ORDER RECEIVED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE W/S Monkton Road, 732' N centerline of Piney Hill Road 7th Election District 3rd Councilmanic District (1437 Monkton Road)

> Dean A. & Crystal S. Turner **Petitioners**

- **BEFORE THE**
- DEPUTY ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- CASE NO. 02-574-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Dean and Crystal Turner, the legal owners of the subject property. The variance request is for property located at 1437 Monkton Road in the Monkton 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 construction of a detached garage (one-story over a basement) to a maximum height of 22 ft. in lieu of the 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.

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 //day of July, 2002, that a variance from Section 400.3 of the B.C.Z.R., to permit construction of a detached garage (one-story over a basement) to a maximum height of 22 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:

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.

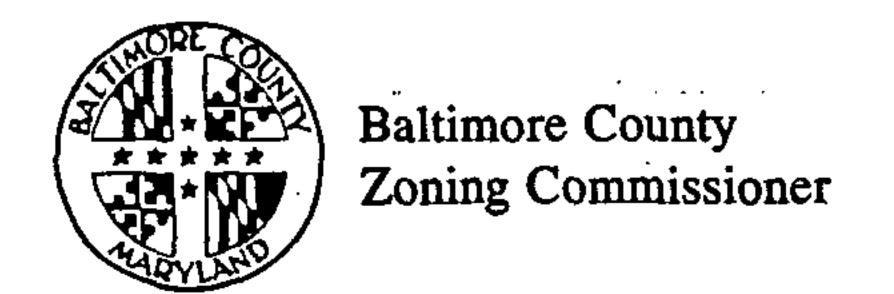
TIMOTHY M/KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

39 JER RECEIVED FOR FILING



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

Fax: 410-887-3468

July 18, 2002

Mr. & Mrs. Dean A. Turner 1437 Monkton Road Monkton, Maryland 21111

> Re: Petition for Administrative Variance Case No. 02-574-A Property: 1437 Monkton Road

Dear Mr. & Mrs. Turner:

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 16 troco

TMK:raj Enclosure

c: Paul W. Botzler, P.E. P. O. Box 261 Monkton, MD 21111





# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the proper	rty located at 1431 Monkton PD
	which is presently zoned <u>R.c.7</u>
This Petition shall be filed with the Department of Foundation owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance from	Permits and Development Management. The undersigned, legaled which is described in the description and plat attached hereto and Section(s) 400.3(BCTR)
to altow construction of a	a detached garage, one-story
over a basement) to a	maximum height of 22 feet
in liew of the requir	detached garage (one-story maximum height of 22 feet ed 15 feet.
of the zoning regulations of Baltimore County, to the zor of this petition form.	ning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by i, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted purs	ng, posting, etc. and further agree to and are to be bounded by the zoning
	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	Name - Type or Print
Signature	Signature 1
Address Telephone No	Crysta S. Turner
	LUDICI SICIRE
City State Zip Code  Attorney For Petitioner:	Signature   Signature   Signature   1437   Monk-ton RD 410.357.56
	Address Telephone No.
Name - Type or Print	Monk-ton MD ZIIII  City State Zip Code
Signature	Representative to be Contacted:
Company	Paul W. Botzler P.E.
Company	PO BOX 261 410.329.2694
Address Telephone No.	Address Honk-by Mb 2111
State Zip Code	
Note: I devict the exhibit most	to be required, It is ordered by the Zoning Commissioner of Baltimore County, ter of this petition be set for a public hearing, advertised, as required by the zoning
Baltimore County and that the property be reposted.	
	Zoning Commissioner of Baltimore County
CASE NO. 07-574-A	Reviewed By $\frac{\sqrt{70}}{\sqrt{9}}$ Date $\frac{6/19/07}{\sqrt{9}}$
	Estimated Posting Date 7/1/07
REY 10/\$5/01	

