IN RE: PETITION FOR ADMIN. VARIANCE NW side of Cedar Road, 243 feet SW of the c/l of Old North Point Road 12th Election District 7th Councilmanic District **(7619 Cedar Road)** Leon and Barbara Babb *Petitioners*	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 2009-0024-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, Leon and Barbara Babb for property located at 7619 Cedar Road. The variance request is from Sections 1B02.3.A.5, 1B02.3.C and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) to be located 6 inches from the side property line in lieu of the minimum allowed 7.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a carport to protect their vehicles during inclement weather. The neighbor residing at 7621 Cedar Road submitted a letter in support of the proposed carport.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 25, 2008 which indicates that the house is a very well landscaped brick Cape Code. The neighbor on the side of the proposed carport has written a letter of approval. The building materials of the carport will be open metal lattice similar to the style of the porch railings. They too will be landscaped.

RECEIVED FOR FILING
Date 9.16.08
By PM

Other houses in the block also have carports that come to the property line. The Planning Office has no objections to the proposal.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 10, 2008 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 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 16th day of September, 2008 that a variance from Sections 1B02.3.A.5, 1B02.3.C and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) to be located 6 inches from the side property line in lieu of the minimum allowed 7.5 feet 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.

RECEIVED FOR FILING
9.16.08
BY

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
9.16.08
PB

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 16, 2008

LEON AND BARBARA BABB
7619 CEDAR ROAD
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2009-0024-A
Property: 7619 Cedar Road

Dear Mr. and Mrs. Babb:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

TAX ACCOUNT # 1211047400

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7619 Cedar 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) 1B02.3A.5., 1B02.3C., 301.1A. (BCZR)

TO PERMIT AN OPEN PROTECTION (CARPORT) TO BE LOCATED 6-INCHES FROM THE SIDE PROPERTY LINE IN LIEU OF THE MINIMUM PERMITTED 7.5-FEET.

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):

Leon Babb
Name - Type or Print

Leon Babb
Signature

Barbara Canestraro-Babb
Name - Type or Print

Barbara Canestraro-Babb
Signature

7619 Cedar Rd 410-282-9598
Address Telephone No.

Baltimore MD 21222
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

CASE NO. 2009-0024-A

REV 10/25/01

FILING RECEIVED FOR PAYMENT 9.16.08 PM

Reviewed By D.T. **Date** 9/28/08

Estimated Posting Date 8/10/08

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 7619 Cedar Rd
Address
Baltimore MD 21222
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):

We would like to build a carport, but we do not have the required 7 1/2 ft setback. We would like to protect our cars from the elements and our street has parking issues during the summer weekends

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
Lean Babb
Name - Type or Print

Signature
Barbara Canestraro-Babb
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Leon Babb, Barbara Canestraro-Babb
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public
My Commission Expires 4/18/2012

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 7619 Cedar Rd
Address
Baltimore MD 21222
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):

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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.

Leon Babb
Signature

Leon Babb
Name - Type or Print

Barbara Canestraro-Babb
Signature

Barbara Canestraro-Babb
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Leon Babb, Barbara Canestraro-Babb the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 2/12/2012

REV 10/25/01

July 28,2008

Zoning description for 7619 Cedar Road, Baltimore 21222

Beginning at a point on the north west side of Cedar Road which is 50 feet wide at the distance of 243 feet south west of the centerline of the nearest improved intersecting street
Old North Point Rd which is 60 feet wide.
Being lot #150 in the subdivision of Northshire as recorded in
Baltimore County plat book #14, Folio #29, containing 6,250sf.
Also known as 7619 Cedar Road and located in the 12 Election District,7 Councilmanic District.

2009-0024-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 18554

Date: 7/28/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: 65.00

Rec From: LEON BABB

For: 2009-0024-A 7619 CEDAR RD.
D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
7/28/2008 7/28/2008 10:22:56
REG SEM WALKIN CSTE CHG
RECEIPT # 449233 7/28/2008 OFLD
525 ZONING VERIFICATION
018554
Receipt Tot 65.00
65.00 CK 0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 2009-0024-A

Petitioner/Developer:

Leon T. Babb

Date of Hearing/Closing: Aug 25 08

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)

