

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Mt. Carmel Road; 1,800 feet W of
the c/l of Gun Powder Road
5th Election District
3rd Councilmanic District
(4420 Mt. Carmel Road)

Douglas Gencel and Sheila Dingus
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2011-0122-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, Douglas Gencel and Sheila Dingus for property located at 4420 Mt. Carmel Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a garage measuring 24 feet x 28 feet. The garage will be accessed via the existing driveway and parking pad area. Photographs submitted with the Petition illustrate that the property is densely wooded. Petitioners' rear yard contains numerous mature trees. The septic system and the reserve area are located in the rear yard. The property contains 2.242 acres and is served by private well and septic.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated October 23, 2010 which states that Groundwater Management will need to review the proposed garage building permit for well and septic setbacks. A field visit may even be necessary since DEPRM does not have records for this site.

ORDER RECEIVED FOR FILING

Date 11-1-10

By B3

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 10, 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.

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.

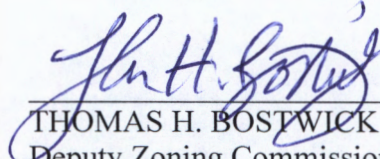
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15th day of November, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the front yard in lieu of the required rear yard is hereby GRANTED, subject 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 Groundwater Management Division of the Department of Environmental Protection and Resource Management will need to review the proposed garage building permit for well and septic setbacks.

ORDER RECEIVED FOR FILING

Date 11-1-10
By Bj 2

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

Date 11-1-10

By PJ 3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 1, 2010

DOUGLAS GENCEL AND SHEILA DINGUS
4420 MT. CARMEL ROAD
BALTIMORE MD 21074

Re: Petition for Administrative Variance
Case No. 2011-0122-A
Property: 4420 Mt. Carmel Road

Dear Mr. Gencel and Ms. Dingus:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4420 MT. CARMEL RD.
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; BCZR, TO PERMIT

A GARAGE IN THE FRONT YARD IN LIEU OF THE
REQUIRED REAR YARD

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

Complete

Address

Date

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11-1-10 day of 11-1-10 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.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

4420 MT. CARMEL RD. (H) 410-374-4328
Address Telephone No.

BALTIMORE MD 21074
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 2011-0122-A

REV 10/25/01

Reviewed By Jim Date 9.29.11

Estimated Posting Date 10/10/11

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 4420 MT. CARMEL RD.
Address
BALTIMORE MD. 21074
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):

^{YARD}
OUT BUILDING ON FRONT OF HOUSE DUE TO THE
BACK YARD IS FILLED WITH MATURE
TREES.

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

DOUGLAS GENCEL

Name - Type or Print

Signature

Sheila Dingus

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of September, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Douglas Gencel AND Sheila Dingus
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

8-6-11

Zoning Description for 4420 Mount Carmel Road (formerly Lower Beckleysville Road),
Baltimore County, Maryland, 21074

Beginning at a point on the east side of 4420 Mount Carmel Road which is 30 feet wide at the distance of 1,800 feet west to the centerline of the nearest improved intersecting street Gun Powder road. Being Lot in the subdivision of Leroy E. Bosley as recorded in Baltimore County Plat Book EHK JR. #39, Folio # 125, containing 2.242 acres. Also, known as 4420 Mount Carmel Road (formerly Lower Beckleysville Road), Baltimore County, Maryland and located in the 5th Election District, 3rd Councilmanic District.

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

No. **59527**

Date: **9/29/10**

PAID RECEIPT

BUSINESS ACTUAL TIME
 9/29/2010 9/29/2010 11:25:19 1

REC: NS01 WALNTH CRTT JNF
 RECEIPT # 473682 9/29/2010 OFLN

Dept 5 528 ZONING VERIFICATION
 CR NO: 059527

Recpt Tot 165.00
 165.00 (K) 4.00 (A)
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.-

Total: **65.-**

Rec From: **Douglas GENCEL**

For: **2011-0122-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Certificate of Posting

RE: Case NO. 2011-0122-A

Petitioner/Developer _____

Douglas Gencel

Date of Hearing/Closing 10/25/10

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

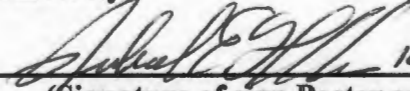
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

4420 Mt. Carmel Rd.

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

Sincerely,

 10/10/10
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2011-0122-A

Petitioner/Developer: _____

Douglas Gencel

Date of Hearing/Closing: 10/25/10



4420 Mt. Carmel Rd.

Posting Date: 10/10/10

Douglas Gencel 10/10/10
(Signature and date of sign poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011-0122-A Address 4420 Mt. Carmel Rd.

