

IN RE: PETITION FOR ADMIN. VARIANCE *

N/side of Mawani Road; 244.78' W of
Meise Drive
(4724 Mawani Road)
14th Election District
6th Council District

David Scott and Patricia Ann Lee
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2012-0040-A

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, David Scott and Patricia Ann Lee. The Petitioners are requesting Variance relief pursuant to Section 1B02.3.B (Sections III.C.3 & X.A of the 1954 Zoning Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling addition (covered/roofed carport) with a side yard setback of 3 feet and sum of side yard setbacks of 13 feet in lieu of the minimum required 7 feet and 17 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Petitioners desire to construct a carport measuring 12' x 25' in size over an existing concrete car pad. This carport will protect them from the elements. Photographs submitted with the Petition show that there are carports in the neighborhood with a similar footprint. The property contains .15 acres and is zoned DR 5.5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no other comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject

ORDER RECEIVED FOR FILING

Date

By

9-19-11

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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 Administrative Law Judge, 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, this 19th day of September, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Administrative Variance seeking relief from Section 1B02.3.B (Section III.C.3 & X.A of the 1954 Zoning Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling addition (covered/roofed carport) with a side yard setback of 3 feet and sum of side yard setbacks of 13 feet in lieu of the minimum required 7 feet and 17 feet, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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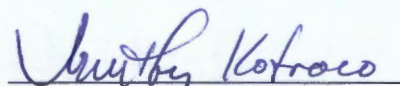
Date

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By

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2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.



TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:dlw

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Date

9-19-11

By

1925



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

September 19, 2011

David Scott Lee
Patricia Ann Lee
4724 Mawani Road
Baltimore, Maryland 21206

RE: PETITION FOR ADMIN. VARIANCE

N/side of Mawani Road; 244.78' W of Meise Drive
(4724 Mawani Road)
14th Election District – 6th Council District
David Scott and Patricia Ann Lee - Petitioners
CASE NO. 2012-0040-A

Dear Mr. and Mrs. Lee:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw
Enclosure

c: Steve Hohman, Hayes Construction Co., 14307 Jarrettsville Pike, Phoenix, MD 21131



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 4724 MAWANI RD
which is presently zoned DR S.5

Deed Reference: 077631402 Tax Account # L413027360

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) 1B02.3.B, BC2R (Section III, C, 3 & X.A.) of the 1954 Zoning Regulations to permit a proposed dwelling addition (covered/roofed carport) with a side yard setback of 3 feet and sum of side yard setbacks of 13 feet in lieu of the minimum required 7 feet and 17 feet, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

2D SCOTT LEE

Name - Type or Print

Signature

a Patricia Ann Lee

Name - Type or Print

Signature

4724 Mawani Rd. 410-661-1710

Address

Telephone No.

Ph H. MD

City

State

Zip Code

Representative to be Contacted:

Steve Hohmann - Hayes Construction Co.

Name

14307 Jannitsville Pike

Address

410-628-7900

Telephone No.

Phoenix MD

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 9-19-11 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. ORDER RECEIVED FOR FILING

Reviewed By JL Date 8/12/11

Date 9-19-11

Estimated Posting Date 8/21/11

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 own and reside at 4734 MAWANI RD
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) Our Request is to construct a carport over the existing car pad. The setback is 15' on that side of the house. We would like to construct a 12' carport to protect our vehicles from the elements and enter our house without being exposed to weather. There are several carports in the area with a similar footprint.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

D. Scott Lee
Signature

David M
Name- print or type

Patricia Ann Lee
Signature

Patricia Ann Lee
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 5th day of August, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): D. Scott Lee, Patricia Ann Lee
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Gracias Espartero
Name of Notary Public

2-11-12
Commission expires

PLACE SEAL HERE:



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Property Description

Zoning Property Description for 4724 Mawani Road

Beginning at a point ^{west} on the north side of Mawani Road which is 50' wide at the distance of 244.78' of the centerline of the nearest improved intersecting street Meise Drive which is 50' wide. Being Lot # B, in the subdivision of Dalewood As recorded in Baltimore County Plat Book # 20, Folio # 131, containing 6,732 SF. Located in the 14 Election District and 6 Council District



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2012-0040-A
TO PERMIT A PROPOSED ADDITION (A CARPORT)
WITH A SIDE YARD SETBACK OF 3FT AND A
SUM OF SIDE YARDS OF 13FT IN LIEU OF
THE REQUIRED 7FT AND 17FT RESPECTIVELY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 9/05/11

