OF BALTIMORE COUNTY . Case No. 93 379-A Jeffrey S. Crockett, et ux

. . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAM

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 4209 Spring Avenue in the Oak Park Subdivision of Baltimore County. The Petitioners/property owners, Jeffrey S. and Vicki L. Crockett, his wife, request a variance from Sections 400.1 and 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure, (detached garage) to be located 1 ft. from the side property lot line and to exceed the size of the principal dwelling, in lieu of the requirement that same be subordinate in area to said principal structure. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Vari-

The variance was originally filed as a Petition for Administrative An administrative variance may be granted for an owner occupied residential property if a public hearing is not requested by the Zoning Commissioner or an interested party whose property is within 1,000 ft. of the site. In the instant case, a request for hearing was received from two individuals. Karen Christian, 4215 Spring Avenue raised a number of concerns in her correspondence to my office on May 24, 1993. Further, a request for a hearing was received from James E. Malone, Jr., who resides at 4305 Spring Avenue. In view of this correspondence, the matter was

permission to construct a smaller garage in the rear of the property. Thus, the Petitioner can construct, without variances, an accessory garage which will accommodate many of the goals about which he testified. In my construction of a garage of the configuration propose should not be allowed. Specifically, I concur with the Protestants' assertion that such a garage might destroy or detract from the residential character of the neighborhood. Further, wherever a garage is constructed, same should be permitted only as to ensure that the storm water manage (swale) should not be disturbed. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unner essarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Beltimore County this 157 day of July, 1993 that a variance from Sections 400.1 and 101 of the Beltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (a detached garage) to be located 1 ft. from the side property lot line and to exceed the size of the principal dwelling, in lieu of the requirement that same be subordinate in area to said principal structure be and is hereby DENIED.

ers/property owners, Jeffrey S. Crockett. Numerous residents of the surrounding community appeared as Protestants. They included Mr. Malone, Elmer J. Linthicum, Jr., Bruce H Custer, James M. Grimen and Ban Holmes. All of these residents reside on Spring Avenue, a short distance from the

Testimony and evidence presented was that the subject property is .193 acres in area and is zoned D.R.S.S. The site is presently improved with a single family two story framed dwelling and concrete driveway/parking pad in the front. The lot and dwelling are part of a new residential subdivision, known as Oak Pyrk. In fact, Mr. Crockett indicated that his house is only one year old. Apperently, this subdivision, which contains 47 lots, is still being built. Testimony was offered that approximately 37 houses are now constructed and occupied.

Mr. Crockett testified that he proposes constructing a garage in the rear of the property. It is to be noted that the lot is a narrow, yet deep, lot which tapers to the rear. That is, the lot is approximately 50 ft. wide at its frontage on Spring Avenue but only approximately 39 ft. wide to the rear property line. Further, the site plan shows an existing drainage easement on the rear of the lot. Lurther, the photographs presented show a swale in the rear of the property which was obviously intended to conform with the drainage easement. The testimony was that storm water runoff flows towards the rear of the property and the swale was installed to provide storm water management for the houses located on the Petitioner's side of Spring Avenue. However, based on the photographs of the drainage swale, it appears that said swale might not be located within the drainage easement.

scheduled and a public hearing was held on June 23, 1993. Ampearing at the public hearing for this case was one of the Petition-

In any event, Mr. Crockett proposes constructing a free-standing garage on the rear of the property. As shown on the site plan, the garage will be within the area of the drainage easement. At the hearing, the Petitioner requested a waiver and/or modification of the County's ease ment. After due consideration, I must conclude that the Zoning Commission er does not have the authority to waive construction of a permanent "truc ture within an easement dedicated to Baltimore County. Thus, I cannot approve construction within this easement as proposed. Further, construc tion anywhere near this portion of the property should be reviewed carefully by the Department of Environmental Protection and Resource Management to assure that same will not interfere with the storm water management

Within the Petition, Mr. Crockett proposes locating a rather large garage to the rear of the property. The dimensions of the garage are shown on the site plan as being 24 ft. x 34 ft. Mr. Crockett observed that his hobby is restoring classic sutomobiles. It is envisioned that the garage will be used to store these automobiles as well as to store the vehicle which he uses as basic transportation. The proposed garage will be 15 ft. in height, a dimension which complies with the regulations. It will contain heating/air conditioning but will not have a bathroom facility. Further, although Mr. Malone works out of his home as an electrician, he testified that he will not store items connected with his business in the garage and will not utilize same for commercial purpose