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/29/10 Posting Date: 10/10/10 Closing Date: 10/25/10

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

- 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.
- 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.
- 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.
- 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 2011-0122-A Address 4420 Mt. Carmel Rd.

Petitioner's Name DOUGLAS GENDEL Telephone 410-374-4328

Posting Date: 10/10/10 Closing Date: 10/25/10

Wording for Sign: To Permit A GARAGE TO Be LOCATED IN
THE FRONT YARD IN LIEU of THE
REQUIRED REAR YARD.

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

October 26, 2010

Douglas Gencel & Sheila Dingus
4420 Mt. Carmel Rd.
Baltimore, MD 21074

Dear: Douglas Gencel & Sheila Dingus

RE: Case Number 2011-0122-A, 4420 Mt. Carmel Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 29, 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

AV 10/25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 26, 2010
SUBJECT: Zoning Item # 11-122-A
Address 4420 Mt. Carmel Road
(Gencel/Dingus Property)

RECEIVED

OCT 26 2010

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 4, 2010.

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

1. Groundwater Mgmt. will need to review the proposed garage bldg. permit for well and septic setbacks. A field visit may even be necessary, since we have no records for this site.

Reviewer: Dan Esser

Date: 10/13/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 12, 2010

RECEIVED

OCT 14 2010

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

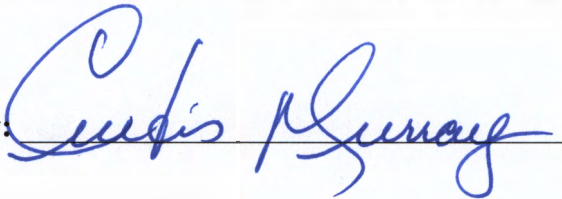
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-122- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 7, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2010
Item Nos. 2011- 103, 106, 107, 108,
109, 110, 111, 112, 113, 115, 116,
117, 118, 119, 120, 121 and 122

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10182010 -NO COMMENTS.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 4, 2010

ATTENTION: Kristen Mathews
ZAC Agenda Oct: 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

2011-0102-A	Kingston Park La.
2011-0103-SPHA	Harrison Ave.
2011-0106-A	Valleyfield Rd.
2011-0107-SPHA	Emmanuel Ct.
2011-0108-A	Locust Ave.
2011-0110-A	Woodland Dr.
2011-0111-A	Monaghan Ct.
2011-0112-SPHA	Oakleigh Rd.
2011-0113-A	Stoney Batter Rd.
2011-0114-A	New Section Rd.
2011-0115-SPH	Hanover Pike
2011-0116-A	Meandering Dr.
2011-0117-A	Cockeys Mill Rd.
2011-0118-A	Cedarside Dr.
2011-0119-A	Linwood Ave.
2011-0120-A	Sue Grove Rd.
2011-0121	Burnbrae Rd.
2011-0122-A	Mt. Carmel Rd.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct 15, 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. 2011-0122-A
MD137(MT CARMEL RD)
4420 MT CARMEL RD
GENCEL DINGUS PROPERTY
ADMIN. VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10-12-2010. A field inspection and internal review reveals that an entrance onto MD137 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 4420 MT CARMEL RD Case Number 2011-0122-A.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at mbailey@sha.state.md.us. Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.sha.maryland.gov

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.3)
BALTIMORE COUNTY

Account Identifier:

District - 05 Account Number - 1700009596

Owner Information

Owner Name: GENCEL DOUGLAS
DINGUS SHEILA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 4420 MOUNT CARMEL RD
HAMPSTEAD MD 21074-2938
Deed Reference: 1) /15542/ 477
2)

Location & Structure Information

Premises Address
4420 MT CARMEL RD
Legal Description
2.242 AC
AKA 17404 GUNPOWDER RD
LEROY E BOSLEY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
15	19	4						2

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	Cc
1977	1,152 SF	2.24 AC	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	157,360	157,360		
Improvements:	167,660	167,660		
Total:	325,020	325,020	325,020	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	Date:	Price:
TRACEY DAVID W	09/06/2001	
Type: IMPROVED ARMS-LENGTH	Deed1: /15542/ 477	Deed2:
Seller:	Date:	Price:
BOSLEY LEROY E	02/05/1990	
Type: IMPROVED ARMS-LENGTH	Deed1: / 8396/ 720	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *







PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4420 MT. CARMEL RD.

