- dot

ORDER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE
SW/S Gores Mill Road, 1300' N
of the c/l of Nicodemus Road
(12024 Gores Mill Road)
Ath Election District

4th Election District
3rd Councilmanic District

Timothy G. Himes, et ux Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 98-385 - 🗚

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Timothy G. and Marsha J. Himes. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) height of 22 feet in lieu of the maximum permitted 15 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Mr. & Mrs. Himes, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 6.199 acres, more or less, zoned R.C.4, and is heavily wooded. The property is roughly triangular in shape, tapering from a front property line width of 585' feet to a mere 33' at the rear property line. The Petitioners recently purchased the subject property and propose to develop same with a two-story dwelling and attached two-car garage. In addition, the Petitioners are desirous of constructing a detached three-car garage, adjacent to the proposed dwelling. Testimony and evidence showed that the proposed dwelling and garage will sit far back on the lot and given the

ONDER RECEIVED FOR FLING

many trees on the property, will not be visible from Gores Mill Road or adjacent properties. In order to construct the three-car garage in keeping with the architectural design of the proposed residence, matching width, height, and roof pitch, the requested variance is necessary.

An area variance may be granted where strict application of the zoning 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 property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented,

I am persuaded to grant the requested variance. It has been established
that special circumstances or conditions exist that are peculiar to the
subject property and that strict compliance with the zoning regulations
will result in a practical difficulty or unreasonable hardship for the
Petitioners. There were no adverse comments from any Baltimore County
reviewing agency and no opposition from any adjoining property owner. It
appears that the variance requested will not cause any injury to the

ORDER RECEIVED FOR FILING
Date
0/27

public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this /S day of June, 1998 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached three-car garage) height of 22 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

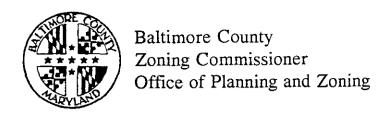
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The three-car garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The proposed garage shall be limited to storage purposes only. There shall be no commercial use of the subject garage.
- 4) 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. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

June 15, 1998

Mr. & Mrs. Timothy G. Himes 303 Leyton Road Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE

SW/S Gores Mill Road, 1300' N of the c/l of Nicodemus Road

(12024 Gores Mill Road)

4th Election District - 3rd Councilmanic District

Timothy G. Himes, et ux - Petitioners

Case No. 98-385 - A

Dear Mr. & Mrs. Himes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

hutly llo troco

for Baltimore County

TMK:bjs

cc: People's Counsel; Case Files



Revised 9/5/95

ition for Variance

to the Zoning Commissioner of Baltimore County

for the	property	located a	Ċ
---------	----------	-----------	---

 	- F A	mounted of	12024	GURGO	MILL	Rd.
				which is no	esentiv zo	ned

This Petition shall be filed with the Department of Permits & 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)

CONFORM WITH ARCHITECTURE DESIGN OF RESIDENCE MATCHING WIDTH, HEIGHT, + QUOF PITCH OF THE HOUSE, ANTACENT TO THIS DETACHED CALAGE, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or To allow an accessory structure (detached garage) with a height of 22 th, in lieu of the maximum permitted 15 pt.

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.

_			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee.			Legal Owner(s):
(Type or Print Name)			TIMOTHY G HIMES
Signature			Signature Time Llay I Homes
Address			MARSHA JAIMES
City	State	Zipcode	Marshar Humes
Attorney for Petitioner	,		
(Type or Print Name)		···	Address 303 Leyton Rd- Phone No Reisterstown Md. 21136
Signature			City State Zipcode Name, Address and phone number of representative to be contacted.
Address	Phone No		Name
City	State	Zipcode	Address Phone No
			ESTIMATED LENGTH OF HEARING CONSTITUTION CONTROL OF HEARING
Printed with Soybean Ink on Recycled Paper			the following dates Heat Two Mont

REVIEWED BY:

*	*	*	*	*	*	*	*	*	*	*	*	*	
	Peti	tioner(s)					±	(Case Nu	mber: 98	3-385-A		
Le	egal Owner	rs: Timo	thy G. a	nd Mars	ha J. Him	nes	*]	BALTIM	ORE C	DUNTY		
	d Councile		icillis, 4	in Ciech	OB DISUR	CL,	*	1	FOR				
RE: PETITION FOR VARIANCE 12024 Gores Mill Road, SW/S Gores Mill Raod, 1300' NW of c/l Nicodemus, 4th Election District,						•	*	2	ZONINO	G COMM	(ISSION	ER	
	_						*	1	3EFORE	THE			

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

People's Counsel for Baltimore County

Peter May Zinneine

Carole S. Demilio

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

PETER MAX ZIMMERMAN

Peterflap Zimmeiman

ZONING DISCRIPTION FOR 12024 GORES MILL ROAD

BEGINNING AT A POINT OF THE CENTERLINE OF GORES

MILL ROAD AT A DISTANCE OF 1300 FT NORTH OF THE CENTERLINE

OF THE NEAREST IMPROVED INTERSECTING STREET NICODEMUS

ROAD WHICH IS GO FT. WIDE, 5.73 03'00 W. 1034.55 FT.,

N. 21 53'00"W. 33.00 FT., N. 40 30'40" E. 804. 69FT., AND

5. 48 43' 23" E. 585.00 FT. TO THE PLACE OF BEGINNING,

4 th ED, 3 th co. of BALTO. CO.

385

98.385.A

NOTICE OF ZUMBER HANNE

The Zoning Commissioner of The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regula-tions of Battimore County will hold a public hearing in <u>Tow-</u> son, <u>Maryland</u> on the property identified herein as follows:

Case: #98-385-A 12024 Gores Mills Road SW/S Gores Mills Road, 1300' +/- NW of centerline Nicodemus 4th Election District 3rd Councilmanic District Legal Owner(s): Timothy G. Himes & Marsha J. Himes Variance: to allow an acces-Variance: to allow an accessory structure (detached garage) with a height of 22 feet in lieu of the maximum permitted 15 feet.
Hearing: Tuesday, June: 2, 1995 at 10:00 a.m., in Room 407, County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

LAWHENGE: SCHMIDT Zoning Commissioner for Satimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353. (2) For information concerning the File and/or Hearing. Please Call (410) 887-3391.

5/103 May 14 c228198

CERTIFICATE OF PUBLICATION

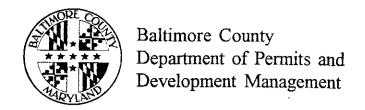
-1,,,1

LEGAL AD. - TOWSON

1

TOWSON, MD., $2/14$, 19^{28}	<u>S</u>
THIS IS TO CERTIFY, that the annexed advertisement wa	s
published in THE JEFFERSONIAN, a weekly newspaper published	:d
in Towson, Baltimore County, Md., once in each of successiv	
weeks, the first publication appearing on $5/14$, 19	<u>``</u>
THE JEFFERSONIAN,	
a. Henrelesa	
M. Henrelesar	

BALTIMORE COUNTY, MARYLAI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT There 365 No. 2819		PAID RECEIPT PROCESS ACTION THE
 DATE 4-14- ACCOUNT R-001-6150	- 1	4/14/1998 4/14/1998 11:52:15 Wede Carmier Uric Ure Towner 5 MISCELLWING CASH PERCIPT
AMOUNT \$ 50,00	No Nii	eist # (%09%) NO. 052819 50.60 CFEK
 RECEIVED Tim Hines # 12024 Goves Mill Ra		Baltimore County, Maryland
FOR: Residential Varionce filing fee		.385-A
		.70
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	I	CASHIER'S VALIDATION



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 27, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-385-A 12024 Gores Mills Road

SW/S Gores Mills Road, 1300' +/- NW of centerline Nicodemus

4th Election District - 3rd Councilmanic District Legal Owner: Timothy G. Himes & Marsha J. Himes

<u>Variance</u> to allow an accessory structure (detached garage) with a height of 22 feet in lieu of the maximum permitted 15 feet.

HEARING:

Tuesday, June 2, 1998 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Marsha & Timothy Himes

or marcha a rumoury rumos

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 18, 1998

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

May 14, 1998 Issue - Jeffersonian

Please forward billing to:

Tim Himes

410-833-6269

303 Leyton Road

Reisterstown, MD 21136

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-385-A 12024 Gores Mills Road

SW/S Gores Mills Road, 1300' +/- NW of centerline Nicodemus

4th Election District - 3rd Councilmanic District

Legal Owner: Timothy G. Himes & Marsha J. Himes

<u>Variance</u> to allow an accessory structure (detached garage) with a height of 22 feet in lieu of the maximum permitted 15 feet.

HEARING:

Tuesday, June 2, 1998 at 10:00 a.m. in Room 407, County Courts Building.

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenu Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.

ARNOLD JABLON, DIRECTOR
or newspaper advertising:
tem No.: 385
etitioner: TIMOTHY G HIMES
ocation: 12004 GORES MILL Rd. REISTERSTOWN Md. 21136
LEASE FORWARD ADVERTISING BILL TO:
AME: TIM HIMES
DDRESS: 303 LEYTON Rd.
REISTERSTOWN Md. 21136
HONE NUMBER: 410 833 6269

AJ:ggs

(Revised 09/24/96)

18.385-A

	Scale of Drawing: 1"=	propared by:
reviewed by: ITEM #: CASE#:		North date:
		\bigcirc
SEWER:		
Zoning: Lot size: Acreage square feet		
1-200 scale map#:		
Election District:		
ODATION INCOMATION		
Worth Scale: 1'-1000'	-	
	, lot #, section #	OWNER:
& 6 of the CHECKLIST for additional required information	see pages 5	PROPERTY ADDRESS:
	Plat to accompany Petition for Zoning Warian	Plat to ac



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 98-385-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:
DATE AND TIME:
REQUEST: A Variance to allow an accessory
Structure (detached garage) with aheight
of 22 ft. in her of the maximum permitted
15 ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case # 98-385-A

Petitioner/Developer:
(Timothy G. Himes)
Date of Hearing/Glosing:
(June 2, 1998)

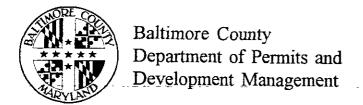
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by				
law were posted conspicuously on the property located at				
12024 Gores Mill Road Baltimore, Maryland 21136				
The sign(s) were posted onMay 15, 1998				

Sincerely, Oland Old 5/15/98
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 27, 1998

Mr. and Mrs. Timothy Himes 12024 Gores Mills Road Reisterstown, MD 21136

RE: Item Number: 385

Case Number: 98-385-A

Petitioner: Timothy Himes, et ux

Dear Mr. and Mrs. Himes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 14, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwen Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

WCR:rye

Enclosures

Due Date:

TO:

Arnold Jablon

FROM:

R. Bruce Seeley R. B. W

SUBJECT:

Zoning Item #385

Himes Property, 12024 Gores Mill Road

	Zoning Advisory Committee Meeting of April 27, 1998
	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
	The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
X	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
	X Agriculture Preservation: 98-385 - Submitted drawing indicates existing garage. What is the purpose of additional garage? Will this be used for living quarters? RC-4 is a resource conservation zone and specifically for watershed protection. This request appears to increase impervious surfaces and have potential for two primary residences on the property. Recommend that the petitioner submit information that indicates that building will not be used as residence and that it will have no impact on on-site or off-site stream resources.



Parris N. Glendening Governor David L. Winstead

Secretary

Parker F. Williams Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.24.9 V Item No. 385 JJS

Dear Ms. Stephens:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

Are Ronald Burns, Chief

P. J. Arelle

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 6, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for May 4, 1998

Item Nos. 380, 381, 383, 384,/385, 386, 387, 388, 389, 390, 391, and

392

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management

DATE: April 28, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 380, 383, 385, 388, 390, and 391

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffy M. Lay

Division Chief: Cary L. Klerns

AFK/JL



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

May 6, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF APRIL 27, 1998

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

379, 380, 383, 385, 387, 388, 389, 390, 391 AND 392

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4891, MS-1102F

cc: File

MEMO TO The File

4/14

70', ZC, Deputy Z.C.

From: Illhy, Planner II

Subject: Zoning Variance Petition, Item #385

Per Mr. Timothy Himes, letitioner towner during our 11:00 And filing appointment today the dwelling will be constructed before any proposed garage.

98.385-A

