

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 F/S Baconsfield Rd., 1056 ft.
 5' of c/1 Chesterfield Road
 16103 Baconsfield Lane
 8th Election District
 3rd Councilmanic District
 James Thomas, et ux
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 93-470-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James and Monica Thomas for that property known as 16103 Baconsfield Lane in the Chesterfield subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 38 ft., in lieu of the required 50 ft., for an attached garage; and to amend the Final Development Plan of Chesterfield, Section 1, as more particularly described on Petitioner's 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 28th day of July, 1993 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 38 ft., in lieu of the required 50 ft., for an attached garage; and to amend the Final Development Plan of Chesterfield, Section 1, be and is hereby GRANTED, subject, however, to the following restriction 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.

ORDER RECEIVED FOR FILING
 Date: 7/28/93
 By: [Signature]

[Signature]
 LAWRENCE E. SCHMIDT
 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

July 28, 1993

Mr. and Mrs. James W. Thomas
 16103 Baconsfield Lane
 Monkton, Maryland 21111

RE: Petition for Administrative Variance
 Case No. 93-470-A
 Property: 16103 Baconsfield Lane

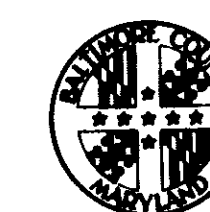
Dear Mr. and Mrs. Thomas:

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.

Very truly yours,
 [Signature]
 Lawrence E. Schmidt
 Zoning Commissioner

LES:mmm
 encl.



Petition for Administrative Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 16103 Baconsfield Lane
 which is presently zoned RC 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 - To permit a side yard setback of 38 feet in lieu of the required 50 feet and to amend the Final Development Plan of Chesterfield, section 1.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
- 1 - PRACTICAL DIFFICULTY - VARIANCE NECESSARY TO ADD A GARAGE.
 - 2 - IMPROVEMENT TO ADD GARAGE ON NORTH SIDE OF HOUSE DUE TO STEEP HILLSIDE.
 - 3 - DEEDS + RESTRICTIONS PREVENT PLACEMENT OF GARAGE BEHIND HOUSE.
 - 3 - NOT HOME IN MONKTON HAVE GARAGE

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.

Who do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of the Petition

Legal Owner(s):
 JAMES W. THOMAS
 [Signature]
 MONICA A. THOMAS
 [Signature]
 16103 BACONSFIELD LANE MONKTON MD 21111
 Phone No. 410-472-2621
 410-472-2621
 16103 BACONSFIELD LANE MONKTON MD 21111
 Phone No. 410-472-2621
 Name Address and phone number of representative to be contacted

Address Phone No. Name
 City State Zipcode Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

REVIEWED BY: R.T. DATE: 6-29-93
 ESTIMATED POSTING DATE: 7-18-93
 ITEM #: 476

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) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 16103 BACONSFIELD LANE
 MONKTON MD 21111

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 hardship or practical difficulty)

PRACTICAL DIFFICULTY - VARIANCE NECESSARY TO ADD A GARAGE. IT IS NEAR IMPOSSIBLE TO ADD GARAGE TO ANY OTHER SIDE OF HOUSE EXCEPT SIDE WHERE VARIANCE IS REQUESTED. ADJACENT PROPERTY HELD UNDER TO VARIANCE. SEE ATTACHED

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

[Signatures of James W. Thomas and Monica A. Thomas]

STATE OF MARYLAND, COUNTY OF BALTIMORE: I, JAMES W. THOMAS, do hereby certify, this 21st day of June, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

AS WITNESSES my hand and Notarial Seal. [Signature]
 My Commission Expires: May 15, 1995

OWNERSHIP

DAVE WILLIAMS
 16102 BACONSFIELD LANE
 (ACROSS THE STREET)
 LOT #7
 D.P. # 787-812
 Acct. # 190001099
 472-2716

TAYLOR & MARTHA SPEXER
 16101 BACONSFIELD LANE
 (NEW OWNERS SETTLE 6/28/93)
 LOT #8
 D.R. - NOT APPLICABLE
 Acct. # - NOT APPLICABLE

