

IN RE: PETITION FOR VARIANCE

S side of Rockdale Road, 1500 feet E of
the c/l of Gunpowder Road
6th Election District
3rd Councilmanic District
(3807 Rockdale Road)

Robert and Sally Carper
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0170-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Robert and Sally Carper. Petitioners are requesting Variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (garage) in the side yard and with a height of 18 feet in lieu of the required rear yard and with a maximum allowed height of 15 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Robert Carper. Also appearing in support of the requested relief was a neighbor, David Stambaugh, of 3803 Rockdale Road. There were no Protestants or other interested persons in attendance at the hearing, though a letter in opposition to the requested relief was received and will be discussed further, *infra*.

This matter is currently the subject of an active violation case (Case No. CO0053788) in the Division of Code Inspections and Enforcement. A citation for code violation was issued in this matter on November 24, 2008 alleging that a garage is under construction without having obtained the required permits. At that time, it was also determined that the garage was being

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3.10.09

B3

constructed in the side yard rather than in the required rear yard; hence Petitioner filed the instant Petition for Variance.

It should be noted that the fact that a zoning violation has been issued is generally not relevant to this underlying zoning case. In short, this means that Petitioner cannot use the fact that a structure has been built or is in the process of being built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. Conversely, the fact that something may have been done which could violate the Regulations is not held against Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law, whereas this Office considers only the discreet legal and factual issue of whether Petitioner is entitled to the requested zoning relief.

Testimony and evidence offered in the instant matter revealed that the subject property is a square-shaped property consisting of approximately 1.24 acres, more or less, zoned R.C.2. The property is located on the south side of Rockdale Road, west of the Prettyboy Reservoir and east of Gunpowder Road, in the Millers area of northwest Baltimore County. The property is improved with Petitioner's one-story brick single-family dwelling. A stone barbeque and a designated child's play area are located at the southeast corner of the property. Petitioner indicated that when he began construction of the garage, because of the location in the rural, "far reaches" of northwest Baltimore County, he was not aware that he needed a permit in such a remote area. He also indicated he was not aware of the location requirements that mandate the garage be located in the rear yard instead of the side yard until he was notified by the Code Enforcement Inspector.

~~RECEIVED~~
3.10.09
~~_____~~
PM

In support of the variance request to locate the garage in the side yard, Petitioner indicated that the location of other improvements and certain site constraints on the property are what drive the need for the variance. Petitioner's existing driveway is somewhat unusual in that there is one entrance from Rockdale Road, which then splits so that part of the driveway proceeds across the front of the property, perhaps allowing easier access to the front entrance to the home. The other part of the driveway proceeds to the west side of the home and ends there, where the existing framed, but uncompleted garage is located. Petitioner indicated this is an ideal spot for the garage since this is where the driveway naturally ends. In addition, and as shown on the site plan, Petitioner indicated that the location of his septic reserve area and the lines running from the home to the septic, which is directly behind the garage and the dwelling, limits his ability to locate the garage in the rear yard as required. As to the 18 foot height, Petitioner indicated this is requested in order to keep the garage in harmony with the existing roofline and height of the dwelling. Photographs of the garage adjacent to the existing dwelling were marked and accepted into evidence collectively as Petitioner's Exhibit 2.

In further support of the variance requests, Petitioner submitted letters of support from nearby neighbors. These included David and Chrissy Stambaugh of 3803 Rockdale Road, Barry and Sandra Ditto of 3811 Rockdale Road, George and Missy Marshall of 3730 Rockdale Road, and Dave Serio and Michelle Hose of 3725 Rockdale Road. These letters were marked and accepted into evidence as Petitioner's Exhibits 3A through 3C. The Stambaugh's and the Ditto's live directly on either side of subject property and in particular, the Ditto's live on the same side as where the garage is located. In opposition to the requested relief, the undersigned received a letter dated February 13, 2009 from Jeffrey Smith of 3701 Rockdale Road, which was marked

~~RECEIVED FOR FILE~~
3-10-09
m

and accepted into evidence as Protestant's Exhibit 1. Mr. Smith indicates a structure the size of Petitioner's garage is unsightly and that a smaller structure would not present an undue hardship.

