

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Geist Road, 3693' W
centerline of Falls Road
8th Election District
3rd Councilmanic District
(2200 Geist Road)

Michael & Charlotte McCarthy
Petitioner

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*
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BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 00-476-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Michael & Charlotte McCarthy. The variance request is for property located at 2200 Geist Road in the Glyndon area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) to be located in the side 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 Administrative 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

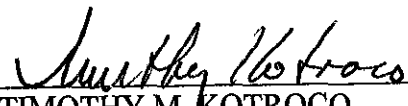
COPIES REVIEWED FOR FILING
Date 9/13/2000
By R. J. Jenson

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 13th day of June, 2000, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) to be located in the side 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

TMK:raj

CASE RECEIVED FOR FILING
Date 6/13/2000
By M. J. Jenson



Baltimore County
Zoning Commissioner

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

June ¹³/₉, 2000

Mr. & Mrs. Michael J. McCarthy
2200 Geist Road
Glyndon, Maryland 21071

Re: Petition for Administrative Variance
Case No. 00-476-A
Property: 2200 Geist Road

Dear Mr. & Mrs. McCarthy:

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 Department of Permits and Development Management. 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 M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



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

2200 Geist Road
Address
Baltimore ed 2
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):

Constructing the new garage in the side yard allows both the existing house and the new garage to be in reasonable proximity to one another and the road. Furthermore, the central door of the new garage aligns with the side door of the existing house facilitating a more visual connection between the two structures. Moving the new garage further away from the house alters this relationship. Conversely, attaching the garage to the existing house would undermine the aesthetic of the existing house.

Due to the steep slope on the site pushing the garage further back into the rear yard would require more grading and disturbance to the landscape than the proposed location.

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.

Michael J. McCarthy
Signature

MICHAEL J. MCCARTHY
Name - Type or Print

Charlotte M. McCarthy
Signature

CHARLOTTE M. MCCARTHY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of May, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael J. McCarthy + Charlotte M. McCarthy
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

5/2/00
Date

Sam Grebler
Notary Public

My Commission Expires 1-1-03



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2200 Geist Rd
which is presently zoned R.C-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)

Variance of Section 400.1 of the Baltimore County Zoning Regulations to permit an accessory building (garage) to be located in the side yard in lieu of the rear yard requirement.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MICHAEL J. MCCARTHY

Name - Type or Print

Signature

CHARLOTTE M. MCCARTHY

Name - Type or Print

Signature

2200 GEIST ROAD 410-071-0710

Address

Telephone No.

GLYNDON

MO

21071

City

State

Zip Code

Representative to be Contacted:

Matthew J. Brubaker

Name

1016 Morton St. 410.685.3582

Address

Telephone No.

Baltimore

MD

21201

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 day of May, 2000, 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. 00-476-A

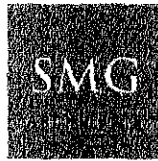
Reviewed By CTM

Date 5/12/00

Estimated Posting Date

5/21/00

REU 9/15/98



MEMO

DATE: May 8, 2000

PROJECT: McCarthy Residence 00005

TO: Zoning Review - Dept. of Permits and Dev. Management

FROM: SMG ARCHITECTS and DMW, INC.

Zoning Description

Zoning Description for 2200 Geist Road

Beginning at a point on the north side of Geist Road which is 60' wide at a distance of 3,693.75 +/- west of the centerline of the nearest improved intersecting street Falls Road which is 60' wide. As recorded in Deed Liber 7769 Folio 001. North 11 degrees 08 minutes 25 seconds West 546.69 feet, South 81 degrees 09 minutes 05 seconds West 180.96 feet, North 7 degrees 23 minutes 00 seconds West 68.05 feet, South 81 degrees 09 minutes 05 seconds West 89.50 feet, South 8 degrees 50 minutes 55 seconds East 68.03 feet, South 81 degree 9 minutes 5 seconds West 311.46 feet, South 1 degree 50 minutes 10 seconds West 566.02 feet, South 77 degrees 52 minutes 46 seconds West 30.91 feet, South 1 degree 50 minutes 10 seconds West 18 feet, North 78 degrees 52 minutes 46 seconds East 741.76 feet to the place of beginning containing 8.438 Acres + / - . Also known as 2200 Geist Road and located in the 8th election district, 3rd Councilmanic district.

MARYLAND
1016 MORTON ST.
BALTIMORE, MD 21201
TEL 410.685.3582
FAX 410.625.4790
WEST VIRGINIA
14TH & CHAPLINE ST
SUITE 505
WHEELING, WV 26003
TEL 304.233.0048
FAX 304.233.7564
WWW.SMGARCH.COM

476

No. 081332

AMOUNT \$ 50.00

RECEIVED
FROM: 501211 250175Z

FOR: 200-200-200

TE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN. VARIANCE

RE: Case No.: 00-476-A

Petitioner/Developer: M^cCARTHY

40 MATT BRUBAKER

Date of Hearing/Closing: 6/5/00

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

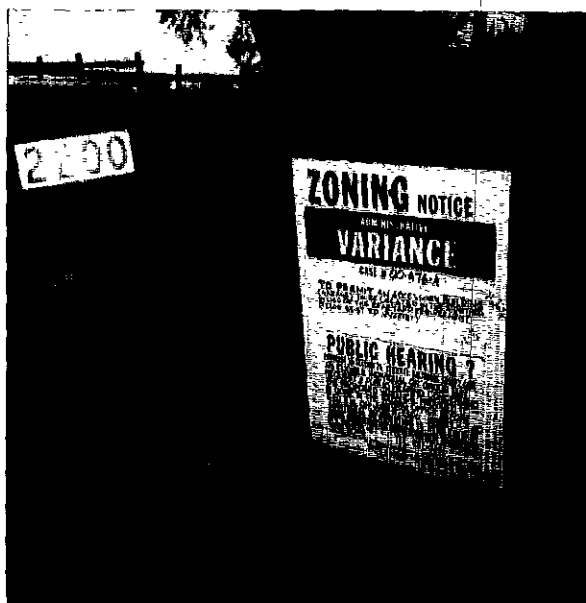
Attention: Ms. Gwendolyn Stephens

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 #2200 GEIST RD
LEFT SIDE DRIVE @ MAILBOX

The sign(s) were posted on

5/21/00
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 5/22/00
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)

MATT
BRUBAKER

00-476-A
2200 GEIST RD.

625-4796-F

6/5/00

CERTIFICATE OF POSTING

ADMIN.

RE: Case No.:

00-476-A

Petitioner/Developer:

MCCARTHY, ETAL

Date of Hearing/Closing:

6/5/00

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 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 * 2200 GEIST RD.

The sign(s) were posted on

5/20/00

(Month, Day, Year)

Sincerely,


(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)

**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: 00-476-A
Petitioner: Michael McCarthy
Address or Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matthew J. Brubaker
Address: 1016 Morton St.
Baltimore, MD 21201
Telephone Number: 410-685-3582

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 476 -A Address 2200 GEIST RD.

Contact Person: CLYDE T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/12/00 Posting Date: 5/21/00 Closing Date: 6/5/00

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- 476 -A Address 2200 GEIST RD.

Petitioner's Name MICHAEL J. MCCARTHY Telephone (410) 771-0710

Posting Date: 5/21/00 Closing Date: 6/5/00

Wording for Sign: To Permit AN ACCESSORY BUILDING (GARAGE)
TO BE LOCATED IN THE SIDE YARD IN LIEU
OF THE REAR YARD REQUIREMENT.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 5, 2000

Mr. Matthew J. Brubaker
1016 Morton Street
Baltimore MD 21201

Dear Mr. Brubaker:

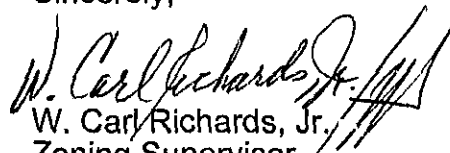
RE: Case Number 00-476-A , 2200 Geist Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 14, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 5, 2000
Item Nos. 476 and 484

The Bureau of Development Plans Review did not receive plans for the aforementioned projects.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 14, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 29, 2000
Item Nos. 463, 464, 466, 467, 468, 469,
470, 471, 472, 473, 474, 475, and 476

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

June 2, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens
MICHAEL J. MCCARTHY - 476 - NO PLAN PROVIDED NO REVIEW

RE: Property Owner:

Location: DISTRIBUTION MEETING OF May 29, 2000

Item No.: 476

Dear Ms. Stephens:

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.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *MS*
DATE: June 1, 2000
SUBJECT: Zoning Item #476
2200 Geist Road

Zoning Advisory Committee Meeting of May 22, 2000

- _____ 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 Agricultural Preservation: The proposed garage, pool, and pool building must not impact any continued or potential agricultural use of this property.

Reviewer: Wally Lippincott

Date: June 1, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 19, 2000

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

SUBJECT: Zoning Advisory Petition(s): Case 467, 470, 472 and 476.

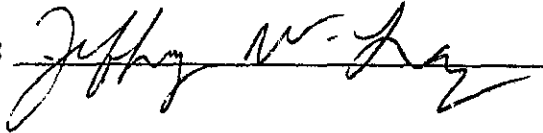
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.22.00

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

RE: Baltimore County
Item No. 476 LTM

Dear Ms. Jackson:

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.

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,

/s/ Kenneth A. McDonald Jr., 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

TEMPORARY
TRAILER
FOR
CONSTRUCTION



1. View West from side porch of existing house to where new garage will stand.

#476



2. View West Northwest from road.

#476



3. View Northeast from rear yard.

#476



4. View North Northeast from rear yard.

#476



5. View West Southwest towards West property line.

#476



6. View North along West property line.

#476



7. View North along West property line.

#476



8. View North along West property line.

#476



10

10. View West towards West property line.

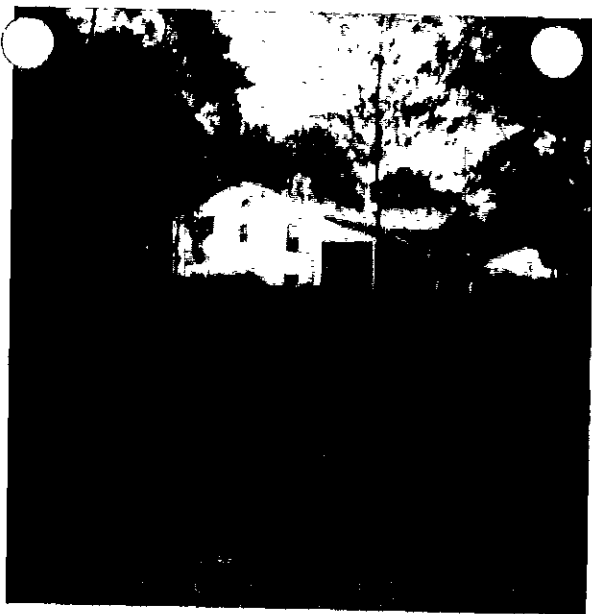
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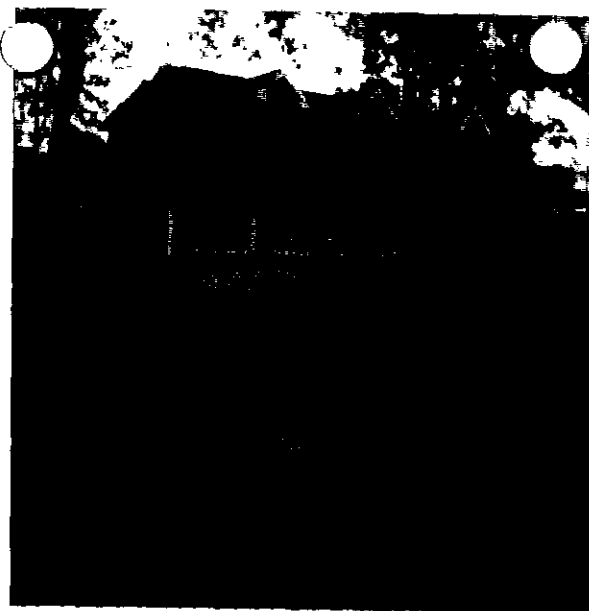
9

9. View Southwest towards Southwest corner of property.

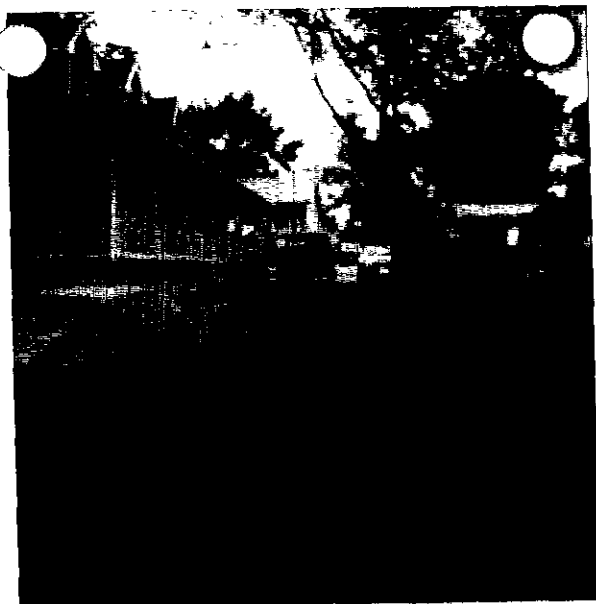
#476



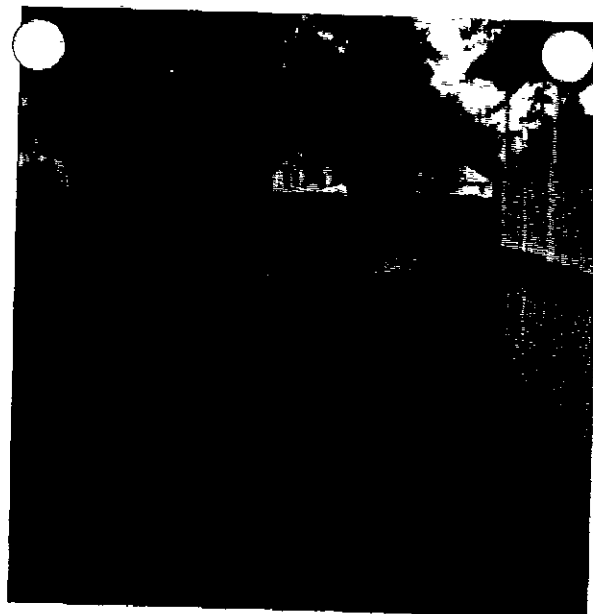
Facing east at adjacent
dwelling, known as 7333



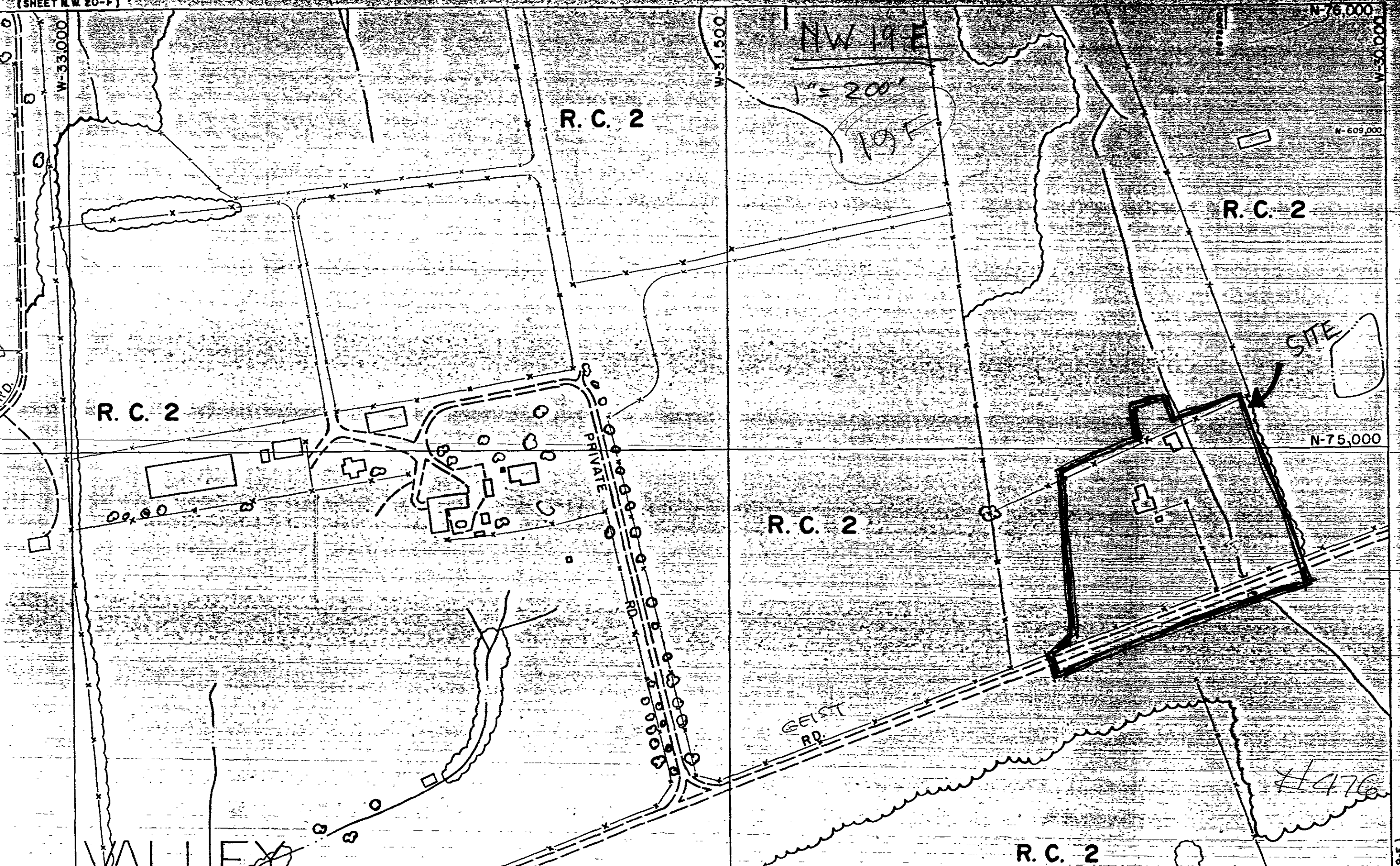
Facing west from
neighbors fence



Facing north from rear
of property



Facing south from
south of property





SITE -

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BIG SPRING	N.W. 19-F
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED

#