JER FESTER STORE FILINGS

16 1/5/0/

IN RE: PETITION FOR VARIANCE
NW/S Walnut Grove Road and
NE/S Walnut Point Road
15th Election District
5th Councilmanic District
(505 Walnut Grove Road)

Suzanne B. & Steven R. Maddox Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 02-104-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 owners of the subject property, Suzanne B. & Steven R. Maddox. The Petitioners are requesting a variance for property they own at 500 Walnut Grove Road, to permit a garage with a height of 19 ft. in lieu of the required 15 ft.

Appearing at the hearing on behalf of the variance request was Steven Maddox, owner of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.0324 acres, more or less, zoned DR 2. The subject property is improved with an old farm house which the property owner intends to restore. In conjunction with the restoration of the old farm house, the Petitioners are requesting permission to construct a garage which will be 19 ft. in height. The reason for the height of the garage is to allow the roof pitches of the garage to match that of the old farm house. In order to proceed with the construction of the garage, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208

(1973). To prove practical difficulty for an area variance, the Petitioners 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 Petitioners seek 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.

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 Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this ______ day of November, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.3 of the Baltimore County Zoning Regulations, to permit a garage with a height of 19 ft. in lieu of the required 15 ft., be and is hereby GRANTED subject, however, to the following restriction which is a condition precedent to the relief granted herein:

ORDER PECENT 31 TOP FILMS

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



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

Fax: 410-887-3468

November 5, 2001

Mr. & Mrs. Steven R. Maddox 14 ½ Linden Terrace Towson, Maryland 21286

> Re: Petition for Variance Case No. 02-104-A

> > Property: 500 Walnut Grove Road

Dear Mr. & Mrs. Maddox:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

buthy Kotroco

TMK:raj Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at					21
which is	presently	zoned	DI	P 2_	

This Petition shall be filed with the Department of Permits and owner(s) of the property situate in Baltimore County and which is department of Permits and Owner(s) of the property situate in Baltimore County and which is department.	d Developn escribed in	nent Ma the des	anagement. cription and p	The undersi	gned, legal hereto and
owner(s) of the property situate in Baltimore County and which is d made a part hereof, hereby petition for a Variance from Section(s)	400.3	to p	permit a	height	o f

19 ft. in lieu of the required 15 ft. for an accessory structure (garage) in the rear yard.

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

Increase height of garage to match of existing house.

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.

Contract Purchaser/Lessee:

Name - Type or Print		
Signature		1 horico
Address		Telephone No.
City	State	Zip Code
Attorney For Petitioner:		
Name - Type or Print		*
Signature		
Company		
foddess		Telephone No.
Sity	State	Zip Code

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.

•		
Legal Owner(s):		
Steven R.1	Yaddo	₹
Name - Type or Print	<u></u>	
All / Luf		
Signature		1 1
DUZONNE 1	J. Mad	de
Name - Type or Print	10	
A. 13.116	MS	<i>></i> `
Signature //		410-
14/2 Linde	n lem	321-4259
Address		Telephone No.
lowson MD	21286	4/0-339-
City	State	Zip Code
Representative to be Cor	ıtacted:	
owners		
Name		
Address		Telephone No
, iddicoo	'	reieblione 140
Cety.	State	Zin Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Zoning Description for 500 Walnut Grove Rd., Essex, MD

Beginning at a point on the east side of Walnut Grove Road which is a 50 foot wide which is half mile south of Marlyn Ave of the nearest improved intersecting street, being Lot No. 115, as shown on Plat entitled, "final Plat Four, Walnut Point", which Plat is recorded among the Land Records of Baltimore County in Plat Book SM No. 73, folio 29. The lot area is 1.0324 Ac. Also known as 500 Walnut Grove Road, located in the 15th Election Postucet.

5th Councilmonic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 07751	CATH DOMING FALL STALL STALL
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FOR: ZOHIHIY	VERIFICATION	-
DISTRIBUTION		-

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	5735	PAID RECEIPT PRYMENT ACTUAL TIME
DATE 9/12/01 ACCOUNT \$	•	la	9/13/2001 9/12/2001 15:14:56 9/ 4501 CASHIER JRIC JHR DRAMER 1 HECETPT # 06/22/98 OFLN 9/1 5 528 70NIAG VERIFICATION
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FOR: Zunium Variante			
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOME	ER Itom	4/04	CASHIER'S VALIDATION

NOTICE OF ZONING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson</u>. Mandard on the property identified herein as follows:

Case: #02-104-A 505 Walnut Grove Road NW/S Walnut Grove Road and NE/S Walnut Point Road 15th Election District 5th Councilmanic District Legal Owner(s): Suzanne B. & Steven R. Maddox Variance: to permit a height of 19 feet in lieu of the allowed 15 feet for an accessory structure (garage) in the rear yard. Hearing: Monday, November 5, 2001 at 9:00 a.m. in Room 407, County Courts Building, 481 Bosley Ave-

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

10/191 Oct. 18 | C500805

CERTIFICATE OF PUBLICATION

10/19/, 2001
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 10 18 .20 01 .
The Jeffersonian Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
D/Mak.