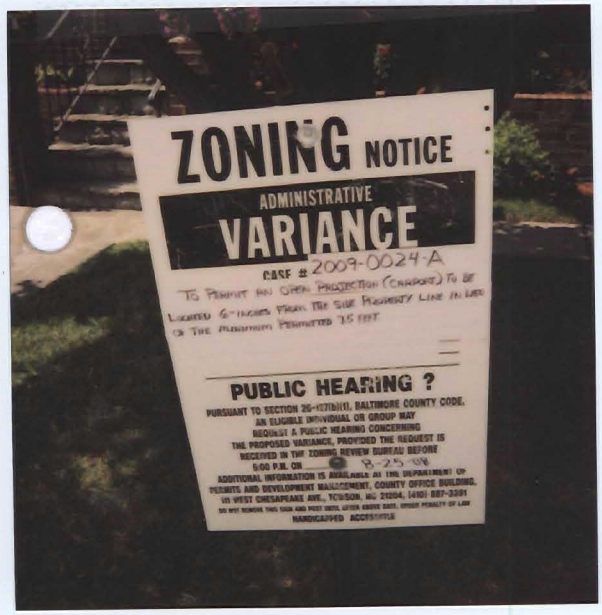
Ladies and Gentlemen:

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

7619 Cedar Rd

The sign(s) were posted on 10 Aug 08
(Month, Day, Year)

Sincerely,



10 Aug 08
(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0024 -A Address 7619 CEDAR RD., 21222

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/28/08 **Posting Date:** 8/10/08 **Closing Date:** 8/25/08

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

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2009- 0024 -A Address 7619 CEDAR RD., 21222

Petitioner's Name BABB Telephone 410-282-9598

Posting Date: 8/10/08 **Closing Date:** 8/25/08

Wording for Sign: To Permit AN OPEN PROTECTION (CARPORT) TO BE LOCATED 6-INCHES FROM THE SIDE PROPERTY LINE IN LIEU OF THE MINIMUM PERMITTED 7.5-FEET.

WCR - Revised 7/7/08

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: 2009-0024-A

Petitioner: BABB

Address or Location: 7619 CEDAR RD., 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. LEON BABB

Address: 7619 CEDAR RD.
BALTO. MD 21222

Telephone Number: 410-282-9598

Revised 7/11/05 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 25, 2008

Leon & Barbara C. Babb
7619 Cedar RD
Baltimore, MD 21222

Dear: Leon & Barbara C. Babb

RE: Case Number 2009-0024, 7619 Cedar Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28, 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:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 6, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For August 11, 2008
Item Nos. 2009-0019, 0020, 0021, 0022,
0023, 0024, 0025, and 0027

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

DAK:CEN:lrk
cc: File
ZAC- 08062008-NO COMMENTS

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

SHA State Highway Administration

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

Maryland Department of Transportation

Date: AUGUST 4, 2006

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

RE: Baltimore County
Item No 2009-0024-A
7619 CEDAR ROAD
BABB PROPERTY
ADMIN. 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. 2009-0024-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,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 25, 2008

RECEIVED
SEP 15 2008
BY:

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-024- Administrative Variance**

The house is a very well kept landscaped brick Cape Cod. The neighbor on the side of the proposed carport has written a letter of approval. The building materials of the carport will be open metal lattice similar to the style of the porch railings. They to will be landscaped.

Other houses in the block also have carports that come to the property line.

The staff has no objections to the proposal.

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

Prepared By:
CM/LL

AV 8/25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: August 19, 2008

RECEIVED
AUG 19 2008
BY:

SUBJECT: Zoning Item # 09-024-A
Address 7619 Cedar Road
(Babb Property)

Zoning Advisory Committee Meeting of August 4, 2008

__X__ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: J. Livingston Date: AUgust 19, 2008

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-024-A 7619 Cedar Road.doc

Patricia Zook - Case 2009-0024-A (administrative variance)

From: Patricia Zook
To: Murray, Curtis
Date: 9/3/2008 1:04:05 PM
Subject: Case 2009-0024-A (administrative variance)

Hello Curtis -

This administrative variance closed 8-25-08 and we need comments from Planning. The property is located at 7619 Cedar Road.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Case 2009-0024-A (administrative variance that closed 8-25-08)

From: Patricia Zook
To: Murray, Curtis
Date: 9/10/2008 9:03 AM
Subject: Case 2009-0024-A (administrative variance that closed 8-25-08)

Curtis -

The Petitioner stopped in our office on September 8 to check the status of her administrative variance Order. I informed her that we were still waiting for comments from Planning.

