

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Rheims Road; 131 feet S of the
c/l of Cambridge Drive
2nd Election District
4th Councilmanic District
(3115 Rheims Road)

Delores B. and Adam Cassell
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0052-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, Delores B. and Adam Cassell for property located at 3115 Rheims Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open carport addition on the side of existing dwelling with a side setback of 1 foot 6 inches in lieu of the required 6 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 carport will be attached to the existing dwelling. Said carport will also protect the Petitioners when entering and exiting the home and vehicle. The neighbors residing at 3113 Rheims Road have submitted favorable comments regarding the request.

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 August 29, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

~~FORWARDED FOR FILE~~
9.17.09
M

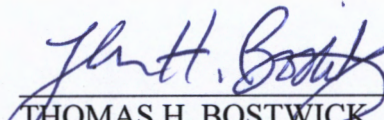
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 17th day of September, 2009 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open carport addition on the side of existing dwelling with a side setback of 1 foot 6 inches in lieu of the required 6 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.

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

STAMPED: RECEIVED FOR FILE

9.17.09

pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 17, 2009

DELORES B. AND ADAM CASSELL
3115 RHEIMS ROAD
BALTIMORE MD 21244

Re: Petition for Administrative Variance
Case No. 2010-0052-A
Property: 3115 Rheims Road

Dear Mr. and Mrs. Cassell:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: A.M. Slattery, 67L Remodeling, 55 Molitor Road, Elkton MD 21921



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3115 RHEIMS RD
which is presently zoned RESIDENTIAL

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) 1B02.3B

TO PERMIT AN OPEN CARPORT ADDITION ON THE SIDE OF EXISTING DWELLING WITH A SIDE SETBACK OF ONE FOOT SIX INCHES (1'6") IN LIEU OF THE REQUIRED 6 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

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 9.17.09 day of September 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.

2010-0052-A

Reviewed By

A. Tsui

Date

08/17/2009

RFV 10/25/01

Estimated Posting Date

08/30/09 - 09/14/09

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 3115 RHEIMS RD
Address
BALTO MD. 2144
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):

MR + MRS CASSELL ARE age 67 + 63 +
RETIRED. THEY NEED THE CARPORT
FOR CASE OF USE DOTO THEIR AGE +
HEALTH. IF NOT ALLOWED IT WILL
CAUSE A HEALTH + AGE HARSHIP TO
COME + GO WITH USE OF THE CAR. there
is no other place the driveway + carport
can be placed without further hardship.
The Hardship is not swans action.

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
Adam Caspell
Name - Type or Print

[Signature]
Signature
Delores B. Caspell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of August 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 9-16-2011

ZONING DESCRIPTION FOR 3115 RHEIMS ROAD

Beginning on the East side of Rheims Road which is 50 feet wide at the distance of 131 feet South of the centerline of the nearest improved intersecting street, Cambridge Drive, which is 50 feet wide. Being Lots 12, Block D, in the subdivision of Windsor as recorded in the Baltimore County Plat Book 22, Folio 139 containing 6,935 square feet. Also known as 3115 Rheims Road and located in the 2nd Election District, 4th Councilmanic District.

2010-0052-A

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

No. 43315

Date:

08/17/09

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	006	0000		0150					65-

Total:

65-

Rec
From:

For:

3115 RHEINIS RD

2010-0032-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 08/29/09

Case Number: 2010-0052-A

Petitioner / Developer: ADAM CASSELL~GARY LUCKY of
G.T.L. REMODELING

Date of Hearing (Closing): SEPTEMBER 14, 2009

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:
3115 RHEIMS ROAD

The sign(s) were posted on: AUGUST 29, 2009



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000- 0052 -A Address 3115 RHEIMS RD

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 08/17/2009 Posting Date: 08/30/09 Closing Date: 09/14/09

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 2000- 0052 -A Address 3115 RHEIMS ROAD
Petitioner's Name ADAM CASSELL Telephone 410-298-6856

Posting Date: _____ Closing Date: _____

Wording for Sign: To Permit AN OPEN CARPORT ADDITION ON THE SIDE
OF DWELLING WITH A SIDE SETBACK OF 1'6" IN LIEU OF
THE REQUIRED 6 FEET.

WCR - Revised 7/7/08



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 15, 2009

A. M. Slattery
67L Remodeling, INC
55 Molitor Rd.
Elkton, MD 21921

Dear: A. M. Slattery

RE: Case Number 2010-0052-A, 3115 Rheims Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 17, 2009. 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
Mr. & Mrs. Cassell; 3115 Rheims Rd.; Baltimore, MD 21244

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 10, 2009
RECEIVED

SEP 10 2009

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

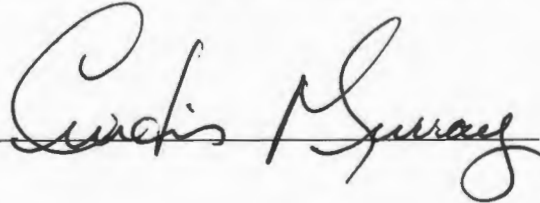
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-052- 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:
CM/LL



AV
9/14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-052-A
Address 3115 Rheims Road
(Cassell Property)

