

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
 R/S Stevenson Road, 15' N of the DEPUTY ZONING COMMISSIONER
 c/1 of Greenspring Valley Road • OF BALTIMORE COUNTY
 (10703 Stevenson Road)
 3rd Election District • Case No. 91-46-A
 3rd Councilmanic District
 John I. Kohler, II, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two accessory structures (an existing garage and a proposed greenhouse) to be located in the third of the yard closest to the street in lieu of the required rear third of the yard farthest removed from any street and to permit a height for the existing garage of 17 feet in lieu of the maximum permitted 15 feet, and for said garage to be located in the side yard in lieu of the required rear yard, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances 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, pictures, 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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of August, 1990 that the Petition for Residential Variance to permit two accessory structures (an existing garage and a proposed greenhouse) to be located in the third of the yard closest to the street in lieu of the required rear third of the yard farthest removed from any street and to permit a height for the existing garage of 17 feet in lieu of the maximum permitted 15 feet, and for said garage to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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.

A. M. Nastarowicz
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

August 27, 1990



Dennis F. Rasmussen
 County Executive

Mr. & Mrs. John I. Kohler, II
 10703 Stevenson Road
 Stevenson, Maryland 21153

RE: PETITION FOR RESIDENTIAL VARIANCE
 E/S Stevenson Road, 15' N of the c/1 of Greenspring Valley Road
 (10703 Stevenson Road)
 3rd Election District - 3rd Councilmanic District
 John I. Kohler, II, et ux - Petitioners
 Case No. 91-46-A

Dear Mr. & Mrs. Kohler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential 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 887-3391.

Very truly yours,

A. M. Nastarowicz

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY,

#32
 91-46-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, petition for a Variance from Section 400.1-10 To permit 2 accessory structures (an existing garage and proposed greenhouse) in the third of the yard closest removed from any street in lieu of the farthest third & To permit a 17 ft. height and location in the side yard for the existing garage in lieu of 15 ft. and the rear yard, respectively.

In lieu of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty) The Petitioner plans a significant addition to the rear of the existing dwelling which will triple the total square footage of the dwelling. Given these plans and with the additional goal of preserving all mature trees in the rear of the house, the side yard is the only practical location for the greenhouse. The greenhouse, which will house existing garage.

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

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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)	Legal Owner(s) John I. Kohler, II (Type or Print Name)
Signature	Signature <i>[Signature]</i>
Address	Address 10,703 Stevenson Road Baltimore, Maryland 21153
City/State/Zip Code	City/State/Zip Code Baltimore, Maryland 21153
Attorney for Petitioner: G. Scott Barhight (Type or Print Name)	Name, address and phone number of legal owner, contract purchaser or representative to be contacted. G. Scott Barhight 210 W. Pennsylvania Avenue Towson, Maryland 21204 632-2050
Signature	Signature <i>[Signature]</i>
Address 210 W. Pennsylvania Avenue Towson, Maryland 21204 632-2050	Name, address and phone number of legal owner, contract purchaser or representative to be contacted. G. Scott Barhight 210 W. Pennsylvania Avenue Towson, Maryland 21204 632-2050
Attorney's telephone number	Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this 23 day of July, 1990, that the subject matter of this petition be posted on the property on or before the 27th day of Aug, 1990.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___, 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 property be reported, and 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 ___ day of ___, 19___, at ___ o'clock.

FOR FILING

[Signatures]
 3033
 7/23/90

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-46-A

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 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 or upon settlement will reside at 10,703 Stevenson Road, Baltimore, Maryland 21153 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

We plan an addition to the rear of our home which will approximately triple the size of our home. We would also like to preserve all the mature trees on our property. We believe that the only place, and the best place, for the greenhouse will be in our side yard behind the existing garage.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

[Signatures]
 AFFIANT (Handwritten Signature) John I. Kohler, II
 AFFIANT (Printed Name) John I. Kohler, II
 AFFIANT (Handwritten Signature) Agnes West Kohler
 AFFIANT (Printed Name) Agnes West Kohler

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of July, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John I. Kohler, II and Agnes West Kohler
 the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

[Signature]
 Notary Public

7/23/90

My Commission Expires: 6-1-94

John I. Kohler, II and
 Agnes West Kohler
 10703 Stevenson Road
 Stevenson, Baltimore County, MD 21153

ZONING DESCRIPTION

Beginning at a point on the North side of Greenspring Valley Road which is 30 feet wide at the distance of 15 feet East of the centerline of the nearest improved intersecting street (Stevenson Road) which is 30 feet wide. Being lot #22 in the subdivision of Miltonwood as recorded in Baltimore County Plat Book #9, Folio #40 containing 31,109 square feet more or less. Also known as 10703 Stevenson Road and located in the 3rd Election District.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd Date of Posting: August 7, 1990
 Posted for: Residential Variance
 Petitioner: John I. Kohler, II, et ux
 Location of property: E/S Stevenson Road, 15' N of c/1 of Greenspring Valley Road
 Location of Sign: In front of 10703 Stevenson Road
 Remarks:
 Posted by: [Signature] Date of return: August 16, 1990
 Number of Signs: 1

Baltimore County
 Zoning Commissioner
 County Office Building
 311 West Chesapeake Avenue
 Towson, Maryland 21204

receipt
 N: 3008

Account: R-001-6150
 Number

Date	7/23/90	H9100032
PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
LAST NAME OF OWNER: KOHLER	TOTAL:	\$60.00

040440045HICRC #60.00
 BA C003*59P07-23-90
 Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

August 2, 1990



Mr. & Mrs. John I. Kohler
 10703 Stevenson Road
 Baltimore, Maryland 21153

Re: CASE NUMBER: 91-46-A
 ITEM NUMBER: 32
 LOCATION: E/S Stevenson Road, 15' N centerline of Greenspring Valley Road
 10703 Stevenson Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 09, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 23, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

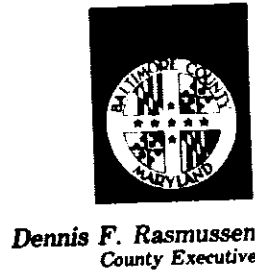
3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]
 G. G. Stephens
 (301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 24, 1990



G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 32, Case No. 91-46-A
Petitioner: John I. Kohler, et ux
petition for Residential Variance

Dear Mr. Barhight:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

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

JED:jw

Enclosures

cc: Mr. & Mrs. John I. Kohler
10703 Stevenson Road
Baltimore, MD 21153

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 13th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

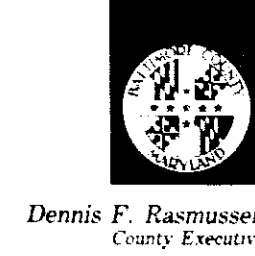
Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: John I. Kohler, et ux
Petitioner's Attorney: G. Scott Barhight

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

August 10, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 32 and 39.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: August 6, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: John I. Kohler, II, Item No. 32

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

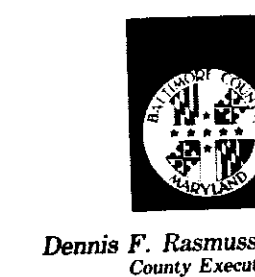
PK/JL/cmm

ITEM32/ZAC1

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reinecke
Chief

AUGUST 3, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN I. KOHLER, II
Location: #10703 STEVENSON ROAD
Item No.: *32 Zoning Agenda: AUGUST 16, 1990

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Wesley Kelly 8792* Noted and Approved
Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

AUGUST 13, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 32
PROPERTY OWNER: John I. Kohler, II, et ux
LOCATION: E/S Stevenson Rd, 15' N centerline of Greenspring Valley Rd (#10703 Stevenson Rd)
ELECTION DISTRICT: 3rd
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(x) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

() OTHER - NO OTHER COMMENTS AT THIS TIME.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 867-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 16, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 32 and 39.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

BWB:s

LAW OFFICES
WHITEFORD, TAYLOR & PRESTON

SUITE 400
SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 301-347-8000

500 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
301-832-2000

SUITE 400
184 17TH STREET, NW
WASHINGTON, D.C. 20006
TELEPHONE 202-451-6400

G. SCOTT BARHIGHT
DIRECT NUMBER
301-887-3391

July 23, 1990

HAND DELIVERED

Honorable J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Administrative Residential Variance
10703 Stevenson Road
Mr. & Mrs. John I. Kohler, II

Dear Commissioner Haines:

Enclosed are the following documents for your review:

- 1) Three original Petition for Residential Variance and Affidavit forms;
- 2) Twelve copies of the plat to accompany Petition for Zoning Variance;
- 3) Three copies of a Zoning Description;
- 4) One set of original photographs of the subject property;
- 5) One copy of the 1" = 200' scale zoning map;
- 6) One copy of the 1" = 1,000' scale zoning map;
- 7) Texas Greenhouse Company brochure (American Classic 1500 on page 6 is the proposed greenhouse);
- 8) Check made payable to Baltimore County, Maryland in the amount of \$60.00 as the required filing fee.

#32

91-46-A

91-46-A



Photo 1
Location: 100' W of SW property corner
Greenhouse Visibility: not visible

91-46-A

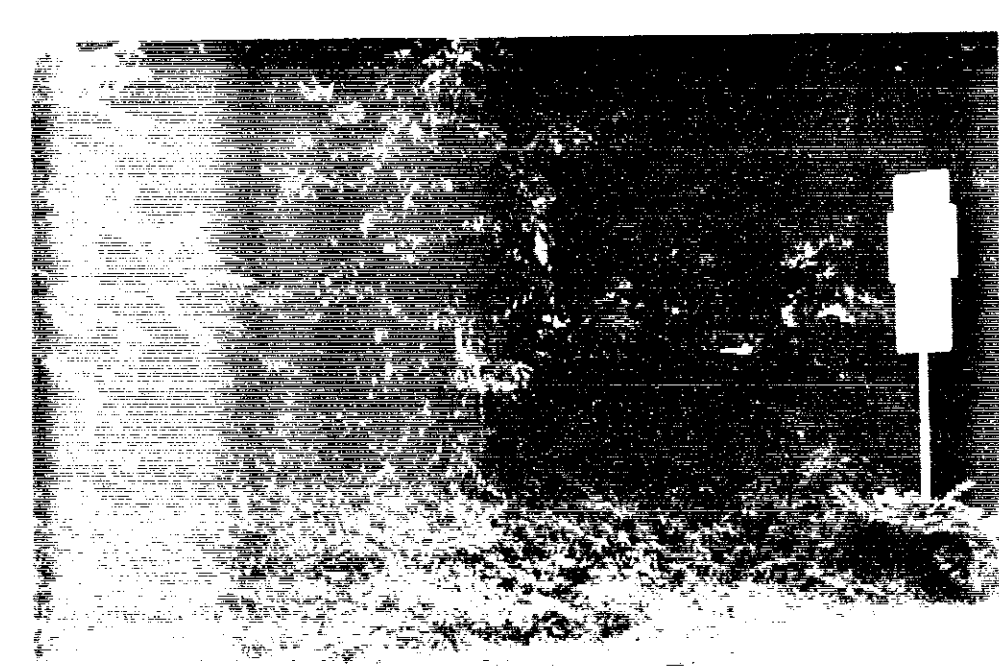


Photo 4
Location: 100' W of SW property corner
Greenhouse Visibility: not visible



Photo 5
Location: SW property corner
Greenhouse Visibility: instantly visible pending sign



Photo 6
Location: 100' E of SW property corner
Greenhouse Visibility: not visible