TONY & DIANE LITWAK
 28 CHESTERFIELD CT. 472-4240
 LOT #20
 D.R. 7582-604
 Acct. # 190001042

TOM & NANCY DEWILN
 22 CHESTERFIELD CT. 472-4244
 LOT #19
 D.R. 6604-348
 Acct. # 190001041

ALLAN & ANN JENSEN
 12 CHESTERFIELD CT. 472-3142
 LOT #14
 D.R. 8564-473
 Acct. # 190010406

ROHAN & IRENE KSTRUBIAK
 10 CHESTERFIELD CT. 472-2927
 LOT #10
 D.R. 7483-358
 Acct. # 190001040L

ITEM # 476
 93-470-A

EXAMPLE 3 - Zoning Description - 3 copies

93-470-A
 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 16103 BACONSFIELD LANE
 Election District 8 Councilmanic District 3

Beginning at a point on the east side of BACONSFIELD LANE which is 50' R/W (18' PAVED) (street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 1,056 ft. south (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street CHESTERFIELD COURT (name of street)

which is 50 ft. wide. *Being Lot # 9 (number of feet of right-of-way width)

Block NONE, Section # 1 in the subdivision of CHESTERFIELD as recorded in Baltimore County Plat (name of subdivision)

Book # 50, Folio # 77 containing 70,785 sq. ft. and 1,625 Ac.±. (square feet and acres)

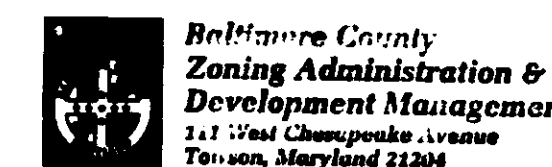
*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in deed Liber # Folio # and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

ITEM # 476

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 78 Date of Posting: 7/8/93
 Posted for: [Signature]
 Petitioner: James W. & Monica A. Thomas
 Location of property: 16103 Baconsfield Lane (E.D. 8), 1023 1/2 Chesterfield Rd.
 Location of Sign: Facing 1023 1/2 on driveway of 16103
 Remarks:
 Posted by: [Signature] Date of return: 7/16/93
 Number of Signs: 1



receipt

Account: R-011-6190
 Number: 9/29/93
 JAMES & MONICA THOMAS - 16103 BACONSFIELD LANE
 010 - VARIANCE - \$ 50.00
 050 - SIGN - \$ 35.00
 TOTAL - \$ 85.00
 ITEM # 476
 R.T.I.

03A03H028PHICHR
 BA C011146AM06-29-93 \$85.00
 Please Make Checks Payable To: Baltimore County
 Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 19, 1993

Mr. and Mrs. James W. Thomas
16103 Baconfield Lane
Monkton, MD 21111

RE: Case No. 93-470-A, Item No. 476
Petitioner: James W. Thomas, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Thomas:

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 June 29, 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 process with this office.

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.

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

7-7-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTO. CO.
Item No.: * 476 (RT)

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 project.

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

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 16, 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 Nos. 1, 3, 7, 470, 473, 474, 475 and 476.

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.

Prepared by: Jeffrey Long
Division Chief: Campbell Kerns

PK/JL:lw

001.ZAC/ZAC1

7-16-93 JW 6146-93
RECEIVED
JUL 12 1993
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
ZADM

TO: Zoning Advisory Committee DATE: July 9, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 19, 1993 Meeting

#473 - No comments
#474 - No comments
#475 - No comments
#476 - No comments
#477 - Building shall be built in compliance with the 1991 Life Safety Code.
#1 - No comments
#2 - No comments
#3 - No comments
#4 - No comments
#5 - No comments
#6 - A fire hydrant is required at the entrance to the site.
- Building shall be built in compliance with the 1991 Life Safety Code.
#7 - No comments

JLP/dal
cc: File

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 9, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: James and Monica Thomas
16103 Baconfield Lane
Monkton, Maryland 21111

RE: CASE NUMBER: 93-470-A (Item 476)
16103 Baconfield Lane
E/S Baconfield Road, 1056' S of c/1 Chesterfield Road
8th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 11, 1993. The closing date (July 29, 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. They 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 reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting 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. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

Gaylord Brooks Architectural Committee, Inc.
P.O. Box 193, Paper Mill Road, Phoenix, Maryland 21131 (301) 967-0800

June 21, 1993

Mr. & Mrs. James W. Thomas
16103 Baconfield Lane
Monkton, Maryland 21111

RE: Side Setback Variance
Chesterfield, Lot 9

Dear Mr. and Mrs. Thomas:

Please be advised that Gaylord Brooks Architectural Committee, Inc. (GBAC) approves your request for a twelve (12) foot side variance on the Lot 8 side of your property in order that you may construct a garage addition.

