

IN RE: PETITION FOR VARIANCE

SW side of Fuselage Avenue; 101 feet NW
of Glider Drive
15th Election District
7th Councilmanic District
(1114 Fuselage Avenue)

William F. McGowan
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2010-0345-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 owner of the subject property, William F. McGowan. Petitioner is requesting Variance relief from Section 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") (Section III.A.13 of the 1945 Regulations) to permit 2 existing accessory structures (detached carports) on a corner lot to be located partially in the front and side yards in lieu of the required rear yard only, with a side street line setback of 8.2 feet in lieu of the minimum required 25 feet, and with a rear lot line setback of 2 feet in lieu of the minimum required 10 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Variance request were Petitioner William McGowan and his brother Robert McGowan. There were no Protestants or interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property, also known as Lot 64 in the Victory Villa subdivision, is an irregularly shaped corner lot, consisting of approximately 0.12 acre or 5,548 square feet, more or less, zoned D.R.5.5. The property is located at the western intersection of Glider Drive and Fuselage Avenue in the Middle River area of Baltimore County with ingress/egress from Glider Drive. The subject property is improved with an

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Date

8-27-10

By

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existing one-story dwelling consisting of 672 square feet and built in 1942 that the Petitioner purchased in 2004, according to the Real Property Data Search marked and accepted into evidence as Petitioner's Exhibit 2. The existing dwelling sits in the middle of the lot with two small sheds located in the rear of the property and the carports in controversy to the south of the principal structure. The improvements can be seen more clearly from Petitioner's site plan.

This case comes before the undersigned as a result of a complaint and citation issued by Baltimore County Code Enforcement in Case No. CO-0077316. Petitioner has two existing carports, both closed on the sides and open at the ends, which are separated by about one foot between them. The carports are located on the macadam driveway that provides ingress/egress for the property off of Glider Drive. Photographs of the carports were marked and accepted into evidence as Petitioner's Exhibits 3A through 3I. Additional testimony and evidence presented by Mr. McGowan revealed that the carports were built in 2007, with only a roof, and have existed since that time without complaint or controversy. Mr. McGowan explained that the carports provide shelter for his two classic cars, which he displays at car shows. Photographs of these two cars were marked and accepted into evidence as Petitioner's Exhibits 4A and 4B. Due to the damaging snow of the past winter, Mr. McGowan revealed that he closed up the sides of the structures, leaving only the ends of the structure open. This action sparked the complaint and citation referenced above. As a result, Petitioner requests Variance relief to legitimize these two structures thereby permitting the carports as they currently exist.

In support of the variance requests, Petitioner testified that because of his property's location on a corner and the location of the house, which was built prior to the enactment of the current zoning regulations, the existing location is the most practical for the carports. Petitioner also stated that these same conditions render his property unique. Mr. McGowan further explained that the pattern of development for the neighborhood includes carports similar to those

existing on the subject property. Mr. McGowan presented photographs of similar structures in the surrounding neighborhood, but admitted that he did not know if relief had been necessary for any of the structures. These photographs were marked and accepted into evidence as Petitioner's Exhibits 7A through 7O. Petitioner also stated that his adjacent neighbors, the persons most affected by the variance request, approved of legitimizing the existing conditions. A letter of support containing the signed approval of the adjacent neighbors was marked and accepted into evidence as Petitioner's Exhibit 6.

Although no Protestants or interested citizens were in attendance at the hearing, the undersigned received an anonymous letter dated, August 10, 2010, expressing concerns regarding the carports in controversy. This letter was marked and accepted into evidence as Protestant's Exhibit 1 and does not oppose the carports or their location, but requests that the siding that was placed on the carports be removed because it blocks the view from the home next door, thereby hindering ingress/egress from the adjacent driveway.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated July 7, 2010 indicate that the dwelling is set diagonally and toward the rear corner of the lot. Moreover, these comments note that there are several sheds on the property besides the 'carports,' which have walls, do not relate in design to the house, and are distributed irregularly on the driveway in such a way as to give a crowded and messy appearance. Thus, the Planning Office does not support permitting these additions to the property. No other adverse comments were received from any of the Baltimore County agencies.