91-46-A

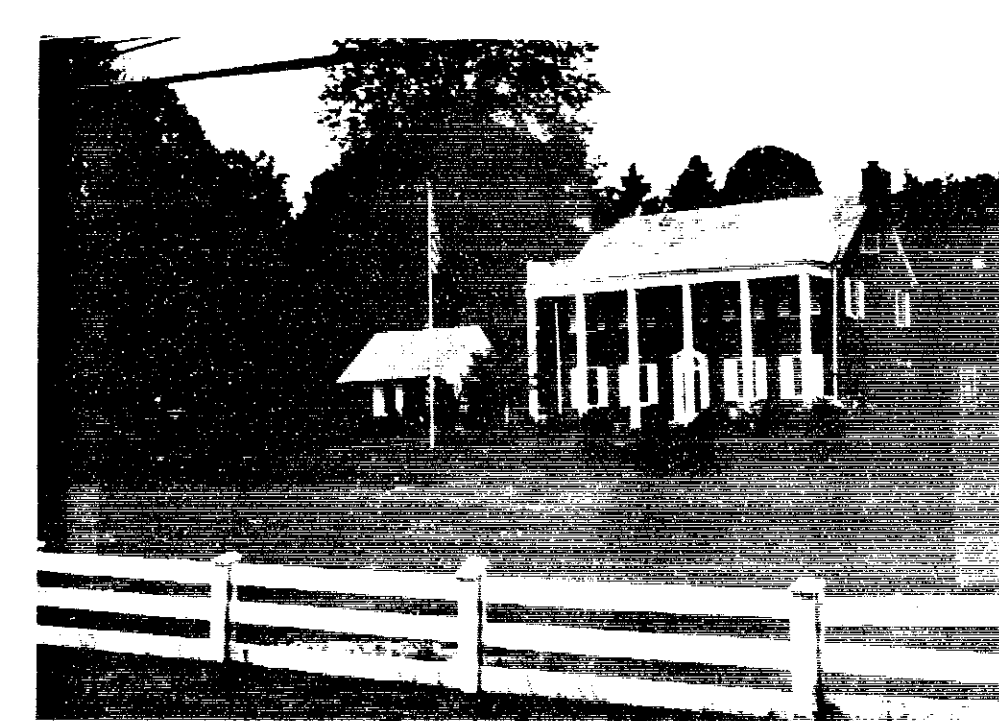


Photo 7
Location: 100' E of SW property corner
Greenhouse Visibility: not visible



Photo 8
Location: 100' E of SW property corner
Greenhouse Visibility: not visible



Photo 9
Location: 100' E of SW property corner
Greenhouse Visibility: not visible

91-46-A

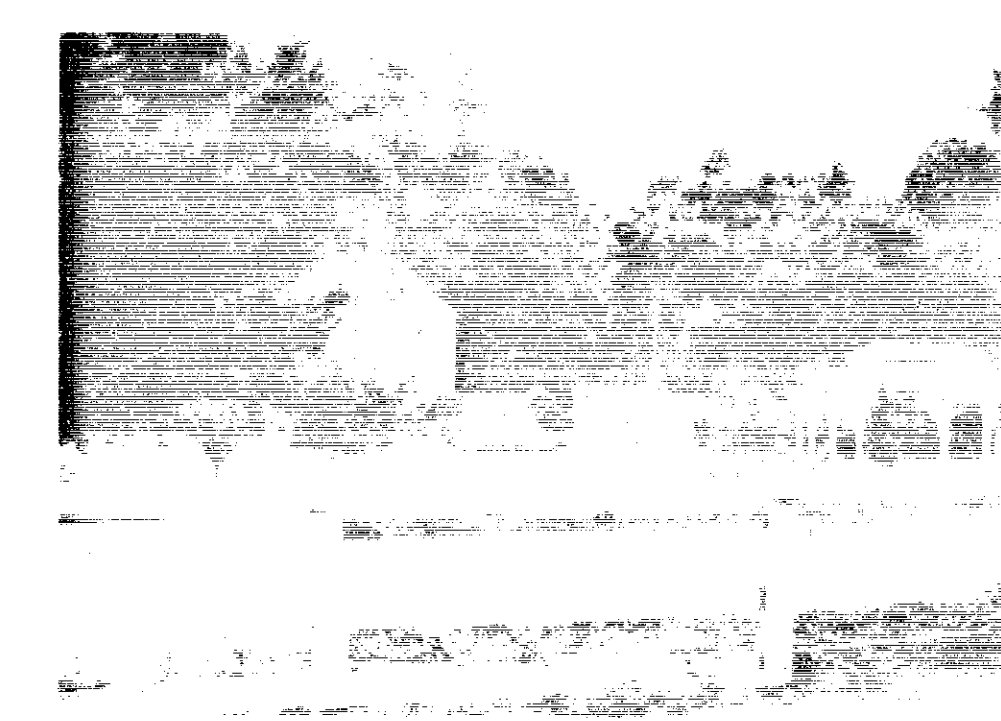
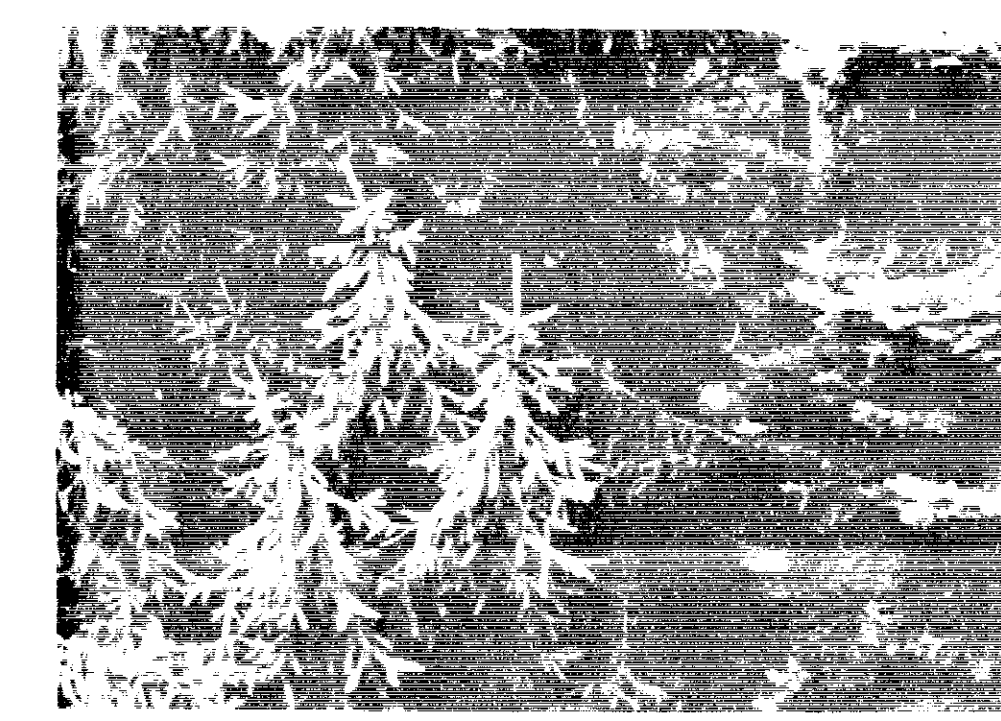
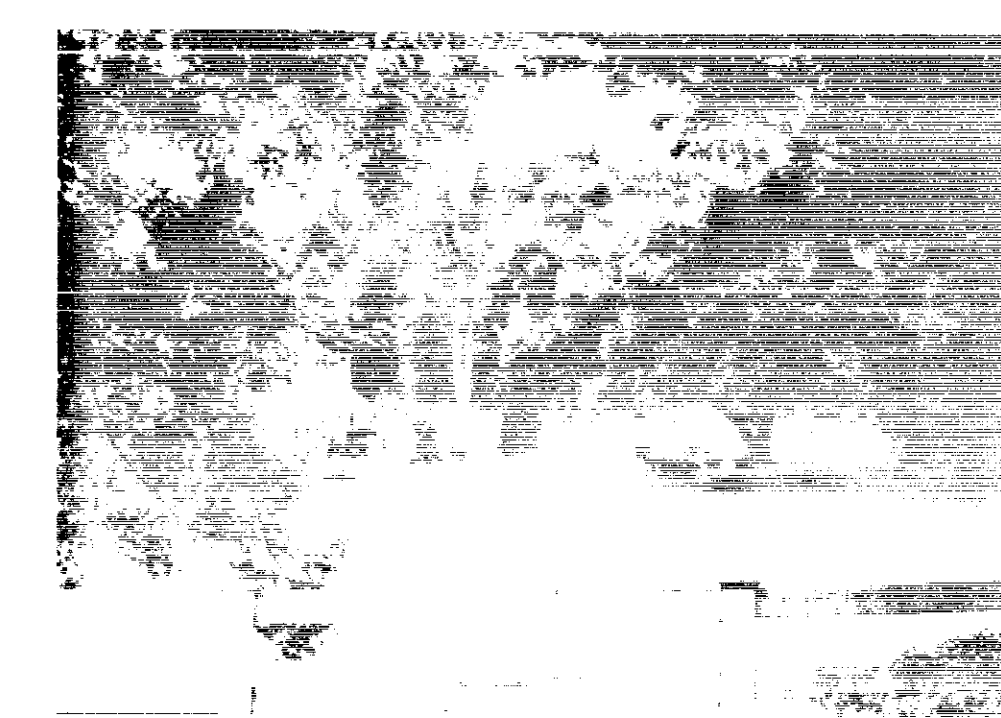


Photo 10
Location: 100' W of SW property corner
Greenhouse Visibility: not visible

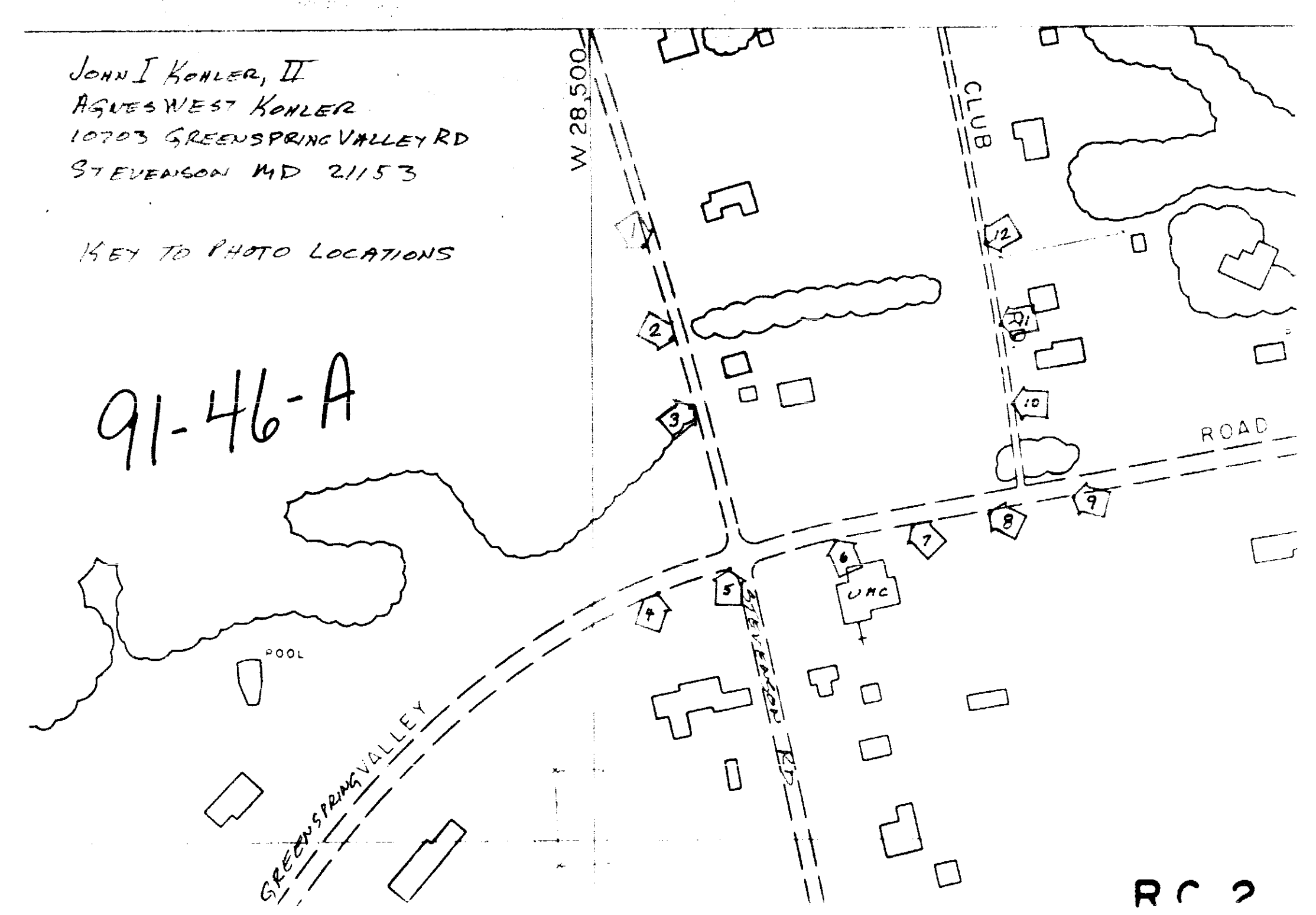


91-46-A

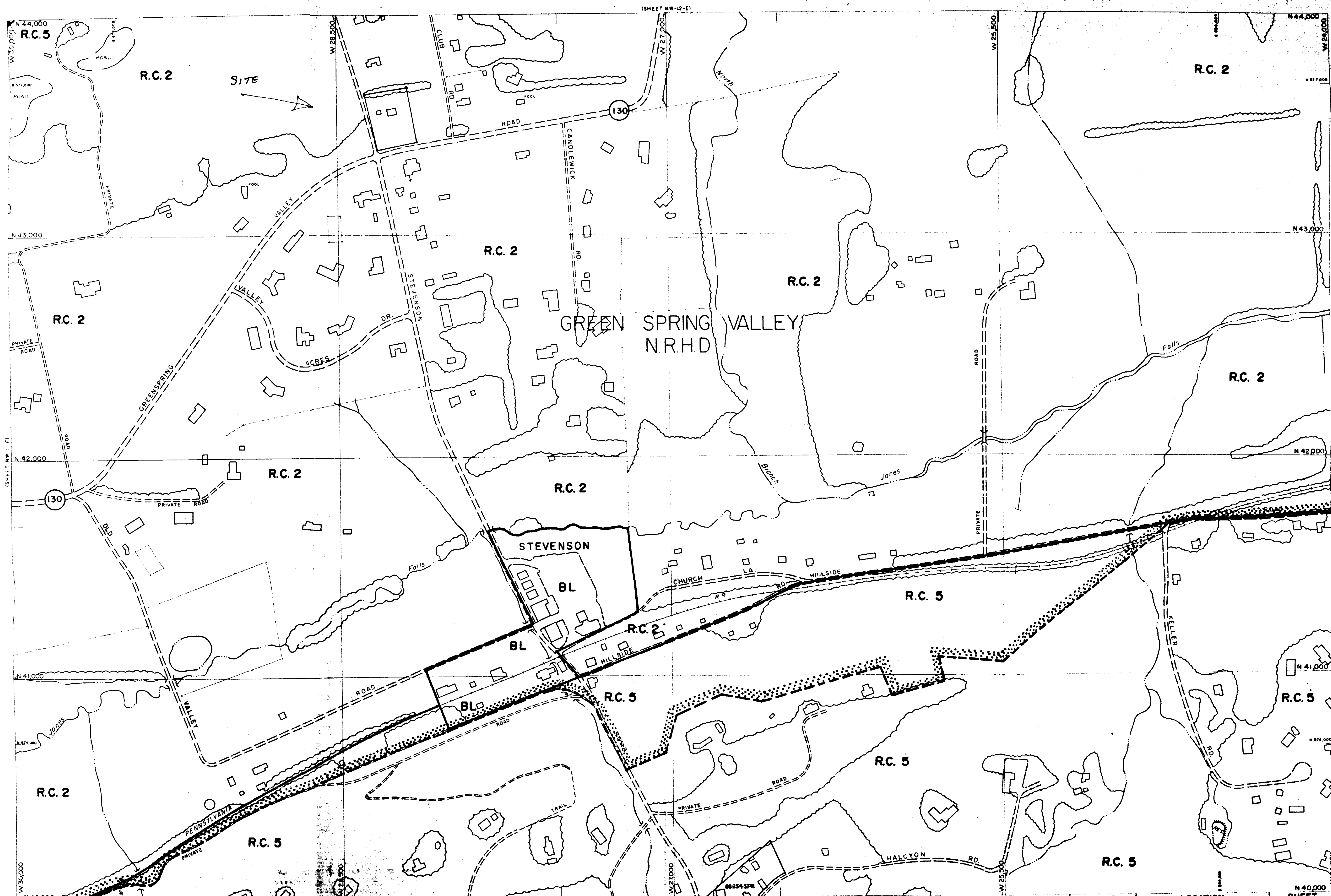
JOHN I. KONLER, II
AGNES WEST KONLER
10703 GREENSPRING VALLEY RD
STEVENSON MD 21153

KEY TO PHOTO LOCATIONS

91-46-A



RC 2



S-SW
O-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council

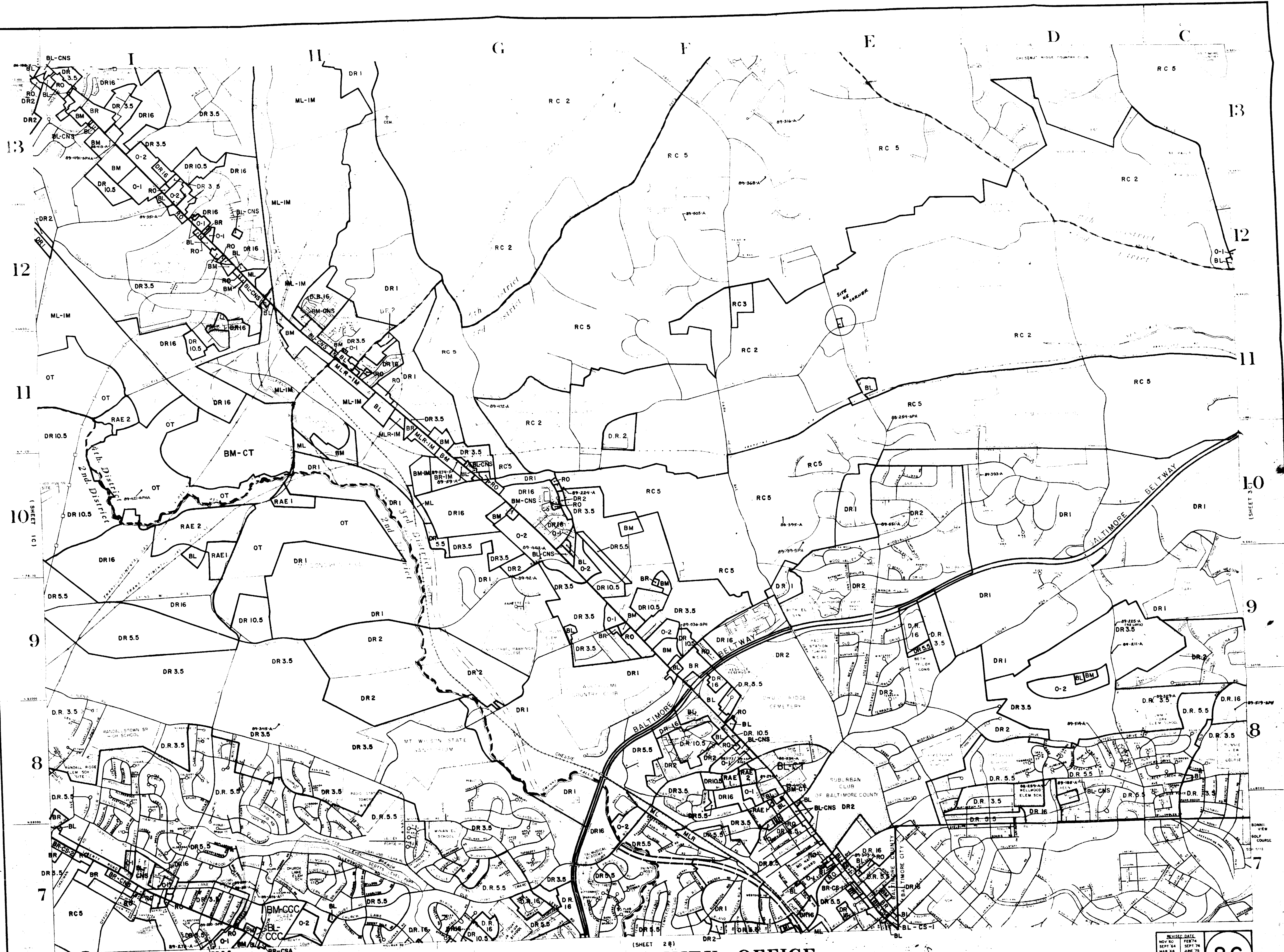
1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION STEVENSON	N 40,000 SHEET N. W. 11-E
DATE OF PHOTOGRAPHY JANUARY 1986		

91-46-A # 32



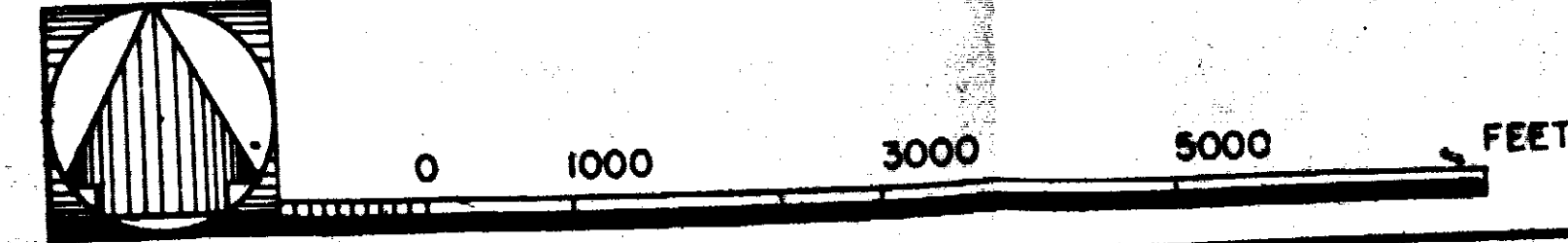
BALTIMORE COUNTY OFFICE
OF PLANNING AND ZONING

PIKEVILLE
BALTIMORE COUNTY CASE MAP SERIES

REVISED DATE	
NOV 40	FEB 74
NOV 44	SEP 74
MAR 46	JUN 75
AUG 47	MAR 76
MAY 48	MAY 76
MAY 50	MAR 78

2C

91-46-A #32



(SHEET 28)

(SHEET 10)

(SHEET 10)