

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
W/S Garrison Forest Road, * ZONING COMMISSIONER
1200' N of the c/l of the access * OF BALTIMORE COUNTY
road to Garrison Forest School (314 Garrison Forest Road)
3rd Election District * Case No. 94-29-A
3rd Councilmanic District
Hugh F. Cole, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Hugh F. Cole, Jr. and his wife, Glen Hannah Cole. The Petitioners request relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (proposed garage) in an R.C. 2 zone with a height of 21 feet in lieu of the maximum permitted 15 feet, and from Section 400.1 of the B.C.Z.R. to permit part of said accessory building to be located in the side yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative 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 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 variances 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, 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 Zoning Commissioner for Baltimore County this 15th day of August, 1993 that the Petition for Administrative Variance requesting relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (proposed garage) in an R.C. 2 zone with a height of 21 feet in lieu of the maximum permitted 15 feet, and from Section 400.1 of the B.C.Z.R. to permit part of said accessory building to be located in the side yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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.
- 2) The Petitioners shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit and/or apartments. The proposed garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated August 20, 1993.

LAWRENCE E. SCHMIDT
Zoning Commissioner

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21284

August 24, 1993

(410) 887-4386

G. Paige Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Garrison Forest Road, 1200' N of the c/l of the access road
to Garrison Forest School
(314 Garrison Forest Road)
3rd Election District - 3rd Councilmanic District
Hugh F. Cole, Jr., et ux - Petitioners
Case No. 94-29-A

Dear Mr. Wingert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Zoning Administration and Development Management office at 887-1391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Hugh F. Cole, Jr.
314 Garrison Forest Road, Owings Mills, Md. 21117

People's Counsel

file

ORDER RECEIVED FOR FILING

Date 8/24/93
By

ORDER RECEIVED FOR FILING

Date 8/24/93
By

- 2 -

Arnold Jablon, Director
July 15, 1993
Page 2

similar design, the Coles will not only obtain a garage which is visually pleasing, but also one which most adds to the property's value. However, in order to keep the architectural and aesthetic integrity of the proposed garage close to that of the existing home, the Coles find it necessary to request a slightly higher building height than is permitted for such accessory structures in an RC-2 zone. In addition, in order to utilize the existing foundation of the outbuilding it will be necessary for a small portion of the garage to be located in the side yard.

It is respectfully submitted that the requested six foot building height variance from § 400.3 of the Baltimore County Zoning Regulations meets the requirements for such variances contained in § 307.1 B.C.Z.R. Given the considerable distance of the proposed garage from all adjoining properties, it is clear that the requested variance will not create any adverse impact on any neighboring landowners or on the public in general. Moreover, since the purpose of the variance is to allow for a structure that is architecturally and aesthetically compatible to the Coles' residence, we believe strict compliance with the 15 foot building height limitation would unreasonably prevent the Coles from using their property in a manner that is totally consistent with the RC-2 zone.

The variance to locate part of the proposed garage in the side yard also meets the requirements of § 307.1 B.C.Z.R. The Coles strongly believe that it is in their best interest as well as the best interest of the public to locate the garage at the site of the existing outbuilding because this enables them to "redevelop" the site and avoid ground disturbance elsewhere else on the property. Moreover, it should be noted that the portion of the garage to be located in the side yard is de minimis. Accordingly, to force the Coles to strictly comply with the rear yard requirement of § 400.1 by moving the proposed building location would be unnecessarily burdensome.

For these reasons, we believe the requested variances are within the spirit and intent of the Zoning Regulations and we would therefore respectfully request your approval.

Sincerely,
G. Paige Wingert
G. Paige Wingert

enclosures
GPW/dok

cc: Mr. & Mrs. Hugh F. Cole, Jr.
Robert A. Hoffman, Esquire

JABLON10.GPW

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP-BALTIMORE PROFESSIONAL CORPORATION
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
PH: (410) 887-8000
FAX: (410) 881-0147

July 15, 1993

WRITER'S DIRECT NUMBER IS

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Property of Mr. & Mrs Hugh F. Cole, Jr.
314 Garrison Forest Road
Request for Administrative Variance

Dear Mr. Jablon:

On behalf of our clients, Mr. & Mrs Hugh F. Cole, Jr., we respectfully request an administrative variance to permit an accessory structure in an RC-2 zone with a height of 21 feet in lieu of the maximum 15 feet and a variance to permit a small portion of the accessory structure to be located in the side yard.