As noted above, a number of neighbors appeared and testified in oppo sition to this project. Mr. James E. Malone, Jr. testified of his desire to keep this subdivision strictly residential in character. He noted that the builder of this community offered a two garage house model and Mr. Crockett did not avail himself of the opportunity to purchase this type of house. He believes that the construction of a separate garage building in the rear of the property will destroy the ambience of the community Also, he is concerned that it may iversely affect the storm water runoff by interfering with the swale to the rear of the property. His concerns were echoed by other Protestants present. Generally, they all voiced concerns over commercialization of the property, potential destruction of the residential symmetry and character of the neighborhood and concerns about interference with storm water punoff

An area variance may be granted where strict application of the zor ing regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the proper-ty for a perm'ited purpose or render conformance unnecessarily burdensome:

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. In fact, the Petitioner produced a permit which indicated that he had applied for and received

Affidavit in support of Administrative Variance

and beauty affirms under the meastim of persons to the Zonine Commissioner of Rationore County, as follows:

Halethorpe, Md. 21227

To build a detached three car garage in rear yard of existing SFD.

3) A size of 816 sq.ft. for garage and 684 sq.ft. for existing SFD in lieu of garage being smaller than SFD.

The Admittide beneficially the growing field distribution to pray regoring and galacticine for and

M. Nulu f. Crockett

by identified to me as such Affaint(s), and made outh in due form of la

HOLEN PER Christy Parkent

Vicki L. Crockett

1) An encroachment of ten feet onto Drainage & Utility easement

in order to keep building out of existing drainage swale.

2) A setback of one toot in lieu of required three foot on

1 HERRESTY CERTIFY, this Moth day of April 1993 before mr. a Notary Public of the State

Toffrey Crockett

That the information herein given is within the personal knowledge of the Affant(s) and that Affant(s) and that Affant(s) is the event that a public handon is arbaching to the forms with mount of the forms with the forms w

This would give a rear setback of ten feet.

That based upon personal knowledge, the following are the facts upon which I've base the request for an Ad Variance at the above address: toman became a

That the Affant(s) does to presently reside at 4209 Spring Ave.

This would require:

south side of building.

4/26/93

## Petition for Administrative Variance to the Zoning Commissioner of Baltimon & County

for the property located at 4209 Spring Ave., Helethorne, Md.21227

400.1 and 101 (NCER) — To permit a proposed accessory structure (a detach garage) to be located 1 foot from a side lot lism and to exceed the cise of the principal dealling in liev of being subordinate is aree to ead princip

tions of Baltimore County, to the Zoning Law of Baltimore County; for the fol

To build a detached three car garage in rear yard of existing SFD. Garage is to be 34 ft. by 24 ft. This would require a ten fit encroschement onto existing twenty toor easement. A setback of one foot on south side of building, and the garage would be 816 sq.ft. as compared to 684 sq.ft. for the existing SFD.

Property is to be posted and advertised as prescribed by Zoning Regulations.
Lorso, agree to pay expenses of above Variance advertising, posting, ste., upon tiling of this position, and further agree to and are to

No.	-
Helethorpe, Md. 21227	-
The ball of the second control of the second	
4209 Spring Ave. 410	536
Willi & Crockett	16
	_
7///	39
Sell 2. 1/10	
Jeffrey S. Crockett	_
<b></b>	
the world a, so belong many is no order in the passer.	-
	A203 Spring Are. 410

2 50 m 4/48/53 ME PORTO ME 5/16/93

Suite 113 Courthouse 400 Washington Aven

(410) 887-4386

Mr. and Mrs. Jeffrey S. Crockett 4209 Spring Avenue Halethorne, Maryland 21227

Enclosed please find the decision rendered in the above captioned . The Petition for Zoning Variance has been deried, in accordance with

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 (iling an appeal, please feel free to contact our Appeals Clerk at 08-7-391.

Very truly yours, Somme & Shoulf Lawrence E. Schmidt Zoning Commissioner

Mr. 'James E. Malone, Mr. Elmer J. Linthicu Mr. Bruce H. Custer Mr. James W Grimes Mr. Ban Holmes

ton Expires: 411 194

mm e: 392

93-379-A CERTIFICATE OF PUBLICATION ROOI-6150 T OF SALTIMONS COUNTY 13-379-4 6/10 ,1993 In addition to entry #1 Brainage scale was installed by developer near the center of the rear vard, not in the easement area as is designated in all available plats. The developer has been assessed to the second than the developer has been assessed to the second to the law to the second to the soule has been approved by the Sediment Control Office of Ballisere County as per N. Vidmar of the same efficiency. THIS .5 TO CERTIFY, that the annexed adverti Variance Part to Variance Variance Tell ray 5. 4 Victor In Courtett
Lector of proper (1701) 5/5 50mg they 300' S/Henry hilling vecks, the first publication appearing on (0 10 1993 BALTIMORE COUNTY, MARYLAND OFFICE OF PRINCE - REVENUE OFFICE MINISTELL AMERICAN CARRYLAND **884**42 there we duly on proudy to be nevel S-27-93 RO01-6150 Date 1 return ... 5/21/93 5. Zete Orlan Period by Militaries - 40 -Request for Nearing 93-379-A 93-378-A ZONING DESCRIPTION FOR 4209 SPRING AVE. Councilmanic District:1 benetion District:1

Benining at a point in the cost side of Spring Ave. which
is fifty feet wide all no fit he nearest ingroved intersecting
south the side of the second proved intersecting
the side of the second proved intersecting
side of the side of the second provided intersecting
the side of the sid STREET OF SALTHONE COLUMN 93-319-A REQUEST FOR HEARING ന്മരമിതി 6/1/93 Ver18-00 Liffer & Vicki Creekett BANGE, MB. 21227 - 4/28/93 1209 ( E/s) Spring Ate, 300' 5/Hore - 118+ JEFFASY S. CROCKETT E/S SPRING AUF. 300' SOF HUNUMENTAL RD. a fang dodder on pre Anty & Philippet THOUSE MILENT, TR. 010 ADHIN VARIANCE \$0.00 080 POST ING 3500 ( )Logal Owners ()() Souldeste, of 4305 SPRING AVE Date of return: 6/10/93 TOTAL \$ 85.00 BARO, MB 21227 410-242-6755 which is located approximately 300 feet from the property which is the subject of the above potition, do hereby formally request that a public bearing be not in this matter. STORES OF SERVICE 0 Baltimore County Governme Office of Zoning Administrati BALTINORE COUNTY, MARYLAND Maryland Department of Transportation Hal Kassoff State Highway Administration INTER-OFFICE CORRESPONDENCE 4/93 392 Arnold Jablon, Director Zoning Administration 111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353 (410) 887-3353 111 West Chesapeake Avi Towsen, MD 21204 PROM: Pat Keller, Deputy Director Office of Planning and Zoning May 24, 1993 5-11-93 rect 7, 1993 DATE: New 17, 1993 HOTICE OF HEARING Mr. and Mrs. Jeffrey S. Crockett 4209 Spring Avenue Halethorpe, ND 21227 Re: Baltimore County Item No.: + 392 (LEO) SUBJECT: 4209 Spring Avenue The honding Commissioner of Bulliance Courts, by subscript of the Ecolog Sci and Supulsacions of Bulliances Now 100 of the Courts VIII hald a Bushles Scarles on the property identified Service in the Now 100 of the Court Office Bullian, 110 Companies Service in theses, Surpland 22006 Some 119, Old Courthours, 600 Sendington Service, Townor, Surpland 22006 as follows: Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204 INFORMATION RE: Case No. 93-379-A, Item No. 392
Petitioner: Jeffrey S. Crockett, et ux
Petition for Administrative Variance Jeffrey S. Crockett Dear Mr. and Mrs. Crockett: CASE MUNICIPE: 93-379-1 (Item 3: ) The Zoning Plane Advisory Committee (EAC) has perfored the plane acceptance of the Committee (EAC) and the EAC of the EAC of the Committee (EAC) and the EAC of the E CLES SERGES: 93-79-1 (Unit D. )