Hello Curtis -

This administrative variance closed 8-25-08 and we need comments from Planning. The property is located at 7619 Cedar Road.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

July 27, 2008

To Whom It May Concern:

I am writing this letter of consent to let you know that it is fine with me (the owner @ 7621 Cedar Road) that Leon and Barbara (7619 Cedar Road) build a car port in there drive way adjacent to my home. If you should have any questions please feel free to contact me at your convenience @ 301-573-6783

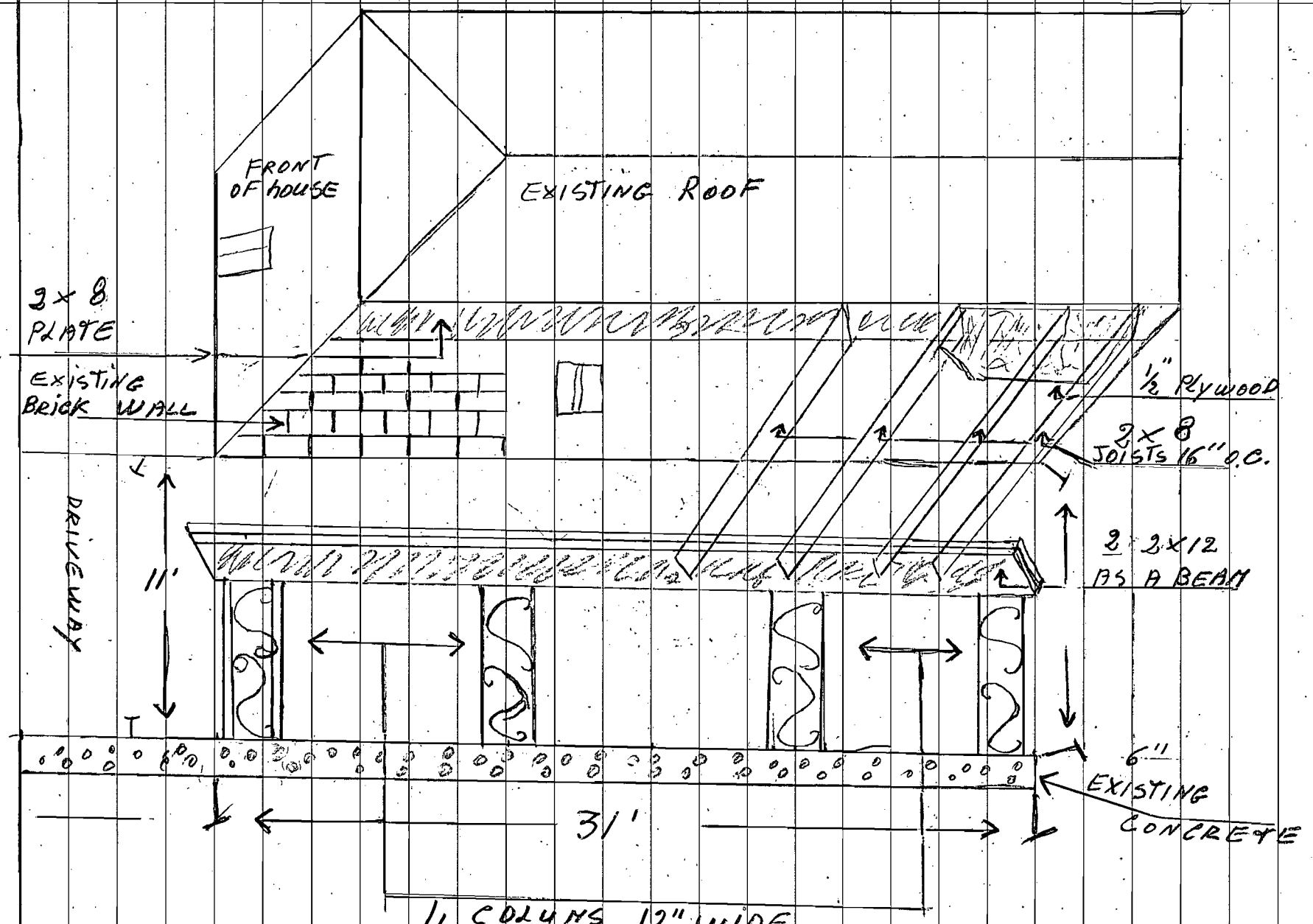
Raul Lira

