ORDER RECURSOR FILING

IN RE: PETITION FOR VARIANCE
E/S Bentley Ridge Court, 30' N
centerline Cameron Ridge Court
7th Election District
3rd Councilmanic District
(19901 Bentley Ridge Court)

Paul Amirault, on behalf of Maryland Landmark 2001, LLC Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-002-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Paul Amirault, on behalf of Maryland Landmark, 2001 LLC. The variance request involves property located at 19901 Bentley Ridge Court. The subject property is split-zoned RC.5 and RC.4. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a principal building setback to a lot line other than a street line of 43 ft. in lieu of the 50 ft. required.

Appearing at the hearing on behalf of the variance request were Paul Amirault, appearing on behalf of the owner of the property and Ken Colbert, professional engineer who prepared the site plan of the property.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.182 acres, more or less. The subject property is located on the corner of the intersection of Cameron Ridge Court and Bentley Ridge Court. It is a single-family residential lot whereupon a model home is being constructed for this residential subdivision. Maryland Landmark Homes are the builders of homes to be constructed on the lots located within this 27 lot subdivision. The Petitioner has already constructed a house on the property which is shown on the site plan submitted. The far corner of the garage of the house actually extends into the side yard setback. This was unknown to the Petitioner until such time as the bank required a

foundation survey to be submitted to them. Upon discovering the problem with the side yard setback, the Petitioner filed a variance to cure the matter. No one appeared in opposition to the Petitioner's request.

As stated previously, the lot and home that is the subject of this variance is the model home for the remainder of this 27 lot residential community. There are no other homes surrounding the subject lot at this time. Considering the testimony and evidence offered at the hearing, I find that the variance to allow the house to be situated 43 ft. from the side lot line in lieu of 50 ft. should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and their property. <u>McLean v. Soley</u>, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this $29^{\frac{1}{12}}$ day of August, 2001, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a principal building setback to a lot line other than a street line of 43 ft. in lieu of the 50 ft. required, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

ZONING DESCRIPTION 19901 Bentley Ridge Court

Beginning at a point on the east side of Bentley Ridge Court, which is 40 feet wide, at a distance of 30 feet north of the centerline of the nearest improved intersecting street, Cameron Ridge Court, which is of varying width.

Being Lot 11 in the subdivision of Quiet Valley at Cameron Mill, as recorded in Baltimore County plat Book 73, Folio 37, and containing 1.182 acres (51,488 square feet). Also known as 19901 Bentley Ridge Court and located in the 7th Election District, 3rd Councilmanic District.





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

Fax: 410-887-3468

August 29, 2001

Ken Colbert, P.E. Colbert, Matz, Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore Maryland 21209

> Re: Petition for Variance Case No. 02-002-A

> > Property: 19901 Bentley Ridge Court

Dear Mr. Colbert:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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,

lunting llotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Paul Amirault Maryland Landmark 2001, LLC P. O. Box 216 Kingsville, MD 21087



Printed with Soybean Ink

on Recycled Paper







Census 2000





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 19901 Bentley Ridge Court
which is presently zoned R.C.-5 and R.C.-4

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 of thereof, hereby petition for a Variance from Section(s)

1A04.3.B.2, BCZR, for a principal building setback to a lot line other than a street line of 43 feet in lieu of 50 feet required.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproporationate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property 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.

		Is the subject of this Petition.		
Contract Purchaser/Lessee:		Legal Owner(s):		
		Paul Amirault Maryland Landmark 2001	, LLC	
Name – Type or Print		Name - Type or Print	Mul	`
Signature		Signature)	
Address.	Telephone No.	Name - Type or Print		
City	State Zip Code	Signature		
Attorney For Petitioner:		P.O. Box 216	410-5	593-9881
-		Address.	Teleph	one No.
2		Kingsville	Md.	21087
Mame - Type or Print		City	State	Zip Code
		Representative to be Contacted:		
Signature Company		Richard E. Matz, P.E.	0	
Company		COLBERT MATZ ROSENFELT, INC	day	Geve.
		2835 Smith Avenue, Suite G	410-€	53-3838
Address	Telephone No.	Address	Teleph	one No.
000		Baltimore	MD	21209
# 20-	State Zip Code	City	State	Zip Code
= 0 6		OFFICE USE ONLY		
Case No. 02-002- A		ESTIMATED LENGTH OF HEARING_		
		UNAVAILABLE FOR HEARING		
5 \$ 6° 7 68°E				

