

IN RE: PETITION FOR ADMIN. VARIANCE

NE/S of Falls Road, 650' SE of
centerline of Black Rock Road
5th Election District
3rd Councilmanic District
(15415 Falls Road)

William G. & Grace E. Benn
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-073-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by William G. & Grace E. Benn, property owners, for that property known as 15415 Falls Road in the Sparks area of Baltimore County. The Petitioners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single family dwelling with a sideyard setback of 32 ft. in lieu of the required 35 ft. and a front yard setback from the centerline of Falls Road of 50 ft. in lieu of the required 75 ft. and also seek a variance from Section 400.1 to permit a detached accessory structure (shed) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

ORDER RECEIVED FOR FILING

Date

9/21/99

By

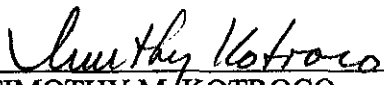
R. J. [Signature]

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 Deputy Zoning Commissioner for Baltimore County this 21st day of September, 1999 that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single family dwelling with a sideyard setback of 32 ft. in lieu of the required 35 ft. and a front yard setback from the centerline of Falls Road of 50 ft. in lieu of the required 75 ft. and also seek a variance from Section 400.1 to permit a detached accessory structure (shed) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

9/21/99

By

TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 21, 1999

Mr. & Mrs. William G. Benn
15415 Falls Road
Sparks, Maryland 21152

Re: Petition for Administrative Variance
Case No. 00-073-A
Property: 15415 Falls Road

Dear Mr. & Mrs. Benn:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 15415 Falls Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and 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) 1A01.3.B.3

TO PERMIT A SINGLE FAMILY DWELLING WITH A SIDEYARD SETBACK OF 32' IN LIEU OF THE REQUIRED 35' AND A FRONT YARD SETBACK FROM THE CENTERLINE OF FALLS ROAD OF 50' IN LIEU OF THE REQUIRED 75'.

400.1 TO PERMIT A DETACHED ACCESSORY STRUCTURE (SHED) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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 are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

William Gregory Benn

Name - Type or Print

Signature

Signature

Grace Ellen Benn

Name - Type or Print

Address

Telephone No.

City

State

Zip Code

Signature

15415 Falls Road

(410) 316-7971 (W)

Address

Telephone No.

Sparks

MD

21152

City

State

Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Name

Signature

Address

Telephone No.

Company

Address

Telephone No.

City

State

Zip Code

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 9/21/99 day of September, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-73-A

Reviewed By LTM

Date 8/18/99

REV 9/15/98

Estimated Posting Date 8/29/99

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

That the Affiant(s) does/do presently reside at 15415 Falls Road
Address
Sparks MD 21152
City State Zip Code

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):

The Petitioner is requesting two variances, both to Section 1A01.3B3 of the BCZR for a side and a front yard variance. This request is based on practical difficulty in that:

A. The existing dwelling was built approximately 80 years ago prior to adoption of the BCZR and the subsequent "RC-2" (Rural Conservation) Zone which now has a requirement of a 35' side yard. The house was built on a hillside with a 32'± setback; therefore it would be a practical difficulty to try to move the existing structure to comply with the current requirements of the BCZR.

B. The existing dwelling has a current setback of 58'± from the centerline of Falls Road, which is 17'± short of the current requirement of 75' per section 1A01.3B3 of the BCZR. It is situated on a steep hill with a retaining wall 6' behind the dwelling and two (2) retaining walls in the front yard. The front of the dwelling has an approximately 15' clear area from the building wall to the first of the two retaining walls. The dwelling sits approximately 30' above the roadbed of Falls Road on a plateau between the rear wall and the wall closest to the front of the house. The Petitioner, because of the existing slopes, well location, septic system location, retaining walls and the building architecture can only expand this dwelling to accommodate a third bedroom by extending the dwelling 8' into the existing front yard. Because of the physical constraints of the property and the house, it is a practical difficulty to expand the house in any direction except into the existing front yard. Therefore, the request is hereby made to variance the front yard setback from the required 75' to 50'± (a variance of 25'±)

Also requesting variance to section 4001 to allow existing shed to be located in front yard due to steep topography. ~~and remove~~ (it was there when we bought the property.)
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William Gregory Benn
Signature
William Gregory Benn
Name - Type or Print

Grace Ellen Benn
Signature
Grace Ellen Benn
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of August, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William Gregory Benn & Grace Ellen Benn
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

8/17/99
Date



Deborah K. Hooller
Notary Public

My Commission Expires 7/1/03

Zoning Description 15415 Falls Road

Election District No. 5, Baltimore County, Maryland.

This description is for the purposes of a zoning variance request for a front and side yard.

Beginning for the same at a point in or near the center line of Falls Road (Maryland Route 25), said point of beginning being 650 feet, more or less, southeasterly from the intersection of the center line of Falls Road with the center line of Black Rock Road (Maryland Route 88), thence leaving the said center line of Falls Road in a northeasterly direction (1) N 62°55'E 247.48' to a point, thence (2) S 19°05'E 180.00' to a point, thence (3) S 60°45'15"W 250.61' to a point in or near the aforementioned center line of Falls Road, thence running northerly in said road (4) N 18°36'W 190.57' to the point of beginning.

Containing 1.04 acres of land, more or less.

00-073-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 069845

DATE 8/18/99 ACCOUNT 010

AMOUNT \$ 50.00

RECEIVED FROM: WILLIAM REULI

FOR: ADMINISTRATIVE VARIANCE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

00-093-A

CASHIER'S VALIDATION

PAID RECEIPT
8/18/99 8/19/99 11:18:38
REG 4903 CASHIER PAGES PER DRAWER 3
Doc 5 528 ZINHS VERIFICATION
Receipt # 09393 DELA
CR NO. 069845

Receipt Tot 50.00
50.00 OK
Baltimore County, Maryland

A-350-00

CERTIFICATE OF POSTING

RE: CASE #00-073-A
PETITIONER/DEVELOPER:
(Grace Benn)
DATE OF Closing
(Sept. 13, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

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
15415 Falls Road Baltimore, Maryland 21152_____

The sign(s) were posted on_____ 8-27-99 _____
[Month, Day, Year]

Sincerely,

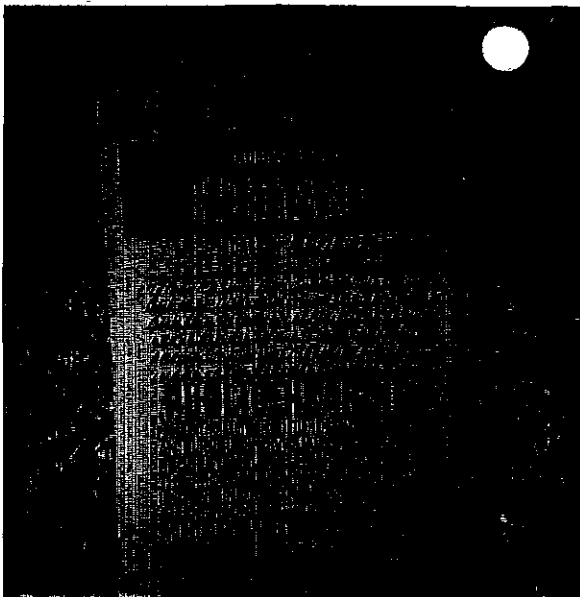

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
[Telephone Number]



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 73 -A Address 15415 FALLS RD SPARKS
MD 21152
Contact Person: LYOYD MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/18/99 Posting Date: 8/29/99 Closing Date: 9/13/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 73 -A Address 15415 FALLS RD SPARKS MD
Petitioner's Name BENJ Telephone (410) 472-3668
Posting Date: 8/29/99 Closing Date: 9/13/99

Wording for Sign: To Permit A SINGLE FAMILY DWELLING WITH A SIDEYARD
SETBACK OF 32' IN LIEU OF THE REQUIRED 35' AND A FRONT YARD
SETBACK FROM THE CENTERLINE OF FALLS ROAD OF 50' IN LIEU
OF THE REQUIRED 75'. AND TO PERMIT A DETACHED ACCESSORY
STRUCTURE (SHED) TO BE LOCATED IN THE FRONT
YARD IN LIEU OF REQUIRED REAR YARD.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

APPROVED SIGN POSTERS

Stacy Gardner
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Eldersburg, MD 21784

Telephone: 410-781-4000
Toll Free: 800-368-2295
Fax: 410-781-4673

Richard Hoffman
904 Dellwood Drive
Fallston, MD 21047

Telephone: 410-879-3122

Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

Telephone: 410-242-4263
Mobile: 410-382-4470

Tom Ogle
325 Nicholson Road
Baltimore, MD 21221

Telephone: 410-687-8405
Mobile: 410-262-8163
Fax: 410-687-4381

Patrick M. O'Keefe, Sr.
523 Penny Lane
Hunt Valley, MD 21030

Telephone: 410-666-5366
Cell: 410-905-8571
Fax: 410-628-2574
410-882-2469

Linda M. Jones
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286

Telephone: 410-296-3333
Fax: 410-296-4705

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR - Revised 5/18/99

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-73-A
Petitioner: WILLIAM & GRACE BEHN
Address or Location: 15415 FALLS ROAD SPARKS MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM BEHN
Address: 15415 FALLS RD SPARKS MD 21152
Telephone Number: (410) 472-3668

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

Date: September 21, 1999

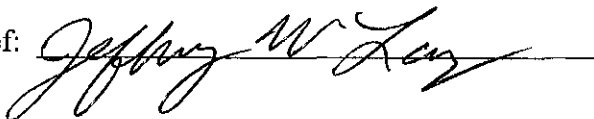
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 073, 090, 091, and 095

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, appearing to read "Jeffrey W. Long", written over a horizontal line.

AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 9.13.99

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

RE: Baltimore County
Item No. 073 LTM

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 25 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

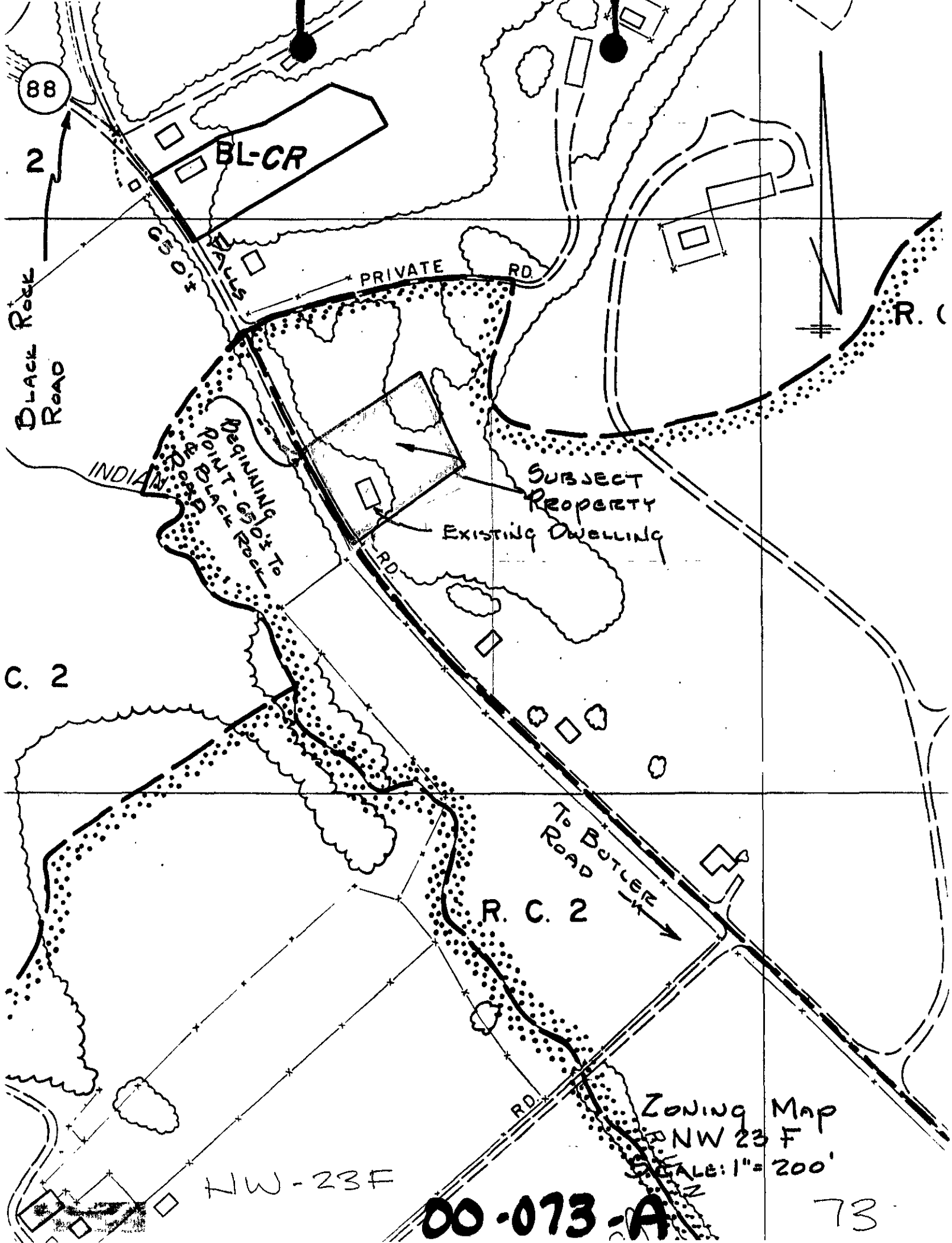
Very truly yours,

for Kenneth A. McDonald Jr.
Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



00-073-A

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Showing hillside and plateau house sits on
and retaining walls.

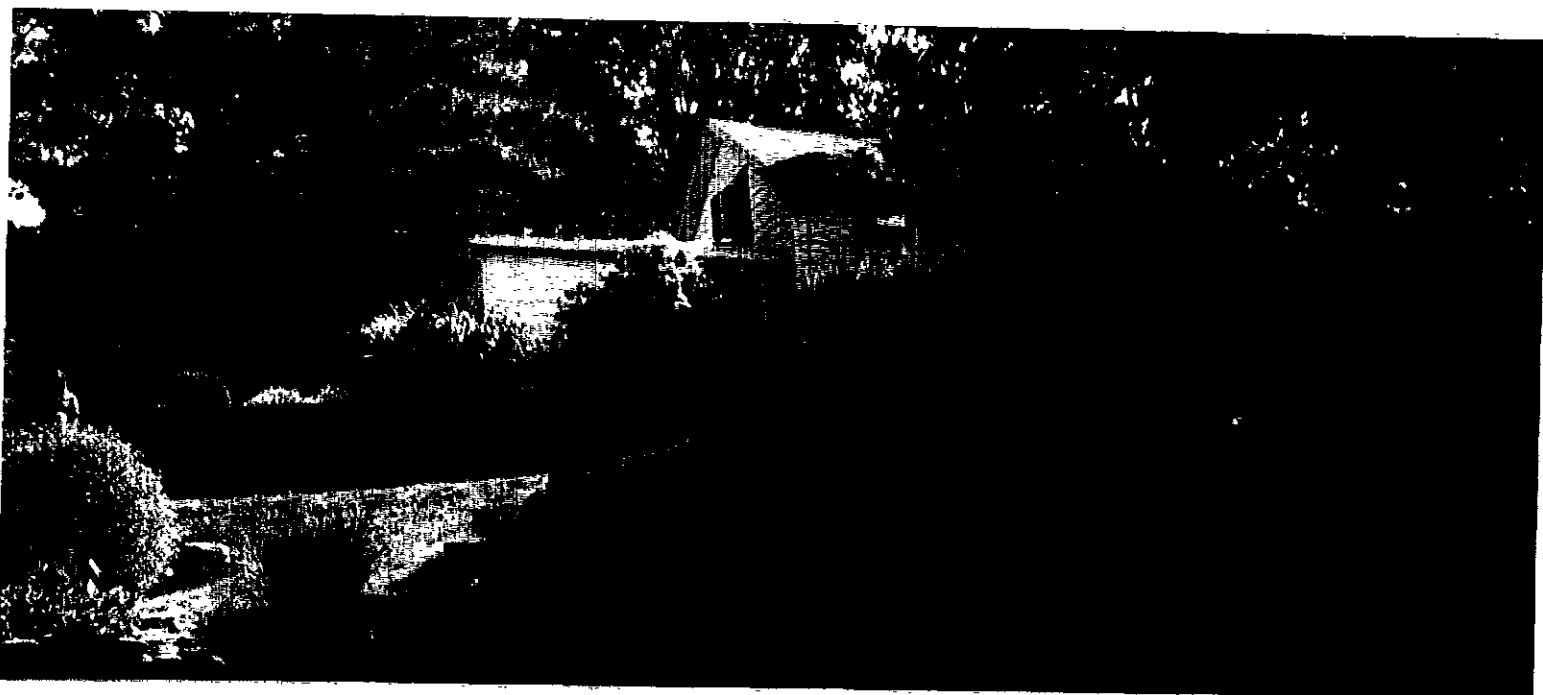


showing middle retaining wall and house
placement. Addition would be built 10 feet
off of the existing single story part of
house, facing roadway, and also subject
shed.

00-073-A

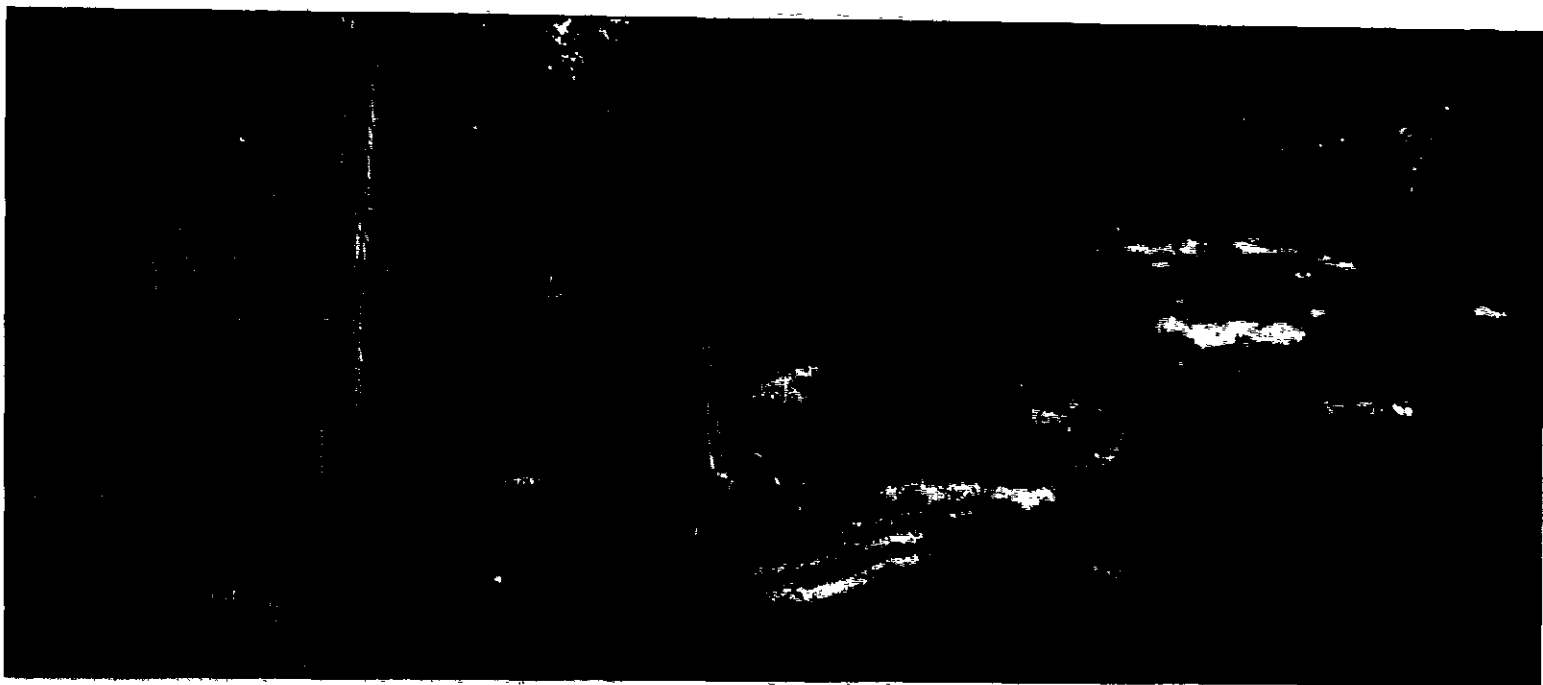


Showing Falls Road, retaining walls, hill slope and house (upper left)

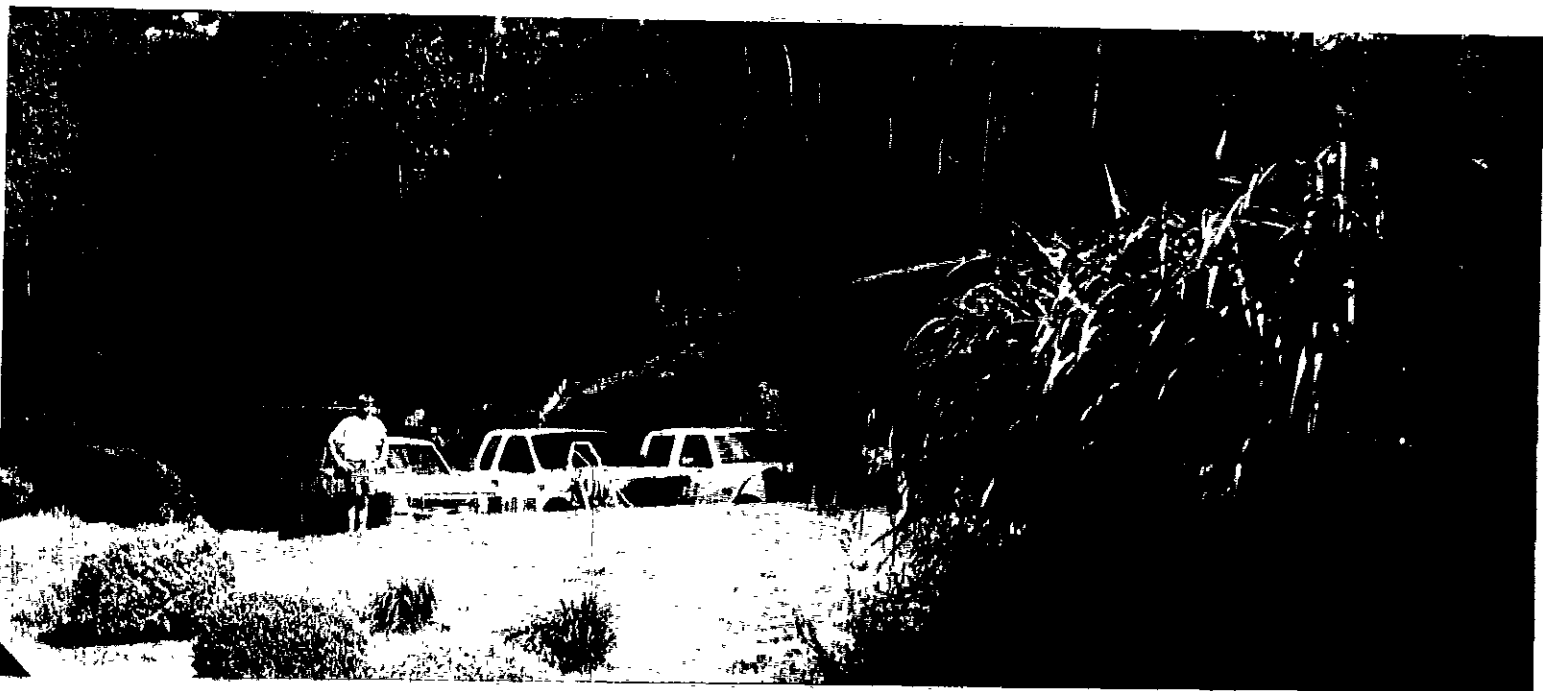


showing retaining wall, hill slope and house placement (photo taken from Falls Road)

00-073-A 73



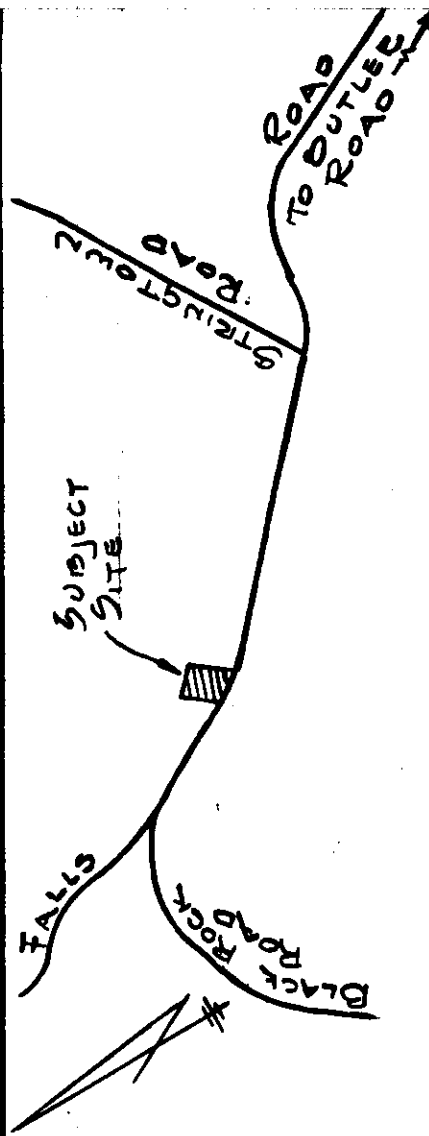
Side yard (south) showing septic location (propane cylinder) and 32^{ft} side yard setback.



Side yard (north) showing well location (man standing) at 55^{ft} from house.

00-073-A

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LOCATION PLAN
Scale: 1"=1000'

GENERAL NOTES

1. AREA OF PROPERTY EQUALS 1.04 ACRES, ±
2. EXISTING ZONING OF PROPERTY "RC-2"
3. EXISTING USE OF PROPERTY IS "RESIDENTIAL"
4. PROPERTY HAS A PRIVATE WELL & SEPTIC SYSTEM
5. THE PROPERTY HAS NO STREAMS OR 100 YEAR FLOOD PLAINS
6. THERE ARE NO PREVIOUS ZONING HEARINGS ON THIS PROPERTY
7. VARIANCES REQUESTED:
 - A. FROM SECTION 1A01.3B3 OF THE BCZR TO ALLOW AN EXISTING SIDEYARD SETBACK OF 32' INSTEAD OF THE REQUIRED 35'; A VARIANCE OF 3'
 - B. FROM SECTION 1A01.3B3 OF THE BCZR TO ALLOW A PROPOSED BUILDING ADDITION TO HAVE A STREET SETBACK FROM THE CENTER LINE OF THE STREET OF 5' INSTEAD OF THE REQUIRED 75'; A VARIANCE OF 25'

PET. EX. 1

PLAT TO ACCOMPANY PETITION FOR

YARD VARIANCES

AT

19415 FALLS ROAD

ELECTION DISTRICT 5 DAYTIMORE CO. MD.
SCALE: 1"=40' AUGUST 13, 1999

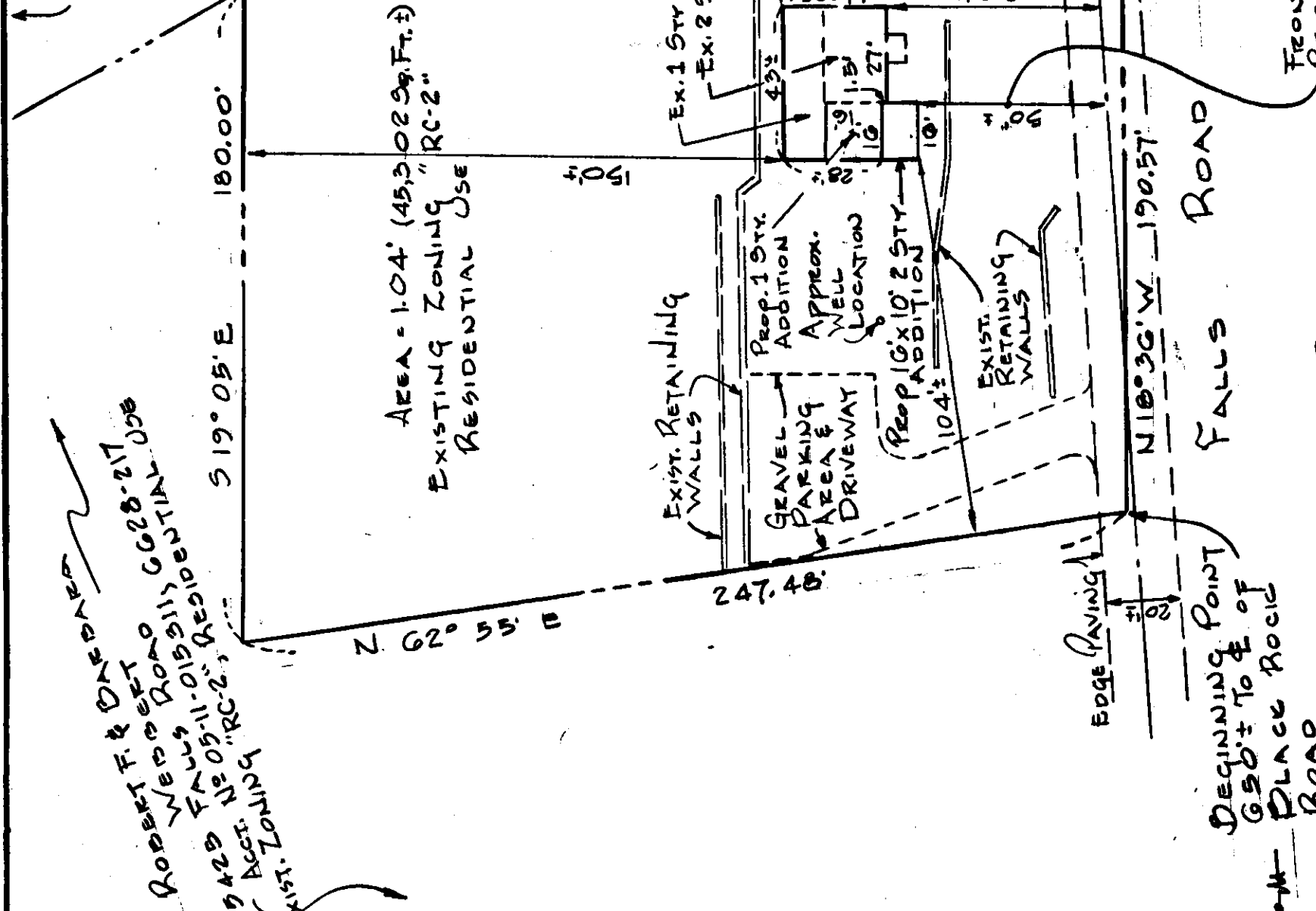
WILLIAM R. & PATRICIA H. MCILUNES
ACCT. N° 16-00-014 633; 10904-302
EXIST. ZONING "RC-2", RESIDENTIAL AND FARM USE

JOSEPH L. & MARCIE J. HURLOH
19401 FALLS ROAD
ACCT. N° 05-03-048000
2314-341
EXIST. ZONING "RC-2"
RESIDENTIAL USE

SIDE YARD VARIANCE REQUESTED TO ALLOW A 32' SETBACK INSTEAD OF THE REQUIRED 35'; A VARIANCE OF 3'

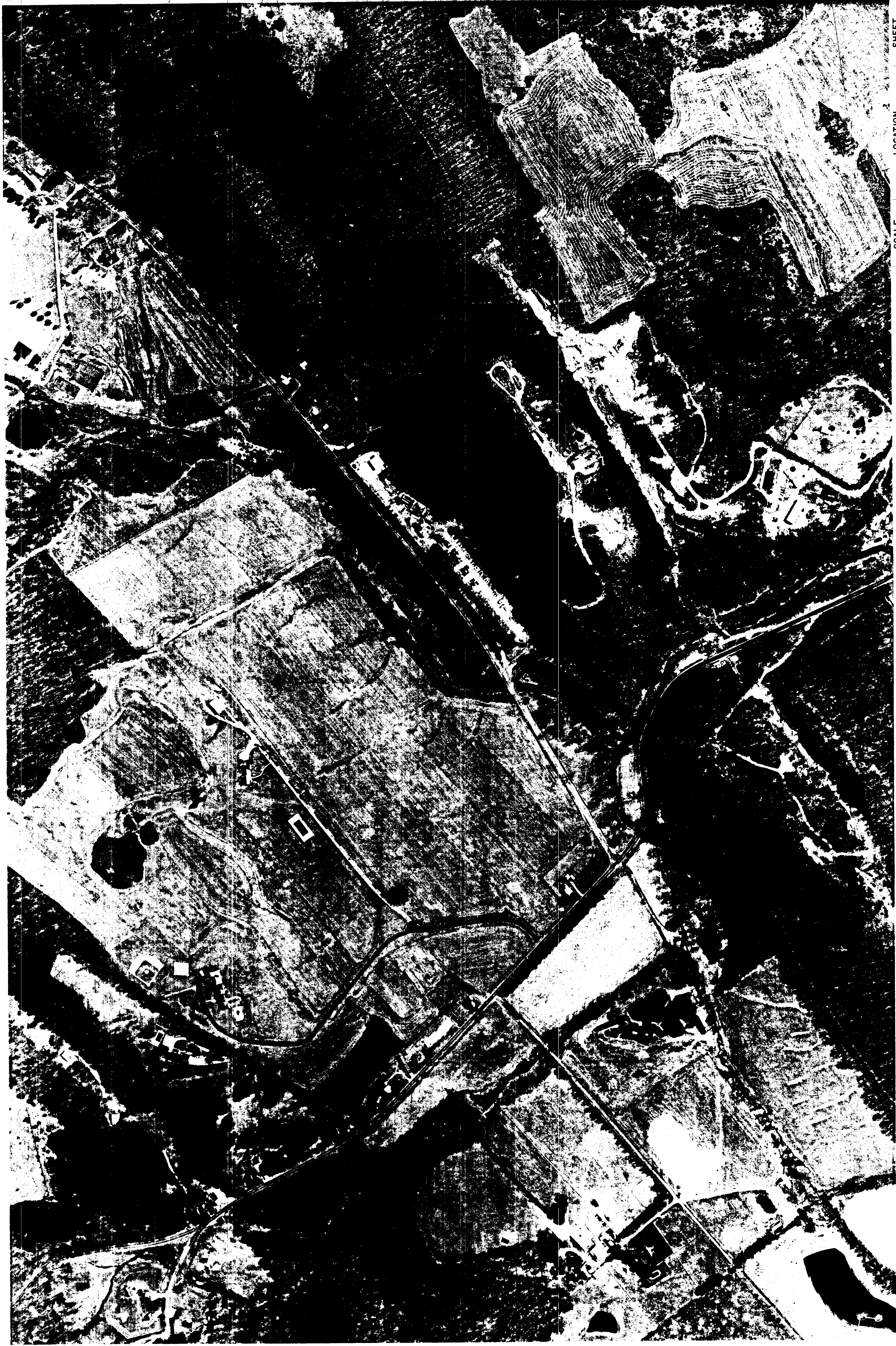
SITE DATA
OWNER: WILLIAM & GRACE E. BENN
DEED REF: 8600-353
ACCT. N°: 03-03-048310
COUNCMANIC DISTRICT 183
CENSUS TRACT 4030

FRONT YARD VARIANCE REQUESTED TO ALLOW A 50' SETBACK FROM THE CENTER LINE OF THE ROAD INSTEAD OF THE REQUIRED 75'; A VARIANCE OF 25'



SITE PLAN
Scale: 1"=40'

prepared by: Grace Benn
8/13/99



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±

LOCATION

SHEET

COOPERSVILLE

NW

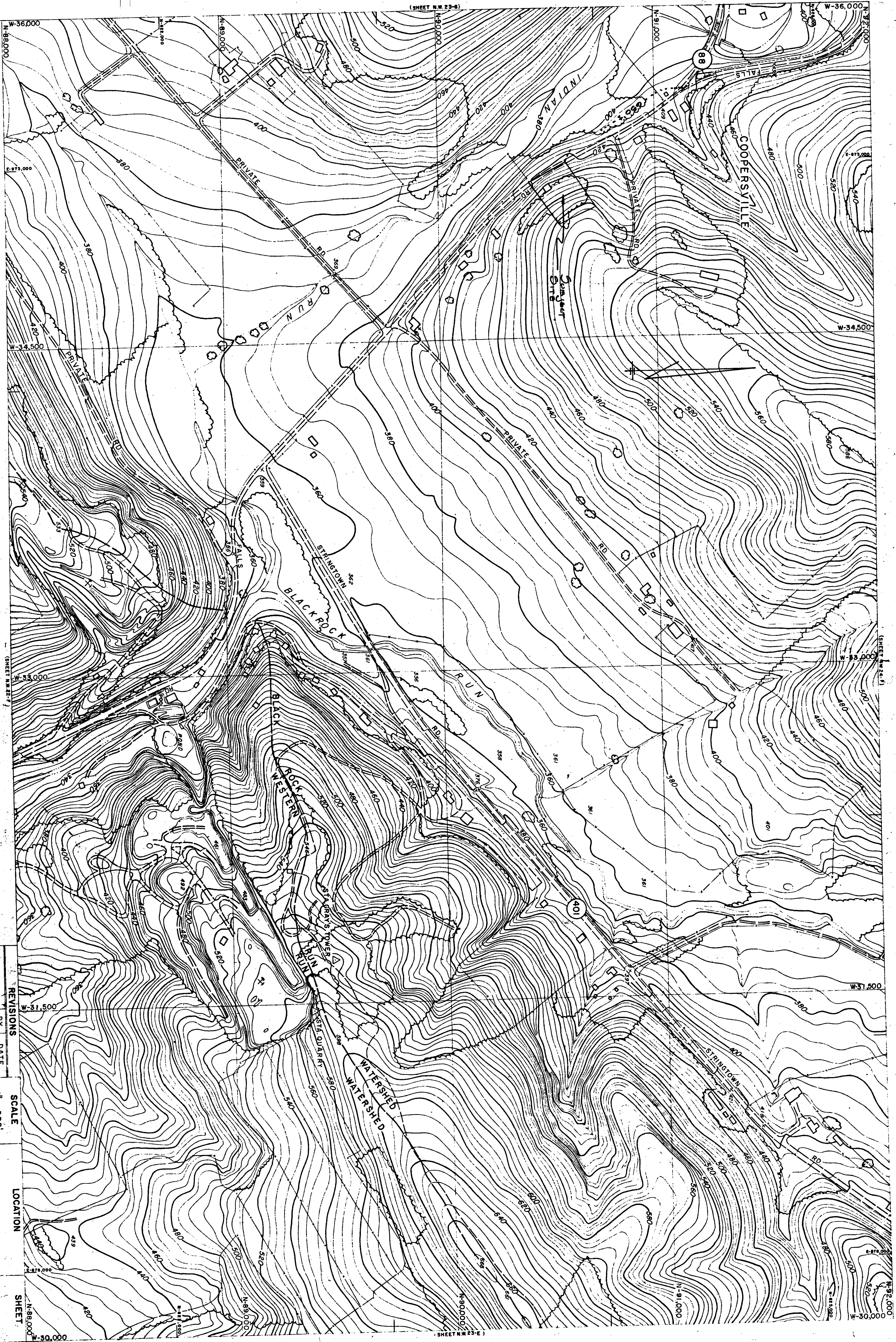
DATE OF PHOTOGRAPHY
JANUARY 1986

00-013-A

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

73

MICROFILMED



CC - SE
CC - NE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	COOPERSVILLE	N. W.
			00.013.A	23-F
Topography Compiled by Photogrammetric Methods MAPS INCORPORATED, BALTIMORE 22, MARYLAND				