By way of background, the circumstances which have led the Coles to seek this variance are as follows. In 1985, the Coles completed an extensive renovation of their two and a half bedroom home on Garrison Forest Road in which they added an additional two bedrooms to make room for their growing family of four children. This renovation was professionally designed by the architectural firm of Columbia Design Collective, Inc., who worked largely within the constraints of the existing home by converting its attached garage into living space. Since 1986, the Coles have not had a garage and would now like to raze the existing farm outbuilding located nearest to their home (see attached photos) and build a garage/storage structure at this location, as shown on the attached Plat to Accompany Variance Petition.

As can be seen from the attached conceptual drawings (also prepared by Columbia Design Collective), the architects have gone to great lengths to keep the proposed garage architecturally and aesthetically compatible with the existing home. By utilizing a

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 thereon in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at 314 Garrison Forest Road

Owings Mills, Maryland 21117

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: (Include language or personal affidavit)
(See attached letter)

That Affiant(s) is/are knowledgeable that if a protest is filed, Affiant(s) will be required to pay a re-posting and advertising fee and may be required to provide additional information.

Hugh F. Cole, Jr.
Glen Hannah Cole

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 15th day of July, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Hugh F. Cole, Jr. and Glen Hannah Cole

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

7/16/93

NOTARY PUBLIC
MARGARET L. SPINER
BALTIMORE COUNTY, MD

LIBER 715Z PAM 300

94-29-A

Property Description to Accompany Petition for Administrative Variance

303IN11K; for the same at a point in the center line of Garrison Forest Road at the beginning of the land which by Deed dated May 16, 1950, and recorded among the Land Records of Baltimore County in Liber 715Z No. 1833, folio 439, was conveyed by Sigmund Katz to Jerome Kahn and wife, and running thence binding on the first, second and third lines of said land (1) South 89 degrees 27' 27" West 112.65 feet (2) North 16 degrees 48' 00" West 78.09 feet and (3) South 89 degrees 03' 00" West 146.64 feet, thence bounding on a part of the fourth line of said land (4) South 29 degrees 32' 00" East 568.21 feet, thence leaving the outlines of said land and running for lines of division the five following courses and distances: (5) North 83 degrees 43' 00" East 391.11 feet (6) South 62 degrees 57' 00" East 265.30 feet, (7) Easterly by a curve to the left with a radius of 100.00 feet, the distance of 63.27 feet (the chord of said arc bears North 89 degrees 46' 00" East 62.22 feet), (8) North 62 degrees 29' 00" East 78.97 feet (9) South 63 degrees 04' 00" East 77.43 feet to a point in the center line of Garrison Forest Road, and in the ninth line of the land herein referred to, thence binding on a part of said ninth line and on the center line of said Garrison Forest Road (10) North 26 degrees 15' 00" East 454.07 feet to the end of said ninth line, and thence binding on the tenth line of said land and still binding on the center line of said Garrison Forest Road (11) North 07 degrees 00' 00" East 102.35 feet to the place of beginning. Containing 11.0864 Acres of land. Improvements thereon being now or formerly known as No. 314 Garrison Forest Road.

33

CERTIFICATE OF POSTING *94-29-A*
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: *3rd* Date of Posting: *8/13/93*
 Posted for: *Venue*
 Petitioner: *Hugh F. Cole, Jr. & Glen H. Cole*
 Location of property: *314 Garrison Forest Rd. W/S, 1200 N. J. Ave. W/S*
to Garrison Forest School
 Location of Sign: *Posting to driveway on property being zoned*

Remarks: _____
 Posted by: *MSH/John* Date of return: *8/13/93*
 Number of Signs: *7*

ITEM # 33 receipt

Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21284
 Account: R 001-6150
 Number: JCM

Date: 7-21-93
 HUGH F. COLE, JR. 314 GARRISON FOREST RD.
 Admin U. (010) _____ 50.00
 POSTING (080) _____ 35.00
 _____ 85.00

03A03W0118MICHRC #85.00
 BA C00215PM07-21-93
 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 21284 (410) 887-3353

August 13, 1993

G. Paige Wingert, Esquire
 Venable, Baetjer and Howard
 210 Allegheny Avenue
 Towson, Maryland 21204

RE: Case No. 94-29-A, Item No. 33
 Petitioner: Hugh F. Cole, Jr., et ux
 Petition for Administrative Hearing

Dear Mr. Wingert:

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 August 8, 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.

- 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.

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 6, 1993
 Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
 Development Plan Review Section

RE: Zoning Advisory Committee Meeting
 For August 9, 1993
 Item No. 33

The Development Plan Review Section has reviewed the subject zoning item. This property (R-2 Zone) is exempt from the requirements in the Landscape Manual. However, we recommend that a buffer be required for Garrison Forest Road and the adjacent development, if it is needed.

RWB

Maryland Department of Transportation
 State Highway Administration

O. James Lighthizer
 Secretary
 Hal Kassoff
 Administrator

7/19/93

Re: Baltimore County
 Item No. X 3 (3019)

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

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.

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,
Bob Small
 John Contestabile, Chief
 Engineering Access Permits
 Division

My telephone number is _____
 Teletypewriter for Impaired Hearing or Speech
 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 29, 1993
 Zoning Administration and
 Development Management

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. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39.

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 M. Long*
 Division Chief: *Gary L. Kerns*

PK/JL:lw

ZAC.9/ZAC1

BALTIMORE COUNTY, MARYLAND
 Inter-Office Correspondence

TO: Zoning Advisory Committee DATE: August 3, 1993

FROM: Captain Jerry Pfeiffer

SUBJECT: August 9, 1993 Meeting

#29 No Comments
 #30 No Comments
 #31 No Comments
 #32 No Comments
 #33 No Comments
 #34 No Comments
 #35 Building shall comply with the 1991 Life Safety Code.
 #36 Surface for Fire Department access shall be paved and capable of handling 50,000 lbs. on 2 axles.
 #37 No Comments
 #38 No Comments
 #39 No Comments

JP/dmc

RECEIVED
 AUG 5 1993
 ZADM

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21284 (410) 887-3353

July 28, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Hugh F. Cole, Jr. and Glen H. Cole
 314 Garrison Forest Road
 Owings Mills, Maryland 21117

Re: CASE NUMBER: 94-29-A (Item 33)
 314 Garrison Forest Road
 W/S Garrison Forest Road, 1200' +/- W of c/l access road to Garrison Forest School
 3rd 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.

- Your property will be posted on or before August 8, 1993. The closing date (August 23, 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.
- In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commission), 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).
- 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 \$60.00 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
 Arnold Jablon
 Director

cc: G. Paige Wingert, Esq.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21284 (410) 887-3353

August 26, 1993

G. Paige Wingert, Esquire
 Venable, Baetjer and Howard
 210 Allegheny Avenue
 Towson, Maryland 21204

RE: Case No. 94-29-A
 Item 33
 Administrative Hearing

Dear Mr. Wingert:

Enclosed are copies of DEPRM comments received on August 23, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Very truly yours,
Charlotte Minton
 Charlotte Minton

Enclosure

Printed with Recycled Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
 INTER-OFFICE CORRESPONDENCE

August 20, 1993

TO: Mr. Arnold Jablon, Director
 Zoning Administration and
 Development Management

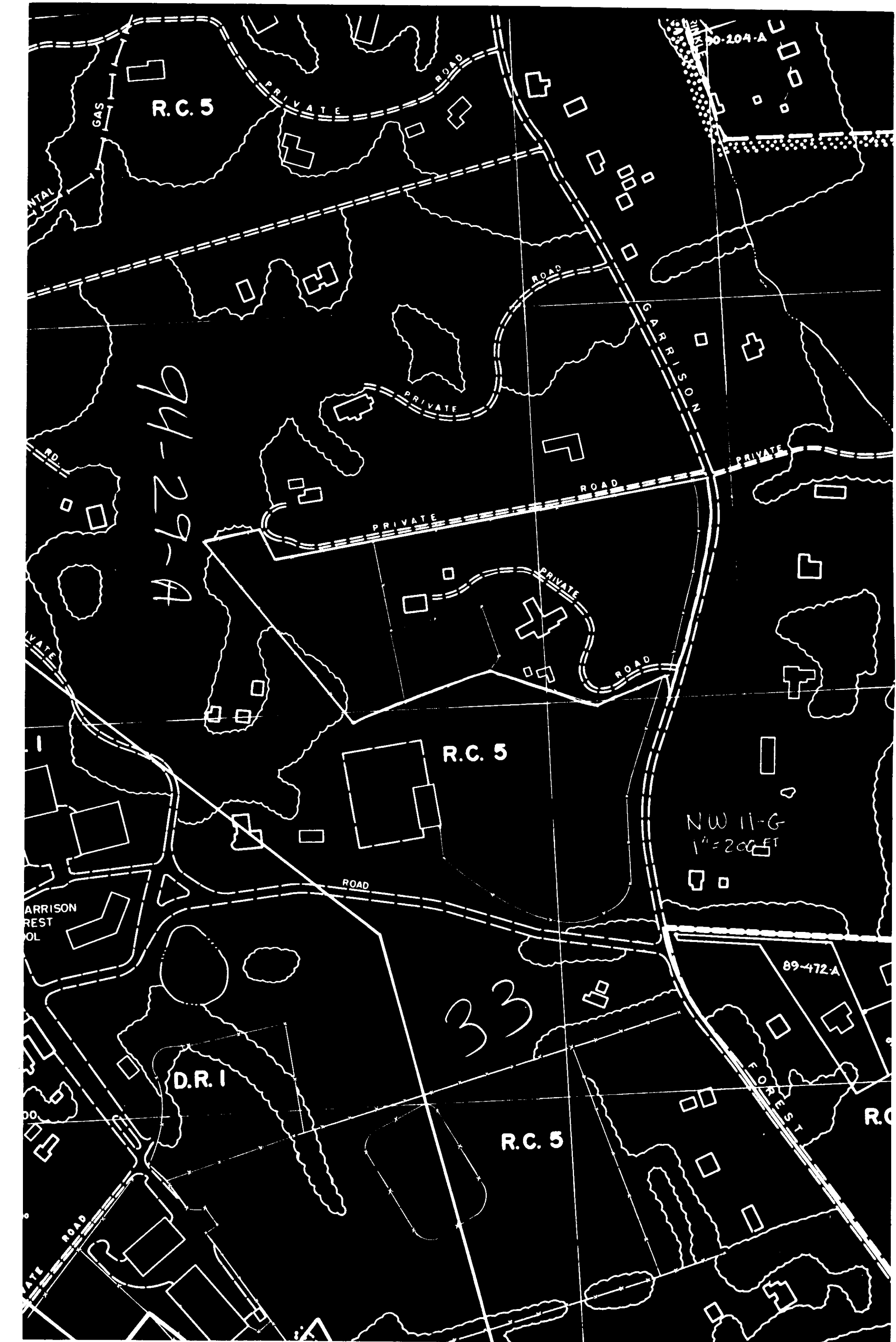
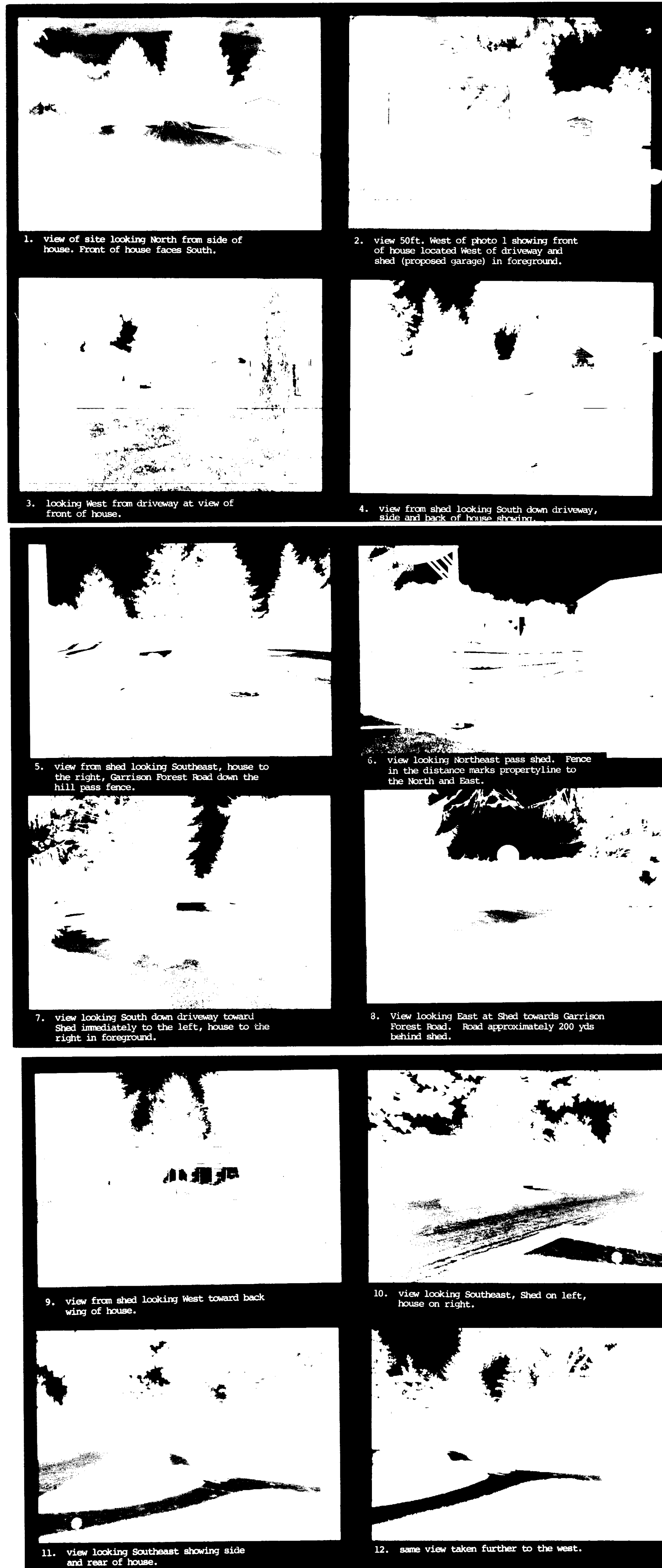
FROM: J. Lawrence Pilson *JLP/lps*
 Development Coordinator, DEPRM