Zoning Advisory Committee Meeting of August 24, 2009

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

Reviewer: JWL

Date: 9/29/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 31, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2009
Item Nos. 10-007, 048, 049, 050,
051, 052, 054 and 055

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

DAK:CEN:kmt

cc: File

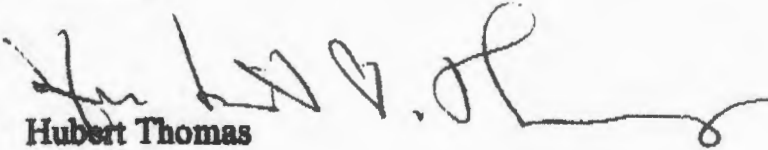
G:\DevPlanRev\ZAC -No Comments\ZAC-09072009 -NO COMMENTS.doc

3113 Rheims Road
Baltimore, Maryland 21244
July 13, 2009

Dear Sirs:

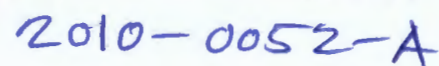
I am aware of the application of Adam and Delores Cassell (3115 Rheims Road - Baltimore, Maryland 21244) for an administrative variance to build a carport up to the property line. I am in favor of it.

Sincerely,



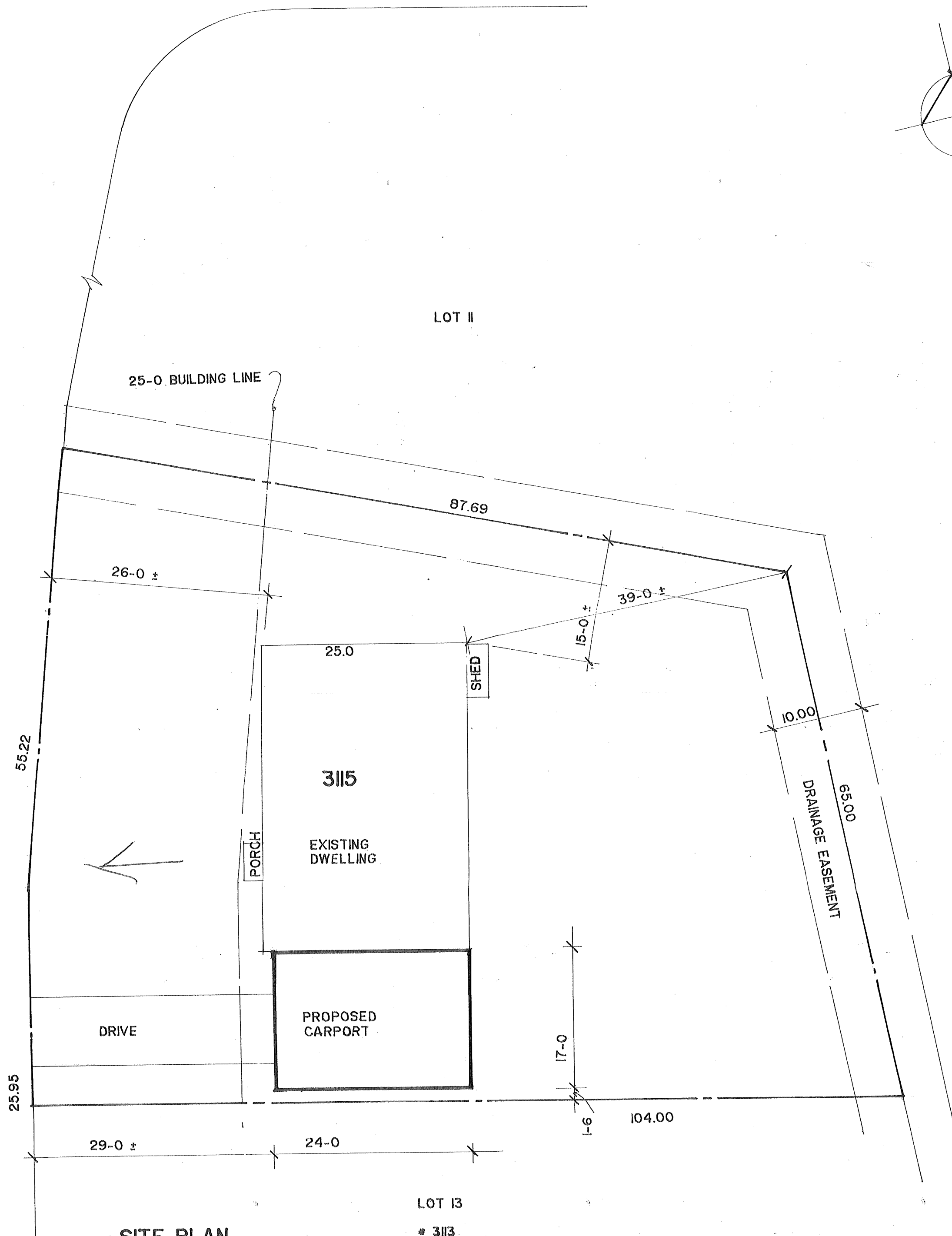
Hubert Thomas

2010-0052-A



RHEIMS ROAD
(50' WIDE)