Reviewed By

OFFICE	MORE COUNTY, MARYLA OF BUDGET & FINANCE ELLANEOUS RECEIPT	No. 3	PAID RECEIPT PAYMENT ACTUAL TIME
DATE	7/3/0/ ACCOUNT_	-	77/09/2001 77/02/2001 14-00-14
RECEIVED	Colbert, Matz	, Rosenfelt	MD. 003366 Recept Tot 50.00 50.00 CK .00 CA Baltimore Gounty, Waryland
FOR:	Zohing va	1.:an(e	
DISTRIBUTI WHITE - CA		SUSTOMER I TO M +	CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows.

Case: #02-002-A Case: #02-002-A
19901 Bentley Ridge Court
ES Bentley Ridge Court, 30' N
centerline Cameron Ridge Ct
7th Election District
and Councilmanic District Legal Owner(s): Maryland Landmark 2001 (LC, Paul Amirault

Variance: to allow a principal building setback to a lot line other than a street line of 43 feet in heu of 50 feet

of 45 feet in the of 50 feet required.
Hearing: Tuesday, August 28, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E SCHMIDT

LAWRENCE E SCHMIDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Confact the Zoning Commissioner's Office at (410) 887-4386 (410) 887-4386

(410) 887-4386 (2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-

JT/8/661 Aug. 14 C487502

CERTIFICATE OF PUBLICATION

, 1
8/17/2001
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, M.
once in each ofsuccessive weeks, the first publication appearing
on 8/14/,20 <u>01</u> .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings
LEGAL ADVERTISING

	•
	RE. Case No 02-002-A
	Petitioner Developer LANDMARK, ETAL
	_ G/O JUDY FLOAM
887-3468	Date of Hearing/Closing. $8/28/01$
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	F. 653-7953
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen	
This letter is to certify under the penalties	s of perjury that the necessary sign(s) required by law
	ty located at #19901 · BENTLEY RIDGE CT
	8/10/01
The sign(s) were posted on	(Month, Day, Year)
	Sincerely,
ZONING NOTICE	PATRICK M. O'KEEFE (Printed Name) 523 PENNY LANE (Address) HUNT VALLEY, MD. 21030 (City, State, Zip Code)
Comp # . 02 CW 2-A	PATRICK M. O'KEEFE
A PUBLIC HEARING WILL BE HELD	(Printed Name)
IN TOWSON . MD.	523 PENNY LANE
TIME & DATE AS AS S BAS S B	(Address)
र्वसी करा ।	HUNT VALLEY, MD. 21030
	(City, State, Zip Code) 410-666-5366 CELL-410-905-8571
	(Telephone Number)
ARABASA ARA MANTA AFFED COLLASINA	
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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: 02 - 002 - A
Petitioner: Rulet Villey, LLC do Paul Aguirault
Address or Location:19901 Bettley Bedge Cour
PLEASE FORWARD ADVERTISING BILL TO:
Name: Paul Amerault
Address: f.6. Box 216
Kingsville Md. 21087
Telephone Number: 40-593-988/

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 14, 2001 Issue – Jeffersonian

Please forward billing to:

Paul Amirault

Post Office Box 216

Kingsville MD 21087

410 593-9881

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-002-A 19901 Bentley Ridge Court

E/S Bentley Ridge Court, 30' N centerline Cameron Ridge Court

7th Election District – 3rd Councilmanic District

Legal Owner: Maryland Landmark 2001 LLC, Paul Amirault

Variance to allow a principal building setback to a lot line other than a street line of 43 feet in lieu of 50 feet required.

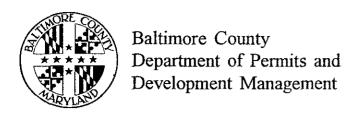
HEARING: Tuesday, August 28, 2001 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT GDZ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

> (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

August 1, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-002-A 19901 Bentley Ridge Court

E/S Bentley Ridge Court, 30' N centerline Cameron Ridge Court

7th Election District – 3rd Councilmanic District

Legal Owner: Maryland Landmark 2001 LLC, Paul Amirault

<u>Variance</u> to allow a principal building setback to a lot line other than a street line of 43 feet in lieu of 50 feet required.

