IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Sandwood Road, 130.57' W
centerline of Sandymount Road
15th Election District
7th Councilmanic District
(4502 Sandwood Road)

Stacie M. & Michael A. Sturgill Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-236-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Stacie M. and Michael A. Sturgill, legal owners, of that property known as 4502 Sandwood Road in the eastern area of Baltimore County. The Petitioners herein seek relief from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 18 ft. in lieu of the required 22.5 ft. for a deck, and to amend the Final Development Plan for "Beachwood Estates". The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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.

Jeshan ...

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 $\cancel{\cancel{b}}$ day of December, 2002, that a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 18 ft. in lieu of the required 22.5 ft. for a deck, and to amend the Final Development Plan for "Beachwood Estates", 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.

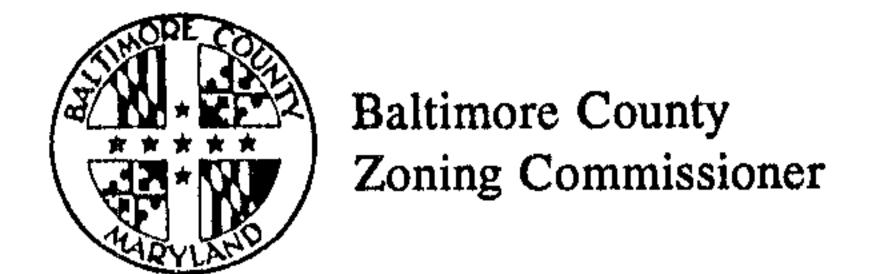
IMOTHY M. KOTROCO

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

December 12, 2002

Mr. & Mrs. Michael A. Sturgill 4502 Sandwood Road Baltimore, Maryland 21219

> Re: Petition for Administrative Variance Case No. 03-236-A Property: 4502 Sandwood Road

Dear Mr. & Mrs. Sturgill:

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

Chuthy lotroco

TMK:raj Enclosure

Petition f	or.	Adm	inisti	ativo	e Va	riance	É
TO AMEND THE to the	Zomi	mø Com	nmissian	er of R	ลไร้ของกา	CA CARRETA	(
BEALLWOOD ESTATES FOR	the pro	operty loca	ted at	4502	- SAN	0000000 023.5	ĥэ,
This Petition shall be filed with the Department of P	ermits	and Devel	opment Mai	nagement.	The unde	ersigned, legal	
and made a part hereof, hereby petition for a Variance f	na wnici from Se	ction(s)	Bed in the diagram BOI , Z ,	escription a \mathcal{C} , $1\cdot b$	and plat at ∉ 30	Itached hereto	ZR
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THE REQUIRED 22.5 FT.	FOR	? A .	DECK	AND	TO	AME ND	THE
FINAL DEUELOPMENT PLAN							11 ()
of the zoning regulations of Baltimore County, to the z back of this petition form.							
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 pursi	a, postina	g etc and fi	irther agree to	o and are to re County.	be bounde	d by the zoning	
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Attorney For Petitioner:		H502 S Address	OWCINA	od Rop	af	410 - 477- C	978
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CASINO. 03-236A Reviewed	ву 🔼	CM Zo	ning Commissio	ner of Baltimor	e County	2_	

Estimated Posting Date

Afficavit 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.

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	ALTIMORE	NID State	21219
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MICHAEL ALLEN STURGILL Name - Type or Print	Name - Type or Print	cre Michelle.	Sturgill_
STATE OF MARYLAND, COUNTY OF BALTIMOR HEREBY CERTIFY, this Sold day of	UMANA .	2000) before me, a N	otary Public of the
State of Maryland, in and for the County aforesaid, page Afficients, herein personally known or actions.	11 2 M	i Michella	Stusmill
he Affiant(s) herein, personally known or satisfacto aw that the matters and facts hereinabove set forth	are true and confection	NOTARY PUBLIC - MARYL BALTIMORE COUNTY	wledge and belief. ND
S WITNESS my hand and Notarial Seal		My Commission Expires May 17,	2008
ate //-/0-/02	Notary Public	Mella C. 16	yell -
EV 09/15/98	My Commission Exp	ires [////////////////////////////////////	2000

Affida Vit 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 Affiai	nt(s) does/do	presently reside	at 45 (Addres	JA SAI	NDWOO	D RO	AD		······································
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aw that the ma	itters and fact	s hereinabove s	et forth are	true and	covection	to izectar	his/her/theic IELA C. WHYE	knowledge	and belief.
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REV 09/15/98

THE COLUMN						Variance
	FORENR					timore County
THRYLATO	BEACHWOOD	ESTATES.	for the pr	operty located at which i	4502_ is presently zoned	SANDWOODS 1 023,5

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 hereof, hereby petition for a Variance from Section(s) 1801.2.C.1.6 € 301.1; BCZR

TO PERMIT A REAR YARD DECK SETBACK OF 18FT IN LIEU OF THE REQUIRED 22,5 FT, FOR A DECK, AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR "BEACH WOOD ESTATES".

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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.

Legal Owner(s):

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:	

Name - Type or Print			Name - Type or Print	ALLEN STUR	26166
Signature			Signature V	ellan str	
Address		Telephone No	STACIE MI Name Type or Print	CHELLE STU	RGILL
City	State	Zip Cade	Signature	nstrugles	Huns
Attorney For Petitio	ner:		4502 SANDV	VOOD ROAD	410 - 477- 097 Telephone No.
Name - Type or Print	······································		City	MD State	Zip Code
Signature		<u></u>	Representative t	to be Contacted:	
Сотрапу			Name	JAMe.	
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code

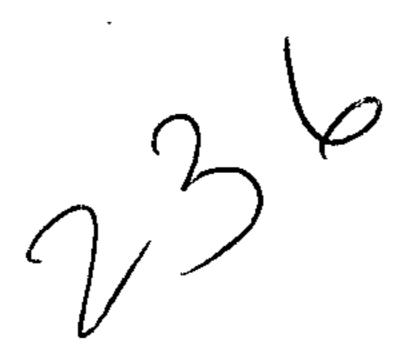
A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of ______ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

\sim \sim \sim \sim	Zoning Commissioner	of Baltimore County
CASE NO. 03-2-36#	Reviewed By OM Date	1.15.02
REV 9/15/98	Estimated Posting Date	1-26-02

Zoning Description for 4502 Sandwood Road.

Beginning at a point on the North side of Sandwood Road which is 50' wide at the distance of 130.57' West of the centerline of the nearest improved intersecting street Sandymount Road which is 40' wide.

Being Lot # 120, Block _____, Section _____ in the subdivision of <u>Baechwood Estates</u> as recorded in Baltimore County Plat Book # 69, Folio # 022, containing .0156 acres. Also known as 4502 <u>Sandwood Road</u> and located in the 15th Election District, 7th Councilmanic District.



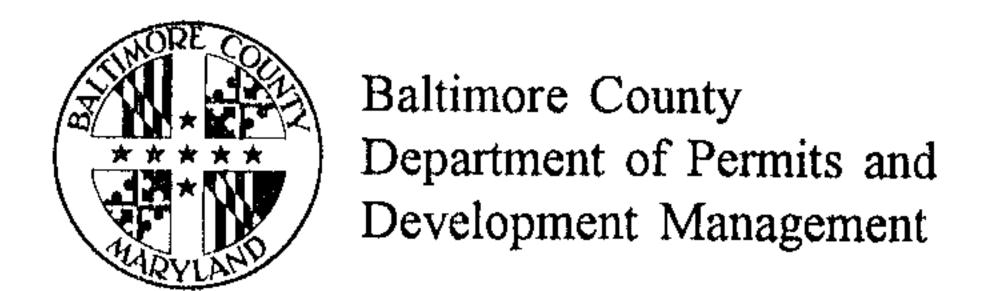
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		SA CONTRACTOR		
ND CO. No. No.	JNT OCI CE	7254		W - CUSTOMER
RE COUNTY, MARYLA BUDGET & FINANCE ANEOUS RECEIPT	NO N	1 STELLING	W. C.	P!NK - AGENCY YELLO
BALTIMO! OFFICE OF MISCELL/	DATE	RECEIVED FROM:	FOR:	DISTRIBUTION WHITE - CASHIER

CERTIFICATIOF POSTING

• • • • • • • • • • • • • • • • • • •	RE: Case No.: 03 - 236 - A
•	Petitioner/Developer: MICHAEL-
	STURGILL
	Date of Hearing/Closing: 12/10/02
timore County Department of mits and Development Management unty Office Building, Room 111 West Chesapeake Avenue wson, MD 21204	
ention: Ms. Gwendolyn Stephens	
lies and Gentlemen:	»
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sign(s) were posted on	(Month, Day, Year)
	Sincerely,
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	(Signature of Sign Poster and Date)
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	(Printed Name)
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PUBLIC HEAD III	
PUBLIC AND	1508 Leslie Rd (Address)
PUBL OF THE PUBL O	1508 Leslie Rd (Address) Dundalk, Maryland 21222

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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

December 9, 2002

Michael A. Sturgill Stacie M. Sturgill 4502 Sandwood Road Baltimore, MD 21219

Dear Mr. and Mrs. Sturgill:

RE: Case Number: 03-236-A, 4502 Sandwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 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,

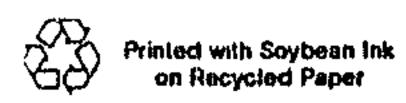
U. Callille Shall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rlh

Enclosures

People's Counsel C:





Maryland Department of Transportation State Highway Administration

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

Date: 12.6.07

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

RE:

Baltimore County

Item No. 236

2 C M

Dear, Mr. Zahner:

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,

1. J. Hedl.

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



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

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

December 11, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: Distribution Meeting of 12/9/02

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

224-240

236

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

cc: File

Manted AV/0 12/12/02/01/0

TO: Arnold Jablon JAN 2 1 103 R.Bruce Seeley RBS | TGT FROM: DATE: January 17, 2003 SUBJECT: Zoning Item <u>236</u> 4502 Sandwood Road(Sturgill Road) Address Zoning Advisory Committee Meeting of 12/09/02 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: Development of the property must 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

X Additional Comments:

Note: A deck is considered "pervious" unless it has a roof above or concrete pad underneath.

Sections, of the Baltimore County Code).

Reviewer:

Keith Kelley

Date: 1/9/02

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CBCA Zoning Comments (zoning item #336)

\ 1
The property is located within the Limited Development Area (LDA), or Resource
Area (CDC). or Intensely-Developed Area (IDA), of Resource.
Conservation Area (RCA): or Intensely Developed Area (IDA) of the Chesapeake Bay Critical
Inis proposal must use best management practices, which reduces at the contraction of
This proposal must use best management practices, which reduce pollutant loadings by 10%.
Man-made impervious surfaces are limited to 15% for lots greatered.
1541th Street than 1/2 acre in size.
Man-made impervious surfaces are limited to 250% for lote loss than to the opposed Final Devitor
this
Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size. Stick Occasion to the approved Final Devillar
THE TOTAL OF THE TOTAL SOLVEN BY THE TOTAL SOLVEN BY THE S
are limited to 25% of the lot & 500 square feet or 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.
•
If permitted development on a property currently exceeds impervious surface limits, that
percentage may be maintained during redevelopment of the property.
15% forest must be established or maintained. This equates to trees for a lot of this size.
trees for a lot of this size.
Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.
and the replaced on a 1:1 basis.
All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.
The state of the s
The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the all
impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.
within 100' of tidal, waters.
If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water
the neighboring dwelling farthest away from the water.
If the lot is improved, then the proposed dwelling can go as close to the water as the existing
dwelling.
A Critical Area Administrative Variance (CAAV) is required for the placement of the
proposed structure within 100° of tidal waters, tidal wetlands, stream, or within 25° of non-tidal
wettands.
A. Charaite and A. Charaite an
A Critical Area Administrative Variance (CAAV) is required since the proposed principal
structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.
setback from the 25' or 100' buffer.
Kdk#1-4/cbcazoningcomments
\neg

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

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-228 & 03-236

ADMINISTRATIVE VARIANCE

DATE: December 11, 2002

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/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 17, 2003

TO: Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For December 16, 2002 Item Nos. 224, 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 238, 239, and

240

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

RWB:CEN:jrb

cc: File



Parris N. Glendening
Governor

Kathleen Kennedy Townsend
L.t. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