# 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		onkton RD	
	Address Moncton	M D State	ZIIII Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon ip or practical difficulty)	on which I/we base the	
The desire to provi compatable architectureigh book hood, with the garage structure proportions, is to limitation, creating	we to the	re existing	chan within
That the Affiant(s) acknowledge(s) that if a feadvertising fee and may be required to provide  Signature  Dean A. Turner  Name - Type or Print	additional Information.  Signa	ature Contract of the Contract	S-ICAEC . Turner
STATE OF MARYLAND, COUNTY OF BALTIC I HEREBY CERTIFY, this By day of Soft Maryland, in and for the County aforesaid, personally known or satisfication.	ersonally appeared	•	ne, a Notary Public of the State
AS WITNESS my hand and Notarial Seal	Λ		

My Commission Expires

NOTARY

REV 10/25/01

# 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		Kton KD	
	Address Monlaton	Mo	21111
	City	State	Zip Code
That based upon personal knowledge, the followard variance at the above address (indicate hardship)	wing are the facts upon whi ip or practical difficulty):	ich I/we base the requ	uest for an Administrative
The desire to provi	de a garage	structure	wift.
compatable architectu	ve to the	existing h	onse and
neighboor hood, with the garage structure proportions, is to limitation, creating	adequate	e funct	ron within
the garage structu	re, and u	sith reaso	nable
nroportions, is to	au obstructe	ed by t	he height
to tation creating	g practical	difficult	1 ·
( ) Victing	) \		1
That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed. Affia	ant(s) will be required	I to pay a reposting and
advertising fee and may be required to provide	additional information.		
Sein A Ti		moted 5.	MEL
Signature	Signature	ا ملاس	Turner
Name - Type or Print	Name - Type		- COCK 1CE V
· · · · · · · · · · · · · · · · · · ·			
STATE OF MARYLAND, COUNTY OF BALTIN		. (	•
I HEREBY CERTIFY, this 13th day of 10th of Maryland, in and for the County aforesaid, pe	ersonally appeared	before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me as su	uch Affiant(s).	<u> </u>
AS WITNESS my hand and Notarial Seal		~	
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-	Notary Public  My Commission E	vniron 12/	NOTASI PER
REV 10/25/01	iviy Commission E	vhii es/3// / 3	BLIC



REV 10/25/01

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

MOYLAN	for the property	located at 1437 Moukto	u ED
		which is presently zoned_	_
made a part hereof, hereby peti	in Baltimore County and writion for a Variance from Sec	nits and Development Management. nich is described in the description and pation(s) 400.3 (居ててに)	plat attached hereto and
over a basemen	truction of a r	detached garage, (or naximum height o	ne-story of 22 feet
in liew of.	the require	d 15 feet.	
of the zoning regulations of Balt of this petition form.	imore County, to the zoning	law of Baltimore County, for the reason	s indicated on the back
Property is to be posted and adv l, or we, agree to pay expenses of regulations and restrictions of Baltin	above Variance, advertising, p	e zoning regulations. losting, etc. and further agree to and are to l t to the zoning law for Baltimore County.	be bounded by the zoning
• .		I/We do solemnly declare and affirm, perjury, that I/we are the legal owner( is the subject of this Petition.	under the penalties of s) of the property which
Contract Purchaser/Lessee	<u> </u>	Legal Owner(s):	
Name - Type or Print	omanda e e e e e e e e e e e e e e e e e e e	Name Type or Print	<u></u>
Signature		Signature  Signature  Signature	nev
Address	Telephone No.	Name - Type or Print	C 1
City	State Zip Code	Signature	· C
Attorney For Petitioner:	•	Address	2D 410.357.56 Telephone No.
Name - Type or Print	,		Z [[]] tale Zip Code
Signature	· · · · · · · · · · · · · · · · · · ·	Representative to be Contac	ted:
	,° ~	Paul W. Botzler	P.E.
Company		Name	
Address	Telephone No.	Address	5.329.2694 Telephone No.
City.	State Zip Code	City City Mb	21111 Zip Code
A Public Hearing having been formal this day of regulations of Baltimore County and that	that the subject matter of	e required, it is ordered by the Zoning Commisthis petition be set for a public hearing, advertise	ssioner of Baltimore County, ed, as required by the zoning
		Zoning Commissioner of Baltimo	ore County
CASE NO	574-A Re	viewed By Date	6/19/07
REV 10/25/01	Es	timated Posting Date	7