The determination of a variance request from the Zoning Regulations is governed by Section 307.1 of the B.C.Z.R., as interpreted by the Court of Special Appeals of Maryland in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The two-part variance test involves a

determination of whether a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result. *Id.* at 707.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. There is adequate evidence that the subject property is peculiar, unusual and unique in accordance with Section 307.1 of the B.C.Z.R. Factors such as the subject property's location on a corner and at an intersection as well as the dated recordation of the record plat for the property, serve as special circumstances or conditions that combine to render the property unique in a zoning sense. Further, I find that strict compliance with the Zoning Regulations would create a hardship that would result in a denial of a reasonable and sufficient use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). Moreover, I find that the pattern of development in the surrounding neighborhood renders approval of the variance request appropriate without causing detriment to the surrounding community. However, in order to mitigate any adverse consequences such relief may cause, Petitioner shall be required to remove the siding of the carports within the next sixty (60) days and keep the structures as open projections. Any type of temporary or permanent walls or enclosure is hereby prohibited from existing on the carports. Accordingly, I also find this variance request can be granted in strict harmony with the spirit and intent of the Zoning Regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

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 requests should be granted.

THEREFORE, IT IS ORDERED this 27th day of August, 2010 by this Deputy Zoning Commissioner that Petitioner's Variance requests from Section 1B02.3.B of the

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Date

By

Baltimore County Zoning Regulations ("B.C.Z.R.") (Section III.A.13 of the 1945 Regulations) to permit 2 existing accessory structures (2 detached carports) on a corner lot to be located partially in the front and side yards in lieu of the required rear yard only, with a side street line setback of 8.2 feet in lieu of the minimum required 25 feet, and with a rear lot line setback of 2 feet in lieu of the minimum required 10 feet be and are hereby **GRANTED**, subject to the following which are conditions precedent to the granting of the relief:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner is ordered to remove the existing walls and siding on the carports within sixty (60) days of the date of this Order.
3. Petitioner is prohibited from implementation of any temporary or permanent walls or enclosure whatsoever on the carports now and in the future.
4. The relief granted herein shall be "*in gross*" and personal to Petitioner rather than running with the land. Upon Petitioner's sale, transfer, rental, abandonment, or other conversion of the property to another, said carports shall be removed from the property within sixty (60) days of such sale, transfer, rental, abandonment, or other conversion of the property at Petitioner's sole cost and expense.

Any appeal of this decision must be made within thirty (30) days of the date of this

Order.

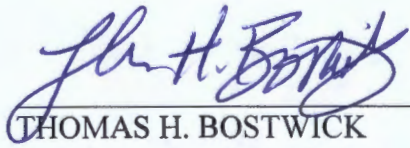
ORDER RECEIVED FOR FILING

Date

8-27-10

By

THB:pz



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 27, 2010

William F. McGowan
1114 Fuselage Avenue
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 2010-0345-A
Property: 1114 Fuselage Avenue

Dear Mr. McGowan:

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 black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Robert McGowan, 5500 Glenview Road, Glen Arm, MD 21057
People's Counsel; Office of Planning; File

TAX. ACCOUNT # 11516600821

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1114 Fuselage Avenue
which is presently zoned DR 2 (Formerly "A" 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) 1B 02.3.B, BC2R (Section III.A.13 of the 1945 Zoning Regulations) to permit two existing accessory structures (two ^{detached} carports) ^{on a corner lot,} to be located

partially in the front and side yards in lieu of the required rear yard only, ^{with} ~~on a side~~ street setback of 8.2 feet in lieu of the minimum required 25 feet, and with a rear lot line setback of 2 feet in lieu of the minimum required 10 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 PRESENTED 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

Address

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

Reviewed By JNP Date 6/9/2010

Case No. 2010-0345-A

3 cypys

Zoning Description

ZONING Description For 1114 Fuselage Ave

Beginning at a point on the South^{west} side of
Fuselage Ave which is 60 feet of right-of-way
width wide at the distance of 101'^{North} west of
the centerline of the nearest improved
intersecting street Glider Drive which is
50 feet of right-of-way width wide.