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 January 8, 2009, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. I find the configuration of the existing driveway, combined with the constraints posed by the location of the existing septic reserve area renders the property unique in a zoning sense. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship in that Petitioner would not be able to erect an accessory structure otherwise permitted by the Regulations. I am also convinced that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995). It appears that the structure will be in character with the existing dwelling and will not overcrowd the land or have any detrimental impacts on the locale.

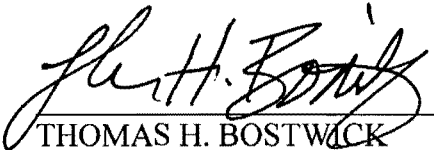
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be granted.

3-10-09
[Signature]

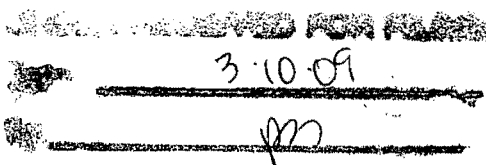
THEREFORE, IT IS ORDERED this 10th day of March, 2009 by this Deputy Zoning Commissioner, that Petitioners' Variance requests from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (garage) in the side yard and with a height of 18 feet in lieu of the required in the rear yard and with a maximum allowed height of 15 feet be and are hereby GRANTED, subject to the following:

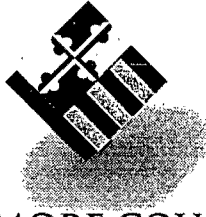
1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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


3-10-09
mm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 10, 2009

ROBERT AND SALLY CARPER
3807 ROCKDALE ROAD
MILLERS MD 21102

Re: Petition for Variance
Case No. 2009-0170-A
Property: 3807 Rockdale Road

Dear Mr. and Mrs. Carper:

Enclosed please find the decision rendered in the above-captioned case.

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,

A handwritten signature in dark ink, appearing to read "Th. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: David Stambaugh, 3803 Rockdale Road, Millers MD 21102
Jeffrey Smith, 3701 Rockdale Road, Millers MD 21102
Helene Kehring, Baltimore County Code Enforcement Office



TAX COUNT # 0613020228

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3807 ROCKDALE RD 21102
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 & 400.3

TO PERMIT A PROPOSED ACCESSORY BUILDING (GARAGE) IN THE SIDE YARD AND WITH A HEIGHT OF 18 FEET IN LIEU OF THE REQUIRED IN THE REAR YARD AND WITH A MAXIMUM ALLOWED 15 FEET of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DISCUSSED AT HEARING

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

3807 ROCKDALE RD 410-374-3154
Address Telephone No.

MILLERS MARYLAND 21102
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2009-0170-A

REV 9/15/98

Reviewed By

Date 12/12/08

ZONING DESCRIPTION FOR 3807 Rockdale Road Millers, MD 21102

BEGINNING for the outlines to include the same at a pipe 20 feet South of the centerline of Rockdale Road, said pipe being South 69 degrees 58 minutes East 345.6 feet from a pipe at the end of the South 25 degrees 20 minutes East 490 foot line as described in a deed from Clarence L. Smith to Russell E. Smith and wife, dated on or about March 1955 and duly recorded among the Land Records of Baltimore County, said beginning pipe also being approximately 546 feet Northeast of the intersection of the centerline of Rockdale Road and the Upper Beckleysville Road, running thence binding on the South side of Rockdale Road as now surveyed by magnetic bearings as of the year 1955, South 74 degrees 32 minutes East 400 feet to a pipe, thence by lines of division as now surveyed, South 15 degrees 28 minutes West 217.8 feet to a stake, thence by a line parallel with the Rockdale Road line, North 74 degrees 32 minutes West 400 feet to a pipe, thence by a line parallel with the second line of the parcel herein being described, North 15 degrees 28 minutes East 217.8 feet to the place of beginning, containing and laid out for two acres of land (2.000), more or less. The improvements thereon being known as 3807 Rockdale Road (Tax I.D. 06-13-020228).

2009-0170-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **3301**

Date

12/12/08

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	X06	0000		6150				65.00

Total:

#65.00

Rec From:

ROBERT CARPER

For:

3807 ROCKDALE RD,

2009-0170-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

BUSINESS ACTUAL TIME DRN
 12/12/2008 12/12/2008 12:28:12
 RET 1502 MAIL JMW JFH
 RECEIPT # 616301 12/12/2008 GFLH
 5 528 ZONING VERIFICATION
 013016
 Receipt Tot \$45.00
 \$1.00 CK \$70.00 CA
 \$5.00 CG
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2009-0170-A
3807 Rockdale Road
S/side of Rockdale Road, 1500 feet east of the centerline of Gunpowder Road
6th Election District
3rd Councilmanic District
Legal Owner(s): Robert & Sally Carper

Variance: to permit a proposed accessory building (garage) in the side yard and with a height of 18 feet in lieu of the required in the rear yard and with a maximum allowed height of 15 feet.

