

IN RE: PETITION FOR ADMIN. VARIANCE  
 412 Single Tree Lane, 441' E  
 of the 0/1 of Mt. Carmel Road  
 (16706 Single Tree Lane)  
 5th Election District  
 3rd Councilmanic District  
 Philip R. Kearney, et ux  
 Petitioners

BEFORE THE  
 DEPUTY ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 94-350-A

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 16706 Single Tree Lane, located in the Parkton area of northern Baltimore County. The Petition was filed by the owners of the property, Philip R. and Norma J. Kearney. The Petitioners seek relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 20 feet for a proposed garage addition in accordance with 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 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

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B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It should be noted that the site plan submitted into evidence as Petitioner's Exhibit 1 depicts a height of approximately 17 feet for the proposed garage. Inasmuch as the proposed garage will be attached to the dwelling, the maximum height restriction of 15 feet is not applicable.

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 7<sup>th</sup> day of April, 1994 that the Petition for Administrative Variance seeking relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 20 feet for a proposed garage addition 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 relief granted herein shall be rescinded.
- 2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Rorocco*  
 TIMOTHY M. ROROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:js

- 2 -

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Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning

Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21284

April 7, 1994

(410) 887-4386

Re: Mr. & Mrs. Philip R. Kearney  
 16706 Single Tree Lane  
 Parkton, Maryland 21120

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
 412 Single Tree Lane, 441' E of the 0/1 of Mt. Carmel Road  
 (16706 Single Tree Lane)  
 5th Election District - 3rd Councilmanic District  
 Philip R. Kearney, et ux - Petitioners  
 Case No. 94-350-A

Dear Mr. & Mrs. Kearney:

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 files 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 Office at 887-3393.

Very truly yours,

*Timothy M. Rorocco*  
 TIMOTHY M. ROROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:js

cc: People's Counsel

js

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**Petition for Administrative Variance**  
 74-350-A  
 to the Zoning Commissioner of Baltimore County  
 for the property located at 16706 Single Tree Lane  
 which is presently zoned RCR(R-70)

This Petition shall be filed with the Office of Zoning Administration & Development Management  
 The undersigned, legal owners of the property located in Baltimore County and which is described in the description and plat attached hereto and which is a parcel located therein, hereby petition for a Variance from Section 1802.3.B of the B.C.Z.R. to permit a side yard setback of 15' in lieu of the required 20'.

- 1) Present garage can't be extended to rear because of well location. Pick-up will not fit rear. Full size pick-up will not fit rear.
- 2) Proposed addition designed to be large enough to house 400 sq. ft. size cars or pick-ups and to blend in with present dimensions of dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
 I, as an owner, agree to pay expenses of above variance advertising, posting, etc. upon filing of this petition, and further agree to and am to be bound by the zoning regulations and restrictions of Baltimore County applicable pursuant to the Zoning Law of Baltimore County.

Contract Participant Name: Philip Robert Kearney  
 Signature: Philip Robert Kearney  
 Address: Norma Jean Kearney  
 Name: Norma Jean Kearney  
 Address: 16706 Single Tree Lane  
 Parkton, MD 21120  
 Signature: Philip Kearney  
 Address: 16706 Single Tree Lane, 357-5308  
 City: Parkton, MD 21120

ORDER RECEIVED FOR FILING  
 Date: 3-9-94  
 By: JCM  
 3-20-94

**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 reference herein made to me within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereon at the time the same were made and are true and correct.  
 That the Affiant(s) do presently reside at 16706 Single Tree Lane, Parkton, MD 21120

- 1) Present garage can't be extended to rear because of location of well. Full size pick-up will not fit due to low slope in rear.
- 2) Proposed addition designed to be large enough to house two full sized cars or pick-ups and to blend in with present dimensions of dwelling.

That the Affiant(s) acknowledge that in a previous filing they were required to pay a posting and advertising fee and are to be bound by the zoning regulations and restrictions of Baltimore County applicable pursuant to the Zoning Law of Baltimore County.

*Philip Robert Kearney*  
 Philip Robert Kearney  
*Norma Jean Kearney*  
 Norma Jean Kearney and Philip Robert Kearney  
 STATE OF MARYLAND FOR VS BY BALTIMORE COUNTY  
 I HEREBY CERTIFY that I am a duly sworn and qualified Notary Public of the State of Maryland and that I am duly sworn and qualified to perform the duties of my office.  
 My Commission Expires: 10-05-94

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**EXAMPLE 3 - Zoning Description** - 3 copies  
 94-350-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 16706 SINGLE TREE LANE  
 Election District 5 Councilmanic District 3

Beginning at a point on the WEST side of SINGLE TREE LANE (street on which property fronts) which is 50' (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 441' SOUTH of the centerline of the nearest improved intersecting street MT. CARMEL RD (name of street) which is 20' (number of feet of right-of-way width) wide. "Being Lot # 3 (number of feet of right-of-way width) in the subdivision of MT. CARMEL FRAMES as recorded in Baltimore County Plat Book # 24, Folio # 021, containing 1 1/2 (square feet and acres)

"If your property is not recorded by Plat Book and Sublot 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 measurement and directions (as shown and bounds only) here and on the plat in the correct location.  
 Example of metes and bounds: N.07 12' 1 1/2" E. 311.1 ft., S.10 27' 03" E.07.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

339

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**CERTIFICATE OF POSTING**  
 BALTIMORE COUNTY GOVERNMENT  
 OFFICE OF PLANNING AND ZONING  
 Towson, Maryland

Notice to: JCM Date of notice: 3-9-94  
 Posted for: Philip Robert Kearney  
 Location of property: 16706 Single Tree Lane, Parkton, MD  
 Location of sign: Being extended on property being posted  
 Number of signs: 4  
 Date of return: 3-20-94

Baltimore County Zoning Administration & Development Management  
 111 West Chesapeake Avenue  
 Towson, Maryland 21284  
 Phone: 410-887-4386  
 Item 339 receipt 94-350-A  
 Admin. Upr. (010) 30.00  
 Posting (080) 35.00  
 65.00  
 JCM

3-9-94  
 PHILIP KEARNEY 16706 SINGLE TREE LN.  
 Admin. Upr. (010) 30.00  
 POSTING (080) 35.00  
 65.00

MICROFILMED  
 034039077R0RC \$95.00  
 86 C003229003-09-94

Baltimore County Government  
 Office of Zoning Administration and Development Management  
 111 West Chesapeake Avenue  
 Towson, MD 21284  
 (410) 887-3333

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.  
 This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

- PAYMENT WILL BE MADE AS FOLLOWS:
- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

FOR newspaper advertising:  
 Item No.: 339  
 Petitioner: Philip Kearney  
 Location: 16706 Single Tree Ln. Parkton, MD 21120  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: STATE  
 ADDRESS:  
 PHONE NUMBER: 357-5308

MUST BE SUPPLIED  
 MICROFILMED

Item Number: 339  
Planner: JCH  
Date Filed: 3-4-94

**PETITION PROCESSING PLAN**

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Eshlin. A copy of this "list" will be placed in the case file for the zoning commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or the zoning commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- Need an attorney
- The following information is missing:
  - Description, including accurate beginning point
  - Actual address of property
  - Zoning
  - Easements
  - Plans (need 12, only submitted)
  - 200 scale zoning map with property outlined
  - Election District
  - Commission district
  - NCEA section information and/or wording
  - Hardship/practical difficulty information
  - Owner's signature (need minimum 1 original)
  - Contract purchaser's signature (need minimum 1 original)
  - Signature (need minimum 1 original) and/or printed name and/or title of person signing for legal owner/contract purchaser
  - Power of attorney or authorization for person signing for legal owner and/or contract purchaser
  - Attorney's signature (need minimum 1 original) and/or printed name and/or address and/or telephone number
  - Authority holder's action is incomplete and/or incorrect and/or commission has expired

PEP/SLC (TEXT/89)  
11/11/91

Baltimore County Government  
Office of Zoning, Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21284

(410) 887-3333

March 23, 1994

Mr. and Mrs. Philip R. Kearney  
16706 Singletree Lane  
Parkton, Maryland 21120

RE: Case No. 94-350-A, Item No. 339  
Petitioners: Philip R. Kearney, et al.  
Petition for Administrative Variance

Dear Mr. and Mrs. Kearney:

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 commission, 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 9, 1994, 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 associated zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation  
State Highway Administration

O. James Lighizer  
Secretary  
Hal Kozloff  
Administrator

3-17-94

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

Re: Baltimore County  
Item No. 339 (JCM)

Dear Ms. Minton:

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,

Bob Small  
for DAVID A. KAMSEY, ACTING CHIEF  
John Coombs, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Invoiced Hearing or Speech  
1-800-735-2256 Statewide Toll Free  
Hearing Address: P.O. Box 777 - Baltimore, MD 21203-0717  
Street Address: 707 North Carroll Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: March 22, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee 44-350-A

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 327, 334, 337, 339, 340, 343 and 346.

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 881-3480.

Prepared by: Jeffrey M. Long  
Patricia L. Lewis

PK/SLW

ZAC.327/PZ08/ZAC1

94-350-A

Baltimore County Government  
Fire Department



701 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/28/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-11005

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

REMARKS:

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

1. The Fire Prevention Bureau has no comments at this time. It REFERENCE TO THE FOLLOWING ITEM NUMBERS: 333, 339, 340, 341, 342, 343 AND 344.

RECEIVED  
MAR 23 1994  
ZADM

REVIEWER: LT. ROBERT F. SAUERHARDT  
Fire Prevention, PHONE 887-4081, FB-1100F

cc: File

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3333

MARCH 18, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Philip and Bruce Kearney  
16706 Singletree Lane  
Parkton, Maryland 21120

RE: CASE NUMBER: 94-350-A (Item 339)  
16706 Singletree Lane  
905 Single Tree Lane, 462'-0" S of 47' W. Corner Road  
5th Election District - 3rd Commission

Please be advised that your petition for Administrative Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to PE/SLW. This notice case serves as a reference regarding the administrative process.

- 1) Your property will be posted on or before March 20, 1994. The closing date (April 6, 1994) 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 Zoning Administration. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or set for a public hearing.
- 2) In cases requiring public hearing (whether or not 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. Changes 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 \$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  
Director

Baltimore County Zoning Administration &  
Development Management  
111 West Chesapeake Ave  
Towson, Md. 21204

Philip & Norma J. Kearney  
16708 Singletree Lane  
Parkton, Md. 21120

Dear Sirs,

I have reviewed the plans for an addition to the garage of my neighbors, Phil & Jean Kearney, who reside at 16708 Singletree Lane. I have no objection to the addition or the proximity to my property.

My name is Peggy Royston and my address is 16708 Singletree Lane.

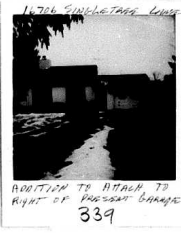
Sincerely,  
Peggy A. Royston  
Peggy Royston

attn: Steven Stephens  
Item # 339

RECEIVED  
MAR 21 1994  
ZADM



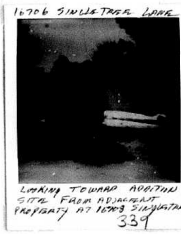
LOOKING FROM REAR OF EXISTING GARAGE TOWARD BLINDING PROPERTY INTERIOR SINGLETREE 339



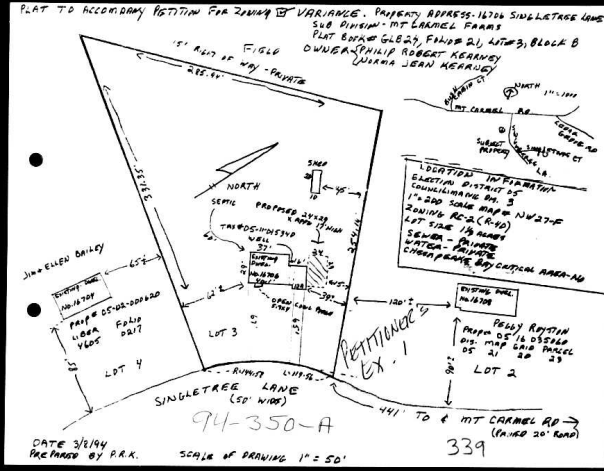
ADDITION TO MATCH TO RIGHT OF EXISTING GARAGE 339



EXISTING ISLAND DRIVEWAY SITE FROM ADJACENT PROPERTY AT 16708 SINGLETREE GARAGE 339

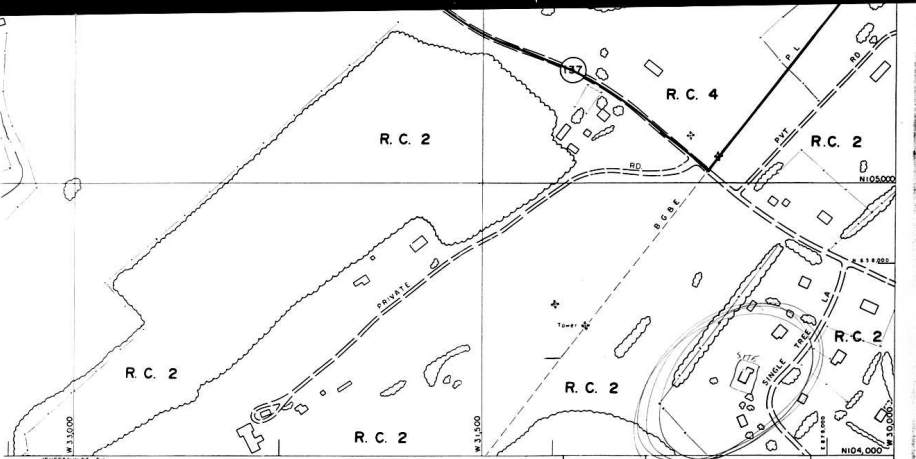


LOOKING TOWARD ADJACENT SITE FROM ADJACENT PROPERTY AT 16708 SINGLETREE 339



94-350-A

339



**MORE COUNTY  
 PLANNING AND ZONING  
 MAP**

1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992  
 William Howard  
 Chairman, County Council

SCALE 1" = 200' ±	LOCATION MT. CARMEL	SHEET N. W. 27-F
DATE OF PHOTOGRAPHY JANUARY 1986	339	

94-350-A

**MORE COUNTY  
 PLANNING AND ZONING  
 GRAPHIC MAP**

SCALE 1" = 200' ±	LOCATION MT CARMEL	SHEET N W 27-F
DATE OF PHOTOGRAPHY JANUARY 1986		