Being lot # 64, Block Section # 2

in the subdivision of Victory Villa as

recorded in Baltimore County Plat Book # 22,

Folio # 110, containing 5548 S.F. Also known

as 1114 Fuselage Ave, and located in the

15 Election District 7 Councilmanic District.

2010-0345-A

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**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: ~~2010-0345-A~~ 2010-0345-A
Petitioner: William F. McGowan
Address or Location: 1114 Fuschlage Ave. Balto. MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: William F McGowan
Address: 1114 Fuschlage Ave Balt MD 21220

Telephone Number: 410-686-2651

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
				Obj	Sub Obj					

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: # 2010-0345-A

1114 Fuselage Avenue

S/west side of Fuselage Avenue, 101 feet n/west of Glider Drive

15th Election District — 7th Councilmanic District

Legal Owner(s): William McGowan

Variance: to permit two existing accessory structures (two detached carports) on a corner lot, to be located partially in the front and side yards in lieu of the required rear yard only, with a side street line setback of 8.2 feet in lieu of the minimum required 25 feet, and with a rear lot line setback of 2 feet in lieu of the minimum required 10 feet.

Hearing: Monday, August 16, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 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.

7/12/23 July 29

248905

CERTIFICATE OF PUBLICATION

7/29/, 2010

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 7/29/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0345-A

RE: Case No.: _____

Petitioner/Developer: _____

William McGowan

August 16 2010

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristin Matthews:

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: _____
1114 Fuselage Avenue

July 31 2010

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black August 1 2010

(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)

ZONING NOTICE

CASE #2010-0345-A

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

Room 104 JEFFERSON BUILDING

PLACE: 105 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: Monday, August 16, 2010 at 10:00 A.M.

REQUEST: VARIANCE TO PERMIT TWO EXISTING ACCESSORY
STRUCTURES (TWO DETACHED CARPORTS) ON A CORNER LOT, TO BE
LOCATED PARTIALLY IN THE FRONT AND SIDE YARDS IN LIEU OF THE
REQUIRED REAR YARD ONLY, WITH A SIDE STREET LINE SETBACK OF
8.2 FEET IN LIEU OF THE MINIMUM REQUIRED 25 FEET, AND WITH A
REAR LOT LINE SETBACK OF 2 FEET IN LIEU OF THE MINIMUM
REQUIRED 10 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 29, 2010 Issue - Jeffersonian

Please forward billing to:
William McGowan
1114 Fuselage Avenue
Baltimore, MD 21220

410-686-2651

NOTICE OF ZONING HEARING

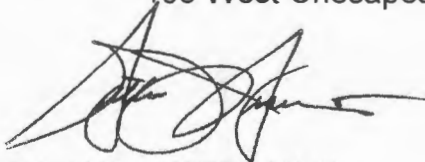
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0345-A

1114 Fuselage Avenue
S/west side of Fuselage Avenue, 101 feet n/west of Glider Drive
15th Election District – 7th Councilmanic District
Legal Owners: William McGowan

Variance to permit two existing accessory structures (two detached carports) on a corner lot, to be located partially in the front and side yards in lieu of the required rear yard only, with a side street line setback of 8.2 feet in lieu of the minimum required 25 feet, and with a rear lot line setback of 2 feet in lieu of the minimum required 10 feet.

Hearing: Monday, August 16, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
July 6, 2010

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 NUMBER: 2010-0345-A

1114 Fuselage Avenue

S/west side of Fuselage Avenue, 101 feet n/west of Glider Drive

15th Election District – 7th Councilmanic District

Legal Owners: William McGowan

Variance to permit two existing accessory structures (two detached carports) on a corner lot, to be located partially in the front and side yards in lieu of the required rear yard only, with a side street line setback of 8.2 feet in lieu of the minimum required 25 feet, and with a rear lot line setback of 2 feet in lieu of the minimum required 10 feet.

Hearing: Monday, August 16, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: William McGowan, 1114 Fuselage Avenue, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 31, 2010.**
- (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.



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

August 13, 2010

William F. McGowan
1114 Fuselage Ave.
Baltimore, MD 21220

Dear: William F. McGowan

RE: Case Number 2010-0345-A, 1114 Fuselage Ave.

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

B 8/16 10am
TB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 7, 2010

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

SUBJECT: 1114 Fuselage Avenue
INFORMATION:

Item Number: 10-345

Petitioner: William F. McGowan

Zoning: DR 2

Requested Action: Variance

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JUL 12 2010

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The subject dwelling is set diagonally and toward the rear corner of the lot. There are several sheds on the property besides the 'carports'. The structures themselves have walls, do not relate in design to the house, and are distributed irregularly on the driveway in such a way as to give a crowded and messy appearance. Nonetheless even if they were relocated, they would crowd the site and the neighboring houses. The Office of Planning does not support permitting these additions to the property.