Sincerely,
Thomas O. Moore

ITEM # 476
93-470-A

6/22/93

To whom it may concern:

I have reviewed the proposed addition and variance plans for the proposed addition. I approve of this change and have no opposition to the described changes discussed.

David Williams
16102 Baconfield Ln.
410-472-2716

ITEM # 476
93-470-A
LOT # 7

6/19/93

To whom it may concern

We have reviewed the plans for the building at 16103 Baconfield Lane that involves going 12 feet past the 50 foot setback. We approve of this proposed change and have no opposition.

Matthew Spina
16101 Baconfield Lane
Monkton, MD
21111

ITEM # 476
93-470-A
LOT # 8

JIM & MONICA THOMAS
16101 BACONSFIELD LANE LOT #9



FRONT VIEW

EXISTING CONDITIONS ①



BACK VIEW

93-470-A
ITEM # 470



JIM & MONICA THOMAS
16103 BACONSFIELD LANE LOT #9



ADJACENT DWELLING ②



93-470-A
ITEM # 470

6-23-93
To whom it may concern,
We have reviewed the plans for
the building addition at 16103 Baconsfeld
Lane that includes going 10 feet past the
50 foot setback & approval of this
purpose change and have no objection.

Dear Citia,
25 Chesterfield Ct
Morgantown, Md 21111

93-470-A
ITEM # 470
LOT #20

JIM & MONICA THOMAS
16103 BACONSFIELD LANE LOT #9



SIDE VIEW (SIDE OF GARAGE ADDITION) ③



SIDE VIEW (OPPOSITE SIDE - STEEP HILL) ④
93-470-A
ITEM # 470

Plat to accompany Petition for Zoning Variance Special Hearing

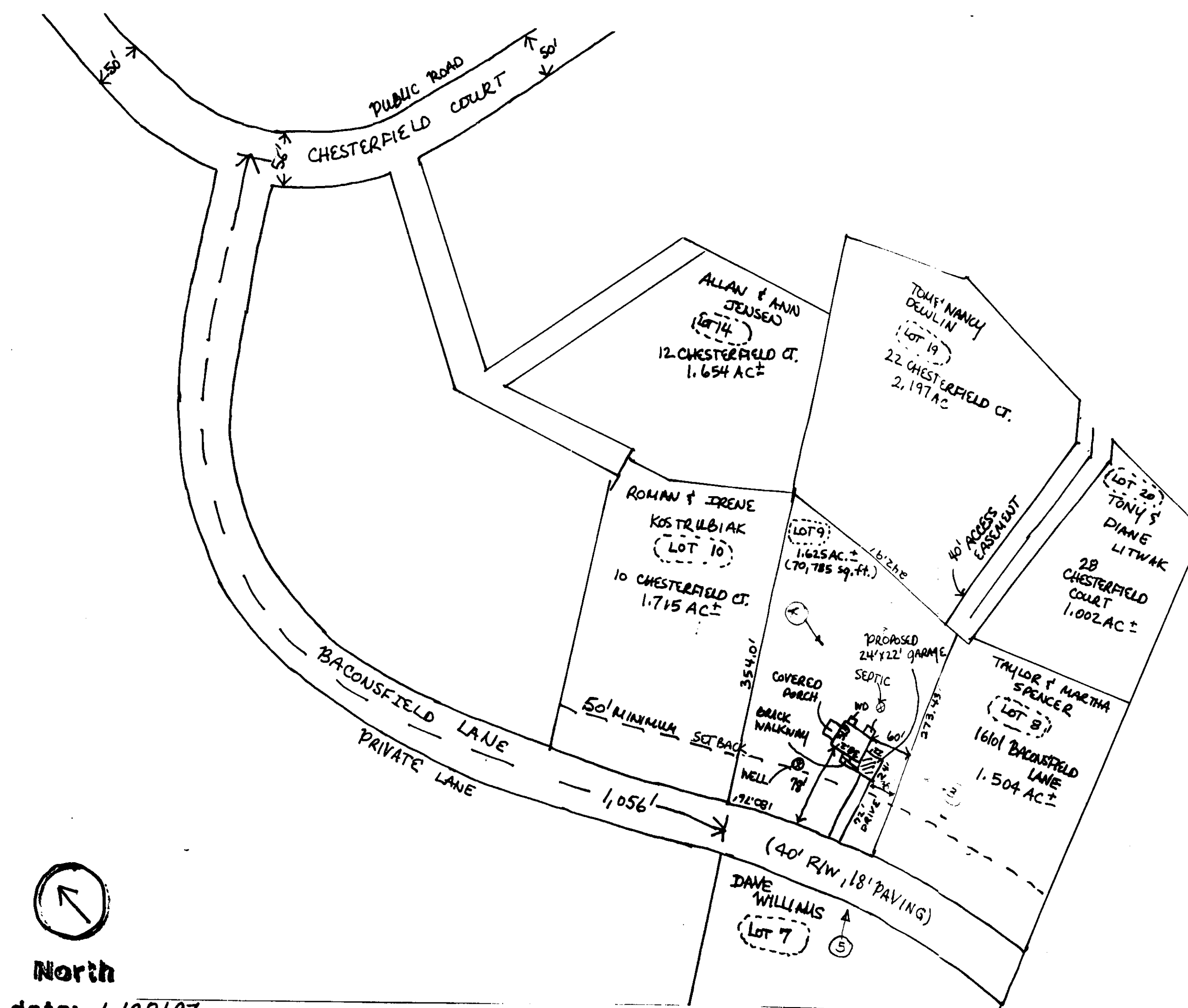
PROPERTY ADDRESS: 16103 BACONSFIELD LANE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CHESTERFIELD