SUBJECT: Zoning Item #33, Cole Property
 314 Garrison Forest Road
 Zoning Advisory Committee Meeting of August 2, 1993

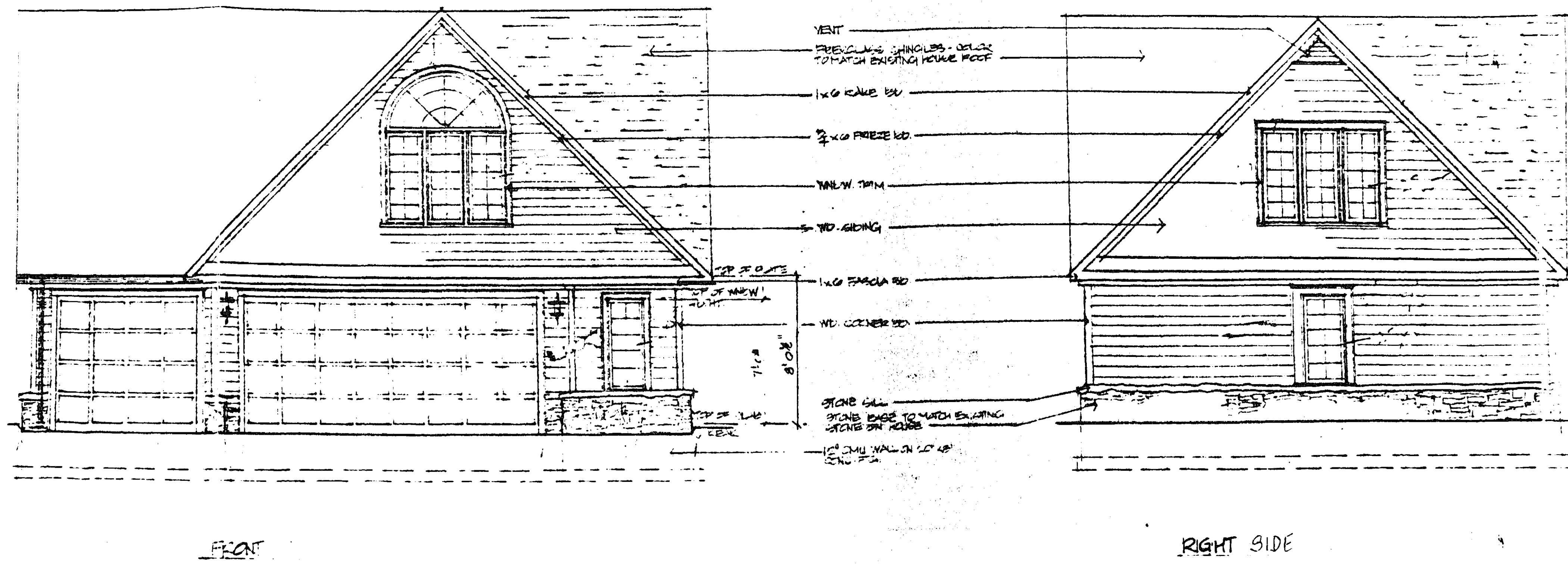
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Building Permit Plan must show a 25' Buffer on the seep and stream located on and adjacent to the western side of the property.