Hearing: Thursday, February 19, 2009, at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 2/6/8 Feb. 3 193382

CERTIFICATE OF PUBLICATION

2/5/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/3/, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 2009-0170-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

COUNTY OFFICE BUILDING - RM106
PLACE: 111 W. CHESAPEAKE AVE., TOWSON 21204

DATE AND TIME: FEB 19, 2009 11 AM

REQUEST: VARIANCE TO PERMIT A PROPOSED

ACCESSORY BLDG. (GARAGE) IN THE

SIDEYARD AND WITH A HEIGHT OF 18 FEET

IN LIEU OF THE REQUIRED IN THE REAR

YARD AND WITH A MAXIMUM ALLOWED HEIGHT OF

15 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 897-3392

AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW

ACCESSIBLE

CERTIFICATE OF POSTING

Date: 2-1-09

RE: Case Number: 2009-0170-A

Petitioner/Developer: Robert Carper

Date of Hearing/Closing: 2-19-09 11 AM

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 3807 Rockdale Rd

The signs(s) were posted on 2/1/09
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

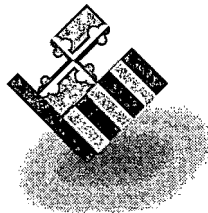
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

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

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 22, 2009
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0170-A

3807 Rockdale Road

S/side of Rockdale Road, 1500 feet east of the centerline of Gunpowder Road

6th Election District – 3rd Councilmanic District

Legal Owners: Robert & Sally Carper

Variance to permit a proposed accessory building (garage) in the side yard and with a height of 18 feet in lieu of the required in the rear yard and with a maximum allowed height of 15 feet.

Hearing: Thursday, February 19, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Carper, 3807 Rockdale Road, Millers 21102

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 4, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 3, 2009 Issue - Jeffersonian

Please forward billing to:
Robert Carper
3807 Rockdale Road
Millers, MD 21102

410-374-3154

NOTICE OF ZONING HEARING

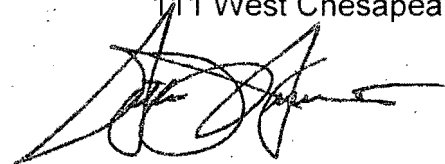
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111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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.

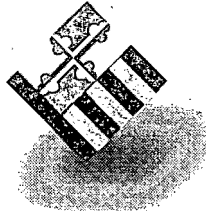
For Newspaper Advertising:

Item Number or Case Number: 2009-0170-A
Petitioner: ROBERT CARPEN
Address or Location: 3807 ROCKDALE RD MILLERS MD 21102

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT CARPEN
Address: 3807 ROCKDALE RD
MILLERS MD 21102

Telephone Number: 410-374-3154



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
February 12, 2009

Robert & Sally Carper
3807 Rockdale Rd.
Millers, MD 21102

Dear: Robert & Sally Carper

RE: Case Number 2009-0170-A, 3807 Rockdale Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 12, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

TB 2/19 11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 8, 2009

RECEIVED

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

JAN 12 2009

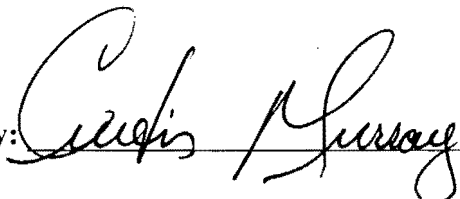
ZONING COMMISSIONER

SUBJECT: 9-170 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 18 feet in lieu of the maximum permitted 15 feet and to be located in the side yard in lieu of the required rear yard provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by: 

Section Chief: 

AFK/LL: CM

TB
2-19-09**BALTIMORE COUNTY, MARYLAND****Inter-Office Correspondence****RECEIVED****JAN 30 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: January 30, 2009
SUBJECT: Zoning Item # 09-170-A
Address 3807 Rockdale Road
(Carper Property)

Zoning Advisory Committee Meeting of December 22, 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:

Additional Comments:

Reviewer: JWL

Date: 1/30/09

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor^{DM}
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item Nos. 2009-0148, 0162, 0167, 0168,
0169, 0170, 0171, and 0173.

