

17302

0523075245

0507029180

BRUEHL RD

0511077130

3100

2200007017

3008

NW 27-G

MAP # 020C2

0502065125

2008-0503-A

Proposed
Campsite
Location
↓



Proposed

Proposed



2008-0503-A

Thomas
Residence



Thomas
in chamber



2008-0503-A

~~RESIDENCE~~
RESIDENCE



↘
ENT GARAGE
RD

2008-0503-A

Garage



Residence



AREA IN FRONT OF ~~Garage~~ FOR PROPOSED
GARAGE

2008-0503-A

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

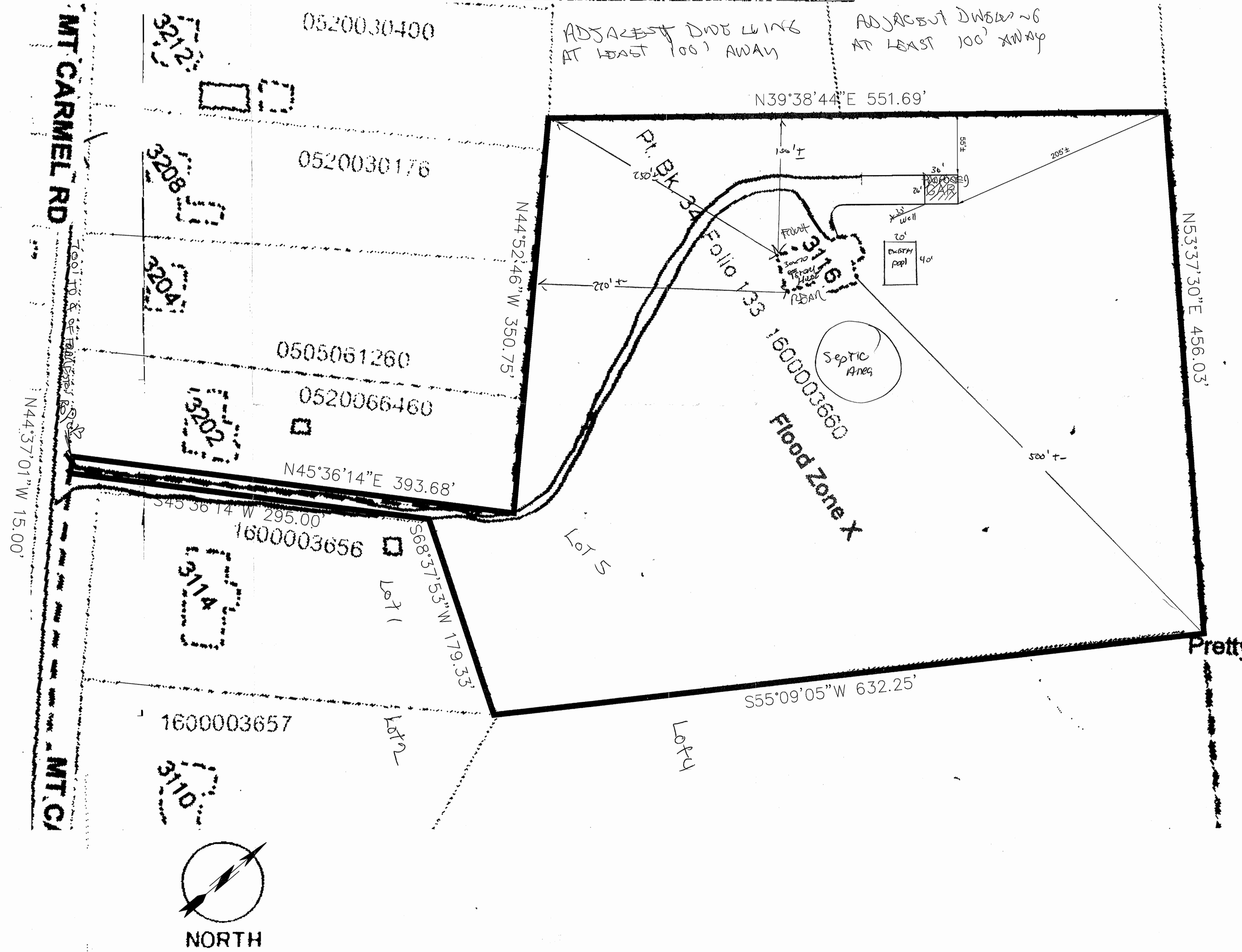
PROPERTY ADDRESS 3116 Mount Carmel Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Thompson Estates