COD Spelos News, 200' 5 of Rossmetal Road

E/S Spelos News, 200' 5 of Rossmetal Road

Fill Election District - 4th Rossellmant

Fullinose(s): Asfrey 5. Croduct and Viola L. Croduct

Fullinose(s): Asfrey 5. Croduct and Viola L. Croduct

Fullinose(s): Asfrey 5. Croduct and Viola L. Croduct

Fullinose NUMBERT, 2002 (1) 1975 a 10/100 m.m. in Rm. 118, 014 Courthouse
Fullinose NUMBERT, 2002 (1) 1975 a 10/100 m.m. in Rm. 118, 014 Courthouse-Dear Ms. Kehring: 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 projects. Variance to permit a proposed accessory structure (detechnic pureps) to be located 1 foot from a side lot line and to exceed the size of the principal dealling in lieu of being subordinate in area to said MARY OF RECOMMENDATIONS: Enclosed are all comments substitute thus far from the members of 286 that offer or reverse information on your relation. If additional that offer of the control of the co Please contact Bob Small at 410-333-1350 if you have any questions. The Community Planning Division offers the following comments: Thank you for the opportunity to review this item. Section 101 (SCZR), definition of "accessory structure" states that the struc-ture should be subordinate in area to the principal structure. As stated in the petition, the proposed three car garage is 616 eq. ft., as compared to the 684 sq. ft. for the existing residence. Clearly, the accessory str cture is not subordinate in area to the principal use Bob Small The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office. It is the opinion of the Office of Planning tent based on the size of the Peltinone's house and lot (19) acre), as well as the relatively small home and lote mestry, that should be wearines to section 10 the greated, the property of the period of the per 1) The Director of Zoning Administration and Development Reasonments has instituted a pre-translation of the Company of the Company with all superties of the soning re-lations and publican filing requirements can file their pet ions with this office without the accessive of a preliminary revi by Zoning paramonal. bec: James E. Malone, So. If the variance to section 101 is denied, the Petitioner could build a smaller garage that does not require a variance from side lot line setback. STEEN (1) DECOME SIGN S FOR SET ME RETEMBER TO BE, 100, 111 N. CHEMPHER WERE OF THE REAL CHE.

(2) FRANCIS AND REMINISTRATE ACCUSATION, FOR SPECIAL ACCURACY AND ACCUSATION AND ACCUSATION OF THE PROPERTY OF THE SECURE MEANING, CONTACT HILD OFFICE AT 887-1391. Division Chief: Cary Cleurs PK/JL: lw Tolet-pouritor for Impaired Hearing or Speech Motro - S65-8451 D.C. Metro - 1-800-692-8062 Stat

No Comments

No Comments

Site shall comply with applicable provisions of the Baltimore County Fire Prevention Code.

Townhouses for which the initial building permit was applied for after July 1, 1992 are required by State Law to be sprinklered.

ZADM

Item 390

1tem 391

Item 392

Item 393

Item 394

CPS-008

NL

Baltimore County Government Office of Zoning Administrational Development Manageme TO

(410) 887-3353

MAY 28, 1993

Dear Petitioners

Jeffrey and Vicki Crockett 4209 Spring Avenue Halethrope, Maryland 21227

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied; the policy change will effect to whom and when these fees are paid.

Reposting charges in the amount of \$ 35.00 are now due. Your check in this amount shoull be made payable to "Baltimore County, Maryland" and immediately mailed to this office. Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have eny questions concerning this letter, you may contact Gwer Stephens at 867-3391.

Very truly yours, Bel Sa

ATMOUNT JARLON, DIRECTOR

0

111 West Chesapeake Avenu Towson, MD, 21204

(410) 887-3353

Baltimore County Government Office of Zoning Administration and Development Management

Please be advised that your letition for Administrative Zoning Variance has been easigned the above case after. Any contact ands with this office should reference the case number. This letter also surves as a fresher requesting the administrative process.

1) Now property will be posted on or before May 16, 1993. the clustey date (Jone 1, 1993) at the deadline for a subplet to this a formal repeat for a positio hearing, little will call the second of the control by the behavior of the control by the behavior of the control by the behavior of the control by the control by the control behavior of the control behavi

in cases repriring rabile bearing (whether due to a maighter's formal request or by Grear of the missioner), the property will be reported and notice of the bearing will appear in a Saltimore County appear. Charges related to the reporting and occupant observicing are populs by the putitioner(s).

Please be shrised that you must return the sign and post to this office. They may be returned after closing date. Failure to return the sign and post will result in a \$59.00 charge.

PLEASE UNDESTAND THAT ON THE DATE ATTER THE POSITING PERIOD, THE PROCESS IS NOT CONCERT. THE FILE RUST OF THROUGH FRAUL REYTER AND THE DECISION MAKING PROCESS, WHICH THE ORDER IS ROADY IT WILL BE PREMARED TO YOU VIA FIRST CLASS MAIL. ORDERS MAKE NOT AVAILABLE FOR DISTRIBUTION PRICE TO BELIEVE AUGUST 10.

May 24 1993

I am writing with much concern as a Baltimore County Homeowner in reference to case #93-379A. My understanding is a three car garage (dimensions 34x24) is to be rected in the rear lot of 4209 Spring Ave.