DATE: January 6, 2009

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

DAK:CEN:lrk
cc: File
ZAC-122908 -NO COMMENTS



RE: PETITION FOR VARIANCE * BEFORE THE
3807 Rockdale Road; S/S Rockdale Road, * ZONING COMMISSIONER
1500' E of c/line of Gunpowder Road *
6th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Robert & Sally Carper *
Petitioner(s) * BALTIMORE COUNTY
* 09-170-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JAN 07 2009

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to Robert & Sally Carper, 3807 Rockdale Road, Mills, MD 21102, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 7, 2009

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2009-0170-A
Legal Owner/Petitioner Carper, Robert & Sally
Contract Purchaser: N/A
Property Address: 3807 Rockdale Rd.
Location Description: S/side of Star Cir., 275' +/- E/of centerline
of McDonough Rd.

VIOLATION INFORMATION: Case No. CO0053788
Defendants: Carper, Robert & Sally

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Jake Kemp	111 W. Chesapeake Ave. M. S. 1009

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/jk
C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Building Inspection:

410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.

CO0053768

Property No.

FA0081539

Zoning:

Name(s):

Carper, Robert
Carper, Sally

Address:

3807 Rockdale Rd Millers, MD 21102

Violation

Location:

Same

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRC Sect. 105 "Permit required"

Permit required for detached
garage. Please, obtain permit
or remove garage.

Subject to:

\$1,000 Fine

plus \$200.00/Day Fine if not brought
into compliance.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:

Date Issued:

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before:

11/5/8

Date Issued:

11/5/8

INSPECTOR:

Jim Kemp



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0053788

<u>Record ID</u>	<u>AS/400 Case</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received By</u>	<u>Received Date</u>	<u>Status</u>	<u>Hearing Date</u>	<u>ADC Grid</u>
CO0053788		Jake Kemp	03/11/2009	John Altmeyer	11/21/2008	Open - Normal		1H10

Complaint Description: GARAGE W/O PERMIT

<u>Facility:</u> FA0081539 PDM 0613020228 3807 ROCKDALE RD MANCHESTER, MD, 21102	<u>Owner :</u> CARPER ROBERT CARPER SALLY 3807 ROCKDALE RD MILLERS MD 21102	<u>Complainant:</u> ANON VIO MAIL
--	--	--------------------------------------

Daily Activity Details - No Data

Violation Details - No Data

Comment Details

Type	Comments
BUILDING INSPECTIONS	INSPECTION 11/24/08 November 26, 2008 10:24 AM - NSHELTON ON SITE INSPECTION GARAGE UNDER CONSTRUCTION. NO PERMIT ON FILE. SWO MAILED. COMPLAINANT ANONYMOUS. P/U 12/8/08 J.KEMP/NS***
BUILDING INSPECTIONS	INSPECTION 12/8/08 December 09, 2008 10:09 AM - NSHELTON VARIANCE APPLIED FOR ON 12/11/08. RECHECK 12/12/08 J.KEMP/NS***
BUILDING INSPECTIONS	INSPECTION 12/17/08 December 18, 2008 09:44 AM - KHOPKINS VAR. 2009-0170-A APPLIED FOR. P/U 03/11/09 FOR DECISION. J.KEMP/KH.

Lien Information - None

Mileage:

CASE NAME _____
CASE NUMBER 2009-0170-A
DATE 2-19-09

[illegible]

PDM # 060315
0619051226

Pt. Bk. 52 Folio 30

1900014130

MARSHALL PROPERTY (LOT 2) (PDM File/Project #)

3730

Flood Zone X

010B1

6 ED

RC 2

3 CD

3807

0613020228

3803

0613020850

2300006554

ROCKDALE RD

NW 34-H

NOZICK PROPERTY (PDM File/Project # MS 00056)

2300011017

Prettyboy Hydrology 100 Foot Stream Buffer

010B2

2300011018

1700010525

2009-0170-A

Case No.:

2009-0170-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Letter in Opposition
No. 2	Photographs	
No. 3 A-C	Letters of Support	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S
EXHIBIT NO. 2

We are the neighbors of Robert & Sally Carper who are building a garage on there property at 3807 Rockdale Road, Millers, MD 21102. We do not have any issues or concerns with the location or height of the building.