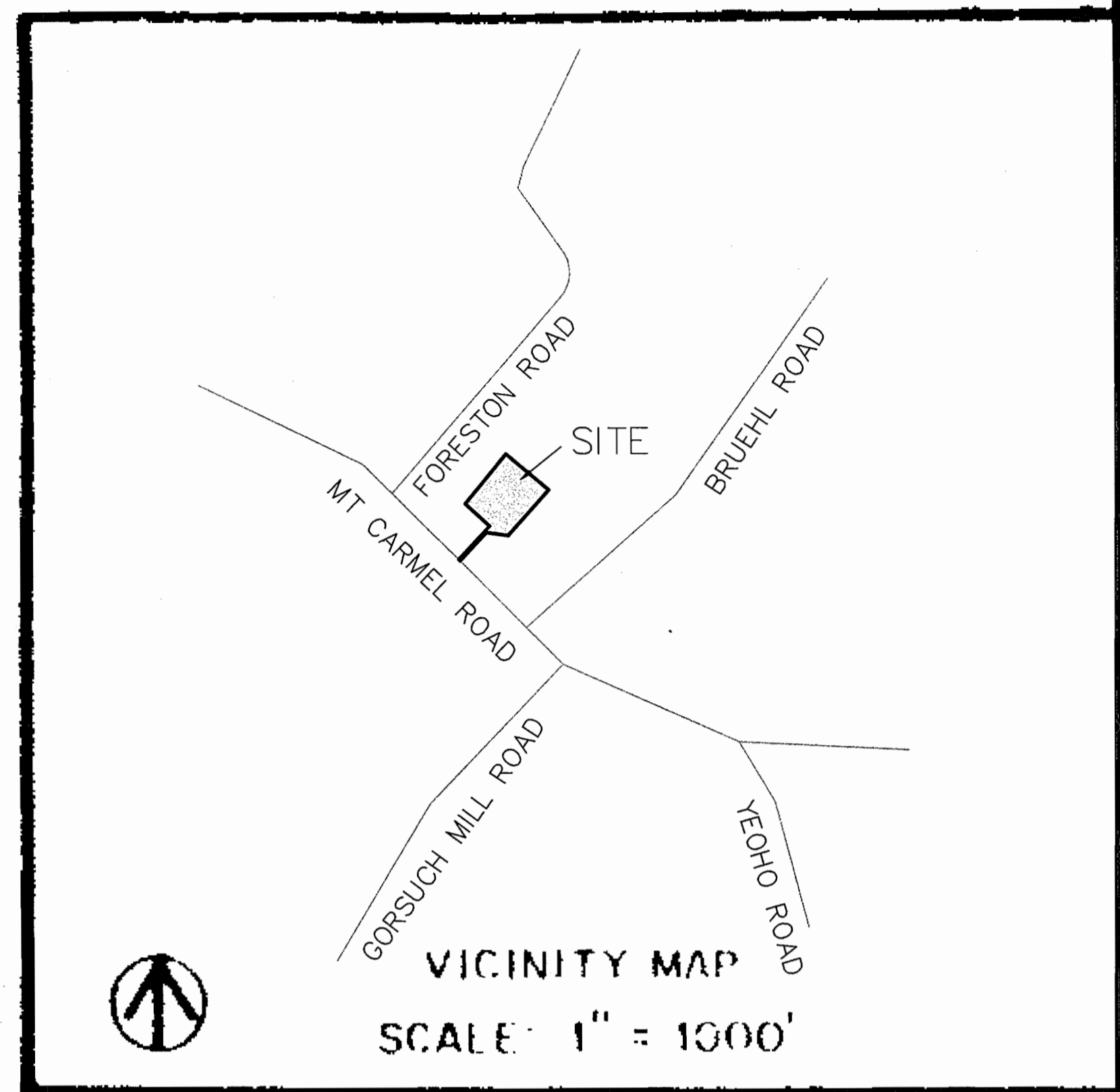
PLAT BOOK # 34 FOLIO # 133 LOT # 5 SECTION #

OWNER Carol & James Joyce



ADJACENT DWELLING AT LEAST 100' AWAY

ADJACENT DWELLING AT LEAST 100' AWAY



LOCATION INFORMATION			
ELECTION DISTRICT	5th		
COUNCILMANIC DISTRICT	3rd		
1" = 200' SCALE MAP #			
ZONING	Rc 2		
LOT SIZE	6.904 Ac	300,738.24	
	ACREAGE	SQUARE FEET	
		PUBLIC	PRIVATE
SEWER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
WATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
CHESAPEAKE BAY CRITICAL AREA	<input type="checkbox"/>	YES	NO
100 YEAR FLOOD PLAIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
HISTORIC PROPERTY/ BUILDING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
PRIOR ZONING HEARING			None

ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM #	CASE #
JNP	0503	2008-0503-A

PREPARED BY DRS & ASSOCIATES

SCALE OF DRAWING: 1" = 50'