HEARING: Tuesday, August 28, 2001 at 9:00 a.m. in Room 407, County Courts

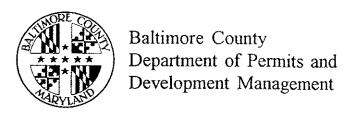
Building, 401 Bosley Avenue

Arnold Jablon Gのこ Director

C: Paul Amirault, Maryland Landmark 2001 LLC, P O Box 216, Kingsville 21087 Richard E Matz PE, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 13, 2001.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

August 24, 2001

Paul Amirault Maryland Landmark 2001, LLC P O Box 216 Kingsville MD 21087

Dear Mr. Amirault:

RE: Case Number: 02-002-A, 19901 Bentley Ridge Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 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. 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. 6りて Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

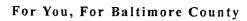
Enclosures

c: Richard E Matz PE, Colbert Matz Rosenfelt Inc. 2835 Smith Avenue Suite G, Baltimore 21209

_ People's Counsel













M 8/28

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 20, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting For August 6, 2001 Item Nos. 514, 001, 002, 003, 005, 006,

Item Nos. 514, 001, 002, 003, 005, 0 007, 008, 010, 011, 012, and 015

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

August 7, 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 30, 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:

001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, and 015

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 07, 2001

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Say L. Kern

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-514, 02 001, 02-002, 02-008, 02-010,

and 02-012

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.

AFK/JL:MAC







Maryland Department of Transportation State Highway Administration

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

Administrator

Date: 8.6.01

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

RE: Baltimore County

Item No. 002 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,

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

1. J. Godle

RE: PETITION FOR VARIANCE
19901 Bentley Ridge Court, E/S Bentley Ridge Ct,
30' N of c/l Cameron Ridge Ct
7th Election District, 3rd Councilmanic

Legal Owner: Maryland Landmark 2001 LLC Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-2-A

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

ter Maximmeman

arole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 2001 a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, Colbert, Matz, Rosenfelt, Inc., 2835 G Smith Avenue, Baltimore, MD 21209, representative for Petitioners.

Lete May Tinneman PETER MAX ZIMMERMAN

Bof Cx 4

Quiet Valley, LLC 5 Shawan Road Cockeysville, MD 21030

Mr. Paul Amirault Vice President Maryland Landmark, Inc. PO Box 216 11836 Belair Road Kingsville, MD 21087

RE: Zoning Hearing - Case # 02-002-A, 19901 Bentley Ridge Court, Lot 11

Dear Mr. Amirault:

On behalf of Quiet Valley, LLC, I am writing to you concerning the above Zoning Hearing regarding your request for a "Variance to allow a principal building setback to a lot line other than a street line of 43 feet in lieu of 50 feet required."

As the owner of the adjacent property and as the developer of the entire Quiet Valley project, we approve of your variance request and we do not object in any manner whatsoever to the aforementioned variance request.

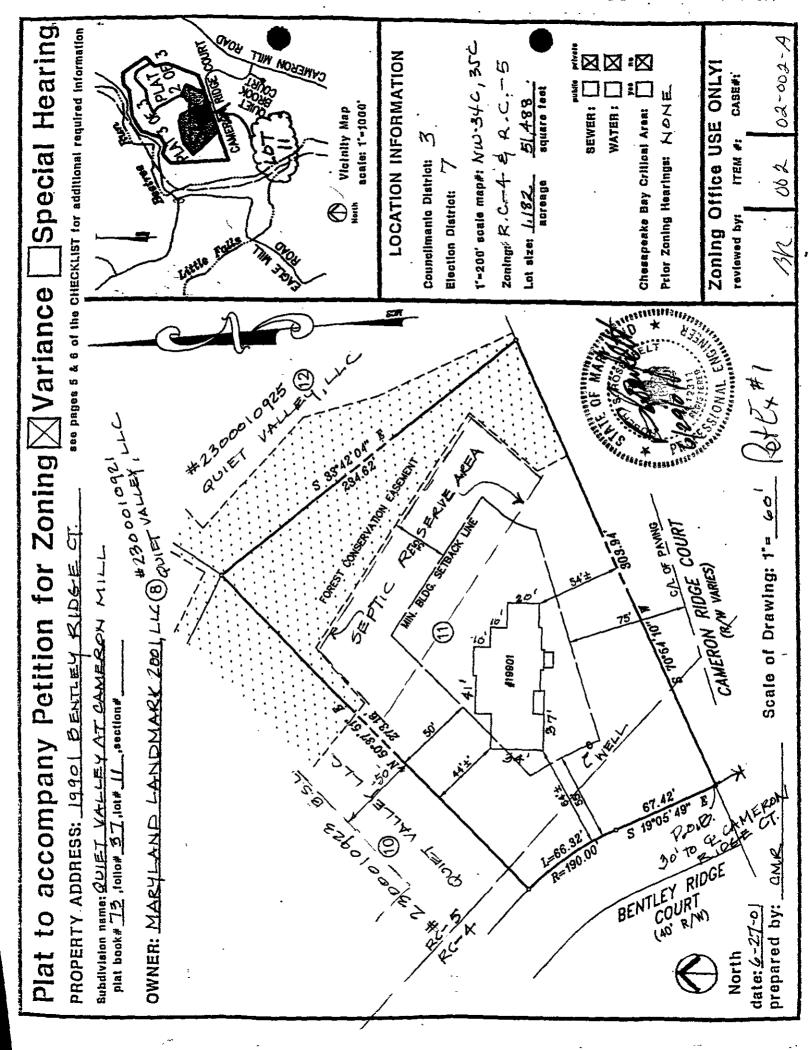
We would agree to place a 57' side setback restriction on Lot 10 (side adjoining Lot 11), should the Zoning Officer place such a requirement on the granting of the variance for Lot 11.

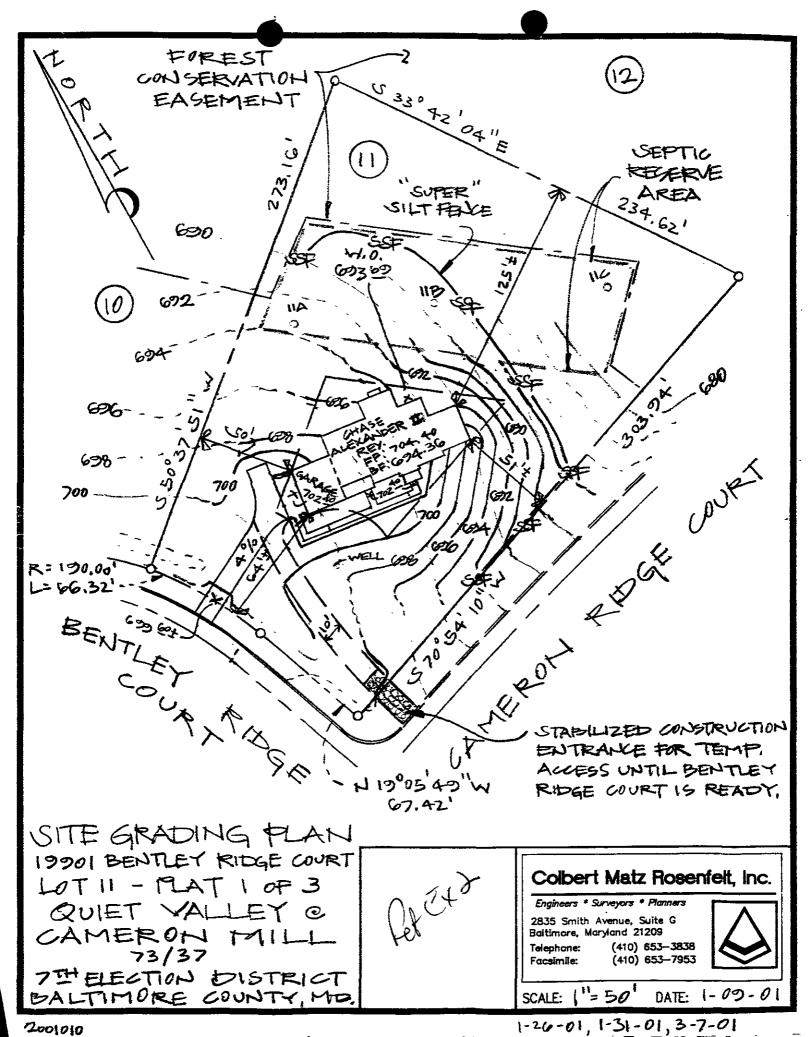
Please contact me with any questions you may have at 410-329-8040.

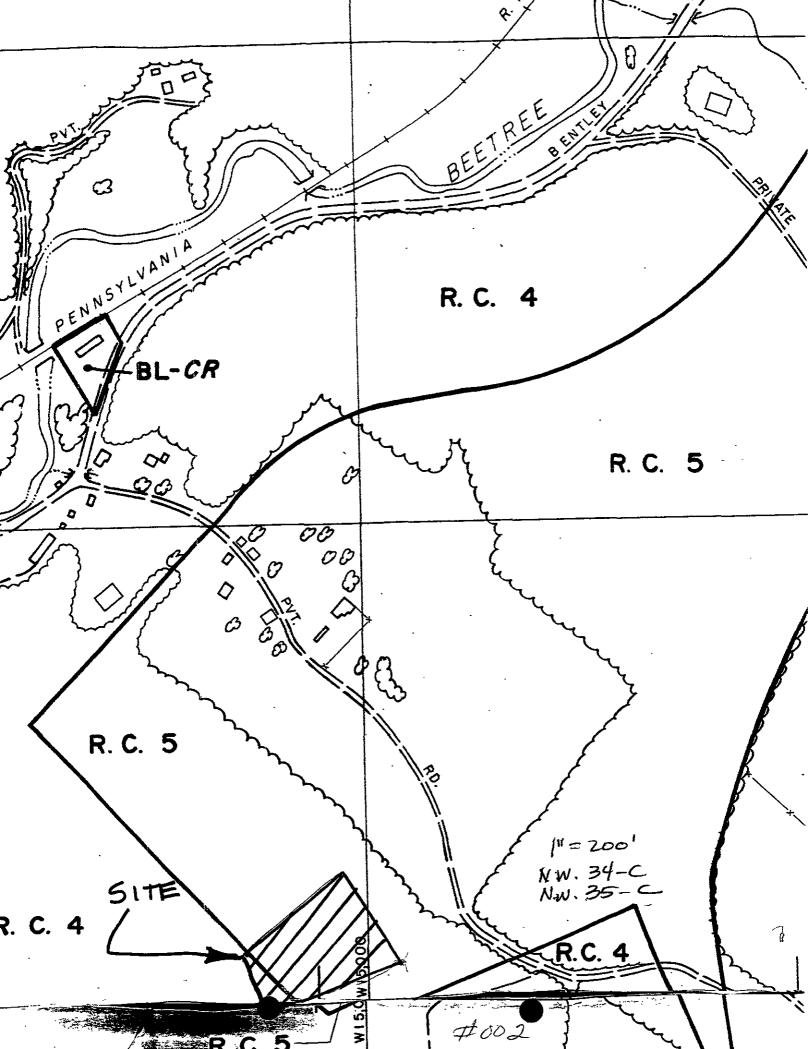
Sincerely yours,

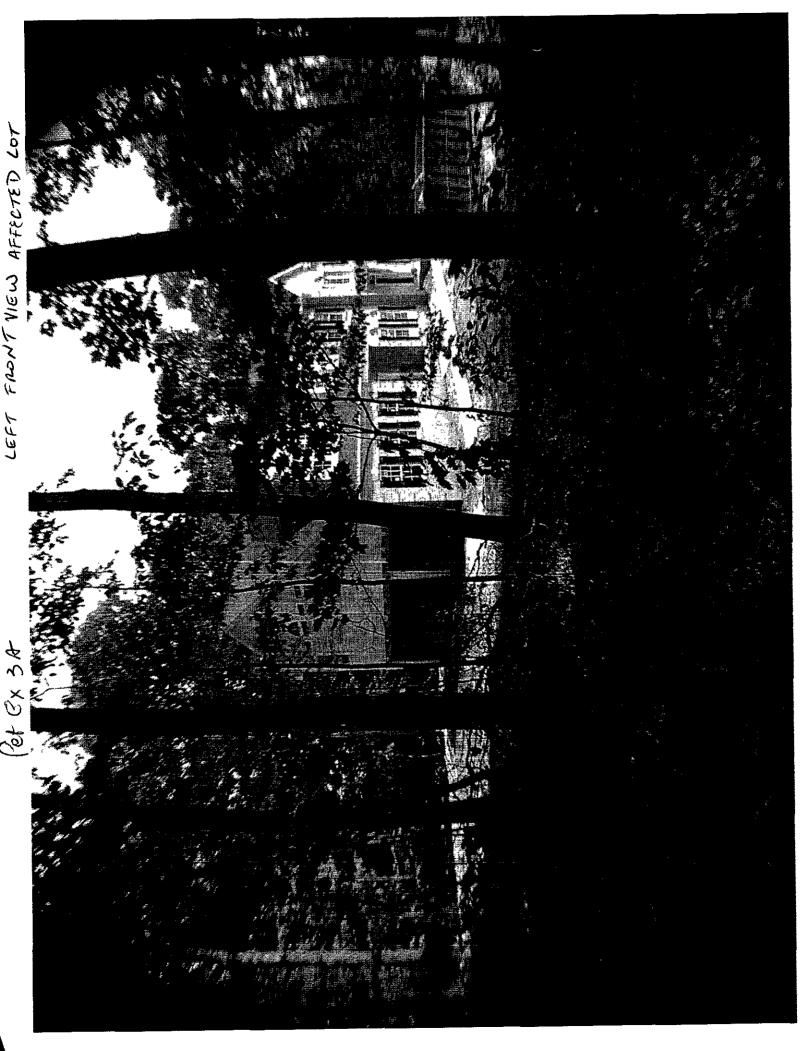
By: Quiet Valley, LLC

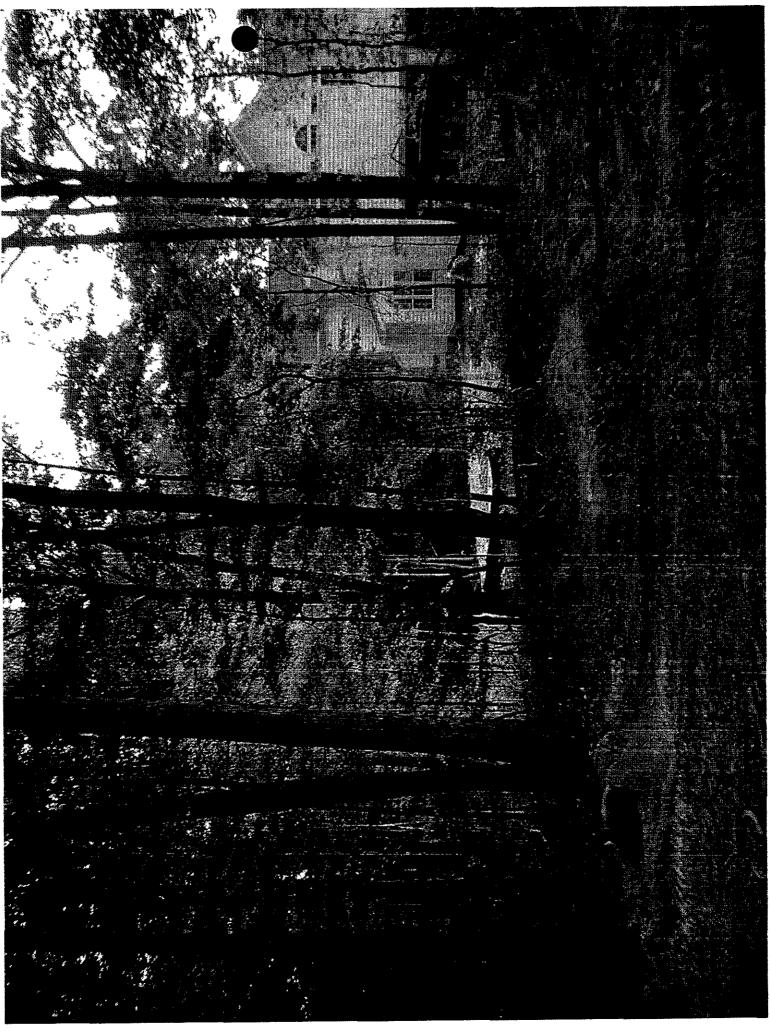
Randolph H. Shelley Authorized Person











RIGHT SIDE VIEW AFFECTED LOT

