

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Yardley Drive, 8' SE
of Cornwall Road
12th Election District
7th Councilmanic District
(3435 Yardley Drive)

Brent H. and Terry L. Fendlay
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0074-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Brent H. and Terry L. Fendlay for property located at 3435 Yardley Drive. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed accessory structure (detached carport) to be located in the front yard in lieu of the required rear yard only. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was the Petitioner, Brent H. Fendlay. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations (B.C.Z.R.).

This matter was originally filed as an Administrative Variance, with a closing date of October 10, 2011. On October 14, 2011, the undersigned Administrative Law Judge called for a formal hearing on this matter. The hearing was subsequently scheduled for Wednesday, November 16, 2011 at 11:00 AM, in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

ORDER RECEIVED FOR FILING

Date 11-18-11

By SMA

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Testimony and evidence offered revealed that the property which is the subject of this request, consists of 5,000 square feet and is zoned DR 3.5. The owner of the property desires to erect a carport over his front driveway for the purpose of protecting his new car from the elements. There is no room to locate the structure on the side or rear of his property, given the uniqueness of the property.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such 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 request should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 18th day of November, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed accessory structure (detached carport) to be located in the front yard in lieu of the required rear yard only, be and is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

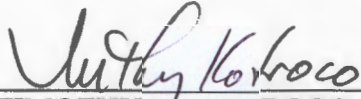
Date 11-18-11

By SMA

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

TMK/sma


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11-18-11

By SMA.



KEVIN KAMENETZ
County Executive

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

November 18, 2011

Brent H. Fendlay
3435 Yardley Drive
Baltimore, MD 21222

Re: Petition for Administrative Variance
Case No. 2012-0074-A
Property: 3435 Yardley Drive

Dear Mr. Fendlay:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:sma

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 3435 Yardley Drive Baltimore, Maryland 21222
which is presently zoned Residential (DR 5.5)

Deed Reference: 21698 / 200 Tax Account # 1201002045

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, BC2R, to permit a proposed

accessory structure (detached carport) to be located in the front yard in lieu of the required rear yard only.

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):

Brent H. Fendlay

Name - Type or Print

Signature

Terry L. Fox-Fendlay

Name - Type or Print

Signature

3435 Yardley Drive

410-284-5498

Address

Baltimore

Maryland

Telephone No.

21222

City

State

Zip Code

Representative to be Contacted:

Name

Address

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 11-18-11 day of November, 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. 2012-0074-A

Reviewed By JNP Date 9/13/2011

Estimated Posting Date 9/25/2011

ORDER RECEIVED FOR FILING

Date 11-18-11

FRM476 09

SMA

Rev 3/09

Aaron Tsui - Case 2012-0074-A Brent Fendley, 3435 Yardley Drive (request to increase size of carport- hearing required)

From: Patricia Zook
To: Lewis, Kristen; Tsui, Aaron
Date: 5/2/2012 12:35 PM
Subject: Case 2012-0074-A Brent Fendley, 3435 Yardley Drive (request to increase size of carport- hearing required)
CC: Kotroco, Timothy; Wiley, Debra

Good afternoon -

The Petitioner, Brent Fendley, 3435 Yardley Drive, was granted variance relief in this administrative variance case on November 18, 2011. He now comes before the Zoning Review Office and the Office of Administrative Hearings seeking approval to increase the size of the previously approved carport.

Per Judge Kotroco, the request to increase the size of the carport shall be set in for a hearing.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



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TK 11/16/11
11Am

Case No.: 2012-0074-A - 3435 Yordley Drive

Exhibit Sheet

SMA 11-18-11
DW 12-2-11

Petitioner/Developer

Protestant

No. 1	Site Plan of Property	
No. 2	Photos of property	
No. 3	Photo of Carport	
No. 4	Neighborhood Photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

2012-00741A



FRONT VIEW OF SITE TAKEN FROM ROAD

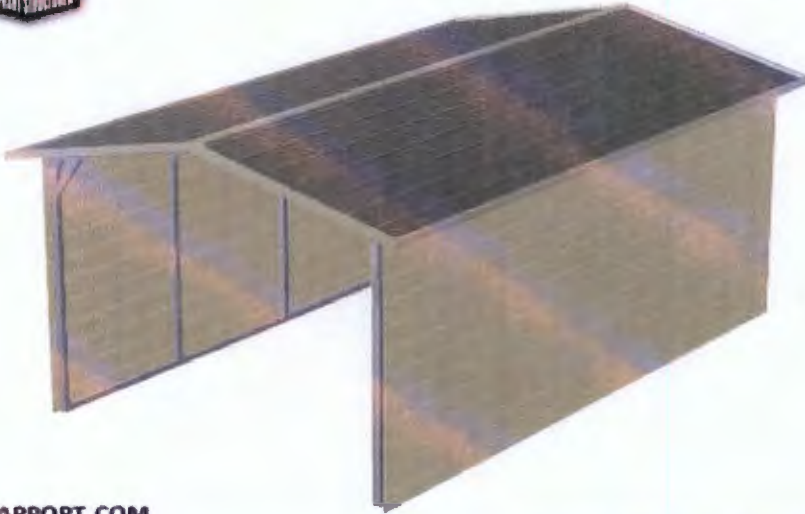
Exhibitor's
Exhibit #2



FRONT YARD OF SITE
SHOT FROM SIDE
SHOWING POB FROM SURVEY



ELEPHANT STRUCTURES
CARPORT.COM



CARPORT.COM

BUILD

TOLL FREE: (855) CAR-PORT

Width	Length	Height	Garages	Windows	Walk-ins
12	18	6	0	0	0

Below are some examples of what similar structures look like.



This is the closest
however 12 x 18 x 6
would be much
smaller



Width	Length	Height	Garage Doors	Walk-in Doors
28	41	12	0	0

Petitioner's
Exhibit # 3

**Existing Carport in Front Yard of 3115 Sollers Point Road
Less Than 1 Mile From 3435 Yardley**



Neighbor's TREE
✓ THAT BREAKS DURING
WIND STORMS +
CAUSES DAMAGE



2012-0074-1



Right Side of House

Petitioner's Exhibit #4

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0074-A
3435 Yardley Drive
NE/side of Yardley Drive, 8
feet s/east of Cornwall Road
12th Election District
7th Councilmanic District
Legal Owner(s): Brent &
Terry Fendley

Variance: to permit a proposed accessory structure (detached carport) to be located in the front yard in lieu of the required rear yard only.

Hearing: Wednesday, November 16, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/621 Nov 1 290045

CERTIFICATE OF PUBLICATION

11/3/, 2011

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 11/1/, 2011.

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

J. Wilkins

LEGAL ADVERTISING

2012-0074-A

2012-0074-A