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

Prepared by: Curtis P. Swartz

Division Chief: John Alexander
AFK/LL: CM

BW 8/16 10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 14 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: July 13, 2010

SUBJECT: Zoning Item # 10-345-A
Address 1114 Fuselage Avenue
(McGowan Property)

Zoning Advisory Committee Meeting of June 21, 2010

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

Reviewer: JWL Date: 7/13/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 5, 2010
Item Nos. 2010- 331, 345, 346, 347,
348, 349, 350, 351, 352, 353, 354,
and 355

DATE: June 23, 2010

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-07052010 -NO COMMENTS.doc



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 21, 2010

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: June 21, 2010

Item No.: **Administrative Variance:** 2010-0331A, 2010-0345A -- 0353A,
2010-0355A.

Special Hearing Variance: 2010-0354-SPHA

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the listed properties.

The Fire Marshal's Office has no comments at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-24-2010

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

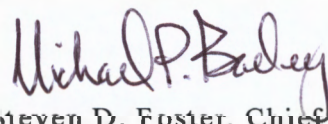
RE: Baltimore County
Item No. 2010-0345-A
1114 FUSELAGE AVE.
GOWAN PROPERTY
VARIANCE -

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. 2010-0345-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 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR VARIANCE
1114 Fuselage Avenue; SW/S Fuselage
Avenue, 101' NW Glider Drive
15th Election & 7th Councilmanic Districts
Legal Owner(s): William McGowan
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 10-345-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

JUN 23 2010

.....

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 23rd day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to William McGowan, 1114 Fuselage Avenue, Baltimore, MD 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/Conditions/No Comment</u>
<u>6-23-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
<u>7-13-10</u>	DEPRM (if not received, date e-mail sent _____)	<u>nc</u>
<u>6-21-10</u>	FIRE DEPARTMENT	<u>nc</u>
<u>7-7-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>opposes</u>
<u>6-24-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	<u>concerns</u>
ZONING VIOLATION	(Case No. <u>-</u>)	
PRIOR ZONING	(Case No. <u>-</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>7-29-10</u>	
SIGN POSTING	Date: <u>7-31-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

CASE NAME Inc Lavan
CASE NUMBER 2010-0345-A
DATE 8-16-10

[illegible]

Case No.: 2010-0345-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	letter against carports having enclosure w/ plywood + siding
No. 2	tax records	
No. 3 A-I	photos of property and car port	
No. 4 A+B	photos of show vehicles	
No. 5 A+B	photos of adjacent homes	
No. 6	letters of support from adjacent neighbors	
No. 7 A-O	photos of properties in neighborhood w/ carports	
No. 8	Petitioner's justification for variance relief	
No. 9		
No. 10		
No. 11		
No. 12		

8-10-10

Dear ; Zoning Commissioner
Case ; 2010-0345-A

There is no concern or problem with the location of these two carports on this property.

The concern is the carport at the end of driveway is being closed in with ply wood and siding.

This blocks the view from inside the home next door. And blocks the view when leaving the drive way. Have this car port in closed could effect the future sale of any house on this street.

And would let other home owner do, the something to a carport

I hope this explains my concern.

And, I wish to remain Anonymous because AS A Commissioner. You Know how people can be.

PROTESTANT' S

EXHIBIT NO. 1

Thank you

Case No.: 2010-0345-A

Exhibit Sheet

Petitioner/Developer

Protestant

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No. 9		
No. 10		
No. 11		
No. 12		



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1516600821

Owner Information

Owner Name: MCGOWAN WILLIAM F **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1114 FUSELAGE AVE **Deed Reference:** 1) /21068/ 390
 BALTIMORE MD 21220-4517 2)

Location & Structure Information

Premises Address **Legal Description**
 1114 FUSELAGE AVE
 1114 FUSELAGE AVE
 VICTORY VILLA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
90	10	580			2		64	3	Plat Ref: 22/ 110

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1942	672 SF	5,548.00 SF	04
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	37,540	53,540		
Improvements:	81,540	87,580		
Total:	119,080	141,120	126,426	133,772
Preferential Land:	0	0	0	0

Transfer Information

Seller: CARRAWAY GREGORY ARCHIE	Date: 12/03/2004	Price: \$118,000
Type: IMPROVED ARMS-LENGTH	Deed1: /21068/ 390	Deed2:
Seller: CARRAWAY THEDA D	Date: 09/07/1978	Price: \$30,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5932/ 329	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0
Tax Exempt: NO			
Exempt Class:			Special Tax Recapture: * NONE *

