IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of the intersection of Patuxent Avenue and Poplar Avenue 15th Election District 7th Councilmanic District (8200 Poplar Avenue)

Sylvester J. and Nadean M. Knox Petitioners

- * BEFORE THE
- DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0276-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, Sylvester J. and Nadean M. Knox for property located at 8200 Poplar Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed carport with a rear yard and side yard setbacks of 0 feet and be located in the third part of the rear yard closest to the road in lieu of the required 2.5 feet and third part of the rear yard farthest removed from the road, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The carport will be installed on the existing driveway, which was constructed on the property lines. The driveway cannot be relocated due to underground power lines. This driveway is the designated ingress and egress of the dwelling.

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 April 29, 2010 which indicates that the hardship appears to be self-imposed insofar as the property owner has many places to put the carport on a very large lot. The proposed carport would be compatible with the neighborhood if it were permitted to be on the property line with the neighboring property, subject to that neighbor's written approval and no closer to Poplar Avenue than the existing fence

OHDER F	RECEIVED FOR FILING	
Date	5.12.10	
By	(P)	

ODDED DECENTED FOR EN INC

line. Details of the proposed carport shall be provided for review. The Petitioners should either submit elevation drawings or clarify that by carport they mean no sidewalls, but only vertical posts supporting a roof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 18, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. The Petitioners' dwelling and driveway are situated on the property such that the rear entrance to the dwelling acts as the Petitioners' primary access to the home. The proposed carport will protect the vehicles in inclement weather as well as provide Petitioners protection from the elements. I will impose conditions that the carport not be enclosed and remain open on the three sides. Because of comments from the Office of Planning, I will require that elevation drawings of the carport be reviewed and approved by the Office of Planning. None of the neighbors expressed any concern regarding the proposed carport.

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.

2

ORDER RECEIVED FOR FILING

Date	5.12.10
Ву	B

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, day of May, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed carport with a rear yard and side yard setbacks of 0 foot and be located in the third part of the rear yard closest to the road in lieu of the required 2.5 feet and third part of the rear yard farthest removed from the road, respectively 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.
- 2. The Petitioners shall submit elevation drawings of the carport to the Office of Planning for review and approval and to clarify that by carport they mean no sidewalls, but only vertical posts supporting a roof.
- 3. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
- 4. The carport shall not be converted into an enclosed structure.

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

ORDER RECEIVED FOR FILING



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

May 12, 2010

SYLVESTER J. AND NADEAN M. KNOX 8200 POPLAR AVENUE ROSEDALE MD 21237

Re: Petition for Administrative Variance

Case No. 2010-0276-A

Property: 8200 Poplar Avenue

Dear Mr. and Mrs. Knox:

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,

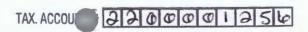
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





CASE NO. 2010-0276-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	8200	Poplar	Avenue -	_
			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)

see attacher

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.

			declare and affirm, under are the legal owner(s) of this Petition.	
Contract Purchaser/Lessee:		Legal Owner(<u>(s):</u>	
Name - Type or Print		Name - Type or Prin		nox
Type S. T. III.	. 1		ester 1. Know	0
Signature		Signature Vade	lan M. K	nox
Address	Telephone No.	Name - Type or Prin		nox
City State	Zip Code	Signature	•	
Attorney For Petitioner:		Address Rosed		410-686-3960 Telephone No. 31237
Name - Type or Print	EILING	City	State ve to be Contacted:	Zip Code
Signature ORDER RECEIVED FOR ORDER SIDNES ORDER RECEIVED FOR		Nepresentativ	re to be contacted.	
Company ORDER HE 5:13		Name		
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	City	State	Zip Code
A Public Hearing having been formally demands this day of that that regulations of Baltimore County and that the property	the subject matter of	required, it is ordered his petition be set for a po	by the Zoning Commissione ublic hearing, advertised, as	er of Baltimore County, required by the zoning
		Zoning Co	ommissioner of Baltimore Co	ounty

Reviewed By

Estimated Posting Date

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	Address	o pap	lar Ava	enve
	Rose	dale,	mn	21237
	City	,	State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh	owing are the fip or practical	facts upon v difficulty):	which I/we base	e the request for an Administrative
Carport to be installed on existi	ing driveway.			
2. Existing driveway is on property	-			
3. Driveway cannot be moved due		ind power li	nes.	
4. Driveway is designated ingress	_			•
7 11				
That the Affiant(s) acknowledge(s) that if a for	ormal demand	is filed, Af	fiant(s) will be	required to pay a reposting and
advertising fee and may be required to provide	additional infor	mation.		
0 0 A N D		- 11	1	11/1/
Sylvester J. 16ray		N	adlan	19. Knop
Signature		Signature		
341063.61	2010		Vadean	m. Knop
Name - Type or ₱rint		Name - Ty	pe or Print	
		,		
STATE OF MARYLAND, COUNTY OF BALTIN	AODE to wit:	UMI	9.00	_
	1 Och		1010 937	170
I HEREBY CERTIFY, this day of for Maryland, in and for the County aforesaid, pe	reconally appear		XOIO, befo	re me, a Notary Public of the State
Sulvester J. Kno		Nad	agua n	n Knay
the Affiant(s) herein, personally known or satisfa	actorily identifie			1- FY JUX
the Allant(3) herein, personally known or satisfic	actorny lacritine	od to me do	odon / mando	
AS WITNESS my hand and Notarial Seal				-45
		01.	1	17
MELISSA L. FERRAN		Me	ussa o	X tua_
NOTARY PUBLIC BALTIMORE COUNTY	Nota	ary Public		

My Commission Expires __

REV 10/25/01

MARYLAND My Commission Expires May 1, 2010 400.1 to permit a proposed carport with a rear yard and side yard setbacks of zero ft. and be located in the third part of the rear yard closest to the road in lieu of the required 2.5 ft. and third part of the rear yard farthest removed from the road, respectively.

ZONING DESCRIPTION FOR **8200 POPLAR AVENUE**.

Beginning at a point at the South East Corner of the intersection of Patuxent Avenue which is 40 feet wide with Poplar Avenue which is 40 feet wide. Being Lot # 269 - 273, in the subdivision of Chesaco Park as recorded in Baltimore County Plat Book # 3, Folio # 111, containing 12,500 square feet. Also known as 8200 Poplar Avenue and located in the 15th Election District, 7th Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	Number 2010-	0276	-A	Address _	8200	Popler,	Ase.	
Contac	ct Person:	Bruko Planner, Pl	Rudai 7	lame		Phone Nur		
Filing	Date:	19/10	Posti	ng Date: _	4/18/10	Closin	g Date: _	5/3/10
Any co	ontact made h the contact p	with this offic person (planne	e regarding er) using the	the status	of the adr er.	ministrative	variance s	should be
	reverse side of reposting must be again response.	of this form) a st be done only onsible for all reference the positions.	nd the petity by one of associated	tioner is res the sign pos costs. The	ponsible for sters on the zoning not	all printing approved li	/posting co ist and the ust be visib	petitioner ple on the
	a formal requ	The closing da uest for a pub public hearing,	lic hearing.	Please u	nderstand t	that even if	f there is a	feet to file no formal
	commissioner order that the within 10 day whether the p	er the closing He may: (i matter be set or of the clos etition has be by First Class	a) grant the in for a pub ing date if en granted,	requested lic hearing. all County	relief; (b) d You will red agencies' of	eny the rec ceive writter comments	quested rel notificatio are receive	lief; or (c) n, usually ed, as to
	(whether due commissioner changed givin	to a neighbor), notification g notice of the cation of this cation	or's formal will be for hearing da	request or warded to ate, time and	by order of you. The d location.	f the zoning sign on the As when the	g or depu e property e sign was	ty zoning must be originally
			(Detach	Along Dotted Lin	e)			
Petitio	ner: This Pa	rt of the Form	is for the	Sign Poster	Only [!]			
		USE THE AD	MINISTRA	TIVE VARIA	NCE SIGN	FORMAT		
Case N	lumber 2010-	6276 -A	Addre	ss Va	00 Ps	plat Au	e,	
Petition	ner's Name	sylesuester.	* Nadean	Knox	Те	lephone	410-68	6-3264
Postin	g Date:	4/18/10		Clos	sing Date:	5-/3	110	
Wordin	g for Sign:	To Permit a	proposed	carport	with a	rear yard	and sid	<u>'e</u>
Yard	setbacks	of zero	Ct. and b.	e locates	P in the	third per	t of the	rear yard
closes	to the roo	ed it lie	a of th	e requir	ed 2.5 f	+	and	third part
of the	seat yard	farthest	from to	he took	respect	tively.		
					•	,	Revis	sed 8/20/09

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:			
Item Number or Case Number: Petitioner: Address or Location:	Sylvester 8200 Pop	J. Knox	
PLEASE FORWARD ADVERTIS	wester J.	. Knox	
	osedales ma	0 31337	
Telephone Number:	410-686-3	3964	

					No.		7
Dept	Unit	Sub Unit		Rev/	Dept Obj	BS Acct	Amount
					Total:		

						, ')	
						0.2	
	LLANEOU	LLANEOUS CASH	LLANEOUS CASH RECEIPT		LLANEOUS CASH RECEIPT Rev Sub Source/ Rev/	Date: Rev Sub Source/ Rev/ Dept Unit Sub Unit Obj Sub Obj Dept Obj	Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2010-0276 -A

Potitioner/Developer SYLESVESTER & NADEAN KNOX Date Of Hearing/Closing. 5/3/10 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Attention: Ladies and Gentlemen This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property This sign(s) were posted on Month, Day, Year Sincerely. Signature of Sign Poster and Date Martin Ogle **60 Chelmsford Court** Baltimore, Md, 21220 443-629-3411





JAMES T. SMITH, JR. County Executive

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

May 5, 2010

Sylvester & Nadean Knox 8200 Poplar Ave. Rosedales, MD 21237

Dear: Sylvester & Nadean Knox

RE: Case Number 2010-0276-A; 8200 Poplar Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 09, 2010. 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

INTER-OFFICE CORRESPONDENCE

DATE: April 29, 2010

RECEIVED

APR **30** 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

8200 Poplar Avenue

INFORMATION:

7th Councilmanic District

Item Number:

10-276

Petitioner:

Sylvester J. Knox

Zoning:

DR 5.5

Requested Action:

Administrative Variance

Requested Action: a carport with 0 ft. side and rear yard setbacks, in lieu of 2.5 ft. and **not** in the third of the lot furthest from the road.