December 11, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
Count Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 12/16/02 re: case numbers 03-224-A, 03-225-SPH, 03-226-SPH, 03-228-A, 03-229-A, 03-230-A, 03-231-SPH, 03-232-SPH, 03-233-SPHA, 03-234-A, 03-235-SPHA, 03-236-A, 03-237-A, 03-238-A, 03-239-A, 03-240-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/11/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

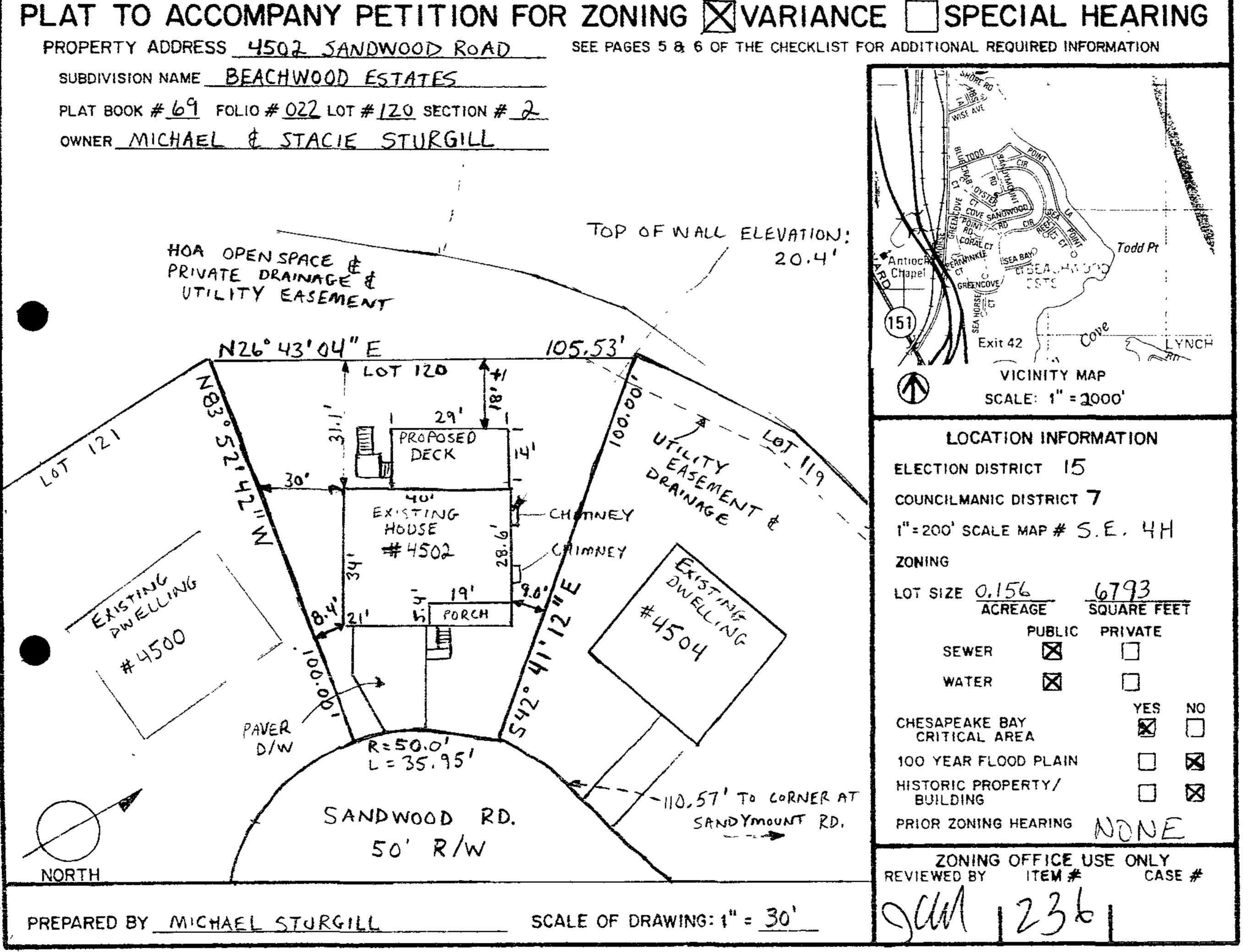
James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc. Mike Nortrup



Med By