PETITIONER'S

EXHIBIT NO. 2

2010-0345-A







57



59





2009/01/06 05:30



2009/01/02 11:42

56



2009/01/01 05:35





67



2009/01/03 15:36



2009/01/01 11:49



2009/01/02 22:01



2009/01/02 08:28



63



2009/01/02 01:10



May 26, 2010

To whom it may concern:

We are writing in regards to the construction of carports at 1114 Fuselage Avenue. We own the properties adjacent to Mr. McGowan. We are aware of the carports on Mr. McGowan's property and have no opposition to their construction or location.

Mildred M. Bailey

Mildred Bailey

4 Glider Drive Baltimore, Maryland 21220

Ruth W. King

Ruth W. King

1112 Fuselage Avenue Baltimore, Maryland 21220

PETITIONER'S

EXHIBIT NO.

6

PETITIONER'S

Hardship.

EXHIBIT NO.

8

These CAR ports cost 1,055.75 For the one AND \$805.00 For the other I will Have lost the money For them if I Have to take Down or to Have Someone take them Down.

THAY Have been up For three years Due to the size of my Property

I Im not able to Construct them in Any other location the CARports Arc located Over my Existing Driveway Area. these structures Arc in

Com Formance with other Properties in my Community. See Attached

PHOTOS. My CARS Arc worth About 30,000. AND the other About 25,000 they Arc CLASSIC CARS that Arc 44 years old. that Arc in great shape

Have owed these CARS since I WAS in school. IT would be a

HARD ship on me to Have them out in the weather For they would not last long out side. I Have won many trophies with both cars. I've worked on these CAR All my life. to

Have these cars out in the weather would be a great loss to me. These cars have been out of the weather since I have owned them. I go to many car shows every year AND they need to be under cover. These cars would not last long out side. for this is all I have done all my life.

