

IN RE: PETITION FOR ZONING VARIANCE
N/E of the Intersection of
Offutt and Granite Roads
(3001 Granite Road)
2nd Election District
2nd Councilmanic District
Horace V. Porter, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-146-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) outside of the third of the lot farthest removed from any street with a height of 21 feet in lieu of the maximum permitted of 15 feet, as more particularly described by Petitioner's Exhibit 1.

The Petitioner, by Mr. Porter, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3001 Granite Road, zoned, R.C. 3, has been the residence of Petitioners for the past 16 years. Petitioner obtained a building permit in the spring of this year to construct an accessory structure in the rear yard for use as a storage building for a boat he purchased last winter. Shortly after delivery of the roof trusses and the arrival of his boat, Petitioner learned that the height of the garage building exceeded the maximum approved by Baltimore County. Upon final building inspection of the structure, a County inspector advised the Petitioners to request a variance for the height.

Petitioner presented pictures of their property and the garage evidencing its compatibility with the house and neighborhood. Testimony indicated no detriment would be imposed upon the health, safety or general welfare of the neighborhood.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, 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 31st day of October, 1988 that the Petition for Zoning Variance to permit an accessory structure (garage) outside of the third of the lot farthest removed from any street with a height of 21 feet in lieu of the maximum permitted of 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.

1) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 31, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Horace V. Porter, Jr.
3001 Granite Road
Woodstock, Maryland 21163

RE: PETITION FOR ZONING VARIANCE
N/E of the Intersection of Offutt and Granite Roads
(3001 Granite Road)
2nd Election District - 2nd Councilmanic District
Horace V. Porter, Jr., et ux - Petitioners
Case No. 89-146-A

Dear Mr. & Mrs. Porter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING

89-146-A
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District: 2nd Date of Posting: October 3, 1988
Posted for: Variance
Petitioner: Horace Virgil Porter, Jr. et ux
Location of property: NE Intersection Offutt and Granite Roads
(3001 Granite Road)
Location of Sign: NE corner of Offutt and Granite Roads
Remarks: See attached
Posted by: J. Robert Haines Date of return: October 7, 1988
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
CASE NUMBER: 89-146-A
NE Intersection Offutt & Granite Roads
(3001 Granite Road)
2nd Election District - 2nd Councilmanic District
Petitioner(s): Horace Virgil Porter, Jr., et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m.
Variance to permit an accessory structure (garage) outside of the third of the lot farthest removed from any street with height of 21 ft. in lieu of the required 15 feet, respectively.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per: James Kasper

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-146-A
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 400.1, 400.3 To permit an accessory structure (garage) outside of the third of the lot farthest removed from any street with height of 21 ft. in lieu of the required 15 feet, respectively.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Storage of boat (requires 10'6" door) because of cost and theft
2. Building was started and mason went up two courses of block more than planned
3. Roof trusses came in higher than expected, making building 21 feet in height

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Horace Virgil Porter, Jr.
(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

3001 Granite Road 655-1861
Address Phone No.

Woodstock, Maryland 21163

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:

H. Virgil Porter

Name

3001 Granite Road 655-1861
Address Phone No.

Woodstock, Maryland 21163

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 21st day of October, 1988, at 9 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 10/1/88

Mr. & Mrs. Horace V. Porter, Jr.
3001 Granite Road
Woodstock, Maryland 21163

Re: Petition for Zoning Variance
CASE NUMBER: 89-146-A
NE Intersection Offutt & Granite Roads
(3001 Granite Road)
2nd Election District - 2nd Councilmanic District
Petitioner(s): Horace Virgil Porter, Jr., et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Porter:

Please be advised that \$40.99 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
WISCELLANEOUS CASH RECEIPT

