IN RE: PETITION FOR ADMIN. VARIANCE S/S Gunpowder Road, 700' SE centerline of Larch Road 11th Election District 5th Councilmanic District (5636 Gunpowder Road)

> Mary and Glenn Bittorf Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 01-548-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Mary and Glenn Bittorf, the legal owners of the subject property. The variance request is for property located at 5636 Gunpowder Road in the Loreley area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be 19 ft. in height in lieu of the maximum required 15 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 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.

The relief granted is conditioned upon Petitioners' compliance with recommendations submitted by the Office of Planning in their correspondence dated July 25, 2001, a copy of which is attached hereto.

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 <u>37</u> day of July, 2001, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be 19 ft. in height in lieu of the maximum required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.
- 2. Compliance with the ZAC comments submitted by the Office of Planning dated July 25, 2001, a copy of which is attached hereto and made a part hereof.
- 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.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

ONTHE BLOCK CONTRACTION



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

July 30, 2001

Mr. & Mrs. Glenn Bittorf 5636 Gunpowder Road White Marsh, Maryland 21162

> Re: Petition for Administrative Variance Case No. 01-548-A Property: 5636 Gunpowder Road

Dear Mr. & Mrs. Bittorf:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

buthy lotraco

TMK:raj Enclosure

c: Caldwell Constructionc/o Harold Caldwell, Jr.259 Little Britain RoadNottingham, PA 19362















# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 563/ Gundan de Od

Free Property	which is presently zoned DR2
made a part hereof horoby political for a Verice of the or	mits and Development Management. The undersigned, legal hich is described in the description and plat attached hereto and ction(s)
structure (garage) with a	height of 19 Ct. in lieu of the
required 15 ft.	,
	•
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, p regulations and restrictions of Baltimore County adopted pursuant	osting atc and further agree to and are to be bounded to discon-
	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	Glenn Bittort Name-Type or Print
Signature	Signature Out
Address Telephone No.	Name - Type or Print 2
City State Zip Code	Signature Signature
Attorney For Petitioner:	5636 Guponder Kol (410)668-5600 Address Telephone No.
Name - Type or Print	Whitemarsh Md. 21162 City State Zip Code
Signature	Representative to be Contacted:
Company	Caldwell Construction (Harold Caldwell)
Address Telephone No	259 Little Britain Rd. (71) 549-0932 Address Telephone No.
State Zip Code	Nottingham RA 19362 City State Zio Code
A Public Hearing having been formally demanded and/or found to be	e required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning
<b>CASE NO.</b> 01-5-48-A Rev	Zoning Commissioner of Baltimore County
CASE NO. 01-5-48-A Rev	riewed By SM Date 6/22/01
<i>R80 9115198</i> Fst	imated Posting Date $7/8/0/$

# 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.

competent to testify thereto in the event that a p	public hearing is scheduled	in the future with reg	jard thereto.
That the Affiant(s) does/do presently reside at	5636 Gunpon	der Rol.	
	White morsh	md.	21162
	City	State	Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardsh	owing are the facts upon whip or practical difficulty):	nich I/we base the re	equest for an Administrative
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since Goisting house attic	. doesn't have th	e space for	storage.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affia additional information.	ant(s) will be requir	red to pay a reposting and
Alm Bitt		uce Bittor	
Signature	Signature		
Name - Type or Print	Name - Typ	y So Buttor	
		···	
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
I HEREBY CERTIFY, this 2900 day of of Maryland, in and for the County aforesaid, pe	rsonally appeared	before me,	a Notary Public of the State
Mary Do Buttarl	and Hen	Bitt ou	Į
the Affiant(s) herein, personally known or satisfiaw that the matters and facts hereinabove set for	factorily identified to me as orth are true and correct to	such Affiant(s), and the best of his/her/t	nade oath in due form of heir knowledge and belief.
AS WITNESS my hand and Notarial Seal		a -00 H	2 SHE
June 29 Th, 2001	Recen	1 R. Shitt	STARY OF
Date	Notary Public	6 / 2	(0)9
-	My Commission E	expires 3-1-	PUBL