JLP:LS:sp
 COLE/DEPRM/TXTSPB

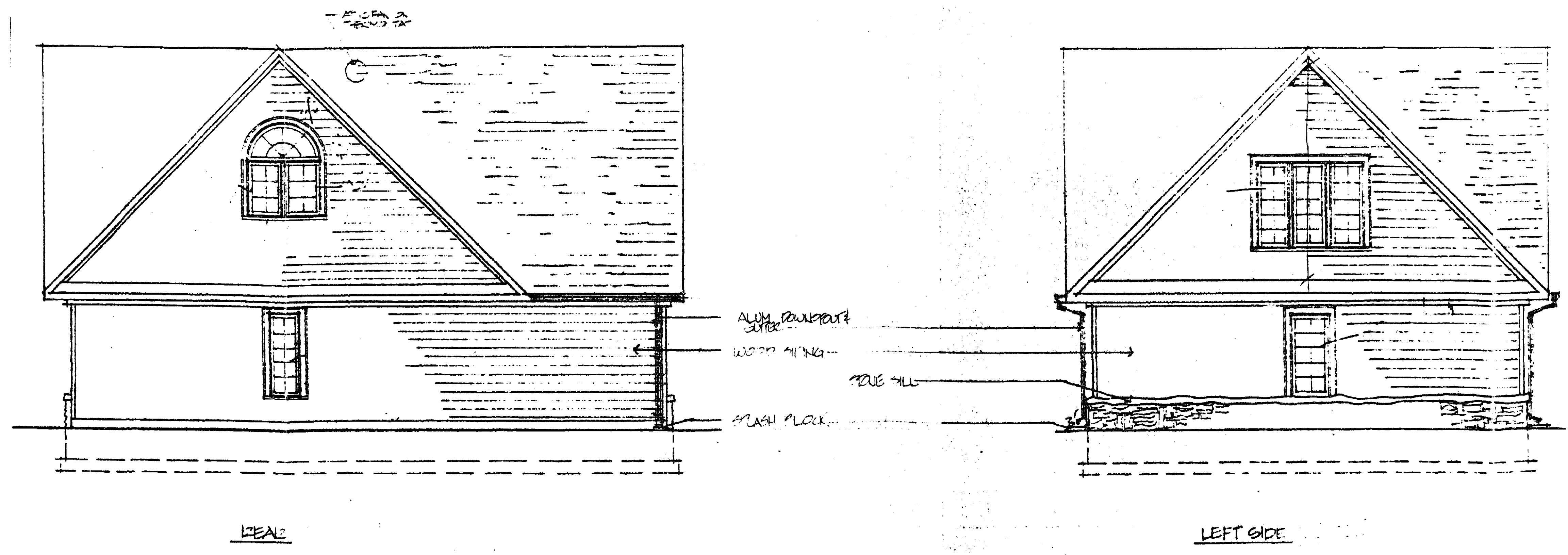


A-6-29-A



FRONT

RIGHT SIDE



REAR

LEFT SIDE

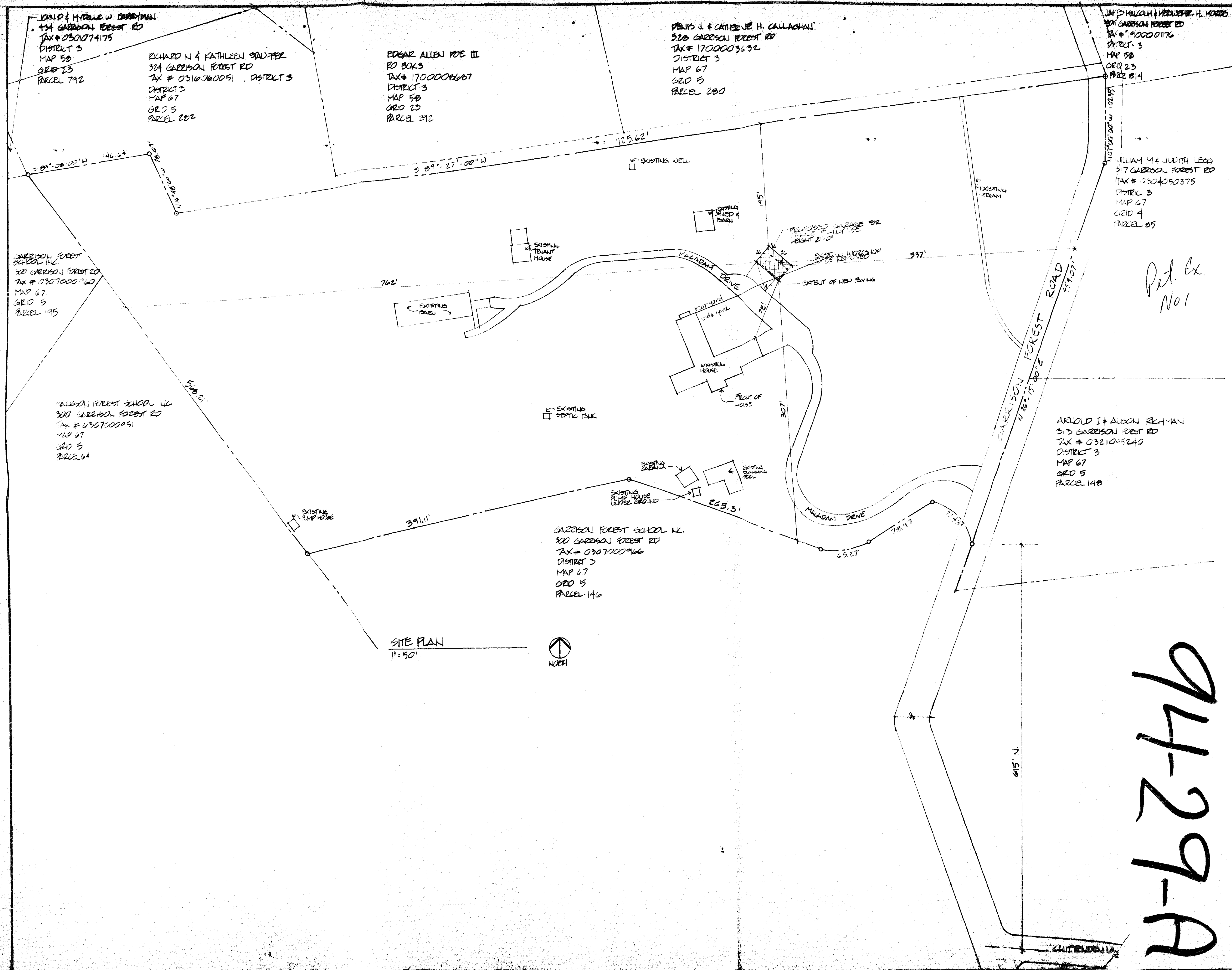
33

Concept Drawing

ILEX CONSTRUCTION & DEVELOPMENT, INC.
 1202 Maryland Avenue
 Baltimore, Maryland 21201
 Phone (410) 332-0704 Fax (410) 752-0613

COLE GARAGE

SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE: 6-14-93		
DRAWING NUMBER:		A-6-29-A



PLAT TO ACCOMPANY FOR ZONING VARIANCE

Owners: Mr. Hugh F. Cole Jr.
 Property Address: 314 Garrison Forest Road
 Baltimore, Md. 21117

Liber 7152 Page 556