DATE: 10/21/88 ACCOUNT: R-01-615-000
AMOUNT: \$ 90.98

RECEIVED FROM: H. Virgil Porter

FOR: Posting and Advertising 10/21/88 Hearing

B 8005*****0008:89-146-A

VALIDATION OR SIGNATURE OF CASHIER

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

September 14, 1988

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

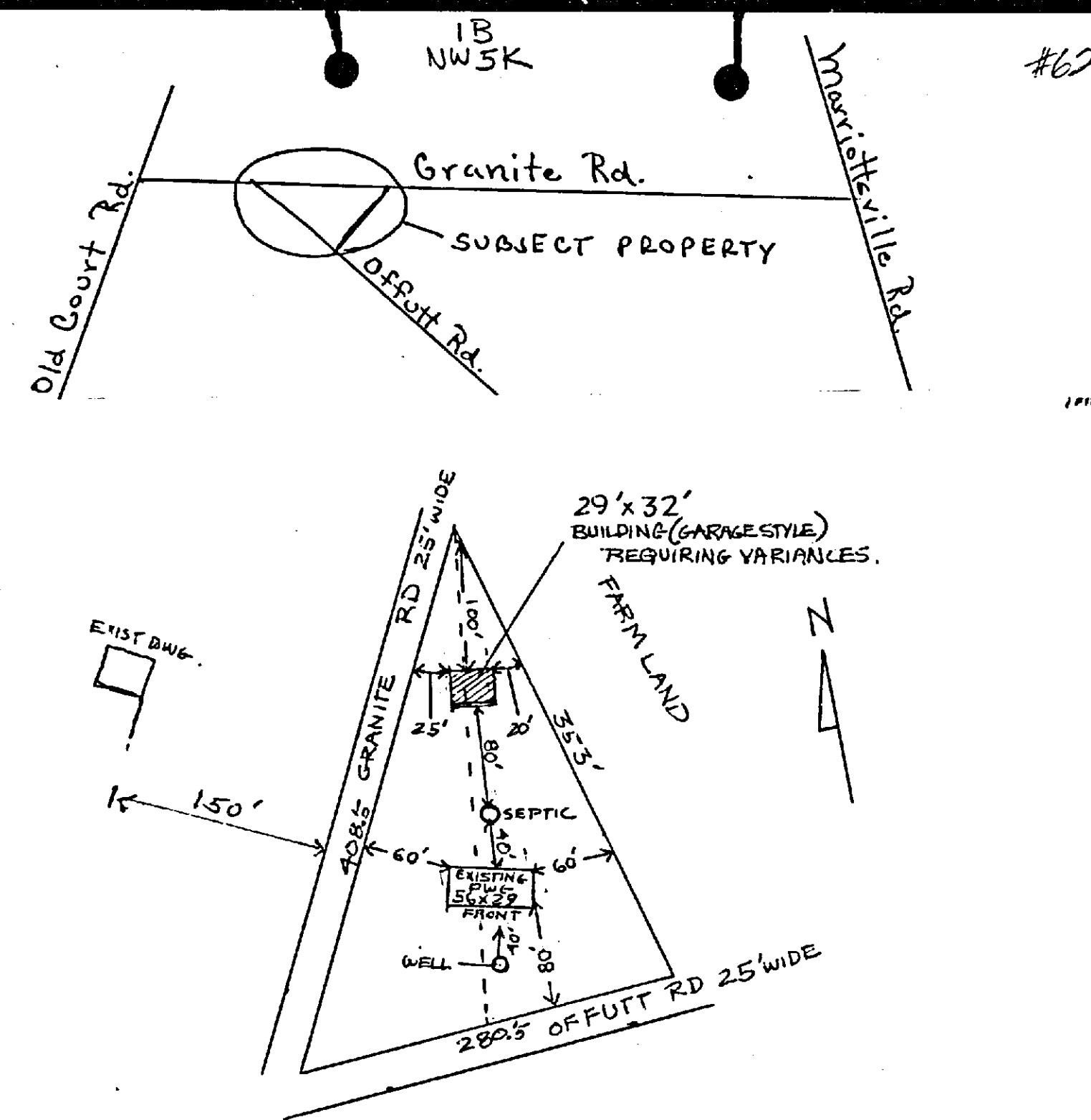
Petition for Zoning Variance
CASE NUMBER: 89-146-A
NE Intersection Offutt & Granite Roads
(200 Granite Road)
2nd Election District - 2nd Councilmanic
Petitioner(s): Horace Virgil Porter, Jr., et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m.