	RE: Case No.: 03 - 104 - A
	Petitioner/Developer: Suzanne 3
	I STEVEN R. MADDOY
	Date of Hearing/Closing: /// 5/0/
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:	
	erjury that the necessary sign(s) required by law ated at 500 WALNUT GROVE. ROAD
The sign(s) were posted on	10/20/01
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
TO THE COMPANY WALL BE MELO BY THE HOME TO WARRE THE TO THE TOWN OF THE TOWN O	SSG ROBERT BLACK
A CONTRACTOR OF THE PROPERTY O	(Printed Name)
	1508 Leslie Rd
The second secon	(Address)
And the party of the second se	Dundalk, Maryland 21222
	(City, State, Zip Code)
The second secon	(410) 282-7940
And the second s	(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 18, 2001 Issue – Jeffersonian

Please forward billing to:
Suzanne Maddox
14 ½ Linden Terrace
Towson MD 21286

410 321-4259

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: 02-104-A
505 Walnut Grove Road
NW/S Walnut Grove Road and NE/S Walnut Point Road
15th Election District – 5th Councilmanic District
Legal Owner: Suzanne B & Steven R Maddox

<u>Variance</u> to permit a height of 19 feet in lieu of the allowed 15 feet for an accessory structure (garage) in the rear yard.

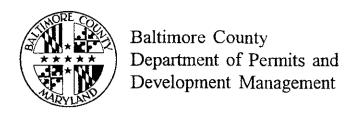
HEARING: Monday, November 5, 2001 at 9:00 a.m. in Room 407, County Courts

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

October 10, 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: 02-104-A 505 Walnut Grove Road NW/S Walnut Grove Road and NE/S Walnut Point Road 15th Election District – 5th Councilmanic District Legal Owner: Suzanne B & Steven R Maddox

<u>Variance</u> to permit a height of 19 feet in lieu of the allowed 15 feet for an accessory structure (garage) in the rear yard.

HEARING: Monday, November 5, 2001 at 9:00 a.m in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon GDZ Director

C: Suzanne B & Steven R Maddox, 14 1/2 Linden Terrace, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 20, 2001.

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

DEPARTMENT COPPERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

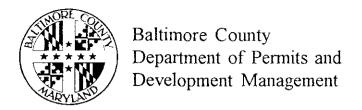
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 02-104- A
Petitioner: Steven & Suzanne Madd 20
Address or Location: 500 Walnut Grove Kd. Esset
PLEASE FORWARD ADVERTISING BILL TO: Name: SUZANIE Hadd
Name: JUEANILE Madde
Address: Linden Territore
10WSON MD 21286
Telephone Number: 4/0 -32/1- 4259

Revised 2/20/98 - SCJ



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

October 2, 2001

Suzanne B & Steven R Maddox 14 ½ Linden Terrace Towson MD 21286

Dear Mr. & Mrs. Maddox:

RE: Case Number: 02-104-A, 500 Walnut Grove Road

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

W. Carl Richards, Jr. らうと Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: October 16, 2001

Department of Permits & Development Mgmt.

FROM: V

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 8, 2001

Item Nos. 082, 101, 104, 105, 107, 108, 110, 111, 112, 113, 114, 115,

116, 117, and 118

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, Marylan 21286-5500 410-887-4500

October 15, 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 October 1, 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 plan; for the property.

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

082, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118

REVIEWER: LIEUTENANT JIM MEZICK, 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
DATE:	October 16, 2001
SUBJECT:	Zoning Item 104 Address 500 Walnut Grove Road
Zonii	ng Advisory Committee Meeting of 10/1/01
	Department of Environmental Protection and Resource Management has no nents on the above-referenced zoning item.
an ex	Department of Environmental Protection and Resource Management requests tension for the review of the above-referenced zoning item to determine the at to which environmental regulations apply to the site.
	Department of Environmental Protection and Resource Management offers ollowing comments on the above-referenced zoning item:
	If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to 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).
_X	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).
	Additional Comments:

Date:10/16/01

Reviewer: Kieth Kelley

Jen

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

UT 15.

DATE: October 15, 2001

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-104

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:

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: 10.5.01

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

RE: **Baltimore County**

Item No. 1774

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. 1. Grell

11/5

RE: PETITION FOR VARIANCE 500 Walnut Grove Road, NW/S Walnut Grove Rd and NE/S Walnut Point Rd 15th Election District, 5th Councilmanic

Legal Owners: Steven R. & Suzanne B. Maddox Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-104-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

Reter May Tinnema

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 31st day of October, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Steven R. & Suzanne B. Maddox, 14-1/2 Linden Terrace, Towson, MD 21286, Petitioners.

Peter Max Cimneina ETER MAX ZIMMERMAN APPROVED AS BENG WITHIN THE SPIRITAND INTENT OF CASE NO 02-104-A Parfold Tablon Director of P.D.M. III West Cheapeake Ave. Towson, MD 21204 Dec. 7, 2001 14/2 Linden Terrace Towson, MD 21286 4/8-321-4259

Dear Mr. Arnold Jablon; I Am writing to you about zoning Case # 02-104-A for the construction of The propose of the hearing case was to allow the garage to be higher than the 15' allowed so that it will match the historic house. It has come to our attention that by putting the garage in the proposed location it will cause the basement of the house to continue to flood. There will not be enough room between them to allow for the proper drainage. It is our intent to move the garage & feet to the North and 12' west (back). It is our intent to be with in the nature and intent of the 200ing width having the garage moved. The sytle, Size, and design has not changed.

Sincerely,

Duzonne B. Mask

P.S. environment has approved this.

* the result set back will be 7' and 23!