David & Chrissy Stambaugh
3803 Rockdale Rd.
Millers, MD 21102

Chrissy Stambaugh

BARREY & SANDRA DITTO
3811 ROCKDALE ROAD
MILLERS MD 21102-2620

Barry Ditto 02/19/2009

PETITIONER'S

EXHIBIT NO. 3A-C

We are the neighbors of Robert & Sally Carper who are building a garage on there property at 3807 Rockdale Road, Millers, MD 21102. We do not have any issues or concerns with the location or height of the building.

*George & Missy Marshall
3730 Rockdale Rd.
Millers MD 21102*

We are the neighbors of Robert & Sally Carper who are building a garage on there property at 3807 Rockdale Road, Millers, MD 21102. We do not have any issues or concerns with the location or height of the building.

DAVE SERIO 3725 Rockdale Rd 21102
MICHAEL HOSE " " " " Michelle Hose

TB 2/19
11 Am

Office of the Zoning Commissioner
William J. Wiseman, III, Zoning Commissioner
105 West Chesapeake Ave.
Suite 103
Towson, Maryland 21204

RECEIVED

FEB 18 2009

ZONING COMMISSIONER

Reference: CASE NUMBER: 2009-0170--A
February 13, 2009

Dear Mr. Wiseman,

The above reference case is scheduled for February 19, 2009 and I will be out of town on business and will not be able to appear for the public hearing.

As a neighbor a few doors from the referenced property, I do want to state my concern with the variance to permit a proposed accessory building (garage) in the side yard and with a height of 18 feet in lieu of the required in the rear yard and with a maximum allowed height of 15 feet.

A structure that size in the side yard is unsightly and a smaller structure would not appear to present an undo hard ship for the purpose of a garage. If the structure is to be use for other reasons, than placement in the back yard according to code would be preferred. It is clear that the structure is unsightly because it is under construction already with the foundation, walls and roof are erected but not finished.

I am apologetic for not being able to appear in person but would appear if my business schedule or the hearing schedule changes.

Thank you for your consideration in this matter,

Jeffrey Smith
3701 Rockdale Road
Manchester, MD 21102

Cc: Robert & Sally Carper
3807 Rockdale Road
Manchester, MD 21102

PROTESTANT' S

EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

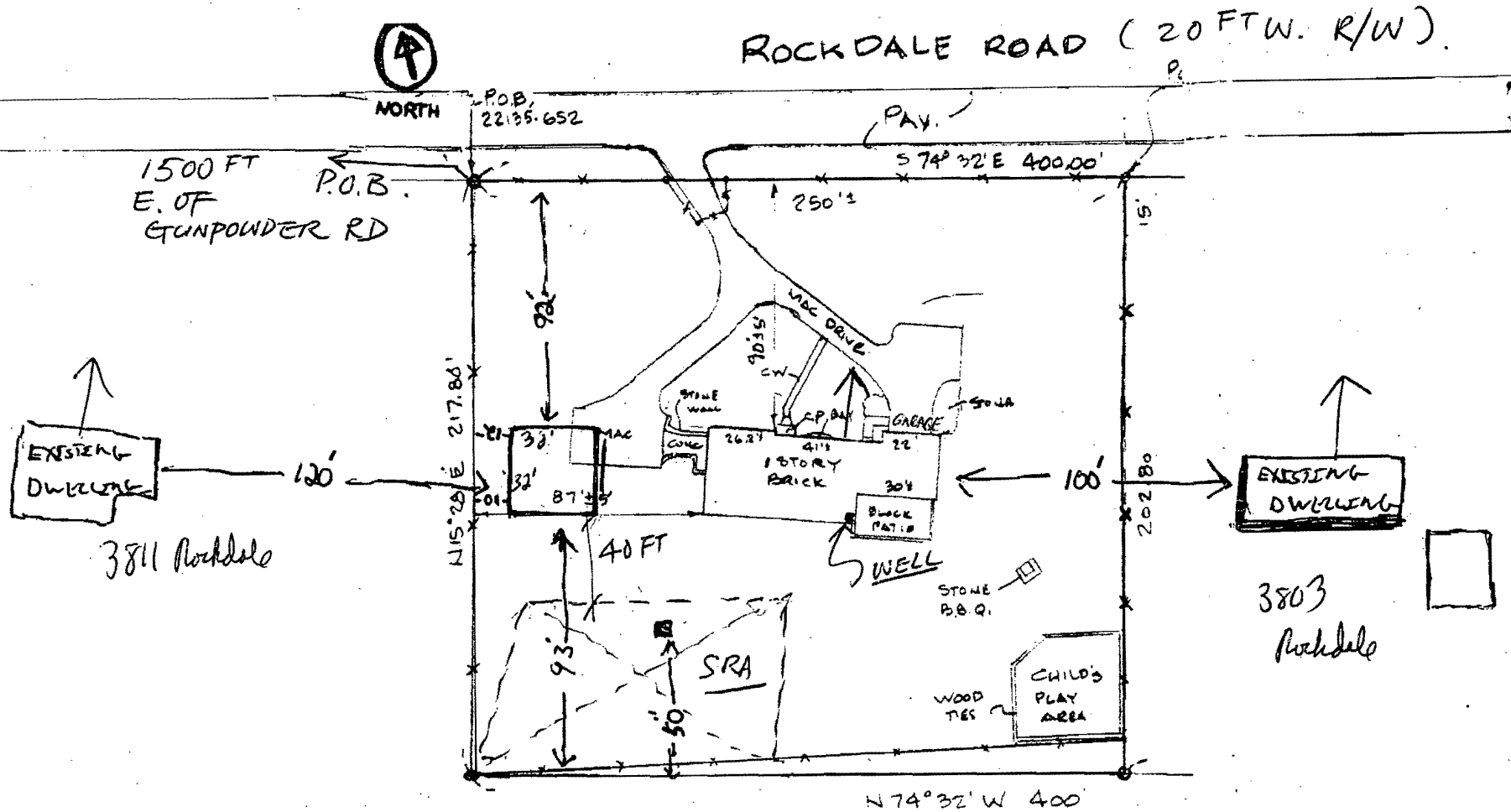
PROPERTY ADDRESS 3807 Rockdale Rd.