Plat book # 50, folio # 77, lot # 9, section # 1

OWNER: JAMES W. and MONICA A. THOMAS

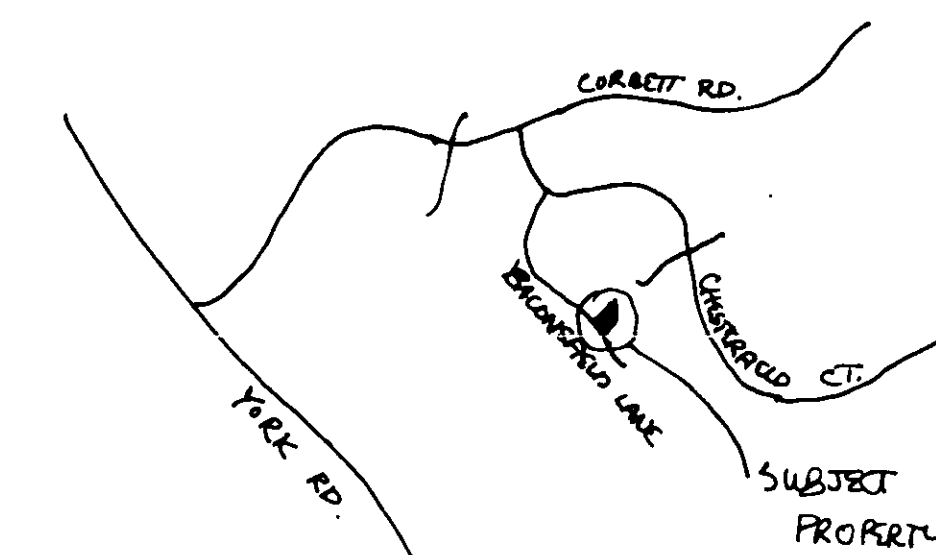


North

date: 6/28/93

prepared by: NAT

Scale of Drawing: 1" = 100'