As a search passenser sy masher one concern is the proper drain-ake a nearch passenser sy masher one concern is the proper drain-should exist and that this three or garage will have to be shift on the feet of the satisfies theory foot caments. Will this shift of the feet of the satisfies the satisfies the satisfies the law are; will this building be in uniform with the existing bound was are halfare contains building one requirements for this was also that the satisfies of the satisfies of the satisfies of the built larger then the salating doubling? Will this garage we used for existently proposes only.

Please contact me at the following address: Karen Christian, 4215 Spring Ave., Baltimore, MD 21227.

Kares Christian

ZADM

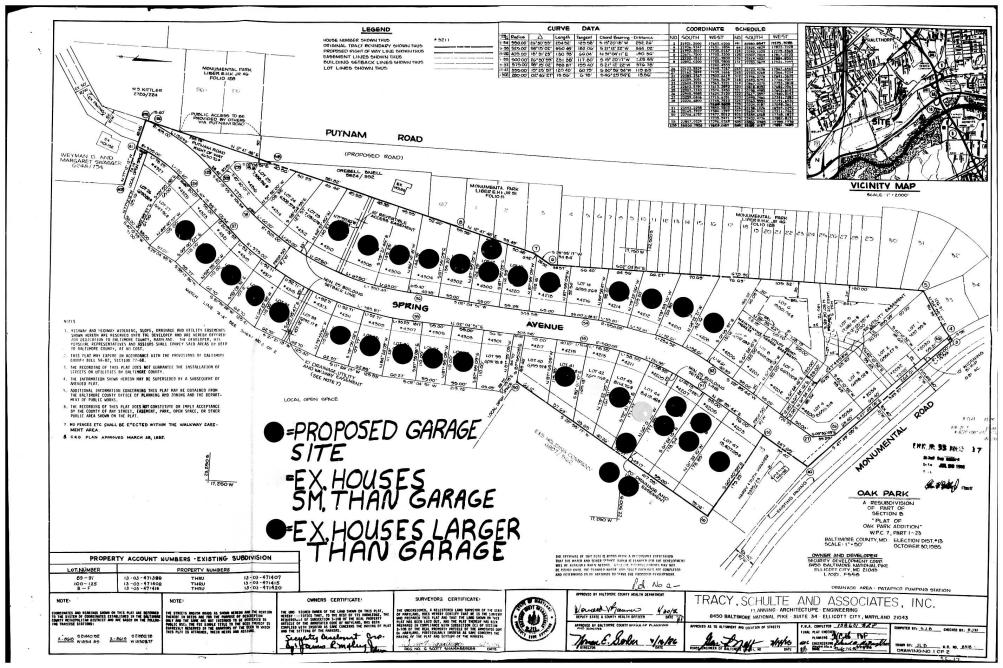
PROTESTANT(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 4305 SPRING AVE 21227 JAMESE MAJONE, JR 4300 Same Au Helethory Al 21127 Elmer J. LINTHICUM Jr 430 2 SARING AVE HAVETHER MD SUST BRUCE H. CUSTER 4306 Spring Ave Highting Jones W. Grimes copy BAN Holmes Hast people

AMERICAN HOMES, Inc. 8424 Veterras Highway, Suite 7 Millersville, MD 21108 (410) 987-8800 November 11, 1992 RE: Easement/Swale/Right-of-Way It has been brought to the attention of the principals of Oak Park Limited Partnership that the swale to the rear of the lots specifically known as Lots of through 47 in the swaldvierion known as Oak Park has not been properly established within the twenty foot easement to the rear of said lots. In order to accommodate the requirements of the galanest proton Control
Office for the control of the control o It is not our intent to inconvenience you or to disrupt anything that presently exists on your properties. However, this requirement is within the pariadiction of the Sediment Exosino Control Office of Batticroe County and should you have any questions you may direct them to that office to which the telephone number is 887-3226. It will be our intent to establish the proper grating, seeding and stabilization of that swale at the direction of the Sediment Creation Centrol Division of Division of Centrol Centr If you have any further questions please feel free contact me at the phone

I think you for your time, attention and most importantly, your cooperation in

Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: 4209 Soring Ave. TAX 10.00.00989 1 dex No1. subdivision name: Ook Pork
plat books 55 ,tolios 6+17 ,tets 44 ,asctions 8 OWNER: Jeff - Vicki Groce Vicinity Map 16 LOCATION INFORMATION lection Discricts /3 1'+200' scale map#: San San SEWER: 🗵 🗌 peake Bay Critical Area: 📋 🗹 Prior Zoning Hearings: Zoning Office USE ONLY! ITEM #: CASE# date: 4/-s/es prepared by: -(SC Scale of Drawing: 1'- 50' 392





93-379-A