Variance to permit an accessory structure (garage) outside of the third of the lot furthest removed from any street with height of 21 ft. in lieu of the required 15 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Horace Porter, Jr.
file



PLAT FOR ZONING VARIANCES
OWNER - HORACE AND PATRICIA PORTER.
DISTRICT 2 ZONED RC 3
DEED RECORD NUMBER L4147 P 33
UTILITIES: WELL AND SEPTIC
LOT SIZE 5094 sq ft
SCALE 1" = 10'

PETITIONER
EXHIBIT 1

OWNERS WILL TAKE FULL RESPONSIBILITY
FOR THE INFORMATION PROVIDED ON
SAID PLAT PREPARED BY BALTO. CO.
Patricia Porter 8-12-88
OWNER DATE

89-146-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
24th day of August, 1988.

Petitioner: Horace V. Porter, Jr., et ux
Petitioner's Attorney: _____
Received by: J. Robert Haines
Zoning Commissioner
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

September 7, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204



Re: Property Owner: Horace Virgil Porter, Jr.

Location: NE intersection of Offutt and Granite Roads

Item No.: 62

Zoning Agenda: Meeting of 8/23/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. James M. Kelly, Jr.
Planning Group
Special Inspection Division

NOTED &
APPROVED: John F. O'Neill
Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000

Mr. & Mrs. Horace V. Porter, Jr.
3001 Granite Road
Woodstock, Maryland 21163

RE: Item No. 62 - Case No. 89-146-A
Petitioner: Horace V. Porter, Jr., et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Porter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

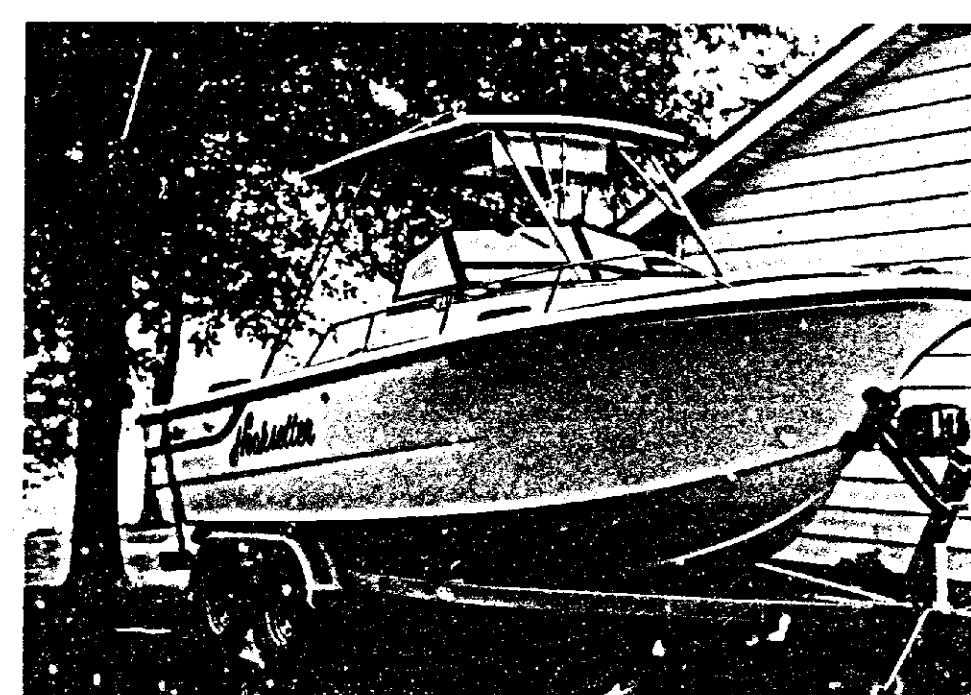
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

PETITIONER(S) EXHIBIT (2)



PETITIONER(S) EXHIBIT (2)