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 8
Councilmanic District: 3

1"=200' scale map #: NW 25-B

Zoning: RC-5

Lot size: 1.625± acreage 70,785 sq. ft. square feet

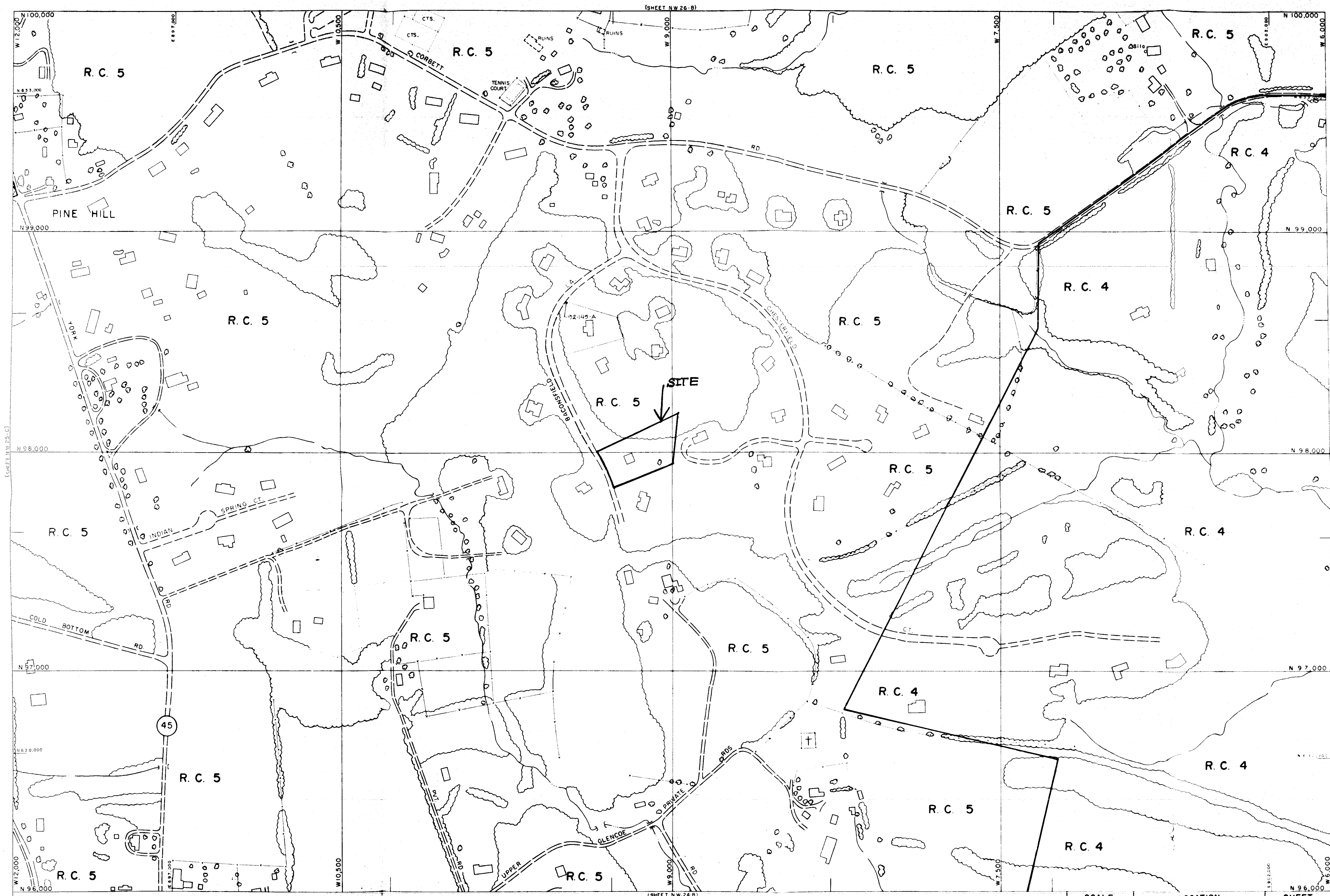
	public	private
SEWER:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WATER:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Chesapeake Bay Critical Area: yes no
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: R.T. ITEM #: 470 CASE #: 470

Handwritten signature/initials



DD - NE
HH - SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

SCALE
1" = 200'

LOCATION
PINE HILL

SHEET
N.W.
25-B

DATE OF PHOTOGRAPHY
JANUARY 1986

William Howard IV
Chairman, County Council

JIM & MONICA THOMAS
16103 BACON FIELD LANE
MONKTON, MD. 21111

SUBDIVISION: CHESTERFIELD
LOT 9, SEC. 1

ITEM #476

93-470-A



93-470-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	PINEY HILL	N.W. 25-B ITEM# 470
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED