ORDER RECEIVED FOR FILING Date 10/2

IN RE: PETITION FOR ADMIN. VARIANCE N/S Oakland Road, approx. 3,000' W of Deer Park Road

(1730 Oakland Road) 2nd Election District 1st Council District

David P. Walston, et ux Petitioners

* BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 01-465-A

*

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, David P. and Nancy M. Walston. The Petitioners request relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard, with a height of 26 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the 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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 100 day of June, 2001 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard with a height of 26 feet in lieu of the required rear yard location and maximum height of 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

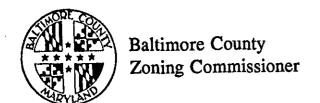
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this 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 proposed garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

May 31, 2001

Fax: 410-887-3468

Mr. & Mrs. David P. Walston 1730 Oakland Road Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Oakland Road, approximately 3,000' W of Deer Park Road
(1730 Oakland Road)
2nd Election District – 1st Council District
David P. Walston, et ux - Petitioners
Case No. 01-465-A

Dear Mr. & Mrs. Walston:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: People's Counsel; Case File



Petition for Administrative Variance

* DVI ASS	to the Zioni	ing Commis	Sioner of Daili	more County
	for the pro	perty located at	1730 OATCLAND 1	28
		which	is presently zoned _	RC4
This Petition shall be filed vowner(s) of the property situat made a part hereof, hereby pe	ie in bailimore County an	a which is described	in the description and pl	lat attached hereto and
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of the zoning regulations of Ba of this petition form.	ltimore County, to the zo	ning law of Baltimore	: County, for the reasons	indicated on the bac
Property is to be posted and ad l, or we, agree to pay expenses o regulations and restrictions of Bal	of above Variance, advertisi	ng posting etc and fu	ther scree to and are to be	e bounded by the zoning
		perjury, that	emnly declare and affirm, ut I/we are the legal owner(s ct of this Petition.	inder the penalties of it of the property which
Contract Purchaser/Lesse	<u>)e:</u>	<u>Legal Ow</u>	<u>/ner(s):</u>	
		Day	is P. WALST	7a 1. /
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City	State Zip Cod	Signature	ray M. Walst	<i>D</i>
Attorney For Petitioner:		Address	DAKLAND Rd	4/0-833-703 Telephone No.
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Company .		Name		
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Address	Telephone No.	Address		Telephone No.
E CW	State Zip Code	City	Sta	ite Zip Code
Q Public Hearing having been form	ally demanded and/or found	to be required, it is ord	lered by the Zoning Commiss	sioner of Baltimore County
equality and the	that the cubiect matt	er of this petition be set for	or a public hearing, advertised	, as required by the zoning
32 - T		Zon	ing Commissioner of Baltimore	e County
# CASE NO. 01-4	65-A	Reviewed By	m Date_	5/2/01
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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	1730	OAKLAND	Rd.	
	Address REISTERS	son M		21136
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the fact ip or practical diffi	s upon which I/we	State e base the reque	st for an Administrative
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informa	filed, Affiant(s) wition.	vill be required t	o pay a reposting and
Duel Palalation		hancy h	r. Walston	
DAVID P. WALSTON Name - Type or Print	-	Name - Type or Print	M. W.	BLSTOM
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STATE OF MARYLAND, COUNTY OF BALTIN		0.00		
I HEREBY CERTIFY, this 2 day of Agriculture of Maryland, in and for the County aforesaid, per	// / [rsonally appeared		before me, a No	otary Public of the State
the Affiant(s) herein, personally known or satisf	factorily identified	to mo as such A	ffight/a) and ma	edo ooth in due form of
law that the matters and facts hereinabove set for	orth are true and	correct to the best	t of his/her/their k	knowledge and belief.
AS WITNESS my hand and Notarial Seal	. 1	1		
april 21,2001		ephanie R	Cerci Pol	WW.
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That the Affiant(s) does/do presently reside at	1730 0.	AKLAND Rd	<u> </u>	***
	Address REISTERS TO City	State		21/36 Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardsh	owing are the facts ip or practical diffic	s upon which I/we b		•
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informat	filed, Affiant(s) will tion.	be required to pay	a reposting and
Signature Phalston		Manay 1 Signature	M. Walston	
DAVID P. WALSTON Name - Type or Print		r	M. WALSTON	
STATE OF MARYLAND, COUNTY OF BALTIN I HEREBY CERTIFY, this Of day of of Maryland, in and for the County aforesaid, pe	MORE, to wit:	<u>2001</u> , be	efore me, a Notary P	ublic of the State
the Affiant(s) herein, personally known or satis law that the matters and facts hereinabove set for	ton		ant(s), and made oat	h in due form of
AS WITNESS my hand and Notarial Seal	orur are ude and c	onect to the best of	MISTIGHT KNOWICE	age and belief.
2001 21, 2001		Jedranie &	ence Brown)
Dave	Notary P My Com	ขนตูแс mission Expires <u>/</u> ்	1/20/2004	



REU 9/15/98

Petition for Administrative Variance

Estimated Posting Date 5/13/01

* N	το	tne Zoning	Commission	er of Baltin	nore County
		for the propert	y located at	30 OAKLAMD	Rd
		- •		esently zoned	
This Petition shall be fi owner(s) of the property made a part hereof, here	by petition for a	Variance from Sect	ion(s)	description and pla	it attached hereto and
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IN LIEW O	€ 15 FT.	HIGH.			TI TION
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egulations and restrictions	of Baltimore Cou	nty adopted pursuant	I/We do solemnly	itimore County. declare and affirm, un are the legal owner(s)	
Contract Purchaser/L	.essee:		Legal Owner(s	<u>s):</u>	
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Signature		98 (miles - 1984)	Signature	(Soleton	<u>- </u>
Address		Telephone No.	Name - Type or Print	1 / 1 / /	TON
Dity	State	Zip Code	Signature /	M. Waloto	1
Attorney For Petition	er:		Address	AND Rd.	410-833-7033 Telephone No.
lame - Type or Print			<u>KEBT€RE70WL</u> City	u M.D. State	2 //36 e Zip Code
ignature			Representative	e to be Contacte	<u>d:</u>
ompany		***************************************	Name		
ddress		Telephone No.	Address		Telephone No.
itý	State	Zip Code	City	State	e Zip Code
Public Hearing having beer is day of gulations of Baltimore County			required, it is ordered b his petition be set for a pub	y the Zoning Commission Dic hearing, advertised,	oner of Baltimore County, as required by the zoning
CASE NO. OI-4	465-A	Rev	Zoning Con	nmissioner of Baltimore	County 5/2/0/

ATTACHMENT "A"

- 1. We are requesting a location variance in order to place the garage in the side yard. The proposed location is the only level area close enough to the house. Other areas within a practical distance to the house would require removal of large trees and involve steep terrain. Moving the proposed garage further north, into the back yard, would interfere with our existing septic system. Also, the proposed location allows us to utilize the existing paved driveway and parking space. The garage will be used to keep our automobiles and farm equipment, needed to maintain our property, out of the elements when not in use.
- 2. We are also requesting a building height variance in order to create a second floor storage area. We are unable to modify our existing home to provide additional storage because of the layout of the house and its location on the property.

465

ZONING DESCRIPTION FOR: 1730 OAKLAND Rd REISTERSTOWN, WD 21136

BEGINNING for the same at an iron pin set in the center of the Oakland Road, on the ninth line of the land described in a deed from Irving W. Gosnell, widower, to the Mayor and City Council of Baltimore, Dated April 29, 1949 and recorded in the Land Records of Baltimore County in Liber T.B.S. No. 1747, folio 130, etc. thence running and binding on a part of said minth line in a reverse direction, North 03 degrees 06 minutes 30 seconds West 27.7 feet to a concrete monument heretofore set at the beginning point of said ninth line, thence running and binding reversely on the eighth line of said deed, North 25 degrees 33 minutes West 737.65 feet to a monument heretofore set; thence running and binding reversely on a part of the North 86 degrees 22 minutes West 965.4 foot line of the land described in a deed from John C. Fitzpatrick, widower, to Jennie B. Gray, dated October 16, 1936 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 985, folio 378, etc. North 84 degrees 20 minutes 30 seconds East 486.78 feet to the beginning point of said line, thence running and binding reversely on the North 89 degrees West 30.4 perch line of the land described in a deed from Paul Shipley and wife to Jennie B. Gray, dated September 25, 1941 and recorded in the Land Records of Baltimore County in Liber C.H.K. No. 1186, folio 491, etc. and on a prolongation thereof North 84 degrees 20 minutes 30 seconds East 570.0 feet to the center of the Oakland Road, thence running along and binding on the center of the Oakland Road, for the following seven lines of division now made, South 68 degrees 50 minutes West 100 feet, South 49 degrees 57 minutes West 100 feet, South 44 degrees 36 minutes West 100 feet, South 38 degrees 06 minutes West 100 feet, South 25 degrees 49 minutes West 260.2 feet, South 35 degrees 32 minutes West 100 feet, and South 48 degrees 34 minutes West 349.42 feet to the point of beginning. Containing 8.65 of an acres, more or less.

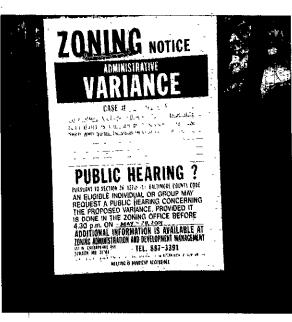
THE improvements thereon being known as No. 1730 Oakland Road.

ELECTION DISTRICT 2 COUNCILMANIC DISTRICT 1

465

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	92867	WI DATE COPPLY COPPLY AND TENT AND COPPLY AND COPPLY AND ACCOPPLY ACCOPPED
DATE 5/2/01 ACCOUNT 120	01006	<u>6150</u>	PAR DELITION ANGLES JRIC JAR DRAWS 5501
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POR:			
DISTRIBUTION WHITE CASHIER PINK - AGENCY YELLOW - CUSTOMER	R	the little of the latest states and	CASHIER'S VALIDATION

RE: Case No.: 01-465-A	<u> </u>
Petitioner/Developer:	
David & Nancy Walston	
Date of Hearing/Closing: 5.28.01	
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 1730 Oakland Road Reisterstown, MD 21136	
The sign(s) were posted on May 5, 2001 (Month, Day, Year)	<u>_</u> ,



Sincerely,
Stacy Lardner 5/4/01
(Signature of Sign Poster and Date)
Stacy Gardner SHANNON-BAUM SIGNS INC.
TOE COMPETITIVE COALS DR
ELDERSBURG, MD. 21784
410.781.4000
(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: 01-465-A
Petitioner: DAVID : HANCY WALSTON
Address or Location: 1730 OAKLAND RD
PLEASE FORWARD ADVERTISING BILL TO:
Name: DAVID WALSTOW
Address: 1730 OKKLAND Rd
REISTERSTOWN WD 21136
Telephone Number:

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

0ST1119

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Q

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p
Case Number 01- 465 -A Address 1730 OAKLANO RD
Contact Person: LIOYO T. MOXLEY Phone Number: 410-887-3391
Filing Date: <u>5/2/01</u> Posting Date: <u>5/13/01</u> Closing Date: <u>5/28/01</u>
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.
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 01-465 -A Address 1730 OAKLAND RD
Petitioner's Name DAVID & HAHCY WALSTON Telephone 410 833-7033
Posting Date: 5/13/01 Closing Date: 5/28/01
Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE
TO BE BUILT IN THE SIDE YARD IN LIEU OF THE REAR YARD
AMP TO BE 26' HIGH IN LIEU OF 15' HIGH.



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

May 29, 2001

Nancy M & David P Walston 1730 Oakland Road Reisterstown MD 21136

Dear Mr. & Mrs. Walston:

RE: Case Number: 01-465-A, 1730 Oakland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. 602 Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 4, 2001

Department of Permits and **Development Management**

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 4455 & 456 SUBJECT:

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.

Section Chief:

AFK/JL:MAC



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

June 5, 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 May 21, 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.

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

461, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 477, 478, 479, 482, 483,

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 5, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting.

For May 29, 2001

Item Nos. 461, 463, 464, 465, 466, 467, 469, 470, 472, 473, 474, 475, 478, 480,

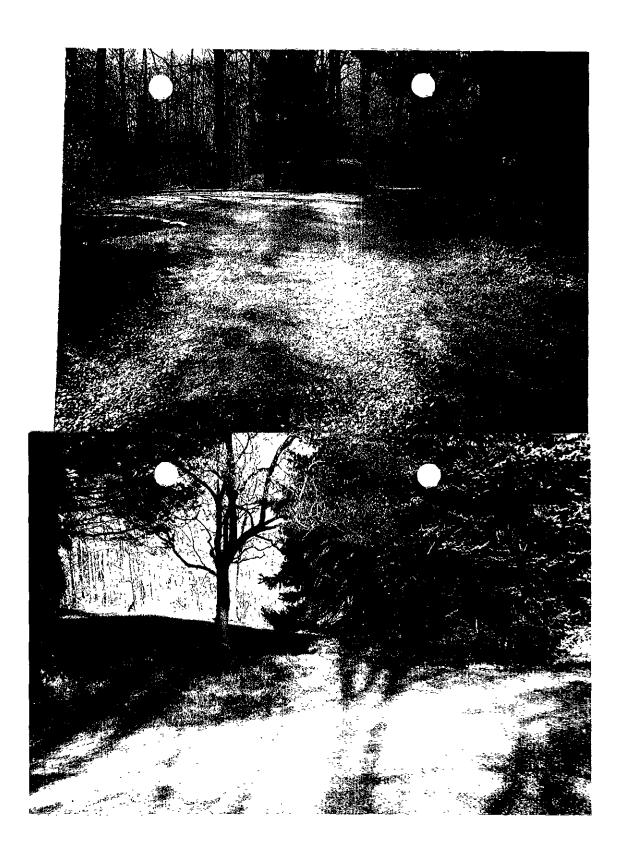
483, and 006

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

RWB:HJO:jrb

cc: File

plat book#,tolio#,lot#,s	ection#					
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1000	450	So XII	25	Election Dist		•
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570	DRIVE Way		737.	Lot size: 8.	65	
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North	V			Zoning (CASE#:
date: <u>5-2-01</u>		t	1	•	1	965A







OFFICE OF PLANNING AND ZONING
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