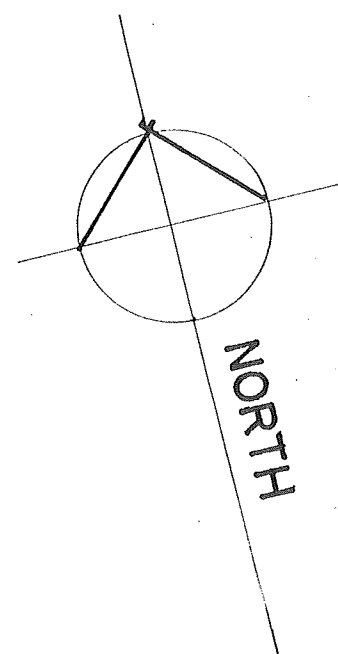
CAMBRIDGE DRIVE
(50' WIDE)



SITE PLAN

SCALE ~ 1" = 10'

LOT I3
3113



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS - 3115 RHEIMS ROAD
SUBDIVISION NAME - WINDSOR
PLAT BOOK # 22 FOLIO # 139 LOT #12 BLOCK #D
OWNER: ADAM & DELORES CASSELL

LOCATION INFORMATION

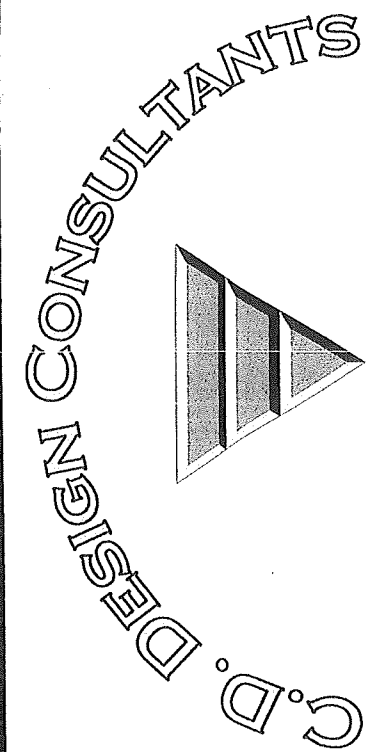
ELECTION DISTRICT 2
COUNCILMANIC 4
1"=200' SCALE MAP # 109C2 087C1, 087C2
ZONING - DR 5.5
LOT SIZE 0.16 ACRES 6,935 SQUARE FEET
PUBLIC SEWER
PUBLIC WATER
CHESAPEAKE BAY CRITICAL AREA - NO
100 YEAR FLOOD PLAIN - NO
HISTORIC PROPERTY - NO
PRIOR ZONING HEARING - NONE



G.T.L. REMODELING, INC.
55 Molitor Road
Elkton, Maryland 21921
Office 410-996-9590
Fax 410-620-5880
gtlremodeling@yahoo.com

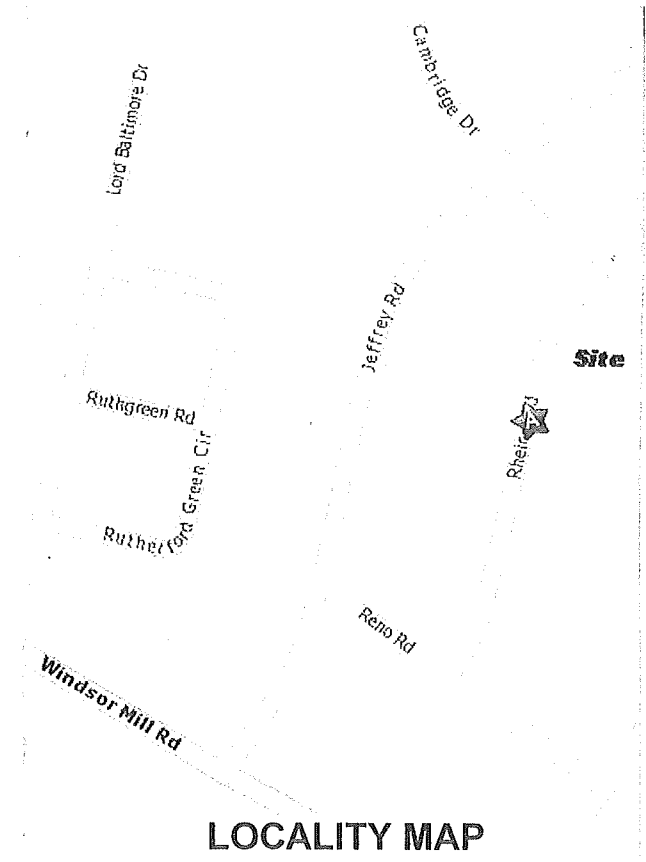
GTL

MHIC NO: 123368



Architectural & Development Consultants
1619 Mussula Road, Baltimore, MD 21286
Ph: (443) 465 6899 Fax: (443) 269 0248
Email: cddesignconsultants@yahoo.com

Proposed Carport
For Mr & Mrs Adam Cassell
At
3115 Rheims Road, Baltimore, MD 21244



2010-0052-A