IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE

W/S Cedar Grove Road, 383 ft. N of c/l Arden Valley Court 16420 Cedar Grove Road 5th Election District 1st Councilmanic District Legal Owner: C. Brooks Hubbert Tenant: Ed Worthington Petitioners

* BEFORE THE

* ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 93-293-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Zoning Commissioner as an administrative variance filed by C. Brooks Hubbert (Legal Owner) and Ed Worthington (Tenant), for that property known as 16420 Cedar Grove Road in the northern section of Baltimore County. The Petitioners herein seek a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) in the side yard in lieu of the required rear yard; and to have a height variance of 22 ft., in lieu of the permitted 15 ft., as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, 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 26-127 (b)(1) 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 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 Zoning Commissioner for Baltimore County this 14 day of April, 1993 that the Petition for a Zoning Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) in the side yard, in lieu of the required rear yard; and a height variance of 22 ft., in lieu of the permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

3. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comment dated April 1, 1993, attached hereto and made a part thereof.

> Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

April 13, 1993

Mr. C. Brooks Hubbert 12 Maryland Avenue Towson, Maryland 21204

Mr. Ed Worthington 16420 Cedar Grove Road Sparks, Maryland 21120

> RE: Petition for Administrative Variance Case No. 93-293-A 16420 Cedar Grove Road

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

LES:mmn

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

16 40 Color Color Rd Specks, Md

which is presently sensed RC

This Petition shall be filed with the Office of Zoning Administration & 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) 4.61, 1 & 4 1 3 101 2 R 11 Permit Amel Mirrorcany Tructure in the sill yARD Am INLIEUROF FAT RECOURS PEAR, AND 21'IN HE INLIEU

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardehip or

Area: To move garage rearward would require additional clearing of mature trees (oak, hickory). The additional paving necessary to extend distance is more costly and increases the area of hard surface that does not absorb tain water, i feel this is not desirable when in close proximity to mature trees. When I initially cleared trees for a house site ! left a large frontage of trees, thus sacrificing flat ground in rear yard for play areas etc. Moving the garage to the rear is not in keeping with my plans for the remaining usable space.

OF HA PLANIED 1.

Use: Beight variance from 15' to 22' would allow garage to have a roof pitch complimentary with existing house. Lowering roof pitch would be seathetically unpleasing. Increasing roof pitch would help to obtain limited storage on attic floor, otherwise resulting in no head clearance for this purpose.

Contract Purchaser/Lessee			Lega-Owner(s)			
(Type or Print Name)	· - · · · · · · · · · · · · · · · · · ·		(Type or Print Name)	<u> </u>		
Signature	······································	- · · · · · · · · · · · · · · · · · · ·	Signature 1 1 70 14/1 1/1	11444		
Address	· ··•	- · · - · · · · · · · · · · · · · · · ·	(Type or Print Name)			
Čitý	State	Zipcode	Signature			
Attorney for Petitioner						
(Type or Print Name)			Address How yland Auc	Phone No		
			roccio Aid	21204		
Signature			City Name Address and phone number of represent	State Zipcode		
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City	State	Zipcode	Address	Phone No		
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in rvivic nearing naving been i that the subject matter of this o	requested and/or found setition be set for a much	d to be required, it is orde	red by the Zoning Commissioner of Battimore Coun as required by the Zoning Regulations of Battimore C	ly, this day of		

ITEM D:

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 16 420 Contar Grove Rd

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 hardenly or practical difficulty)

Area: To move garage rearward would require additional clearing of mature trees (oak, hickory). The additional paving accessary to extend distance is more costly and increases the area of hard surface that does not absorb rain water. I feel this is not desirable when in close proximity to mature trees. When I initially cleared trees for a house site I left a large frontage of trees, thus sacrificing flat ground in rear yard for play areas etc. Moving the garage to the rear is not in keeping with my plans for the remaining usable space.