M: (301)573-6783
H: (410) 282-2860

2009-0024-A

7619 CEDAR RD.

2009-0024-A



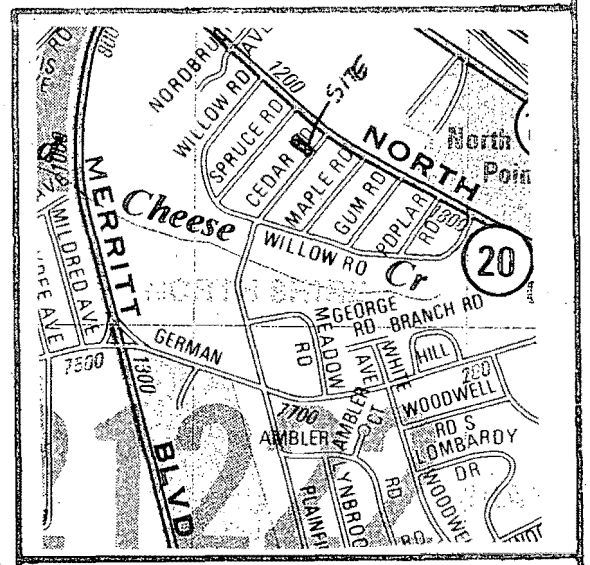
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

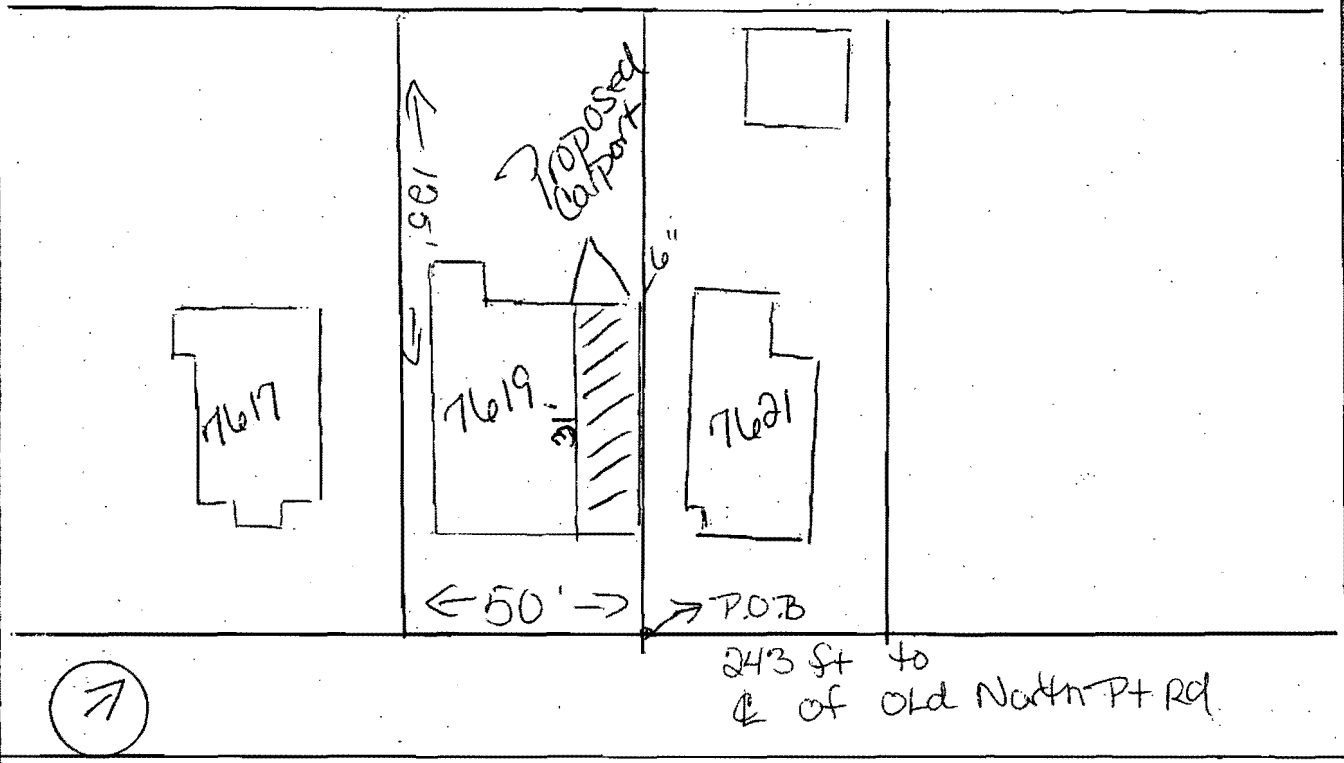
PROPERTY ADDRESS 7619 CEDAR RD., 21222 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME NORTHSHIRE

PLAT BOOK # 14 FOLIO # 29 LOT # 150 SECTION # ____

OWNER LEON BABB + BARBARA CANESTRARO BABB





LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 096C3

ZONING D.R.5.5

LOT SIZE ____ ACREAGE 6,250 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

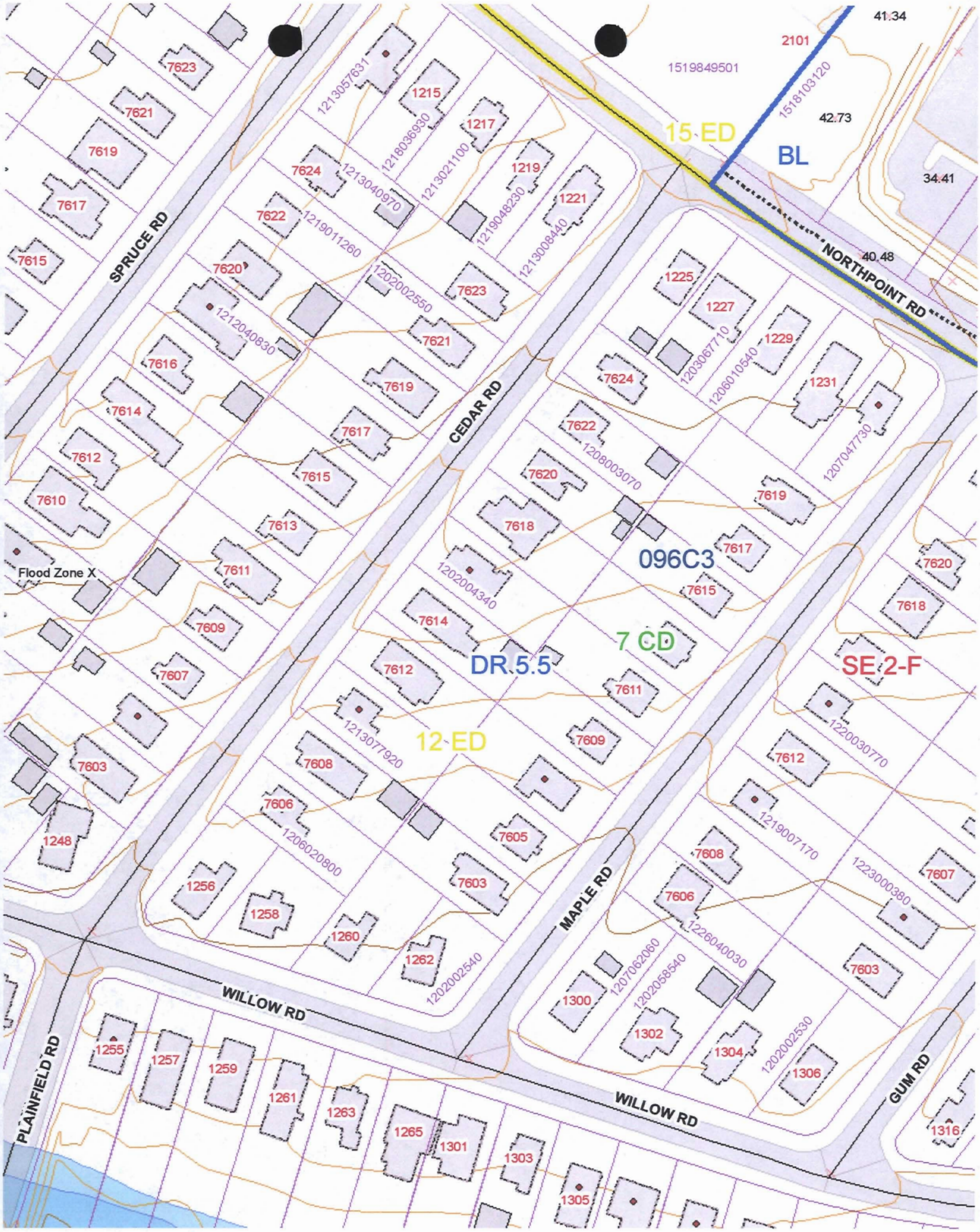
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
D.T.	0024	2009-0024-A

PREPARED BY BABB SCALE OF DRAWING: 1" = 40'

-15-


SPRUCE RD
CEDAR RD
MAPLE RD
GUM RD
PLAINFIELD RD
NORTHPOINT RD
WILLOW RD
WILLOW RD
15 ED
BL
096C3
7 CD
DR 5.5
12 ED
SE 2-F
Flood Zone X
1519849501
2101
1518103120
41.34
42.73
34.41
40.48
7623
7621
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1202058540
1202002530

2009-0024-A

JUL 27 2008

JUL 26 2008

JUL 26 2008

JUL 26 2008

JUL 26 20