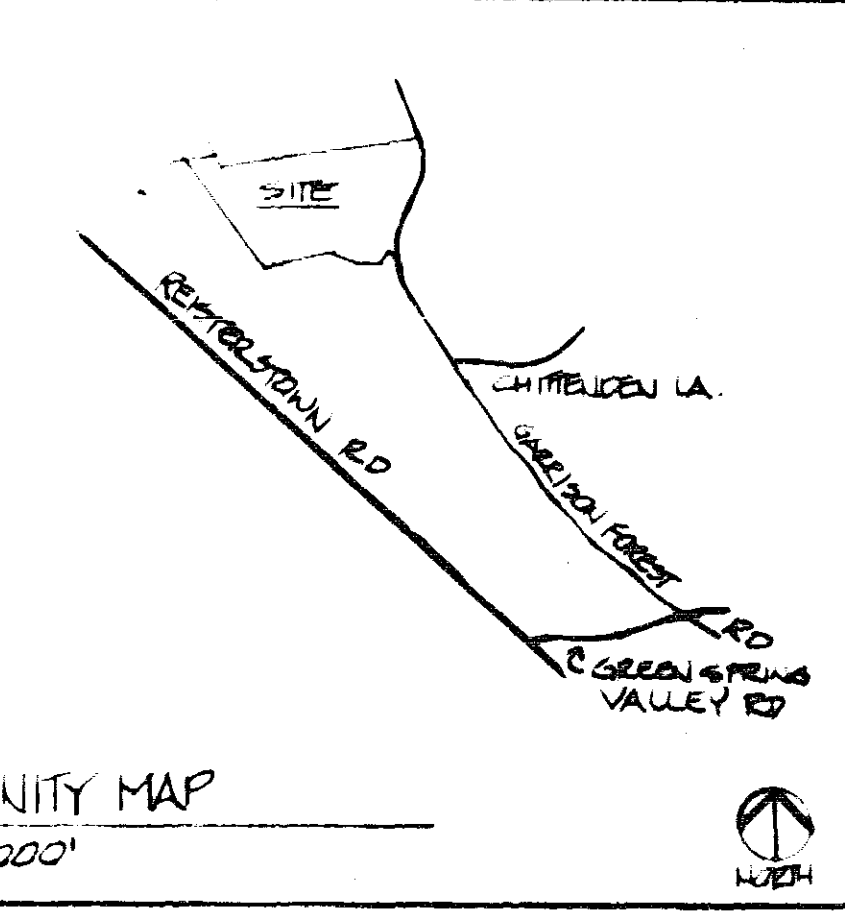
Tax Account # 0311048090

District #3

Map: 67

Grid: 5

Parcel: 147



LOCATION INFORMATION

Councilmanic District: 3

Election District: 3

1" = 200' Scale Map N.W. 11-G

Zoning RC-5

Lot Size: 11.0864 Acres 482,923 Square feet

Prior Zoning Hearings: None

VARIANCE INFORMATION

Variance from Section 400.3 B.C.Z.R. to permit an accessory building in an RC-2 zone with a height of 21 feet in lieu of the maximum 15 feet and a variance from Section 400.1 B.C.Z.R. to permit part of an accessory building to be located in the side yard.