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

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

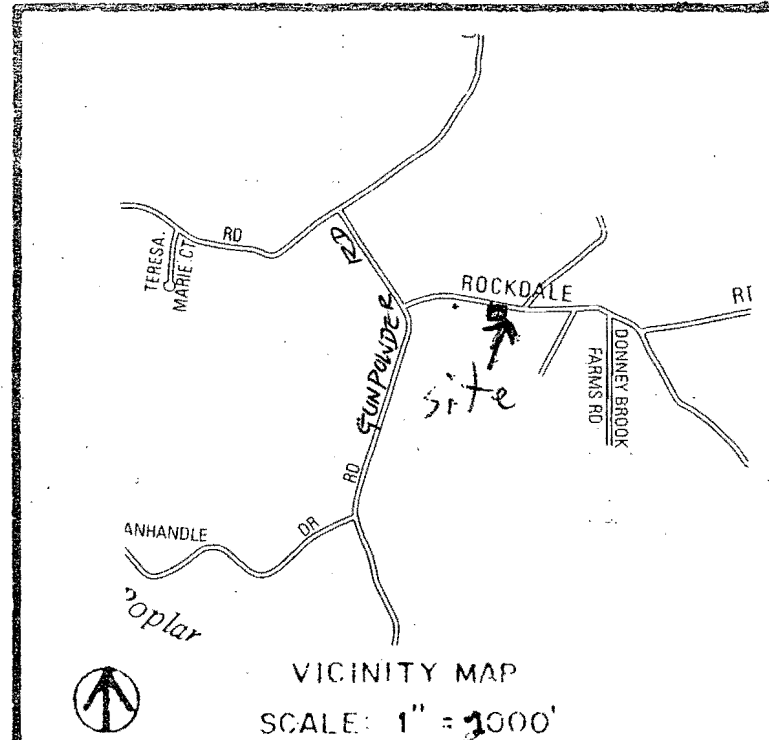
OWNER ROBERT CARPENTER



NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 60'



LOCATION INFORMATION

ELECTION DISTRICT 6

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 010B1

ZONING RC-2

LOT SIZE. 1.24
ACREAGE SQUARE FEET

SEWER PUBLIC PRIVATE
☐ ☒

WATER ☐ ☒

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING violation # 0053788

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

A-TSUI | 0170 | 2009-0170-A

PETITIONER' S

EXHIBIT NO. 1