#### Zoning Description for 1437 Monkton Road:

Beginning at a point on the West side of Monkton Road which is 80 feet wide at the distance of 732' North of the centerline of Piney Hill Road, the nearest improved intersecting street, which is 40 feet wide. Being Lot #5, Section #2 in the subdivision of Piney Woods, as recorded in Baltimore County Plat Book #EHK Jr. 52, Folio 71, containing 4.585 Acres; Also known as 1437 Monkton Road and located in the \*\* The Election District and the 3<sup>rd</sup> Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14350

ACCOUNT 12001006615

AMOUNT \$ 5000

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CASHIER'S VALIDATION

## CERTIFICATE OF POSTING

ADMIN

RE: Case No.: 02-574-A

Petitioner Developer: TURNER ETAL

Date of Hearing/Closing: 7/16/02

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

Attention: Ms. Gwendolyn Stephens

To ROBINGETTY From OVEELE

Co/Dept. ZONING COMM. Co.

Phone # 501 4360

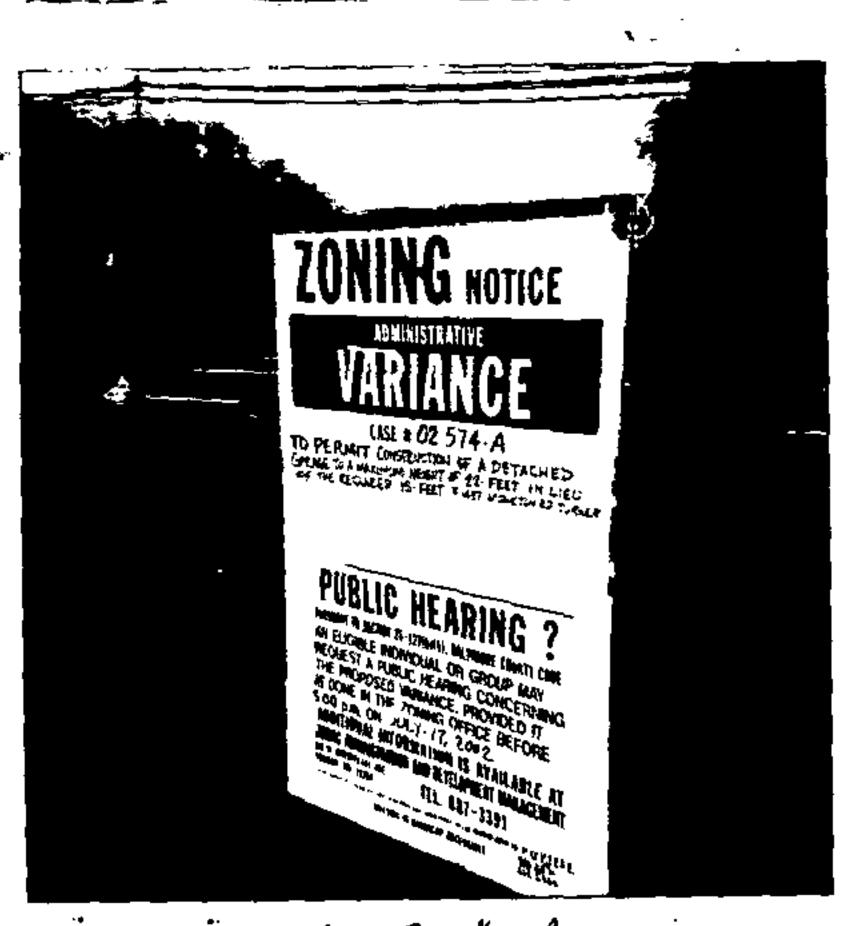
Fax # 887-3468 V Fax #

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 #1437- MONKTON. RD

n. The sign(s) were posted on

6/26/07 Modh, Day/Year)



#1437-MONKTON ROXD TURNER 7/16/ Sincerely,

(Signature of Sign Poster and Date)

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)

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 574 -A Address 1437 MOHLTON RD
Contact Person: LIOYD T. MOXLEY Phone Number: 410-887-3391  Planner, Please Print Your Name
Filing Date: 6/19/02 Posting Date: 7/1/02 Closing Date: 7/6600
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 02-574 -A Address 1437 MONKTON RD
Petitioner's Name: TURHER TORHER TORHER
Posting Date: 7/1/07 Closing Date: 7/16/52
Wording for Sign: To Permit CONSTRUCTION OF A DETACHED
GARAGE TO A MAXIMUM HEIGHT OF 22 FEET IN
LIEU OF THE REQUIRED. 15-FEET.

WCR - Revised 6/28/00

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

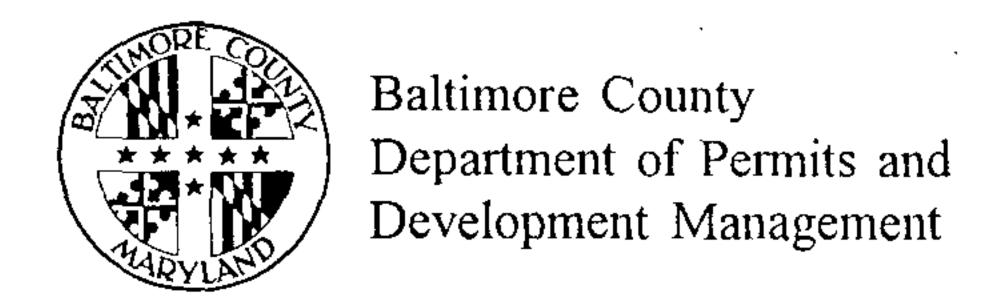
#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

tem Number or Case	e Number:	02-5	574-1	f	
Petitioner:	Mv. t	Ocan Tu	(VNEV	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	······································
Address or Location:	1437	Mont	ton RD.	Monkton Mp	21111
lame: <u>Deau</u> lddress: <u>1437</u>	Turner	-tou P	· D		
	•	-tou P	·D		
1 . 1	cton,	Mn	21111		



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

July 15, 2002

Mr. & Mrs. Dean A Turner 1437 Monkton Road Monkton MD 21111

Dear Mr. & Mrs. Turner:

RE: Case Number: 02-574-A, 1437 Monkton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 2002.

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,

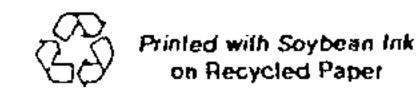
W. Carl Richards, Jr.

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

WCR: gdz

Enclosures

c: Paul W Botzlev PE, P O Box 261, Monkton 21111 People's Counsel





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

June 24,2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 24, 2002

Item No.: See Below

Dear Mr. Zahner:

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 at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

563,564,566-569,572 (574)

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:** August 2, 2002

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 1, 2002

Item Nos. 563, 565,566, 567, 568, 569,

571, and 574

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

RWB:CEN:jrb

cc: File

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 25, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 02-566, 02-572, & 02-574

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/LL:MAC



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams Administrator

Date: 4.25,02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. / 5-7

LTM

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/VS /37. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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

My telephone number is \_\_\_\_\_\_

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PREPARED BY PAUL W. Dollar Deck 15 Paul W. Do	TO ACCOMPANY PETITION FOR ZONING XVARIAN
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W 6,000 N 6 3 8 ,000 104,000 E 903,000 2000 COMPREHENSIVE 2 w 4,500 **FONING MAP** 

THIS MAP HAS TOPOGRAPHY BUCHART-HORN, COMPILED BEEN REVISED IN SELECTED AREAS NC. ¥Β BALTIMORE, MD. 21 PHOTOGRAMME **210** METHODS

Chairman,

THE BALTIMORE COUNT

ADOPTED by

OCTOBER