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



ZONING NOTICE

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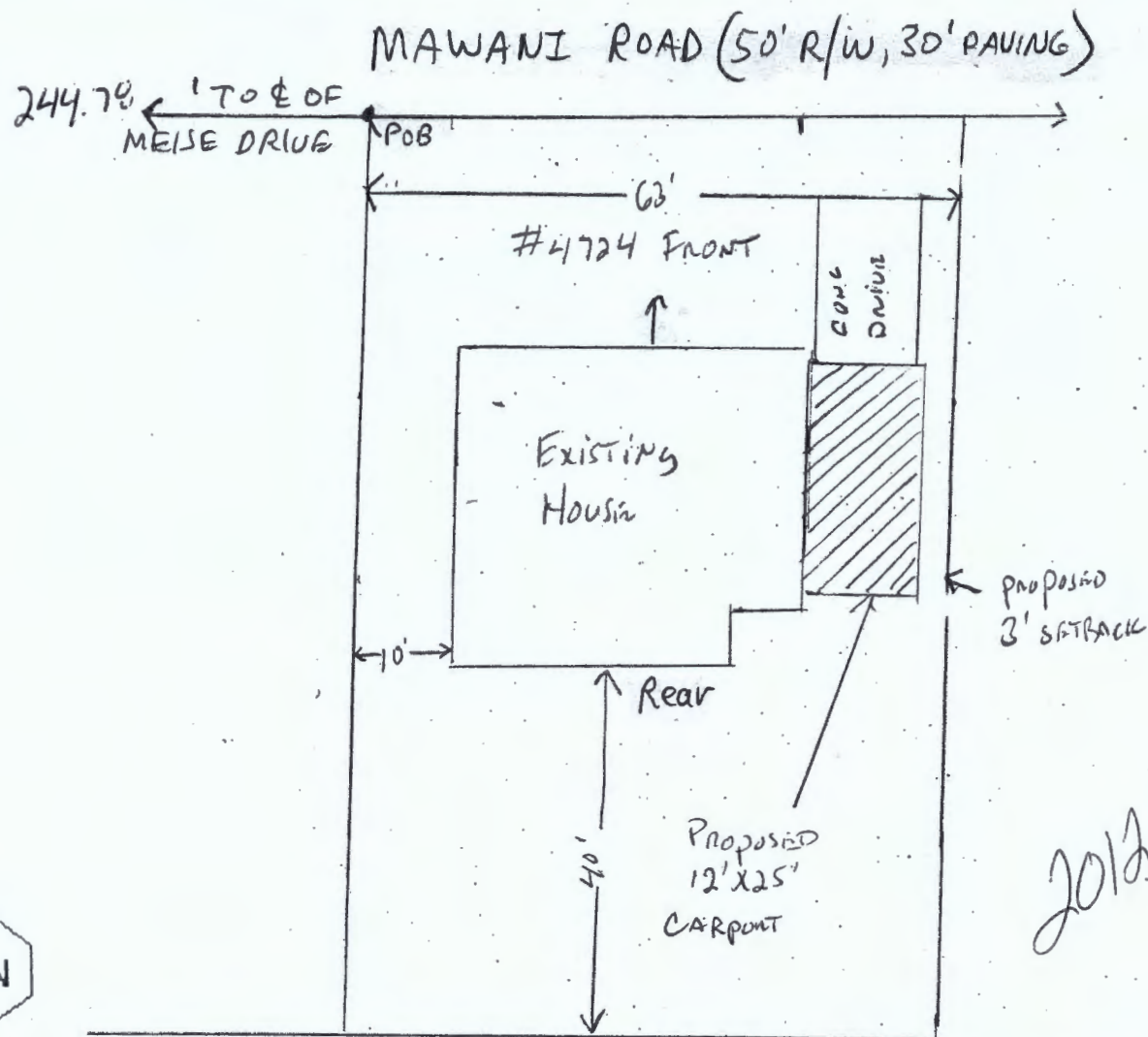
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ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 4724 MAWANI ROAD OWNER(S) NAME(S) DAVIN & PATRICA LEE

SUBDIVISION NAME DALWOOD LOT# 13 BLOCK# B SECTION#

PLAT BOOK # 020,131 FOLIO # 131 10 DIGIT TAX # 1413087360 DEED REF. # 07763100402

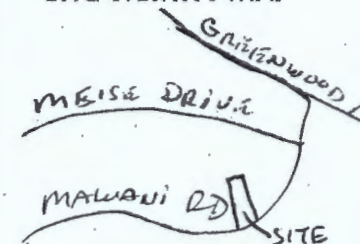


PLAN DRAWN BY Steve Hohman

DATE 8/5/11

SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 081B3

SITE ZONED DR S.5

ELECTION DISTRICT 14

COUNCIL DISTRICT 6

LOT AREA ACREAGE .15

OR SQUARE FEET 6,732

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? No

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2012-0040-A