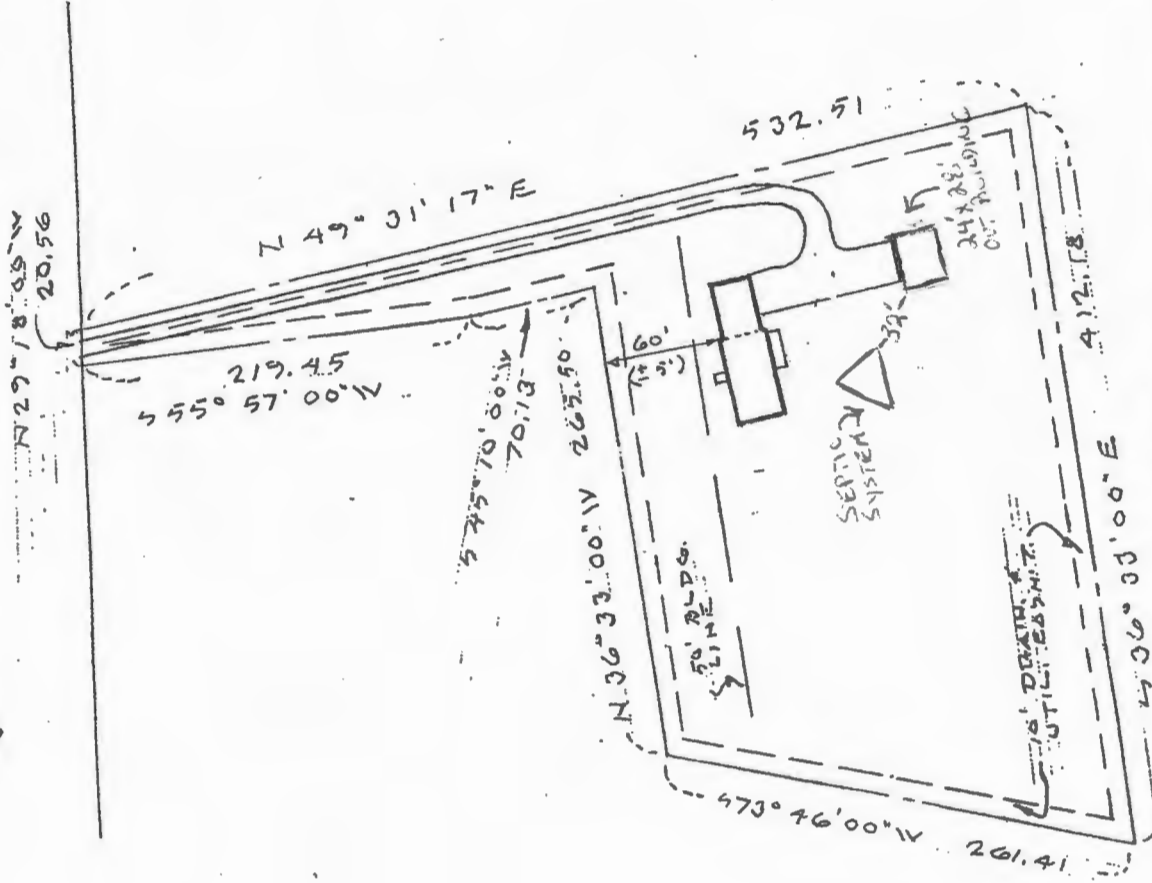
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME LEROY E. BOSSEL

PLAT BOOK # 39 FOLIO # 125 LOT # SECTION #

OWNER DOUGLAS GENDEL + SHEILA DINGUS

MT. CARMEL ROAD
(FORMERLY LOWER
BESKLEYVILLE ROAD)



NORTH

PREPARED BY DOUGLAS GENDEL

SCALE OF DRAWING: 1" = 100'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 5

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 015A3

ZONING RC2

LOT SIZE 2.242
ACREAGE

SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE
WATER ☐ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #