IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Chattolanee Hill Road, 1080' +/-

SE of Hopkins Road and Golf Course Road *

3rd Election District

2nd Councilmanic District

(319 Chattolanee Hill Road)

Helen Z. & John P. Ward

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-381-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, Helen Z. and John P. Ward. The variance request is for property located at 319 Chattolanee Hill Road in the Owings Mills area of Baltimore County. The Petitioners herein seek a variance from Section 1A01.3.B.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 14 ft. rear yard building setback in lieu of the required 35 ft. and variances from Section 400.1 of the B.C.Z.R., to permit 3 accessory structures (existing shed, existing gazebo, existing in-ground pool) to be located in the side yard in lieu of the required rear yard and to permit an accessory structure (existing shed) to have a side and rear yard setback of 0 ft. in lieu of the required 2.5 ft. 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

4 publications of Filters

Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of April, 2001, that a variance from Section 1A01.3.B.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 14 ft. rear yard building setback in lieu of the required 35 ft. and variances from Section 400.1 of the B.C.Z.R., to permit 3 accessory structures (existing shed, existing gazebo, existing in-ground pool) to be located in the side yard in lieu of the required rear yard and to permit an accessory structure (existing shed) to have a side and rear yard setback of 0 ft. in lieu of the required 2.5 ft., be and are 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:rai



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

Fax: 410-887-3468

April 26, 2001

Mr. & Mrs. John P. Ward 319 Chattolanee Hill Road Owings Mills, Maryland 21117

Re: Petition for Administrative Variance

Case No. 01-381-A

Property: 319 Chattolanee Hill Road

Dear Mr. & Mrs. Ward:

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, Sweetly lotroco

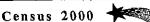
Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Brian Dietz, P.E. Gerhold, Cross & Etzel 320 E. Towsontown Blvd., Suite 100 Towson, MD 21286



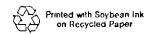


For You, For Baltimore County



Census 2000







Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3/9 CHATTOLANGE HILL ROAD which is presently zoned R.C.2

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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) 1AO1, 3, B.3 A FOR A 14' ± T BUILDING

SETBACK IN LIEU OF THE REQUIRED 35', AND

SECTION 400.1 TO PERMIT 3 ACCESSORY STRUCTURES (EXISTING SHAD,
EXISTING GARAGO, EXISTING IN GROUND POOL). TO BE LOCATED IN THE SIDE
YARD IN LIEU OF THE REQUIRED REALLY AND, TO PERMIT AN ACCESSORY
STRUCTURE (EXISTING SHED) TO HAVE 41 SETBACK OF O FEET IN LIEU OF THE

REQUIRED 2.5'.
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 Baitimore County adopted pursuant to the zoning law for Baitimore County.

| | | , | is the subject of this Petition. | | |
|----------------------------|--|--|--|------------------|--------------------------|
| Contract Purchaser/Lessee: | | | Legal Owner(s): | | |
| | | | JOHN P. WA | RD | |
| Name - Type or Prin | l . | ······································ | Name Type or Print Wa | red | * |
| Signature | | | Signatule HIELEN Z. | NARD | |
| Address | | Telephone No. | Name - Type or Print | alex | d d |
| City | State | Zip Code | Signature | | |
| Attorney For I | Petitioner: | | 319 CHATTOLANE | Z HILL R | 1) 410-363-1 |
| • | | | Address OWINGS MILLS | MD | Telephone No. |
| Name - Type or Prin | t | · · · · · · · · · · · · · · · · · · · | City | State | Zíp Code |
| Signature | | | Representative to be Col BRIAN DISTE. | ntacted: | |
| | | | GERHOLD CROSS + 1 | ETZ.BL | |
| Company | | | Name 320 E. TOW SONTOWN | | 910-823-4970 SUNA 100 |
| Address | | Telephone No. | Address | | Telephone No. |
| | | | | MD | 21286 |
| City | State | Zip Code | City | State | Zip Code |
| inis L. F dav of | naving been formally demand th noise County and that the prope | at the subject matter of th | equired, it is ordered by the Zoning C s petition be set for a public hearing, ad | vertised, as rec | quired by the zoning |
| 2 C | 61 001 | | Zoning Commissioner of 6 | nuoce Coun \ | 'y / |
| CASENO. | 01-381-A | Rev | twed By JUP Do | ite3/6 | 26/0/ |
| - H | | | · / | <i>1</i> — — | |

Estimated Posting Date __

Affidavit in Support of Administrative Variance

GERHOLD, CROSS&

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, a 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

319 CHATTOLANEE HILL ROAD

Address
OWINGS MILLS MD
City State
ZID 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 existing garage was built in the 1920's and is in very poor condition. We would like to erect a new garage, which would be attached to the house. The location and orientation of the existing house on the property is such that a majority of the property behind the house is encumbered by the building setback restriction. Also the existing septic area limits the location of the proposed garage. We believe that this proposed garage location is the most feasible.

APPROVAL OF THIS GARAGE WOULD PLACE THE 4 EXISTING ACCESSORY STRUCTURES (2 SHEDS, GAZARO, INGROUND POOL) IN VIOLATION OF SECTION 400.1, REMOVAL AND OR RELOCATION OF THESE STRUCTURES WOULD BE UN FEASIBLE + CUSTLY.

| | in the state of th |
|---|--|
| That the Affiant(s) acknowledge(s) that if a formal demand I advertising fee and may be required to provide additional inform | s filed, Affiant(s) will be required to pay a reposting and nation. |
| Signature P. Wared | Signature 7/Ward |
| JOHN P. WARD | HELEN Z. WARD |
| Name - Type or Print | Name - Type or Print |
| STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: | |
| of Maryland, in and for the County aforesaid, personally appear | ed , 200 I , before me, a Notary Public of the State |
| the Affiant(s) herein, personally known or satisfactorily identified law that the matters and facts hereinabove set forth are true and | ed to me as such Affiant(s), and made oath in due form of discorrect to the best of his/her/their knowledge and belief. |
| AS WITNESS my hand and Notarial Seal | |
| 3/15/01 | amous & Nombon |

REV 09/15/98

Date

01-381-A



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

March 1, 2001

ZONING DESCRIPTION TO ACCOMPANY A PETITION FOR A VARIANCE ON THE WARD PROPERTY KNOWN AS #319 CHATTOLANEE HILL ROAD THIRD ELECTION DISTRICT, SECOND COUNCILMANIC DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in the center of a road 20 feet wide, at the beginning of the first parcel of land of the herein petitioner which by a deed dated September 14, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6782 folio 214, said point of beginning being distant and referring the Meridian to the Baltimore County Photogrammetric Map NW-11G, South 52 degrees East 1,080.00 feet, more or less, from the intersection of the centerlines of Hopkins and Golf Course Road, thence leaving said road and binding on the outlines of the herein petitioner and referring the Meridian as called for in the aforesaid deed, the four following courses and distances, viz: (1) North 32 degrees 52 minutes East 241.10 feet, (2) South 51 degrees 53 minutes East 67.40 feet, (3) North 25 degrees 04 minutes East 40.00 feet, and (4) South 59 degrees 44 minutes East 221.61 feet to the center of a road 10 feet wide known as Chattolanee Hill Road, thence binding in the center of said road, the following eight courses and distances, viz: (5) South 28 degrees 02 minutes West 20.00 feet, (6) South 30 degrees 24 minutes West 50.00 feet, (7) South 41 degrees 19 minutes West 50.00 feet, (8) South 44 degrees 56 minutes West 58.00 feet, (9) South 57 degrees 27 minutes West 123.60 feet, (10) South 71 degrees 04 minutes West 35.00 feet, (11) North 33 degrees 36 minutes West 32.00 feet, and (12) North 49 degrees 10 minutes West 168.50 feet to the place of beginning.

Containing 1.72 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



| BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE No. 9307 | 4 PAUD RECEIPT |
|--|---|
| MISCELLANEOUS RECEIPT DATE 7 76 01 ACCOUNT R-OCI- 006-6150 | PAYMEDT ACTUM_ TIME 1/27/2001 3/26/2001 15:56:15 |
| RECEIVED John P. Word Crust Account | Dept 's 520 ZONTEG VERTFICATION IR in. 023074 Recei Tot 50.00 50.00 CK .00 CR Builtimore County, Haryland |
| FOR: 3/9 (hattolance Hill Road | |
| DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER | _ |

CERTIFICATE OF POSTING

| | RE: Case No.: $0/-38/-4$ |
|--|--|
| | Petitioner/Developer: ward |
| • | 30 |
| | Date of Hearing/Closing: 4/23/0/ |
| 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 penalti were posted conspicuously on the proper | es of perjury that the necessary sign(s) required by law erty located at 319 Chatto/anel 14, LL Re |
| The sign(s) were posted on | 8 APRIL > 2001 |
| | (Month, Day, Year) |
| Logician. | Sincerely, |
| | SSG-AMM 4/8/01 |
| | (Signature of Sign Poster and Date) |
| 日本日本の日本日本日本日本日本日本日本日本日本日本日本日本日本日本日本日本日本 | (Printed Name) |
| | (Address) |
| | (City, State, Zip Code) |
| | (Telephone Number) |

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

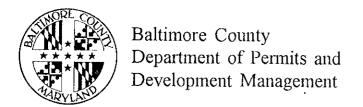
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

| For Newspaper Advertising: | | | | |
|---|--|--|--|--|
| Item Number or Case Number: | | | | |
| Address or Location: 3/9 CHATTOLANEE HILL ROAD | | | | |
| PLEASE FORWARD ADVERTISING BILL TO: Name: | | | | |
| Address: 319 CHATTOLANEE HILL ROAD | | | | |
| OWINGS MILLS MD. 21117 | | | | |
| Telephone Number: 410-363-1622 (HOME) 410-363-1833 (OFFICE) | | | | |

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 01- 38/ -A Address 319 Chattolance Hill Road | | | | |
|--|--|--|--|--|
| Contact Person: Jeffrey Reviow Phone Number: 410-887-3391 | | | | |
| Filing Date: $3/26/6$ Posting Date: $4/8/6$ Closing Date: $4/23/6$ | | | | |
| 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. <u>DEADLINE:</u> 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. | | | | |
| 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 01- 38/ -A Address 319 Chattolakee Hill Road | | | | |
| Petitioner's Name WARD Telephone 410-363-1622 | | | | |
| Posting Date: $\frac{4/8/07}{8/07}$ Closing Date: $\frac{4/23/07}{8/27}$ | | | | |
| Wording for Sign: To Permit a 14 feet = rear yard set back in lieu of the required 35 feet | | | | |
| and to permit 3 accessory structures (existing shed, existing gazebo, existing in-ground pool) to be | | | | |
| located in the side yard in lieu of the required rear yard, and to permit an | | | | |
| accessory structure (existing shed) to have a side and rear yard setback of O feet in lie of the required 2.5 feet. | | | | |



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

April 23, 2001

Helen Z & John P Ward 319 Chattolanee Hill Road Owings Mills MD 21117

Dear Mr. & Mrs. Ward:

RE: Case Number: 01-381-A, 319 Chattolanee Hill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 26, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Carl Richards, Ir

WCR: gdz

Enclosures

c: Brian Dietz, Gerhold Cross & Etzel, 320 E Towsontown Blvd, Towson 21286 People's Counsel

AY 4123

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-381, 01-384, 01-390, and 01-391

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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: Maelst

DATE: April 10, 2001

Section Chief:

AFK/JL:MAC



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

April 12, 2001

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 9, 2001

Item No.: See Below

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS IN REGARD TO THE FOLLOWING ITEM #'S.

380, 381, 382, 384, 386, 387, 389, 390, 391, 392, 393, 394,

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

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcarı Secretary

Parker F. Williams Administrator

Date: 4.9.01

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

RE: Baltimore County

Item No. 381 JAP

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,

1. J. Grelle

In.

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

Note to File

To; file

FROM: Jeffrey Perlow, Planner II Zoning Review

RE: 319 Chattolance Hill Road Owings Mills, MD 21117 01-381-A

Per My Conversations with Doug Swam & John Reisinger, and Per My Conversation with Kimberly Abe of the Planning Office, No Administrative Special Hearing is required for this property as an historic site as of the date of 3/27/01.

This memo is to verify that the proposed plans for a new garage to be built by Helen and John Ward have been reviewed, and as neighbors to their property at 319 Chattolanee Hill Road, Owings Mills, Md. 21117, we (I) are in favor of this improvement, and support their petition for a set-back zoning variance.

| Date | Name | Address |
|-----------|------------------|--------------------------|
| 3-18-01 | - Gille With | 311 Chatlolanez Hill |
| 3-18-01 | allead Pr | 313 Chuthen HM |
| 3/18/01 | | 309 Chattolanee Hill Re. |
| 7/18/01 | Cover | 401 Chatlefores/bill Mc |
| 3/18/2 | 001 C. Brewster | 321 Chattolance Hill Rd. |
| 3/18/2001 | O. Wellown. | 317 Chattolane Hill Rd |
| 3/19/01 | Elecen & Jarr MA | 7 Chattelanes/Hell Rd. |
| 3/19/01 | Mill T. Oth | 315 Outtoline Hilf |
| | | |

Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bidg. 401 Bosley Avenue Towson, Maryland 21204

Matagareho \$01-351.A Accompanies PLAT

Printed with Soybean Ink