Use: Height variance from 15' to 22' would allow garage to have a roof pitch complimentary with existing house. Lemering roof pitch would be aesthetically unpleasing. Increasing roof pitch would help to obtain limited storage on actic floor, otherwise resulting in no head clearance for this purpose.

> That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. 1 HEREBY CERTIFY, this 1/2/2 day of 1/2/2 da Ed Wordhington

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made outh 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.

EXAMPLE 3 - Zoning Description Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet. ZONING DESCRIPTION FOR 16429 Codor Grove Councilmanic District wide at a distance of 383 Morth of (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street Arden Valley Court (name of street) (number of feet of right-of-way width) _ wide. *Being Lot #____ as recorded in Baltimore County Plat "As recorded in deed Book # 6619 Folio # 315 # 42° 12' 00" E 214.50, and N 69° 58' 44" E 877.71' To the place of bas II your property is not recorded by Plat Book and Polio Number, seginning. description as shown, instead state: "As recorded in Deed Liber ____, Polio ___ and include the measurements and directions (metas and bounds only) here and on the plat in the correct location. Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18

CENTIFICATE OF POSTING ZONNIG DEPARTMENT OF BALTIMORE COUNTY 93-193-14 Date of Posting 3/16/93 Petitioner: C. Brasts Hubbert + FJ Worthing Ton Location of property: W/s (16420) Codor Grote Rd. 383' N/Ardon Vollay Ct Location of Signer Ficing 400 & Wox + On property of Politicanis Account: R-001-6150 H9.300-303 "HEARÍNG FEES PRHE NAME OF OWNER: HUBBLISH

and Development Management 111 West Chesapeake Avenue March 18, 1993

(410) 887-3353

Ed Worthington 16420 Cedar Grove Road Sparks, Maryland 21152

Towson, MD 21204

Re: CASE NUMBER: 93-293-A (Item 308) W/S Cedar Grove Road, 383' N of c/l Arden Valley Court 16420 Cedar Grove Road 5th Election District - 1st Councilmani Petitioner/Owner: C. Brooks Hubbert Petitioner/Tenant: Ed Worthington

Dear Petitioner(s):

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

Office of Zoning Administration

1) Your property will be posted on or before March 28, 1993. The closing date (April 12, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

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.

27' 03" E.87,2 ft., 8.62 19' 00" W. 318 ft., and N.08 15'

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 6, 1993

Mr. C. Brooks Hubbert 12 Maryland Avenue Towson, MD 21204

> RE: Case No. 93-293-A, Item No. 308 Petitioner: C. Brooks Hubbert Petition for Administrative Variance

Dear Mr. Hubbert:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 March 10, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

State Highway Administration

O. James Lighthizer Hal Kassoff **Administrator**

Dear Ms. Winiarski:

Ms. Julie Winiarski

Zoning Administration and

111 W. Chesapeake Avenue Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is 410-333-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717 13 - 213

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: April 1, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item No. 308, 314, 317, 322 and 324.

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 887-3480.

PK/JL:lw

308.ZAC/ZAC1

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 MAPCE 24, 1993

(410) 887 4500

Arnold Jablon Director Zoning Administration and

Baltimore County Office Puilding Towson, MD 21204

RE: Property Owner: C. PROOKS PURFERT

Towson, MD 21286 5500

Development Management

Location: #16420 CELAR GPOVE POAL

Item No.:* 308 (JCM) Foning Agenda: MARCH 22, 1993

Gentlemen:

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

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

Noted and Special Inspection Division

Jb/kekb

Printed on Recycled Paper

13 - 243

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

April 1, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM

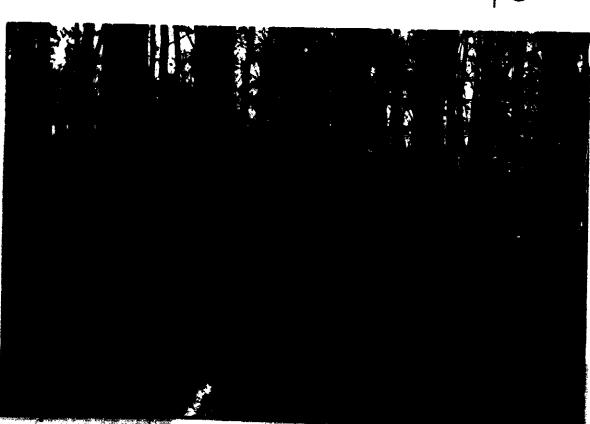
SUBJECT: Zoning Item #308
Hubbert Property, 16420 Cedar Grove Road
Zoning Advisory Committee Meeting of March 22, 1993