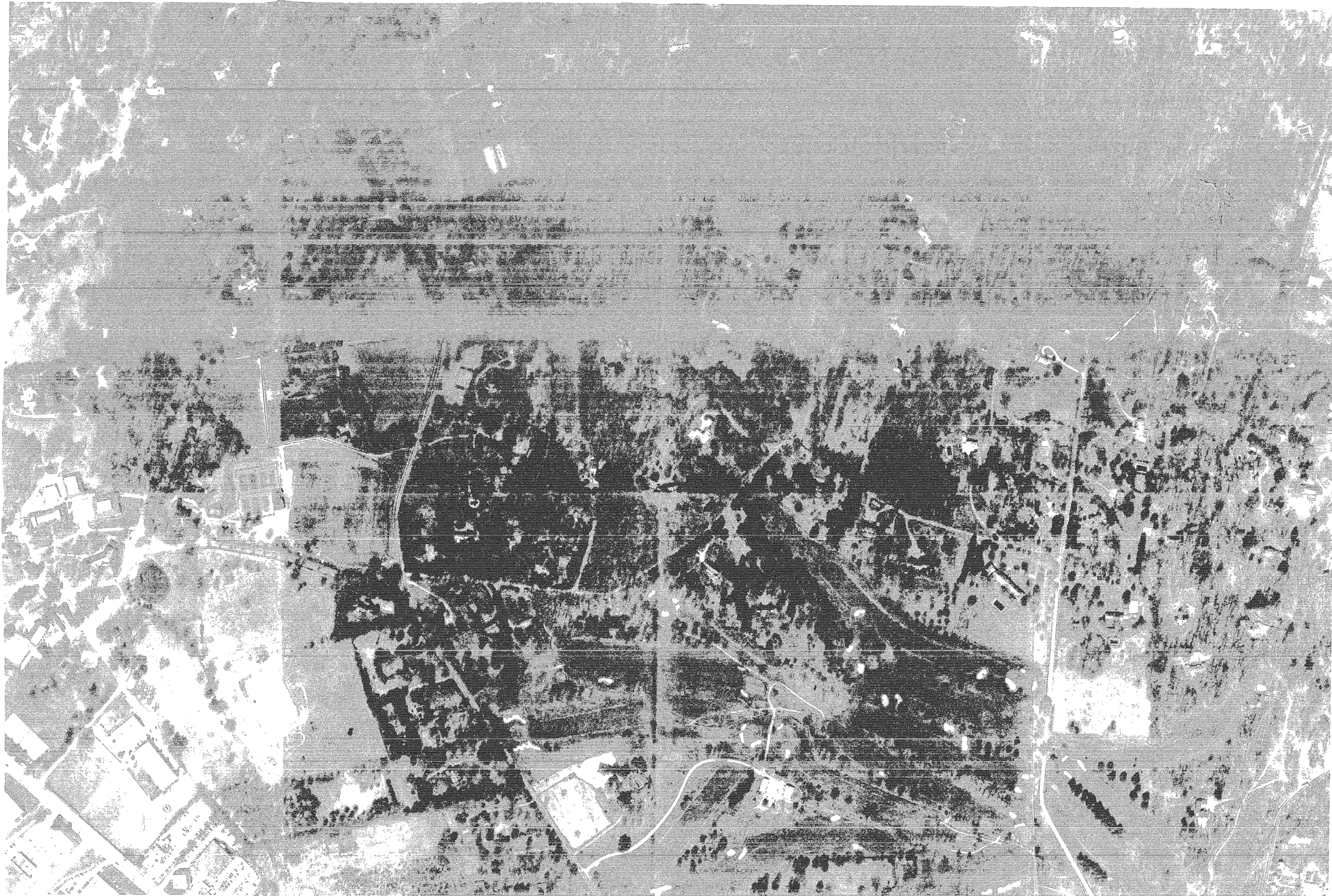
HLEX CONSTRUCTION & DEVELOPMENT, INC.
 1202 Maryland Avenue
 Baltimore, Maryland 21201
 Phone (410) 332-8704 Fax (410) 752-8613

PLAT TO ACCOMPANY FOR ZONING VARIANCE:

OWNER: HUGH F. COLE JR.	DATE: 7/15/93	SCALE: 1"=50'
PROJECT: COLE GARAGE		

944-29-A

33



A-62-116

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200' ±	CHATTOLANEE	N.W. II-G
DATE OF PHOTOGRAPHY JANUARY 1966	33	

MICROFILMED