IN RE: PETITION FOR VARIANCE

SW/S Dogwood Road, 1400' SE of the c/l

Wrights Mill Road (8509 Dogwood Road) 2nd Election District 4th Council District

Melanie H. Priest Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 03-335-A

*

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Melanie H. Priest. The Petitioner seeks relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single-family dwelling (with an attached garage) to be located 40 feet from any lot line in lieu of the required 50 feet, and to amend the most recent Final Development Plan for Upton's Acres, Lot 3 thereof, to reflect the proposed improvements. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Melanie H. Priest, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped, unimproved parcel located on the west side of Dogwood Road sought of Wrights Mill Road in western Baltimore County. The property is also known as Lot 3 of Upton's Acres, and contains 2.052 acres, more or less, zoned R.C.6 (formerly R.C.5). The Petitioner has owned the property for approximately 4 years and is desirous of developing the site with a single family dwelling. Vehicular access to the property is by way of a panhandle drive that leads from Dogwood Road to the subject property and two other lots. Due to the site constraints associated with this parcel, the building envelope is shown in the front portion of the lot, thereby necessitating the requested variance relief.

As shown on the plan, the proposed dwelling will be oriented so as to provide a 40-foot front setback

ORDER REGENTO FOR FILING

(east) and a 44-foot setback on the north side. It was indicated at the hearing that this area of the lot is the most level in that there are steep slopes towards the rear of the parcel. The plan also shows an area of forest conservation that limits the potential building envelope as well as the septic easement area. The Petitioner indicated that the dwellings on the adjacent lots are situated a significant distance from the common property line and thus will not be affected by the variance requests. Moreover, the Petitioner indicated that her neighbors were made aware of her plans and voiced no opposition.

Based upon the testimony and evidence offered I am persuaded to grant the relief. There were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency and no one appeared in opposition to the request. Thus, it is clear that the relief can be granted without detrimental impacts to the health, safety and general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of March 2003 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single-family dwelling (with an attached garage) to be located 40 feet from any lot line in lieu of the required 50 feet, and to amend the most recent Final Development Plan for Upton's Acres, Lot 3 thereof, to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



March 12, 2003

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

Fax: 410-887-3468

Ms. Melanie H. Priest 4104 Walrad Street Baltimore, Maryland 21229

RE: PETITION FOR VARIANCE

SW/S Dogwood Road, 1400' SE of the c/l Wrights Mill Road

(8509 Dogwood Road)

2nd Election District – 4th Council District

Melanie H. Priest - Petitioner

Case No. 03-335-A

Dear Ms. Priest:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>\$509 Dogwood Rol Balt MD 21244</u> which is presently zoned <u>Rela Formerly RC5</u>)

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) 1A04.3. B.2 to permit a proposed single family dwelling (with attached yaraye) with a 40 feet setback from any lot line in lieu of the minimum required 50 feet setback from any lot line, and to amend the most recent Final Development Plan for Upton's Acres (Lot 3).

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

SEE ATTACHED

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.

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	198 1612:2	
Signature	are 2 merend 1 merend		Signature Signature	Gruest	
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City	State	Zip Code	Signature		
Attorney For Petitioner:			YIM WALCAN	1 St	4110-0525-1/015
			Address	 	4/10-525-1415 Telephone No.
			Baltimore	1417	21229
Name - Type or Print			City	State	Zip Code
		·····	Representative to be	Contacted:	
Signature			Melanie HPE	137	
C Buban			Name 4/04 Wa/s	ad St	NIO-525-1615
Address 2		Telephone No.	Address		<u> 410-5スS-/</u> 215 Telephone No.
54001			Baltimore	MD	21229
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Petition for Variance

I am petitioning the Zoning Board of Baltimore County for a variance to my lot. The house plan that I have selected has the garage over the 50' easement of the property owned by Mary and Bob Kiwak. The garage would extend 20% or 10' past the easement. Positioning the house in the mirror image would defeat the main attraction of these plans on this lot.

The primary concern is security. The garage faces away from the private drive, as well as the main road, Dogwood Road. I consider the garage as the least secure entrance to a home and the interior door the most vulnerable. By virtue of what is typically found stored in a garage, tools (manual and power tools). Not having the door face the road, makes it more difficult for a would-be intruder to know what is available to help gain entry into the home. Also, the appearance of a garage door facing the road I find very unappealing. The garage doors detract from appearance and symmetry of the house. Most garage interiors are disorganized and cluttered, further detracting from the over all appearance.

A secondary concern is the relationship of the rooms with the overall lot. The master bedroom is located where it will get the least amount of natural sunlight. Since, I work at night in a hospital; the location of the master bedroom was an important consideration. Also, the family room overlooking the major portion of the lot, where I am planning flower beds/gardens that will attract birds and butterflies. There is other wildlife that already frequents the area that could be enjoyed from the family room. To share the view of the wildlife and the gardens with friends is such a simple pleasure. The mirror image of the house would have the family room facing the smallest portion of the lot and receiving the least amount of natural sunlight. This would deny a simple pleasure and detract from the interior harmony, especially during the long winter months.

I drove most of Baltimore, Carroll, and Howard Counties and walked many fields until I found this lot. I bought many books and magazines. Looked at many designs and layout to find a house that would meet my needs. The mirror image of this house plan on this lot would disrupt the sense of security and the inner peace I have made for myself in the home I'm building. Therefore, I ask that you grant this variance.

Respectfully,

Melanie H. Priest 4104 Walrad Street

Milanie Honest

Baltimore, MD, 21229

410-525-1615

Zoning Description

Zoning description for: 8509 Dogwood Road, Baltimore, MD, 21244.

Beginning at a point on the south side of Dogwood Road, which is 18' wide at a distance of # 1500' south of the centerline of Dogwood Road and intersecting an unnamed private drive, which is 18' wide, at a distance of 1653'. Being Lot 3 in the subdivision of Upton Acres as recorded in Baltimore County Plat Book 72, Page 79, (Tax Map 87, Block 19, Parcel 7, Tract "A") containing 2.052 acres. Also known as 8509 Dogwood Road and located in the 2nd Election District, 4th Councilman District.

NOTICE OF ZONDIG HEARING

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, Maryland</u> on the property identified herein as follows:

Case: #03-335-A
8509 Dogwood Road, 1400 feet southeast Wrights SW/side of Dogwood Road, 1400 feet southeast Wrights Legal Owner(s): Melanie H. Priest
Legal Owner(s): Melanie H. Priest
Legal Owner(s): Melanie H. Priest
a 40 feet setback from any lot line in lieu of the minimum a 40 feet setback from any lot line, and to amend required 50 feet setback from any lot line, and to amend the most recent Final Development Plan for Upton's Acres

(Lot 3). Hearing: Monday, March 10, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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.

Y, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY once in each of Ç

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Catonsville Times

Owings Mills Times imes Towson T

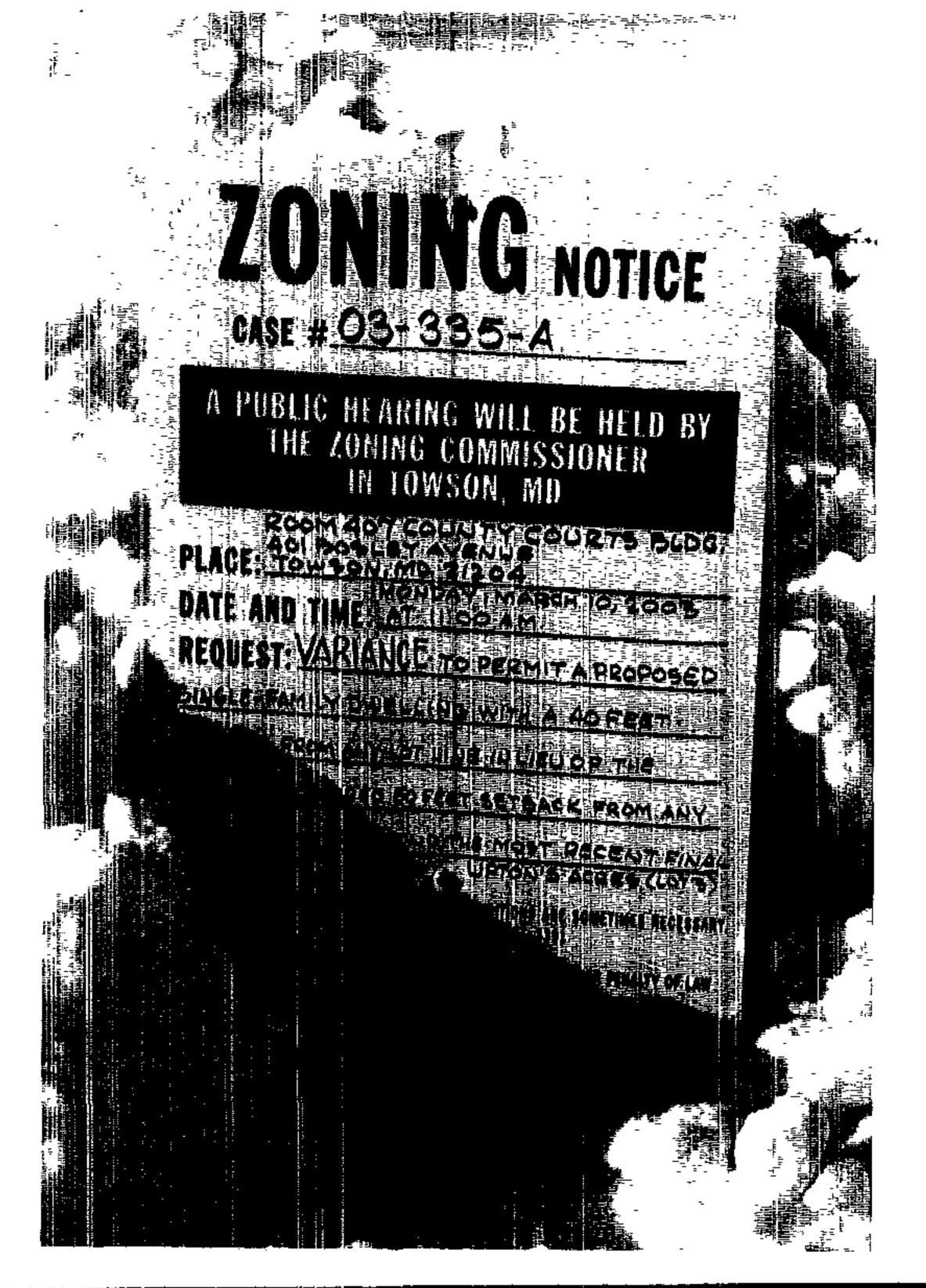
NE Booster/Reporter

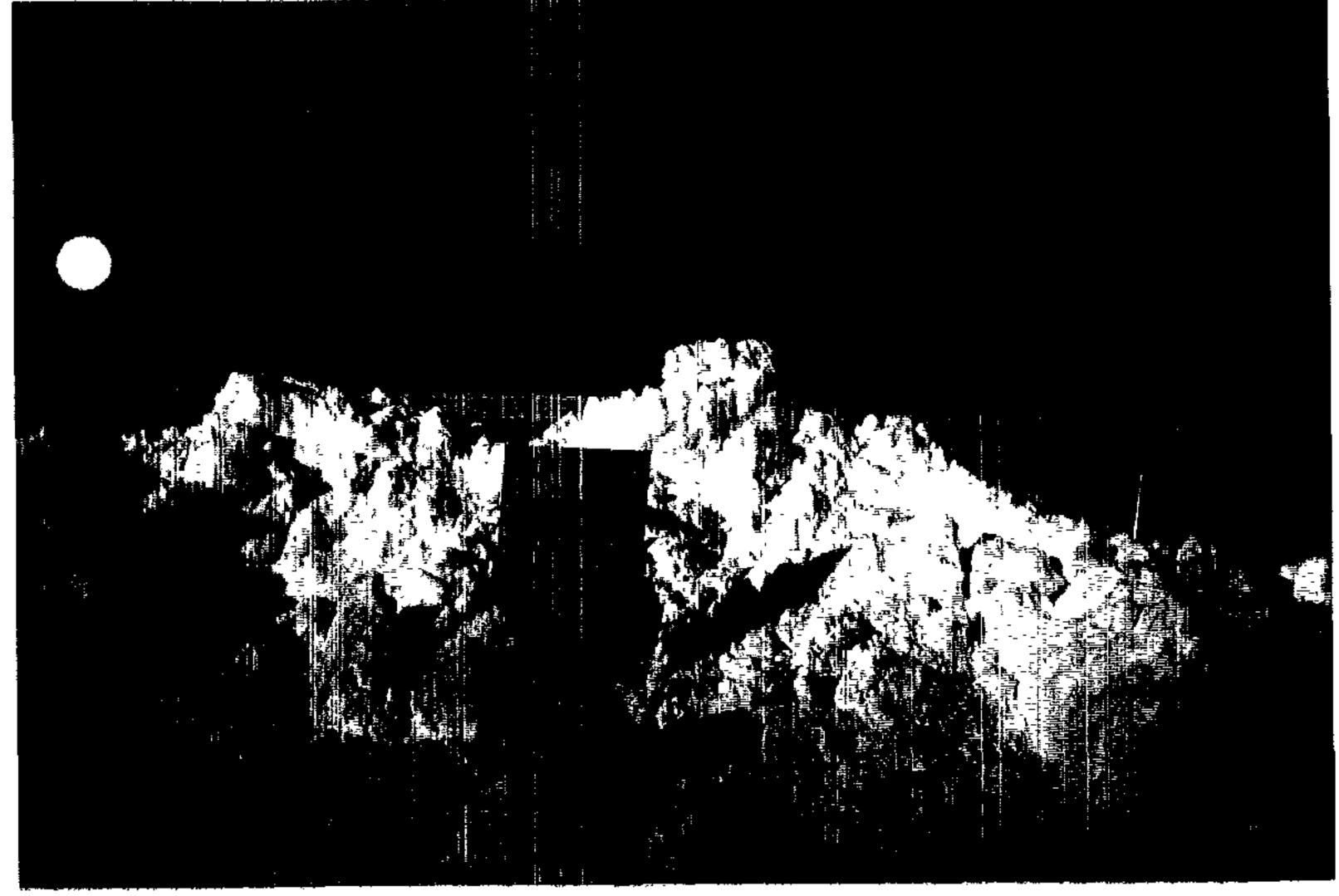
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J. C. Kung

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CERTIFICATE OF POSTING

	octitioner/Developer: MELANIS 17. Paniset
	Date of Hearing/Closing: Whon, 10, Zuo3
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Mr. George Zahner	
Ladies and Gentlemen: This letter is to certify under the p	enalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at	3w/since OF DOGWOOD
ROAD, SIE. OF WRIGHTS/	VILL ROAD
ROAD, SIE. OF WRIGHTS!	00D(20AD)
The sign(s) were posted on FEB. 20, 7e (Month	203 n, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
•	CARLANDE, MODIZE (Printed Name)
••• ••• ••• ••• ••• ••• ••• ••• ••• ••	3225 RYERSON CIRCLE (Address)
	13ACT/MORE, MD. 21227 (City, State, Zip Code)
	(4(0) 242-4263 (Telephone Number)

RE: Case No.: 03-335-A

DEPARTMENT OF FRMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

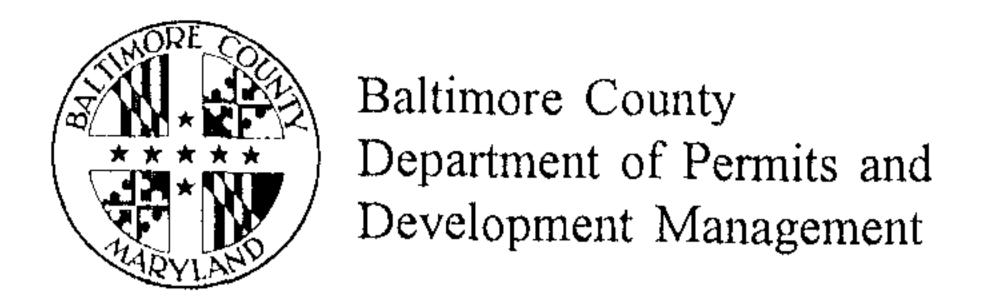
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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 03-335-A
Petitioner. Melanie Priest
Address or Location. 8509 Dogwood Road
PLEASE FORWARD ADVERTISING BILL TO
Name Melause Priest
Address 4104 Walrad Street
Baltimore, MD 21229
Telephone Number: 410-525-1615

Revised 2/20/98 - SCJ



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

Fax: 410-887-5708

January 30, 2003

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: 03-335-A

8509 Dogwood Road

SW/side of Dogwood Road, 1400 feet southeast Wrights Mill Road

2nd Election District – 4th Councilmanic District

Legal Owner: Melanie H. Priest

<u>Variance</u> to permit a proposed single-family dwelling with a 40 feet setback from any lot line in lieu of the minimum required 50 feet setback from any lot line, and to amend the most recent Final Development Plan for Upton's Acres (Lot 3).

Hearings:

Monday, March 10, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

AJ:rlh

C: Melanie H. Priest, 4104 Walrad Street, Baltimore 21229

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 22, 2003.

(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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, February 20, 2003 Issue - Jeffersonian

Please forward billing to:

Ms. Melainie Priest 4104 Walrad Street Baltimore, MD 21229

410-525-1615

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:

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SW/side of Dogwood Road, 1400 feet southeast Wrights Mill Road

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Hearings:

Monday, March 10, 2003 at 11:00 a.m. in Room 407, County Courts

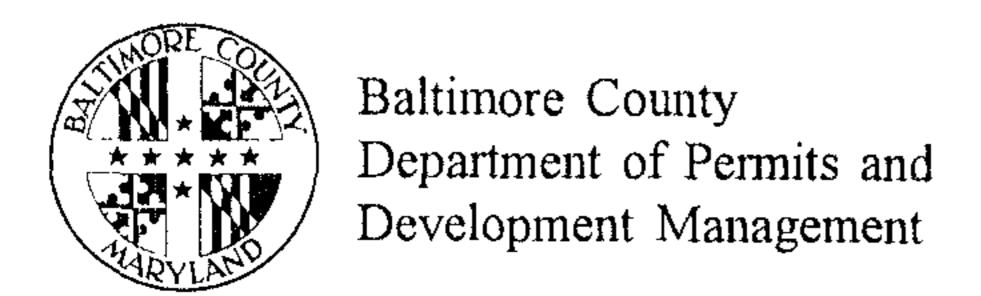
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

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.



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

March 7, 2003

Melanie H. Priest 4104 Walrad Street Baltimore, MD 21229

Dear Ms. Priest:

RE: Case Number: 03-335-A, 8509 Dogwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 21, 2003.

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.

Supervisor, Zoning Review

U. Cal Richal

WCR:klm

Enclosures

c: People's Counsel



MAINTEN DIPERIMENCOL PRANSCORTAGION

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

RE:

Date: 1.28.03

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

nent

Baltimore County Item No. 335

1 HC

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-

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



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 January 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: January 28, 2003

Item No.:

326-329, 331-338

Dear Ms. Hart:

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.

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 RBS | TZT

DATE:

February 27, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 28, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

335

298, 326, 328, 329, 331, 334-338

Ap 3/10

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) 03-335

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

RECEIVED

DATE: February 3, 2003

FEB 5 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: February 24, 2003

TO: Arnold Jablon, Director

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For February 3, 2003

Item Nos. 298, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, 337, and 338

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE BEFORE THE 8509 Dogwood Rd; SW/side Dogwood Rd, 1400ft SE Wrights Mill Rd **ZONING COMMISSIONER** * 2nd Election District 4th Councilmanic District * FOR Legal Owner(s): Melaine H. Priest Petitioner(s) **BALTIMORE COUNTY** * 03-335-A

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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

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 day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to, Melaine H. Priest, 4104 Walrad Street, Baltimore, MD 21229, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Robert L. Ehrlich, Jr.



Audroy E. Scatt Secretary

Michael S. Stoole

Florence & Burlan
Deputy Secretary

January 29, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue, Room 111
Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 2/03/03 re; case numbers 03-298-SPH, 03-326-A, 03-327-X, 03-328-A, 03-329-SPH, 03-330-SPHX, 03-331-A, 03-332-SPH, 03-333-A, 03-334-A, 03-335-A, 03-336-A, 03-337-SPHA, 03-338-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/28/03. 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.

Sincerely,

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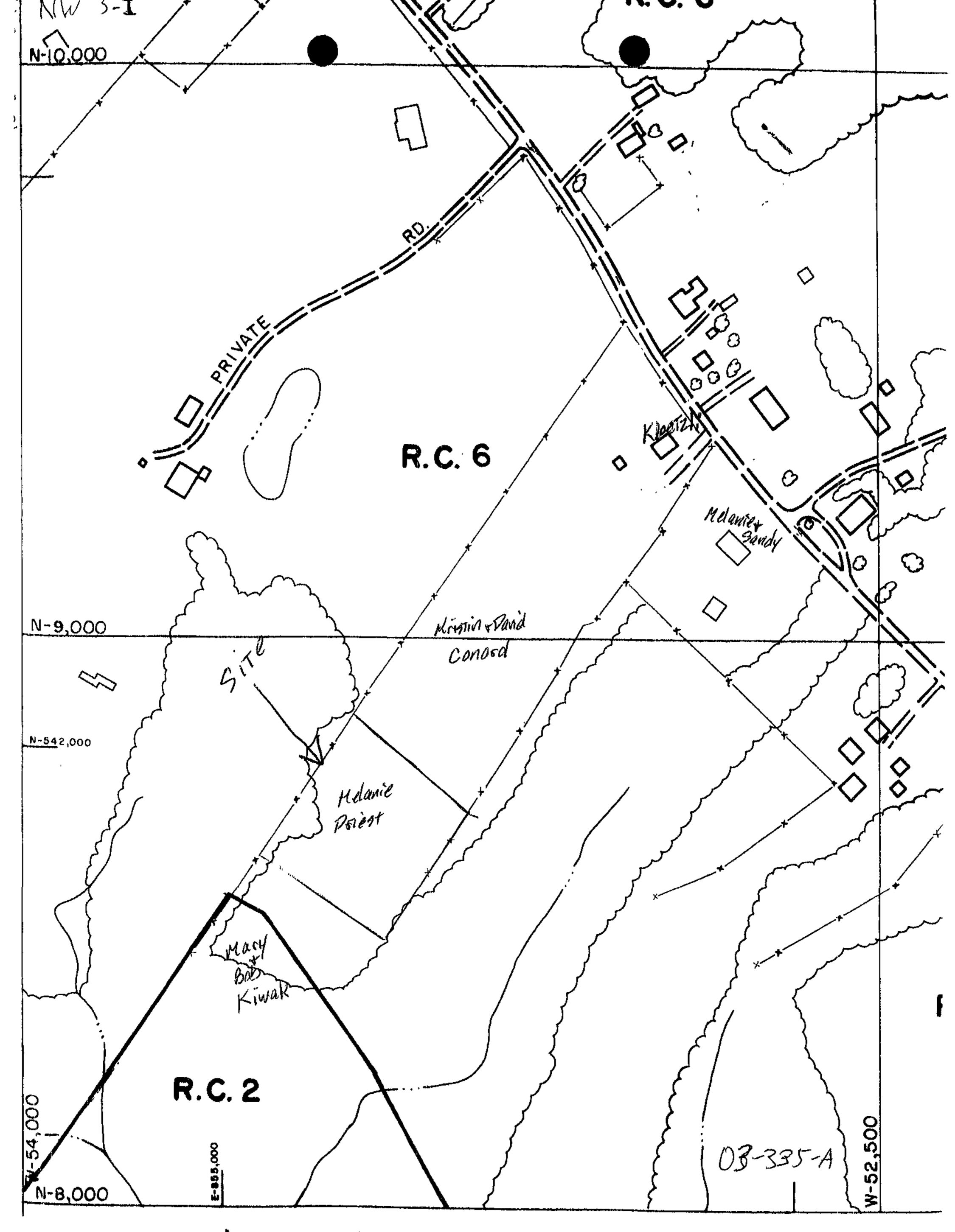
James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup



SHEET 1 OF 1

GENERAL NOTES