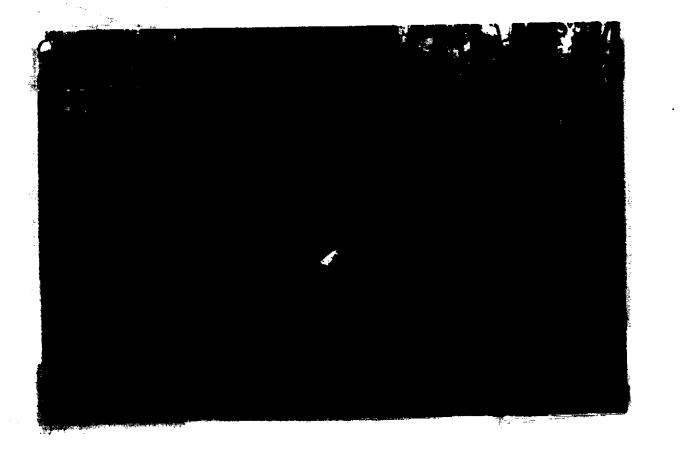
Development of this property must comply with the Forest Conservation Regulations. A Declaration of Intent must be filed with the Department of Environmental Protection and Resource Management (DEPRM) prior to issuance of building permit.

JLP:JAW:tmm

HUBBERT/TXTRMP

93-293-A



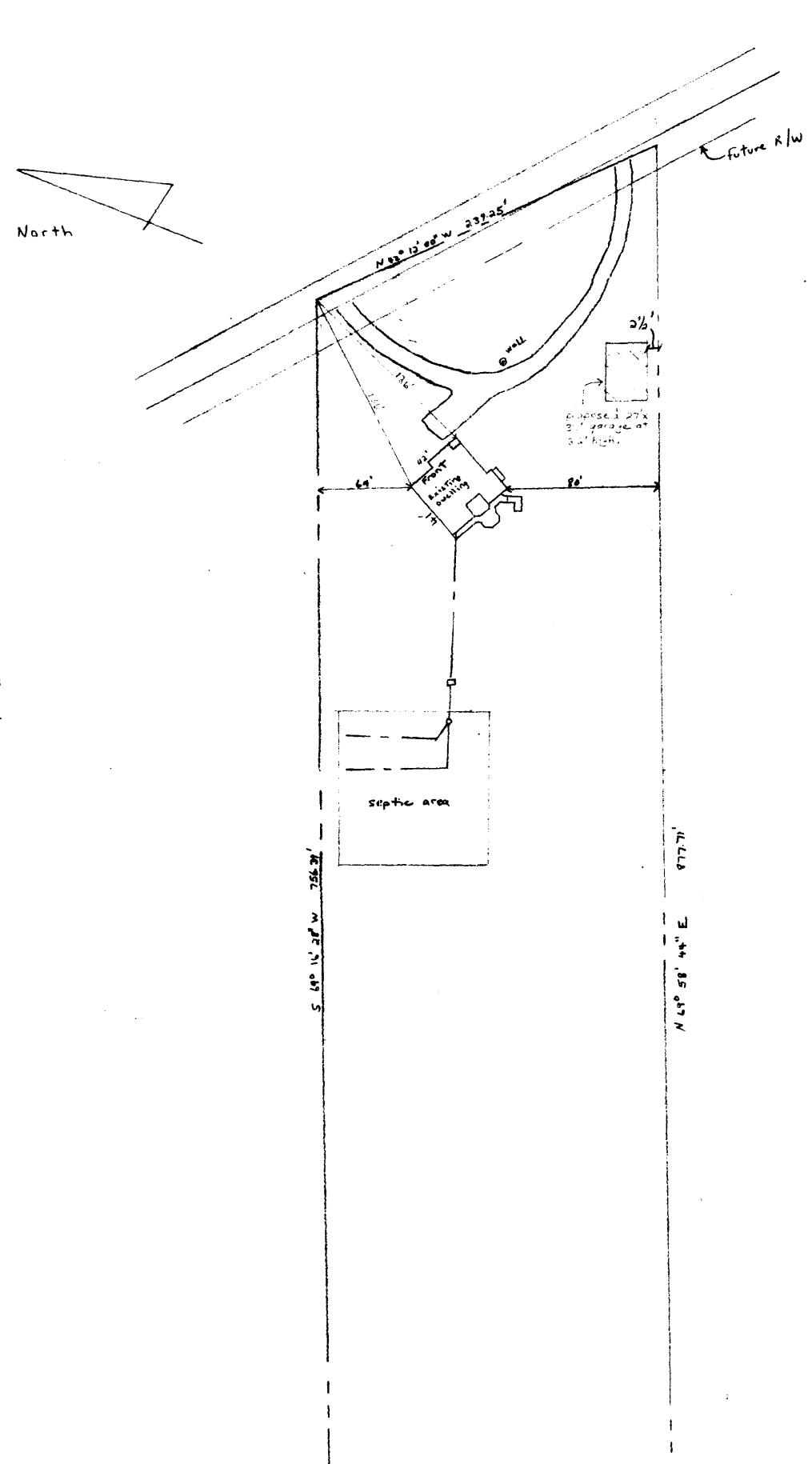


93-293-A

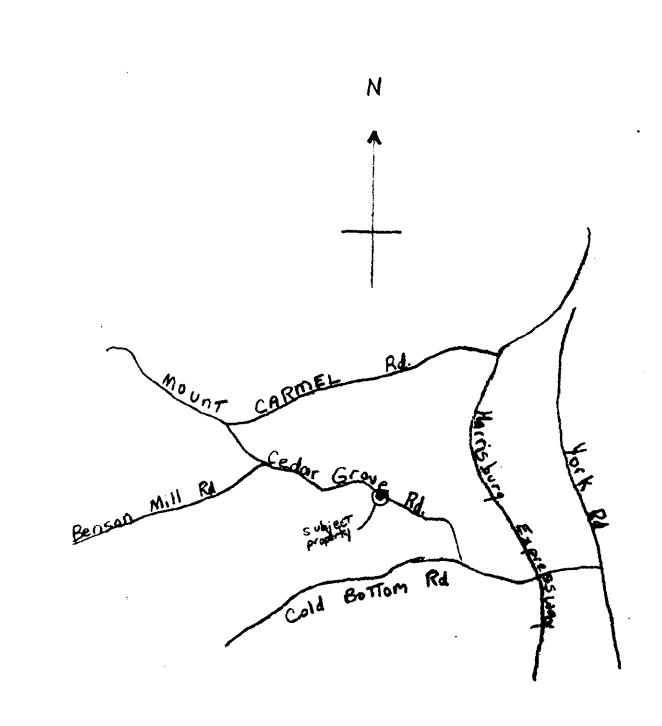




PLAT to accompany Petition for Zoning & Variance 1 Special Hearing Property Address 16420 Cedor Grove Rd. Subdivision Nome N.A. Plat book * 6619 Folio * 215 lot * ____ SecTion # Owner C Brooks Hubbert



reviewed by: DATE: 3-1-93 Prepared by: FPW Scale of Drawing 1"= 50'



Vicinity Map scale 1" = 4000/

LOCATION INFORMATION

Council manie District: 5 district : 1 Election 1"= 200' scale map: Zoning: RC-2 Lot Size 4.07+acreage

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Zoning Office Use Only item #

Case =