DR-16

MARTIN BLVD

LONGERON DR

FUSELAGE AVE

FUSELAGE AVE

LEFT WING DR

LEFTAILERON ST

GLIDER DR

HELICOPTER DR

Pt. Bk./Folio # 022110

PDM # 150002

Pt. Bk. 22, Folio 110

Pt. Bk./Folio # 022110

19553453

Pt. Bk. 13, Folio 139

090B2

DR/5.5,
(FORMERLY "A" RESIDENTIAL) 7

20010125

1513108480

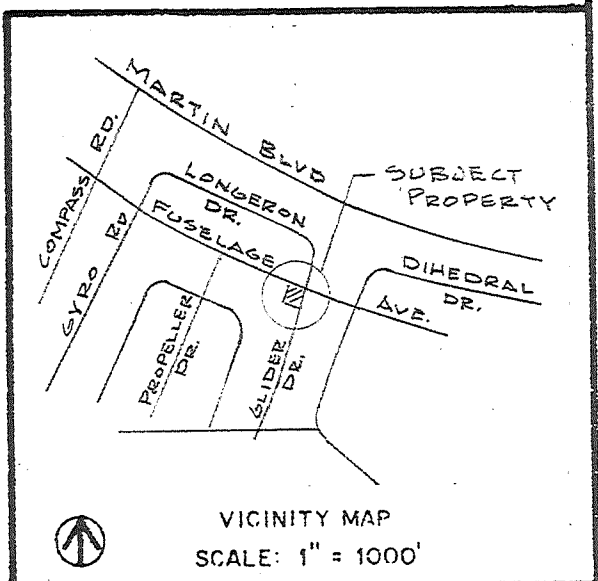
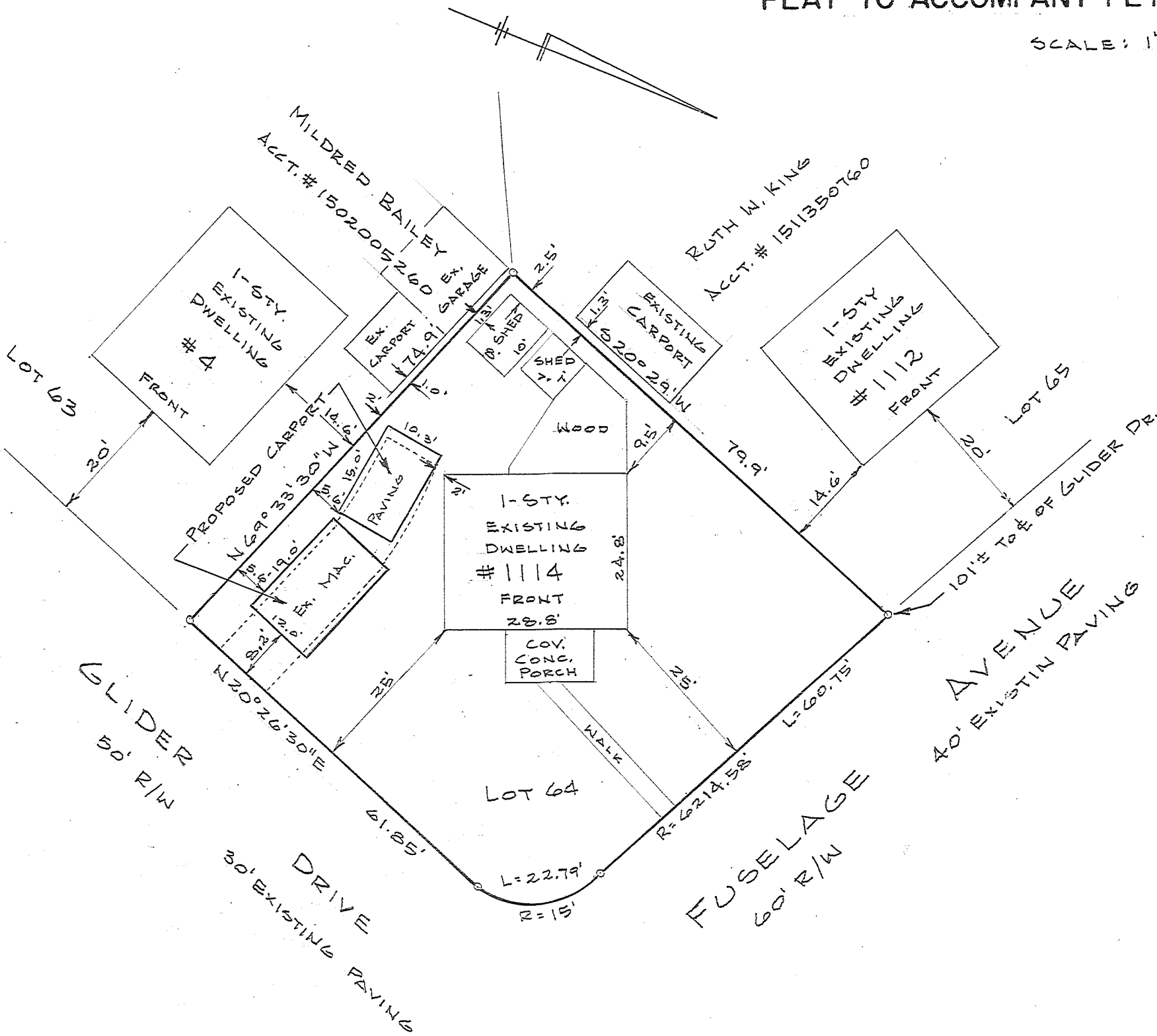
1519713650



2010-0345-A
17 APR

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SCALE: 1" = 20'



LOCATION INFORMATION

ELECTION DISTRICT 15
 COUNCILMANIC DISTRICT 7
 1" = 200' SCALE MAP # NE-4H
 ZONING DR 5.5 (Formerly "A" Residential)
 LOT SIZE 0.127 ACRES 5548 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
 100 YEAR FLOOD PLAIN YES ☐ NO ☒
 HISTORIC PROPERTY/BUILDING YES ☐ NO ☒
 PRIOR ZONING HEARING VIOLATION CASE # NONE CO-0077316

ZONING OFFICE USE ONLY
 REVIEWED BY JNP ITEM # 0345 CASE # 2010-0345-A

PETITIONER'S
EXHIBIT NO. 1

PROPERTY ADDRESS 1114 FUSELAGE AVENUE
 SUBDIVISION NAME VICTORY VILLAGE
 PLAT BOOK # 22 FOLIO # 110 LOT # 64 SECTION # 2
 OWNER WILLIAM F. MCGOWAN

MAY 26, 2010