REV 09/15/98

# Affidavit in Support of Administrative Variance

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competent to testify thereto in the event that a l	public neani	ng is scheauled ii	n the future with regard	i thereto.
That the Affiant(s) does/do presently reside at	5636	Gunpowd	er Rd.	
		Marsh	ma.	21167
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are thating or practic	e facts upon wh al difficulty):	ich I/we base the requ	lest for an Administrative
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Signature Little		Signature	y & Bettoy	
Glan Bitter		Horas	Jo Ritterf	
Name - Type or Print		Name - Type	or Print	
CTATE OF MADVI AND COUNTY OF DALLTS				
I HEREBY CERTIFY, this 39th day of	NURE, TO W	it: √2	71 / hoforo mo o h	lotary Public of the State
of Maryland, in and for the County aforesaid, of	rsonally app	peared	, before me, a N	lotary Public of the State
the Affiant(s) herein, personally known or satis	factorily ide	ntified to me as	such Affiant(s) and m	nade path in due form of
law that the matters and facts hereinabove set f	forth are true	and correct to t	he best of his/her/their	knowledge and belief.
AS WITNESS my hand and Notarial Seal				JESK R. SHELL
June 29, 2001		Opri	en R. She	TOTARY T
Date /	No	otary Public	8 / 7	PUBLIC A

My Commission Expires

REU 09/15/98



# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 5636 Gundowder Rd.

which is presently zoned DR2

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accessory structur	e (garage)	on(s) 400.3 to permit an ) with a height of 19 ft. in
lien of the re	quired 15	- ft.
of the zoning regulations of Baltimore C of this petition form.	County, to the zoning la	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised I, or we, agree to pay expenses of above V regulations and restrictions of Baltimore Co	ariance advertising nos	sting atc and further agree to and are to be becaused by the
		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):
	<del></del>	Glann Rittert
Name - Type or Print		Name - Type or Print
Signature		Singature Stay
Address	Telephone No.	MAYUSO Bittors Name - Type or Print
Crty State	Zip Code	grange Titley
Attorney For Petitioner:	Z.p Code	Signature()
Austriey For Feationer,		5636 Gunpowder Rd. (410)668-5620 Address Telephone No.
Name - Type or Print		WhiteMarsh Md. 21162 City State Zip Code
Signature		Representative to be Contacted:
oignature		
Company		Caldwell Construction (Harold Caldwell Name
Address	Telephone No	Address Rd. (717) 548-043 Rddress Pelephone No.
City State	Zip Code	Nottingham P.A. 19362 City State Zip Code
A Public Hearing having been formally deman his day of the gulations of Baltimore County and that the proper		required, it is ordered by the Zoning Commissioner of Baltimore County, s petition be set for a public hearing, advertised, as required by the zoning
	4	Zoning Commissioner of Baltimore County
CASE NO. <u>0/-548-/</u>	<u> </u>	ewed By Sh Date 6/29/01
REV 915198	Estim	nated Posting Date

### ZONING DESCRIPTION FOR 5636 Gunpowder Road

Beginning at a point on the <u>South West Side</u> of <u>Gunpowder Road</u> which is <u>50ft</u> wide at the distance of <u>700ft South East</u> of the centerline of the nearest improved intersecting street <u>Larch Rd</u> which is <u>50ft</u> wide. \*Being the South Easterly one half of Lot # <u>10</u>, Block <u>M Plat 2</u> in the subdivision of <u>Darryl Gardens</u> as recorded in Baltimore County Plat Book # <u>13</u>, Folio # <u>150</u>, containing <u>20,000</u> square feet. Also known as <u>5636 Gunpowder Road</u> and located in the <u>11<sup>th</sup> Election District</u>, <u>5<sup>th</sup> Councilmanic District</u>. Lot dimension 100ft paralelling right of way by 200ft depth.

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## CERTIFICATE OF POSTING

RE: Case No.: 01-548-A

Petitioner Developer G. BITTORF, ETTE

O'Verfe

Date of Hearing Closing: 7/23/01

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

Attention: Ms. Gwendolyn Stephens

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Fax	887-34	68		Fax #	324	-4:	

Ladies and Gentlement

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

# 5636 GUNFOWDER LD

THI NO DOSIING

7/03/0/ Nonth Day, Year)

Sincerely

1/1/ 1/1/

(Signature of Sign Poster and Mate)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

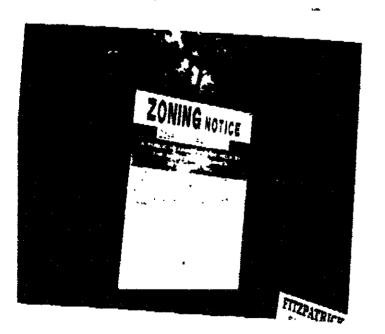
(Address)

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 <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.

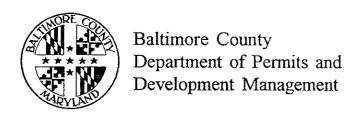
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: 01-548-A	g [W
Petitioner:	t.
Address or Location: 5636 Gunpowder Rd. White Marsh Md. 21162	
PLEASE FORWARD ADVERTISING BILL TO:  Name: Glenn & Mary & Bitter	
Address: 5636 Gunpowder Rd. White Morsh Md. 21162	
Telephone Number: 410-668-5620	

Revised 2/20/98 - SCJ

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Nu	mber 01-	548	-A	Address	5636	Gunpowder	Rd, 💐
Contact i	Person: _	Bro Planner,	140 Rud Please Print Your Na	laitis.		Phone Number:	410-887-3391
Filing Da	ate:	6/39	Posti	ng Date:	7/8/01	Closing Dat	te: 7/33/01
Any cont through t	tact made he contact	with this off person (plan	ice regarding ner) using the	the status case num	s of the adn ber.	ninistrative varia	nce should be
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,		USE THE	ADMINISTRAT	TIVE VARI	ANCE SIGN	FORMAT	
Case Nur	nber 01-[	548 -A	Addre	ss <u>56</u>	34 Gu	npowder	RD.
Petitioner						elephone	
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Wording t	for Sign: _	To Permit	ah acces	Sury 5	tructure	(qurage)	witha
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 23, 2001

Mary Jo & Glenn Bittorf 5636 Gunpowder Road Whitemarsh MD 21163

Dear Mr. & Mrs. Bittorf:

RE: Case Number: 01-548-A, 5636 Gunpowder Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 29, 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. Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

**Enclosures** 

C: Harold Caldwell Jr, Caldwell Construction, 259 Little Britain Rd, Nottingham PA 19362 People's Counsel



John alejander

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

**DATE:** August 2, 2001

Department of Permits & Development Mgmt.

FROM: Webert W. Bowling, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

For July 23, 2001

Item Nos. 485, 527, 528, 529, 530, 532, 534, 536, 537, 540, 541, 542, 543, 544,

546, 547, 548, 549, and 550

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

RWB:HJO:jrb

cc: File





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

July 24, 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 July 16, 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:

527, 528, 529, 531, 533, 534, 535, 536, 539, 540, 541, 542, 543, 545, 548, 550, and 551

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

cc: File

PN 1/23

### 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

进25

**DATE:** July 25, 2001

**SUBJECT:** 

5636 Gunpowder Road

INFORMATION:

**Item Number:** 

01-548

Petitioner:

Glenn Bittorf

Zoning:

DR 2

**Requested Action:** 

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the variance request to allow an accessory structure with a height of 19 feet in lieu of the permitted 15 feet, provided the proposed structure is constructed of materials similar to that of the principal structure. The use of dormers and/or windows comparable to those of the principal structure is also recommended. The petitioner should submit elevation drawings to this office for review and approval prior to the issuance of any building permits.

Prepared by:

Section Chief:

AFK.MAC:

The second secon



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

7.23.01

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

RE:

**Baltimore County** 

Item No. 548

BR

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,

P. J. Helle

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