SUMMARY OF RECOMMENDATIONS:

The hardship appears to be self-imposed insofar as the property owner has many places to put the carport in a very large lot.

The proposed carport would be compatible with the neighborhood if it were permitted to be on the property line with the neighboring property, subject to that neighbor's written approval and no closer to Poplar Avenue than the existing fence line.

Details of the proposed carport shall be provided for review. The applicant should either submit elevation drawings or clarify that by carport they mean no sidewalls, but only vertical posts supporting a roof.

On these conditions the Office of Planning recommends approval of the proposed variance.

For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director Department of Permits &

Development Management

DATE: April 23, 2010

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 3, 2010

Item Nos. 2010- 273, 274, 276, 277,

278, 279, 280 and 281

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05032010 -NO COMMENTS.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4/28/2010

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

Baltimore County RE:

Item No. 2010-0276 A 8260 POPLAR AVENUE KNOX 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. 2010 - . 0276- A.

Should you have any questions regarding this matter, please 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).

Very truly yours,

For Engineering Access Permits

Division

SDF/mb

AV 5-3-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 0 9 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

June 9, 2010

SUBJECT:

Zoning Item

10-276-A

Address

8200 Poplar Avenue

(Knox Property)

Zoning Advisory Committee Meeting of April 19, 2010

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

X 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: The property is within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% without mitigation, but may go up to 31.25% with mitigation for the amount over 25%. Four trees are required on site to meet the 15% afforestation requirement.

Reviewer:

Paul Dennis

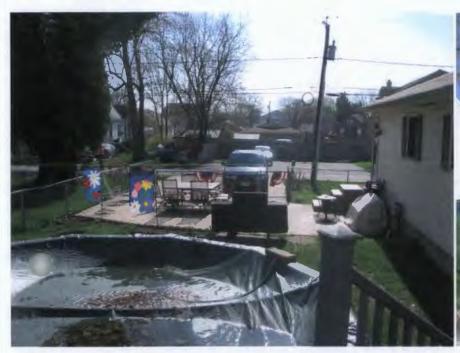
Date: May 10, 2010





Go Back View Map New Search

Account Identifier:	District - 1	5 Account Nu	mber - 220	00012	56				
		/ Ov	vner Infor	mation					
Owner Name: Mailing Address:	KNOX SYLVE KNOX NADE 8200 POPLA	AN M R AVE	Use: Principal Residence: Deed Reference:			YE	SIDENTIA S / 8671/ 1		
	BALTIMORE	MD 21237-3207					2)		
		Location	& Structur	e Info	mation		-		
Premises Address 8200 POPLAR AVE						Legal Dese LTS 269THI CHESACO F	RU273 .287	,	
Map Grid Parcel S	Sub District	Subdivision	Section	Block	Lot 269	Assessmen 3	t Area	Plat No: Plat Ref:	C 3/ 11
Special Tax Areas	A	own d Valorem ax Class							
Primary Struct 1990	ure Built		ed Area 44 SF			perty Land Are	ea	County 04	
Stories	Basem YES			STAI	Type NDARD	UNIT		Exterio	
		Va	lue Infor	nation					
	Base Value	Value As Of 01/01/2009	Phase-ir As 07/01/20	Of		s Of			
Land Improvements:	48,370 145,560	63,370 141,440							
Total: Preferential Land:	193,930 0	204,810 0	197,5	0	201,	0			
		Tra	nsfer Info	rmatio	n				
Seller: KNOX SYLVESTE Type: NOT ARMS-LEN				Date Deed	,	12/1990 571/ 172 `	Price: Deed2:	\$0	
Seller: Type:				Date Deed			Price: Deed2:		
Seller: Type:				Date			Price: Deed2:		
		Exer	nption Inf	ormati	on				
Partial Exempt Assess County State Municipal	ments	-	00	lass 00 00	07/0 0 0 0	01/2009	07/0 0 0	01/2010	
Tax Exempt: NO Exempt Class:						Specia	Tax Reca	pture:	





Back yard view facing Poplar Avenue and proposed carport area.

Side yard view from Patuxent Avenue.



Front yard view from Poplar Avenue.

Side view parallel to Poplar Avenue and proposed carport area.



View of driveway and proposed carport area from Poplar Avenue.

View of 8200 Poplar Avenue from intersection of Poplar Avenue and Patuxent Avenue.

